

City of Charlotte

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



Meeting Agenda

Monday, January 4, 2021

Electronic Regular Meeting Hosted from Room 267

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,
ELECTRONIC REGULAR MEETING HOSTED FROM ROOM
267**

Call to Order

Introductions

Invocation

Pledge of Allegiance

1. 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.

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Affordable Housing Update

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Time: 10 minutes - Presentation; 20 minutes - Discussion

Explanation

- Provide an update on affordable housing initiatives.

[Affordable Housing Update](#)

4. Council Input on Annual Strategy Meeting and Future Committee Topics

Staff Resource(s):

Marcus Jones, City Manager

Time: 30 minutes - Discussion

Explanation

- Council to review plans for the Annual Strategy Meeting and Committee topics.

5. Closed Session (as necessary)

CONSENT

- 6. Consent agenda items 28 through 45 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 an Alleyway between East 22nd Street and East 23rd Street

Action:

Conduct a public hearing to close an Alleyway between East 22nd Street and East 23rd 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 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 January 5, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

Sumter Packaging Corporation

Right-of-Way to be Abandoned

Alleyway between East 22nd Street and East 23rd Street

Reason

Per the petition submitted by Sumter Packaging Corporation, the petitioner needs this abandonment to fully utilize the parcels owned by the petitioner. 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)

NODA @ 22nd St. North, 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

[2020-21A Alleyway between 22nd & 23rd Abandonment Map](#)

8. Public Hearing on a Resolution to Close an Alleyway between Lola Avenue and Barry Street

Action:

Conduct a public hearing to close an Alleyway between Lola Avenue and Barry 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 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 January 5, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

Lola Parkwood, LLC

Right-of-Way to be Abandoned

Alleyway between Lola Avenue and Barry Street

Reason

Per the petition submitted by Lola Parkwood, LLC, the petitioner needs this abandonment to accommodate the improvements associated with a multi-family development along Parkwood Avenue and Lola Avenue. 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)

Duane Gray - No objections

Elizabeth Gardner - No objections

Vincent Sullivan - No objections

Parkwood Holdings, LLC - No objections

Lola Parkwood, 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

[2020-15A Lola and Barry Abandonment Map](#)

9. Public Hearing on a Resolution to Close the Western Right-of-Way between Bullard Street and Unopened Joy Street

Action:

Conduct a public hearing to close the Western Right-of-Way between Bullard Street and Unopened Joy 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 unopened right-of-way 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 January 5, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

Elmington Capital Group, LLC

Right-of-Way to be Abandoned

The Western Right-of-Way between Bullard Street and Unopened Joy Street

Reason

Per the petition submitted by Elmington Capital Group, LLC, the petitioner needs this abandonment for a future redevelopment. 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)

Ashley Road Holdings, LLC - No objections

Estefany and Livini Aparicio - No objections

Israel Parada and Avelida Garcia - No objections

Charles Witherspoon Jr. - No objections

Rhonda Kee - 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

[2020-19A Western ROW Abandonment Map](#)

10. Public Hearing on a Resolution to Close Macie Street

Action:

Conduct a public hearing to close Macie 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 road 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 January 5, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

CC Fund 3, LLC

Right-of-Way to be Abandoned

Macie Street

Reason

Per the petition submitted by CC Fund 3, LLC, the petitioner needs this abandonment for a future road connecting Yeoman Road to future Gilead Street. 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)

Harry & Paula Page - No objections

John Williams - No objections

Nanapop, 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

[2020-16A Macie Street Abandonment Map](#)

POLICY

11. City Manager's Report

12. Public Feedback on the Charlotte MOVES Recommendations to City Council

Action:

Receive public comment on the Charlotte MOVES Recommendations to City Council.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Explanation

- At the December 14, 2020 Business Meeting, the Charlotte MOVES Task Force presented its final report, including recommendations for Council's consideration.
- Recommendations by the Charlotte MOVES Task Force include:
 - *A mobility investment program* (Transformational Mobility Network) of key multi-modal projects and investments from adopted and on-going plans;
 - *An intentional commitment to aligning our mobility investment program with the goals and strategies* of the 2040 Comprehensive Plan and priorities of affordable housing, upward mobility, and emissions reduction; and
 - *A clear and straightforward "single source" funding strategy* for the *mobility investment program* that considers the city and county's growth over 30 years and fully funds implementation within a 10-year period (financed over a 30-year timeframe), including state legislative authorization for an additional one cent sales tax and referendum in the fall of 2021.
- Public input is being requested on the recommendations to City Council developed by the Charlotte MOVES Task Force.

Background

- In January 2020 at its Annual Strategy Session, the City Council focused on the development of a citywide mobility plan that incorporates land use, transit, and transportation to efficiently and safely provide mobility options for residents and visitors.
- At the Strategy Session, Council determined that this will guide its policy work throughout the year and will provide a structure and framework from which staff can implement Council's vision.
- In February 2020, a 25-member Charlotte MOVES Task Force was established to be a guiding force in shaping the Strategic Mobility Plan's vision and realize that vision by recommending a Transformational Mobility Network of projects (vehicle, greenways, pedestrian, bicycle, and transit) and a funding strategy to the Charlotte City Council.
- The Charlotte MOVES Task Force was chaired by former Mayor Harvey Gantt and was comprised of community leaders from across the Charlotte-Mecklenburg area who represent business, government, transportation and planning, education, nonprofits, and more.
- The Charlotte MOVES Task Force developed its recommendations for City Council after reviewing adopted plans and our current state of mobility, hearing from peer cities, discussing desired outcomes and guiding principles, and considering funding options.
- Additional information can be found on the city's website at:
[https://charlottenc.gov/Mayor/Charlotte Moves Task Force/Pages/default.aspx](https://charlottenc.gov/Mayor/Charlotte_Moves_Task_Force/Pages/default.aspx).

Attachment(s)

Charlotte MOVES Task Force Recommendations Overview
December 14, 2020 Business Meeting Presentation
Letters of Recommendation

[Charlotte MOVES Task Force Recommendations Overview](#)

[12.14 Charlotte MOVES Recommendations Presentation](#)

[Letter of Support BAC](#)

[Letter of Support CRBA](#)

13. Public Feedback on the Citizen Advisory Committee on Governance Recommendations to City Council

Action:

Receive public comment on the Citizen Advisory Committee on Governance Recommendations to City Council.

Staff Resource(s):

Patrick Baker, City Attorney's Office

Lina James, City Attorney's Office

Explanation

- At the November 2, 2020 City Council Strategy Session, the Citizen Advisory Committee on Governance (CACG) presented its final report, including recommendations for Council's consideration.
- Recommendations by the CACG include:
 - Staggered four-year terms;
 - Two-term limit contingent on four-year terms;
 - Implement four-year terms through a Citizens' Referendum;
 - Hold non-partisan elections;
 - Increase Mayor and City Council compensation to be comparable to that of the Mecklenburg County Board of County Commissioners;
 - Keep the number of council members at 12 (11 council members and the Mayor);
 - Reassign one of the at-large representative seats as a new district representative seat; and
 - Factors to consider in redistricting such as districts must have substantially equal population, should be reasonably compact, and district boundaries may follow neighborhood boundaries or the boundaries of areas containing residents sharing similar interests.
- Public input is being requested on the recommendations to City Council developed by the CACG on the current City of Charlotte government structure.

Background

- In January 2020, the CACG was established to review the current structure of the Charlotte City Council.
- The CACG is an ad hoc committee charged with the detailed consideration of and recommendation for council action on, the following issues:
 - Mayor and City Council terms of office, as well as method of implementation,
 - Mayor and City Council full- or part-time positions and related compensation, and
 - Updated policy guidelines and principles for City Council redistricting resulting from the results of the 2020 census.
- The CACG developed its recommendations for City Council with the following considerations:
 - The overall best desired outcome for Charlotte residents,
 - How to best help elected officials be more prepared to serve residents, and
 - How to encourage more voter turnout.
- Additional information can be found on the city's website at <https://charlottenc.gov/Mayor/Pages/Citizen-Advisory-Committee-on-Governance.aspx>.

Attachment(s)

CACG Recommendations Overview

November 2, 2020 Strategy Session Presentation

CACG Final Report

[CACG Recommendations Overview](#)

[November 2, 2020 CACG Presentation - Revised](#)

[CACG Final Report - Revised](#)

14. Public Feedback on the Legacy Commission Recommendations to City Council

Action:

Receive public comment on the Legacy Commission recommendations to City Council.

Staff Resource(s):

Tiffany Blackwell, Strategy and Budget

Explanation

- At the December 14, 2020 City Council Business Meeting, the Legacy Commission presented its final report, including recommendations for Council's consideration.
- Recommendations by the Legacy Commission include changing street names and reimagining civic spaces to create a new symbolic landscape that is representative of the dynamic and diverse city Charlotte has become and reflective of the inclusive vision it strives to achieve.
- Public input is being requested on the recommendations to City Council presented by the Legacy Commission.

Background

- In January 2020, the Legacy Commission was established with the charge of engaging in a comprehensive study of street names and monuments in the City of Charlotte that honor a legacy of Confederate soldiers, slaveowners, and segregationists.
- The Legacy Commission developed its recommendations for City Council through a detailed historical examination of the naming of streets and monuments and a detailed historical explanation of all recommended changes.
- Public input was collected through surveys.
- Additional information can be found on the city's website at <https://charlottenc.gov/Mayor/Pages/Legacy-Commission.aspx>.

Attachment(s)

Legacy Commission Recommendations Overview
December 14, 2020 Business Meeting Presentation
Legacy Commission Final Report
Street Name Historical Documentation

[Legacy Commission Recommendations Overview](#)

[12.14 Legacy Commission Recommendations Presentation](#)

[Legacy Commission Final Report](#)

[Street Name Historical Documentation](#)

15. Sustainable Facilities Policy

Action

Approve revised Sustainable Facilities Policy.

Staff Resource(s):

Phil Reiger, General Services

Sarah Hazel, General Services

Explanation

- Revising the Sustainable Facilities Policy (SFP) is an action item from the Council-adopted Strategic Energy Action Plan (SEAP) which calls for the SFP to be adjusted to meet the requirements of the Sustainable and Resilient Charlotte Resolution.
- The revised SFP is intended to direct city departments to design, construct, and operate city facilities in a manner aligned with the city's 2030 SEAP goals to have all of the city's facilities and fleet be fueled by 100 percent zero carbon energy.
- The focus of the revised SFP builds on the elements of the original plan first adopted in 2009 with the latest revised version adopted on July 1, 2016.
- It incorporates actions that focus on the way the city does construction and major renovations and operates and maintains facilities. The revisions bring this policy into alignment with the Strategic Energy Action Plan in the following ways:
 - Reduce energy consumption,
 - Facilitate more on-site renewable energy generation in the form of solar energy,
 - Prepare for the city's transition to electric vehicles, and
 - Provide a mechanism by which progress toward the 2030 zero carbon buildings goal can be regularly and accurately measured.

Highlights

- The proposed changes to the SFP include:
 - New Construction and Major Renovation
 - Increases emphasis on energy efficiency and renewable energy in building design,
 - Includes that new construction will have the capability to install electric vehicle charging stations, which supports the city's fleet and the market transformation to electric vehicles,
 - Requires on-site renewable energy (solar) in new buildings and roof replacement projects unless determined to be uniquely prohibitive, and
 - Provides smart energy management solutions for energy-consuming devices (plug loads).
 - Operations and Maintenance
 - Aligns how the city measures the energy performance of buildings (benchmarking) with other leading cities by using the Environmental Protection Agency's Portfolio Manager tool to identify the least efficient buildings,
 - Develops a process to integrate benchmarking data into existing capital planning processes for best use of city funds for maximum energy savings, and
 - Sets citywide buildings and temperature heating and cooling set points to reduce energy use.
 - Other
 - Formalizes internal and external performance reporting processes to measure progress toward 2030 SEAP zero carbon buildings goals and lead by example in the community,
 - Creates more concrete mechanisms for policy compliance and exceptions,
 - Establishes data driven-decision making as a core principle, and
 - Separates policy requirements from implementation details-
 - The SFP will remain a Council-approved document, while a guidance document for city staff provides specifics on implementation direction that will be updated as needed.

Attachment(s)

Revised Sustainable Facilities Policy
Sustainable Facilities Policy Summary Document

[Revised Sustainable Facilities Policy](#)

[SFP Summary](#)

BUSINESS**16. CATS Fiscal Year 2021 Capital Investment Plan Budget Amendment****Action:**

- A. Accept a grant in the amount of \$3,723,712 from the Federal Transit Administration for electric buses and chargers,**
- B. Accept a grant in the amount of \$1,280,000 from the North Carolina Departments of Transportation and Environmental Quality for hybrid or electric buses, and**
- C. Adopt a budget ordinance appropriating \$9,047,424 in grant funds and fund balance in the CATS Debt Service Reserve Fund to the CATS Capital Investment Plan Fund.**

Staff Resource(s):

John M. Lewis, Jr., CATS

Blanche W. Sherman, CATS

Explanation

- Throughout the year, the Charlotte Area Transit System (CATS) receives Notice of Funding Opportunities (NOFOs) from the Federal Transit Administration (FTA) and the North Carolina Department of Transportation (NCDOT).
- The NOFOs provide CATS with the opportunity to acquire capital funding to advance the 2030 Transit Plan and operating funds for marketing and planning services.
- This action will allow CATS to receive capital funding to maintain the state of good repair through vehicle replacements and to participate in a pilot program with Duke Energy for the deployment of electric buses in CATS services.
- In March 2020, CATS applied for Low or No Emissions Grant Funding. On June 2, 2020, the FTA awarded CATS \$3,723,712 in federal funding to purchase six electric buses and chargers. CATS will match the federal funding in the amount of \$3,723,712.
- In September 2019, CATS applied for the Volkswagen Settlement Fund Grant. On July 29, 2020, NCDOT and the North Carolina Department of Environmental Quality awarded CATS \$1,280,000 from the Volkswagen Settlement Fund Grant. The award will provide two hybrid or electric buses. CATS will match the federal funding in the amount of \$320,000.

Fiscal Note

Funding: CATS Capital Investment Plan

Attachment(s)

Budget Ordinance

[CATS Budget Ordinance](#)

17. Property Transfers and Release of Deed Restriction from Mecklenburg County

Action:

- A. **Authorize the transfer of \$1,618,080 to Mecklenburg County through the Government Real Estate Transfer Ledger for the Powerhouse Building at 1507 Camden Road (tax parcel identification number 123-041-10),**
- B. **Approve release of the deed restriction on the Dowd House property at Greenland Avenue and Monument Street (tax parcel identification number 067-061-06) requiring that the property be used for park and recreational purposes, and**
- C. **Authorize the sale of 0.10 acres of City-owned property at 300 North Tryon Street (tax parcel identification number 080-023-06) to Mecklenburg County through the Government Real Estate Transfer Ledger for \$870,000.**

Staff Resource(s):

Phil Reiger, General Services

Jennifer Smith, General Services

Tony Korolos, General Services

Explanation

Action A

- The city acquired land at 1507 Camden Road (tax parcel identification number 123-041-10), in Council District 3, in 2005 for the CATS Blue Line project.
- The city subsequently entered into a lease agreement with Charlotte Trolley, Inc. on June 11, 2007 to operate a public trolley museum at that address for a term of 80 years. Mecklenburg County contributed to the construction of the museum building and by agreement retained ownership of the building.
- In the event the facility ceased to operate as a public museum, the city reserved the right to terminate the lease. Upon early termination, the county was entitled to receive then-current fair market value for the property improvements.
- The lease with Charlotte Trolley, Inc. was terminated following cessation of operation as a public trolley museum, in accordance with the terms of the lease, on January 31, 2017. Following termination of the lease, Mecklenburg County requested payment from the city, based on appraised value.
- Appraisals of the structure were completed by the city and county, and an amount of \$900,000 was mutually agreed upon to be satisfied using the Government Real Estate Transfer Ledger System.
- In addition to the mutually agreed upon value of the structure, the city also agreed to reimburse the county for the monthly rent that the county would have been able to collect from leasing the property to another tenant. The county has valued the forgone rent at \$718,080, which represents approximately 48 months of city occupancy in the Powerhouse.
- The city's Planning, Design and Development Department currently uses the building for public meetings and community events, including partnerships with Charlotte Center City Partners South End. This use is consistent with supporting the growing economic activity in the area.

Action B

- Mecklenburg County owns a 0.566-acre property (tax parcel identification number 067-061-06), adjacent to the site of the historic Dowd House, located at the corner of Greenland Avenue and Monument Street in Council District 3.
- The property is valued at \$13,311 based on an appraisal completed for the county.
- In 1997, pursuant to the Park and Recreation Consolidation Agreement, the city transferred the property to the county, with the deed providing that at any time the property is no longer used as a park, it will revert to the city, unless the city relinquishes that right.

- Mecklenburg County requests the release of the deed restriction on the property in order to facilitate economic development and reinvestment in the park.
- The county and the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) have jointly released a Request for Qualifications and Proposals for redevelopment of four parcels located at 2216 Monument Street, 2136 Remount Road, and Greenland Avenue (tax parcel identification numbers 067-061-05, 067-061-02, 067-061-06, and 067-061-01) and have entered into negotiations with developers.
- Mecklenburg County and HLC propose to convey these parcels to a developer that will redevelop the properties while maintaining the historic significance of the Dowd House and former Fire Station 10, and create open space for the community.

Action C:

- The city owns a 0.10-acre property (tax identification number 080-023-06), located at the corner of North Tryon Street and East Sixth Street, designated as Arequipa Park in Council District 1.
- The property is valued at \$870,000, based on an appraisal completed for the county. The city and county mutually agree on a sale price of \$870,000, to be satisfied using the Government Real Estate Transfer Ledger System (credit to city).
- Mecklenburg County requests transfer of the property to facilitate improvements related to the 7th Street Redevelopment Project and expansion of the adjacent Charlotte-Mecklenburg Main Library facility.
- The Real Estate Ledger System balance will be reduced to zero following the proposed action items.

Background

- In October 2001, the city and county entered into the Governmental Real Estate Transfer Ledger System Agreement, creating a ledger system to transfer real property to each party without exchange of cash. All transfers and the cumulative balance are reported annually to City Council and the Board of County Commissioners.
- The ledger system was established to encourage joint-use facilities and operations, maximize use of public properties, and enhance capital asset coordination between local governments.
- In the event the ledger balance is reduced to zero following the proposed action items, the ledger system will remain in effect and may continue to be utilized for eligible property transfers between the city and county.

Fiscal Note

Funding: Government Real Estate Transfer Ledger System

Attachment(s)

Map

[Map Property Transfers and Release of Deed Restriction from Mecklenburg County](#)

18. Amend the 2021 City Council Meeting Schedule

Action:

Approve an amendment to the 2021 City Council and Budget Meeting Schedule.

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 shall be posted to the City's Web site. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- This action amends the 2021 City Council Meeting Schedule to add the following:
 - A remote legislative briefing for the Mecklenburg County State Delegation on January 7, 2021, starting at 12:00 p.m.

Attachment(s)

Amended 2021 City Council Meeting Schedule

[2021 Council and Budget Mtg Calendar Amended](#)

19. Lease of City-owned Property at the Charlotte Transit Center to Lee Wesley Group, LLC

Action:

- A. Adopt a resolution approving a two-year lease agreement between the City of Charlotte and Lee Wesley Group, LLC, operating as Burger King, for a retail space located at 310 E. Trade Street (tax parcel number 125-011-14), and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the transaction with Lee Wesley Group, LLC, operating as Burger King, at the Charlotte Transit Center.**

Staff Resource(s):

John Lewis, CATS

Allen C. Smith III, CATS

Explanation

- The city uses the Charlotte Transit Center, located in Council District 1, as the main terminal and transfer point for Charlotte's public transit system.
- The leasable spaces provide opportunities for retail and business firms to offer goods and services to customers using the Charlotte Area Transit System.
- Lee Wesley Group, LLC is a locally-owned business operating a Burger King fast-food restaurant.
- The lease terms are:
 - A two-year lease commencing April 1, 2020, and terminating March 31, 2022,
 - 3,948 square feet of retail,
 - Rent:
 - \$7,382.72 per month (\$88,593 per year) for year one,
 - \$7,567.32 per month (\$90,807.83 per year) for year two, and
 - Tenants pay a share of common area maintenance costs.
- The two-year lease value is \$179,400.83.
- This transaction is consistent with the Council-adopted City-Owned Real Estate and Facilities Policy.

Charlotte Business INCLUSION

This is a real estate leasing and acquisition contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INCLUSION Policy).

Fiscal Note

Funding: Revenue from the lease will be deposited in the CATS Operating Budget.

Attachment(s)

Resolution

[Burger King CTC Lease - Resolution \(Jan 2021\) legistar](#)

20. Lease of City-Owned Property at the Charlotte Transit Center to Mun Sung and Joyce Sung

Action:

- A. Adopt a resolution approving a five-year lease agreement with one five-year extension option between the City of Charlotte and Mun Sung and Joyce Sung, operating as Plaza Sundries, for a retail space located at 310 E. Trade Street (tax parcel number 125-011-14), and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the transaction with Mun Sung and Joyce Sung, operating as Plaza Sundries, at the Charlotte Transit Center.**

Staff Resource(s):

John Lewis, CATS

Allen C. Smith III, CATS

Explanation

- The city uses the Charlotte Transit Center, located in Council District 1, as the main terminal and transfer point for Charlotte's public transit system.
- The leasable spaces provide opportunities for retail and business firms to offer goods and services to customers using the Charlotte Area Transit System.
- Mun Sung and Joyce Sung own a sundries store that sells medications, newspapers, toiletries, snacks, and comparable items.
- The lease terms with Mun Sung and Joyce Sung include:
 - A five-year lease commencing September 1, 2020, and terminating August 31, 2025 with one option for a five-year extension, to extend the lease through August 31, 2030,
 - 930 square feet of retail space,
 - Rent:
 - \$2,593.35 per month (\$31,120.21 per year) for year one,
 - A two percent annual increase yearly, and
 - Tenants pay a share of common area maintenance costs.
- The initial five-year lease value is estimated to be \$161,951.
- This transaction is consistent with the Council-adopted City-Owned Real Estate and Facilities Policy.

Charlotte Business INCLUSION

This is a real estate leasing and acquisition contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INCLUSION Policy).

Fiscal Note

Funding: Revenue from the lease will be deposited in the CATS Operating Budget.

Attachment(s)

Resolution

[Plaza Sundries CTC Lease - Resolution \(Jan 2021\) legistar](#)

21. Lease of City-Owned Property at the Charlotte Transit Center to Xanadu Food Services, Inc.

Action:

- A. Adopt a resolution approving a five-year lease agreement with one five-year extension option between the City of Charlotte and Xanadu Food Services, Inc., operating as China Shuttle, for a retail space located at 310 E. Trade Street (tax parcel number 125-011-14), and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the transaction with Xanadu Food Services, Inc., operating as China Shuttle, at the Charlotte Transit Center.**

Staff Resource(s):

John Lewis, CATS

Allen C. Smith III, CATS

Explanation

- The city uses the Charlotte Transit Center, located in Council District 1, as the main terminal and transfer point for Charlotte's public transit system.
- The leasable spaces provide opportunities for retail and business firms to offer goods and services to customers using the Charlotte Area Transit System.
- Xanadu Food Services, Inc is a locally-owned business operating a Chinese restaurant.
- The lease terms with Xanadu Food Services, Inc include:
 - Five-year lease commencing September 1, 2020, and terminating August 31, 2025, with one option for a five-year extension, to extend the lease through August 31, 2030,
 - 2,429 square feet of retail space,
 - Rent:
 - \$4,978.94 per month (\$59,747.28 per year) for year one,
 - A three percent annual increase yearly, and
 - Tenants pay a share of common area maintenance costs.
- The initial five-year lease value is estimated to be \$317,206.
- This transaction is consistent with the Council-adopted City-Owned Real Estate and Facilities Policy.

Charlotte Business INclusion

This is a real estate leasing and acquisition contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Revenue from the lease will be deposited in the CATS Operating Budget.

Attachment(s)

Resolution

[China Shuttle CTC Lease - Resolution \(Jan 2021\) legistar](#)

22. Resolution to Close Joe Whitener Road

Action:

Adopt a resolution and close Joe Whitener 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 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 road to be closed is located in Council District 4.
- A public hearing for this resolution was held on December 14, 2020. No comments from the public were received.

Petitioner

Spectrum Companies

Attachment(s)

Map

Resolution

[Joe Whitener Rd Abandonment Map](#)

[2020-12A Resolution to Close 01.04.2021](#)

23. Decision on the Ashford House Historic Landmark Designation

Action:

Adopt an ordinance with an effective date of January 4, 2021, designating the property known as the "Ashford House" (Parcel Identification Numbers 063-061-02 and 063-061-03) as a historic landmark.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
David Pettine; Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the Ashford House as a local historic landmark.
- On December 14, 2020, a public hearing was conducted to consider historic landmark designation for the property known as the Ashford House. Public comments were received in favor of this action.
- The Ashford House is located at 241 Hoskins Mill Avenue and is part of the Hoskins Cotton Mill Village in Council District 2.
- Designation of these properties could significantly contribute to their long-term preservation.
- The Ashford House is listed under Parcel Identification Number (PID) 063-061-03, and the recommended designation would include the exterior of the house and the land associated with the tax parcels.
- PID 063-061-02 is also recommended for designation and is historically associated with the house.
- The properties are both zoned B-1.
- The properties are owned by Travis M. Ashford and have remained family-owned for four generations.
- The potential amount of deferrable taxes would be \$187 for the City of Charlotte taxes and \$331 for Mecklenburg County taxes.

Attachment(s)

Ordinance
Information Sheet
Designation Report
Record of the vote of the HLC
Summary of Department Review
State Historic Preservation Office (SHPO) Comment Letter
HLC's Response to SHPO Letter

[Ashford Ordinance](#)

[Ashford Information Sheet](#)

[Ashford Designation Report](#)

[Ashford HLC Vote](#)

[Ashford Summary of Department Review](#)

[Ashford SHPO Letter](#)

[Ashford HLC Response to SHPO Letter](#)

24. Decision on the Dowd House Historic Landmark Designation

Action:

Adopt an ordinance with an effective date of January 4, 2021, amending the existing historic landmark designation ordinance for the property known as the "Dowd House" (Parcel Identification Numbers 067-061-05 and 067-061-06).

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
David Pettine; Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to amend the existing designation ordinance for the Dowd House.
- On December 14, 2020, a public hearing was conducted on amending the historic landmark designation for the property known as the Dowd House. No public comments were received.
- The Dowd House is located at 2216 Monument Street in Council District 3.
- Amending the designation ordinance could significantly contribute to the long-term preservation of the Dowd House.
- The Dowd House is listed under Parcel Identification Number (PID) 067-061-05, and the ordinance would be amended to clarify that the interior of the house and the land associated with the tax parcel are included in the designation. The amendment would also add .1916 acres of land historically associated with the house (a portion of Tax parcel 067-06-106) to the designation.
- The properties are both zoned MUDD-O mixed use development.
- The properties are owned by Mecklenburg County.
- The property is currently exempt from property taxes. Based on the current value, if the ordinance were amended the potential amount of deferrable taxes would increase approximately \$41 for the City of Charlotte taxes and \$73 for Mecklenburg County taxes.

Attachment(s)

Ordinance
Information Sheet
Designation Report
Record of the vote of the HLC
Summary of Department Review
State Historic Preservation Office (SHPO) Comment Letter
HLC's Response to SHPO Letter

[Dowd Amendment Ordinance](#)

[Dowd Addendum Information Sheet](#)

[Dowd Addendum Designation Report](#)

[Dowd HLC Vote](#)

[Dowd Summary of Department Review](#)

[Dowd SHPO Letter](#)

[Dowd HLC Response to SHPO Letter](#)

25. Decision on the F.M. Simmons House Historic Landmark Designation

Action:

Adopt an ordinance with an effective date of January 4, 2021, designating the property known as the "F.M. Simmons House" (Parcel Identification Number 155-023-01) as a historic landmark.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
David Pettine; Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the F.M. Simmons House as a local historic landmark.
- On December 14, 2020, a public hearing was conducted on the historic landmark designation for the property known as the F.M. Simmons House. Public comments were received in favor of this action.
- The F.M. Simmons House is located at 625 Hermitate Court in Council District 1.
- Designation of this property could significantly contribute to its long-term preservation.
- The F.M. Simmons House is listed under Tax Parcel Identification Number 155-023-01, and the recommended designation would include the exterior of the house and outbuildings and the land associated with the tax parcel.
- The property is zoned R-3 single family residential zone.
- The property is owned by James and Mary Margaret Jordan.
- The potential amount of deferrable taxes would be approximately \$2,715 for the City of Charlotte taxes and \$4,812 for Mecklenburg County taxes.

Attachment(s)

Ordinance
Information Sheet
Designation Report
Record of the vote of the HLC
Summary of Department Review
State Historic Preservation Office (SHPO) Comment Letter
HLC's Response to SHPO Letter

[F.M. Simmons Ordinance](#)

[F.M. Simmons Information Sheet](#)

[F.M. Simmons Designation Report](#)

[F.M. Simmons HLC Vote](#)

[F.M. Simmons Summary of Department Review](#)

[F.M. Simmons SHPO Comment Letter](#)

[F.M. Simmons HLC Response to SHPO Letter](#)

26. Decision on the Former Charlotte Fire Station Number 10 Historic Landmark Designation

Action:

Adopt an ordinance with an effective date of January 4, 2021, designating the property known as the "Former Charlotte Fire Station Number 10" (Parcel Identification Number 06-706-102) as a historic landmark.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
David Pettine; Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the Former Charlotte Fire Station Number 10 as a local historic landmark.
- On December 14, 2020, a public hearing was conducted on the historic landmark designation for the property known as the Former Charlotte Fire Station Number 10. No public comments were received.
- The Former Charlotte Fire Station Number 10 is located at 2136 Remount Road in Council District 3.
- Designation of this property could significantly contribute to its long-term preservation.
- The Former Charlotte Fire Station Number 10 is listed under Parcel Identification Number 06-706-102, and the recommended designation would include the exterior of the structure and the land associated with the tax parcel.
- The property is zoned MUDD-O mixed use development.
- The property is owned by Mecklenburg County.
- The property is exempt from property taxes. Based on the current value, the potential amount of deferrable taxes would be approximately \$1,282 for the City of Charlotte taxes and \$2,276 for Mecklenburg County taxes.

Attachment(s)

Ordinance
Information Sheet
Designation Report
Record of the Vote of the HLC
Summary of Department Review
State Historic Preservation Office Comment Letter
HLC's Response to SHPO Letter

[Fire Station 10 Ordinance](#)

[Fire Station 10 Information Sheet](#)

[Fire Station 10 Designation Report](#)

[Fire Station 10 HLC Vote](#)

[Fire Station 10 Summary of Department Review](#)

[Fire Station 10 Signed SHPO letter](#)

[Fire Station 10 HLC Response to SHPO Letter](#)

27. Appointments to the Housing Appeals Board

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- At the December 14, 2020, Council Business Meeting, the Council submitted ballots to appoint a nominee but neither candidate received six votes. A run-off vote was conducted, but neither candidate received six votes to be appointed. Per the Council resolution passed on February 11, 2019, if no nominee receives at least six votes, all nominations shall lay on the table until the next regular meeting, at which time balloting shall be done.
- One appointment for a Housing Industry Representative for a three-year term beginning January 1, 2021, and ending December 31, 2023.
 - Kamilah Peebles, nominated by Council members Driggs, Egleston, Eiselt and Graham.
 - Cemental Grayson Rountree, nominated by Council members Ajmera and Johnson.

Attachment(s)

Housing Appeals Board Applications

CONSENT

28. Construct Eaglewood Storm Drainage Improvement Project

Action:

Approve a contract in the amount of \$2,232,212.40 to the lowest responsive bidder United Construction Company, Inc. for the Eaglewood Storm Drainage Improvement Project.

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Matt Gustis, Storm Water Services

Explanation

- This project will improve deteriorating pipe in the roadway and reduce flooding of properties and structures in the McAlpine Creek watershed with boundaries of Wallace Road to the north and to the east, Mason Wallace Park to the south, and Monroe Road to the west, in Council District 3.
- Construction will include the installation of storm drainage, water/sanitary sewer, curb, gutter, and driveways.
- On October 27, 2020, the city issued an Invitation to Bid; five bids were received.
- United Construction Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2022.

Charlotte Business INclusion

Established MBE Goal: 7.00%

Committed MBE Goal: 7.03%

United Construction Company, Inc. exceeded the established MBE subcontracting goal, and has committed 7.03% (\$157,000) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc. (MBE, SBE) (\$112,000) (concrete)
- Diamond Trucking of NC Inc. (MBE, SBE) (\$17,500) (hauling)
- Streeter Trucking Company, Inc. (MBE, SBE) (\$17,500) (hauling)
- Native Brands, LLC (MBE) (\$10,000) (erosion control, landscape)

Established SBE Goal: 19.00%

Committed SBE Goal: 20.83%

United Construction Company, Inc. has committed 20.83% (\$465,000) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Carolina Cajun Concrete, Inc. (SBE) (\$205,000) (concrete, general construction)
- Countywide Commercial, Inc. (SBE) (\$145,000) (asphalt paving)
- Amp Utility Distribution Services, LLC (WBE, SBE) (\$100,000) (material)
- Pentacle Inc. (SBE) (\$15,000) (fence)

Fiscal Note

Storm Water Capital Investment Plan

Attachment(s)

Map

[Map Construct Eaglewood Storm Drainage Improvement Project](#)

29. Construct Hinsdale-Tinkerbell Storm Drainage Improvement Project

Action:

Approve a contract in the amount of \$8,455,760.50 to the lowest responsive bidder Onsite Development, LLC for the Hinsdale-Tinkerbell Storm Drainage Improvement Project.

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Matt Gustis, Storm Water Services

Explanation

- This project will improve deteriorating pipe in the roadway and reduce flooding of properties and structures in the McMullen Creek watershed with boundaries of Wamath Drive to the north, Belchasse Street and Stocktie Road to the south, McMullen Creek to the east, and Sharon Road to the west, in Council District 6.
- Construction will include the installation of storm drainage, drainage system rehabilitation, water/sanitary sewer, curb, gutter and driveways.
- On November 4, 2020, the city issued an Invitation to Bid; five bids were received.
- Onsite Development, LLC 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: 8.00%

Committed MBE Goal: 8.00%

Onsite Development, LLC met the established MBE subcontracting goal and has committed 8.00% (\$676,515) 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) (\$225,505) (hauling)
- MTS Trucking Inc. (MBE, SBE) (\$225,505) (hauling)
- Streeter Trucking Company, Inc. (MBE, SBE) (\$225,505) (hauling)

Established SBE Goal: 20.00%

Committed SBE Goal: 20.00%

Onsite Development, LLC met the established SBE subcontracting goal and has committed 20.00% (\$1,691,170) 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) (\$700,000) (materials)
- LJR Concrete LLC (SBE) (\$275,000) (concrete)
- Solanos Trucking Company, Inc. (SBE) (\$333,085) (hauling)
- Tony's Trucking Inc. (MBE, SBE) (\$333,085) (hauling)
- Combs Tree Removal (SBE) (\$50,000) (tree removal)

Fiscal Note

Storm Water Capital Investment Plan

Attachment(s)

Map

[Construct Hinsdale Tinkerbell Storm Drainage Improvement Project](#)

30. Construction Change Order #1 for the McKee Road and Providence Road Intersection Improvements Project

Action:

Approve change order #1 in the amount of \$752,672.33 to Blythe Development Co. for the McKee Road and Providence Road Intersection Improvements project.

Staff Resource(s):

Phil Reiger, General Services

Jennifer Smith, General Services

Explanation

- This project includes the construction of turn lanes, sidewalks, lighting, and sidewalk and drainage improvements at the McKee Road/Ballantyne Commons Parkway/Providence Road intersection, in Council District 7.
- Change order #1 in the amount of \$752,672.33 is needed to fund the following:
 - Unforeseen work related to utility conflicts with storm drainage installations and additional quantities for backfill material, retaining walls, and asphalt items (\$365,954.65).
 - Unforeseen leak in an existing water main and additional work for water main improvements to address pressure issues (\$386,717.68).
- On August 27, 2018, City Council approved a contract in the amount of \$4,758,910 to Blythe Development Co.
- The total new total value of the contract including change order #1 is \$5,511,582.33.
- The project is scheduled to be complete by third quarter 2021.

Disadvantaged Business Enterprise

All additional work involved in this change order will be performed by Blythe Development Co. and their existing subcontractors.

Blythe Development Co. has committed 6.51% (\$49,000) of the total change order amount to the following certified firms:

- RRC Concrete Inc. (DBE) (\$9,000) (concrete)
- Diamond Trucking of NC Inc. (DBE) (\$40,000) (hauling)

Fiscal Note

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

Attachment(s)

Map

[Map Construction Change Order #1 for the McKee Road and Providence Road Intersection Improve](#)

31. Construction Change Order #1 for the North Tryon Street Business Corridor Project

Action:

Approve change order #1 in the amount of \$694,319.01 to Sealand Contractors Corp. for the North Tryon Street Business Corridor project.

Staff Resource(s):

Phil Reiger, General Services

Jennifer Smith, General Services

Explanation

- This project will improve traffic and pedestrian flow along North Tryon Street by creating a one-way pair street system creating a new Church Street alignment parallel to North Tryon Street, in Council District 1.
- Change order #1 in the amount of \$694,319.01 is needed to fund the following:
 - Unforeseen additional quantities of asphalt and storm drainage structures (\$552,462.81), and
 - Emergency repairs to an existing sewer line along North Tryon Street (\$141,856.20).
- On September 25, 2017, City Council approved a contract in the amount of \$9,667,225.78 with Sealand Contractors Corp.
- The new total value of the contract is \$10,361,544.79.
- The project is scheduled to be complete by first quarter 2021.

Charlotte Business INclusion

All additional work involved in this change order will be performed by Sealand Contractors Corp. and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

Sealand Contractors Corp. has committed 13.68% (\$95,000) of the total contract change order amount to the following certified firm(s):

- Diamond Trucking of NC Inc (MBE, SBE) (\$56,000) (asphalt)
- On Time Construction, Inc. (WBE, SBE) (\$39,000) (masonry)

Fiscal Note

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

Attachment(s)

Map

[Map of N. Tryon Street Business Corridor Project](#)

32. Fleet Towing Services

Action:

- A. Approve a unit price contract with Hunter Auto and Wrecker Services, Inc. for fleet towing services 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):

Phil Reiger, General Services

Chris Trull, General Services

Explanation

- The city's Fleet Management division provides maintenance services for vehicles and special equipment for city departments and Mecklenburg County.
- Towing services are needed to transport and recover disabled vehicles and special equipment, provide support to the city as needed during inclement weather, and assist during special events.
- Services will be provided for various types of vehicles and equipment, including, but not limited to: sedans, SUVs, medium- and heavy-duty trucks, fire apparatus, police cars, and construction equipment.
- On September 25, 2020, the city issued a Request for Proposals (RFP); four responses were received.
- Hunter Auto and Wrecker Services, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total annual expenditures are estimated to be \$680,000.

Charlotte Business INClusion

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

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

Fiscal Note

Funding: Various Departments' Operating Budgets and Mecklenburg County

33. General Vehicle Collision Repair Services

Action:

- A. Approve contracts with the following companies for general vehicle collision repair services for an initial term of three years:**
- Donald Gardner's Paint & Body, Inc. (SBE),
 - J & T Body Shop, Inc.,
 - Mecklenburg Fleet Holdings, Inc. (SBE), and
 - P & G Chevrolet.
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services
Chris Trull, General Services
Kay Elmore, General Services

Explanation

- The city requires qualified service providers to work in conjunction with the city's Fleet Management staff to perform complete turnkey collision repairs and related services on city fleet and Mecklenburg County vehicles.
- Collision repairs may include but are not limited to paint and body work, frame, cooling systems, engine components, transmission, steering, and related part repairs or replacement.
- On October 5, 2020, the city issued a Request for Proposals (RFP); six responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total annual expenditures are estimated to be \$2,800,000.

Charlotte Business INclusion

Donald Gardner's Paint & Body, Inc. and Mecklenburg Fleet Holdings, Inc. are city-certified SBEs.

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

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

Fiscal Note

Funding: Various Departments' Operating Budgets

34. CATS Mobile Ticketing Application

Action:

- A. **Authorize the City Manager to negotiate contracts with Dallas Area Rapid Transit and Unwire for the provision, implementation, and maintenance of a CATS Mobile Ticketing Application for an initial term of three years;**
- B. **Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved; and**
- C. **Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the city uses the system.**

Staff Resource(s):

John Lewis, CATS

Krystal Green, CATS

Reenie Askew, Innovation and Technology

Explanation

- The Charlotte Area Transit System (CATS) initiated a pilot program for development and implementation of a Mobile Ticket Sales Application.
- CATS is now seeking a comprehensive Mobile Ticketing Application to support enhanced functionality, including robust trip planning; account and purchasing management; support for discounts, fare capping, and ticket promotions, as well as enhanced user interfaces that provide an intuitive, secure, and reliable experience for customers.
- The application is designed to comply with all current web content accessibility guidelines for disabled patrons.
- Additionally, the application can be configured to translate into Spanish, Mandarin, French, Korean, Russian, Hindi, Urdu, and Arabic.-
- On June 12, 2020, the city issued a Request for Proposals (RFP); five responses were received.
- Dallas Area Rapid Transit submitted a proposal jointly with Unwire to provide the GoPass Mobile Application Solution.
- Dallas Area Rapid Transit and Unwire best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total annual expenditures are estimated to be \$144,000.
- A one-time implementation cost and additional services are estimated not to exceed \$130,000 in capital expenditures.

Disadvantaged Business Enterprise (DBE)

No goals shall be established on Contracts where: (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no DBEs 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: CATS Operating Budget and CATS Capital Investment Plan

35. Resolution of Intent to Abandon an Alleyway off Royal Court Parallel to East Morehead Street

Action:

- A. Adopt a Resolution of Intent to abandon an Alleyway off Royal Court Parallel to East Morehead Street, and**

- B. Set a Public Hearing for February 8, 2021.**

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 is located in Council District 1.

Petitioners

Bridgewood Houston Property Group

Attachment(s)

Map

Resolution

[2020-26A Alleyway off Royal Court Abandonment Map](#)

[2020-26A Resolution of Intent 01.04.2021](#)

36. Meeting Minutes

Action:

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

- **November 9, 2020 Business Meeting, and**
- **November 16, 2020 Zoning Meeting.**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

37. In Rem Remedy 2446 Afton Lane

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: 2446 Afton Lane, Council District 3

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2446 Afton Lane (Neighborhood Profile Area 387).

Attachment(s)

In Rem Packet for 2446 Afton Lane

[2446 Afton Ln](#)

38. In Rem Remedy 1721 Beatties Ford Road

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

Public Purpose:

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

Policy:

- Housing and Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Field Observation: 1721 Beatties Ford Road, Council District 2

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1721 Beatties Ford Road (Neighborhood Profile Area 85).

Attachment(s)

In Rem Packet for 1721 Beatties Ford Road

[1721 Beatties Ford Rd](#)

39. In Rem Remedy 538 Williamson Street

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: 538 Williamson Street, Council District 2

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 538 Williamson Street (Neighborhood Profile Area 385).

Attachment(s)

In Rem Packet for 538 Williamson Street

[538 Williamson St](#)

40. In Rem Remedy 118 Woodman 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.

Complaint: 118 Woodman Avenue, Council District 2

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 118 Woodman Avenue (Neighborhood Profile Area 141).

Attachment(s)

In Rem Packet for 118 Woodman Avenue

[118 Woodman Av](#)

41. Property Transactions - Pineville Matthews Road and Alexander Road Sidewalk, Parcel #14

Action: Approve the following Acquisition: Pineville Matthews Road and Alexander Road Sidewalk, Parcel #14

Project: Pineville Matthews Road and Alexander Road Sidewalk, Parcel #14

Program: Pineville Matthews Road and Alexander Road Sidewalk

Owner(s): Alexander Manor LLC

Property Address: 7825 Alexander Road

Total Parcel Area: 292,172 sq. ft. (6.71 ac.)

Property to be acquired by Easements: 196 sq. ft. (0.004 ac.) Storm Drainage Easement, 5,981 sq. ft. (0.137 ac.) Sidewalk Utility Easement, 6,498 sq. ft. (0.149 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: 213-171-01

<https://polaris3g.mecklenburgcountync.gov/#mat=339954&pid=21317101&qisid=21317101>

Purchase Price: \$35,675

Council District: 7

42. Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #20

Action: Approve the following Condemnation: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #20

Project: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #20

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

Owner(s): Damon Decristoforo and Veronica P Decristoforo

Property Address: 3800 Providence Road

Total Parcel Area: 27,332 sq. ft. (0.63 ac.)

Property to be acquired by Easements: 2,388 sq. ft. (0.055 ac.) Sidewalk Utility Easement, 1,751 sq. ft. (0.04 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 183-095-05

<https://polaris3g.mecklenburgcountync.gov/#mat=115839&pid=18309505&gisid=18309505>

Appraised Value: \$15,700

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 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. Property Transactions - Tryon Street - 36th Street Streetscape, Parcel #3

Action: Approve the following Acquisition: Tryon Street - 36th Street Streetscape, Parcel #3

Project: Tryon Street - 36th Street Streetscape, Parcel #3

Program: Tryon Street - 36th Street Streetscape

Owner(s): Herrin Brothers Coal and Ice Company

Property Address: 315 East 36th Street

Total Parcel Area: 299,043 sq. ft. (6.87 ac.)

Property to be acquired by Easements: 17 sq. ft. (0.0003 ac.) Utility Easement, 736 sq. ft. (0.017 ac.) Sidewalk Utility Easement, 219 sq. ft. (0.005 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-NC

Use: Transit Oriented Development Neighborhood Center

Tax Code: 091-112-29

<https://polaris3g.mecklenburgcountync.gov/#mat=347271&pid=09111229&qisid=09111229>

Purchase Price: \$20,569

Council District: 1

44. Property Transactions - Tryon Street - 36th Street Streetscape, Parcel #6

Action: Approve the following Acquisition: Tryon Street - 36th Street Streetscape, Parcel #6

Project: Tryon Street - 36th Street Streetscape, Parcel #6

Program: Tryon Street - 36th Street Streetscape

Owner(s): Commercial Development Holding LLC

Property Address: 200 East 36th Street

Total Parcel Area: 49,865 sq. ft. (1.14 ac.)

Property to be acquired by Easements: 57 sq. ft. (0.001 ac.) Utility Easement, 526 sq. ft. (0.012 ac.) Sidewalk Utility Easement, 977 sq. ft. (0.022 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Garden Boxes

Zoned: I-1

Use: Industrial

Tax Code: 083-031-38

<https://polaris3g.mecklenburgcountync.gov/#mat=65886&pid=08303138&gisid=08303138>

Purchased Price: \$13,032

Council District: 1

45. Property Transactions - Tryon Street - 36th Street Streetscape, Parcel #10

Action: Approve the following Condemnation: Tryon Street - 36th Street Streetscape, Parcel #10

Project: Tryon Street - 36th Street Streetscape, Parcel #10

Program: Tryon Street - 36th Street Streetscape

Owner(s): Carolina National Investment LLC

Property Address: 110 East 36th Street and 3222 North Tryon Street

Total Parcel Area: 30,267 sq. ft. (0.69 ac.)

Property to be acquired by Fee: 770 sq. ft. (0.017 ac.) Fee Simple

Property to be acquired by Easements: 50 sq. ft. (0.001 ac.) Utility Easement, 2,381 sq. ft. (0.055 ac.) Sidewalk Utility Easement, 1,339 sq. ft. (0.031 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Barrier post and asphalt

Landscaping to be impacted: Trees

Zoned: TOD-CC

Use: Transit Oriented Development - Community Center

Tax Code: 083-031-30

<https://polaris3g.mecklenburgcountync.gov/#mat=586220&pid=08303130&qisid=08303130>

Appraised Value: \$105,650

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: 1

Adjournment

REFERENCES

46. 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.

47. 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.

48. 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.