

City of Charlotte

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



Meeting Agenda

Monday, September 11, 2017

Council Chambers

City Council Business Meeting

*Mayor Jennifer W. Roberts
Mayor Pro Tem Vi Lyles
Council Member Dimple Ajmera
Council Member Ed Driggs
Council Member Julie Eiselt
Council Member Claire Fallon
Council Member Carlenia Ivory
Council Member Patsy Kinsey
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Greg Phipps
Council Member Kenny Smith*



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Meeting Agenda City Council Business Meeting

Monday, September 11, 2017

5:00 PM

Council Chambers

5:00 P.M. DINNER BRIEFING, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, ROOM 267

- 1. Closed Session 1**
- 2. Agenda Overview 2**
- 3. Mayor and Council Consent Item Questions 3**
- 4. Charlotte Convention Center Expansion and Updates 4**
- 5. Camp North End Infrastructure Reimbursement 5**
- 6. River District Infrastructure Reimbursement 6**
- 7. Tree Canopy Update 7**
- 8. Answers to Mayor and Council Consent Item Questions 8**

Call to Order

Roll Call

Introductions

Invocation

Pledge of Allegiance

- 9. Consent agenda items 20 through 53 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk. 9**

7:00 P.M. AWARDS AND RECOGNITION

- 10. September 11, 2001 Remembrance Day Proclamation 10**
- 11. North Carolina Music Hall of Fame Inductee Anthony Hamilton Day 11**

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Adjournment

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Agenda Date: 9/11/2017

Agenda #: 1. **File #:** 15-6245 **Type:** Dinner Briefing

Closed Session



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Agenda Date: 9/11/2017

Agenda #: 2. **File #:** 15-6246 **Type:** Dinner Briefing

Agenda Overview

Staff Resource(s):
Marcus Jones, City Manager



Agenda Date: 9/11/2017

Agenda #: 3. **File #:** 15-6247 **Type:** Dinner Briefing

Mayor and Council Consent Item Questions

Staff Resource(s):

Danny Pleasant, City Manager's Office

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items. Staff will address questions at the end of the dinner meeting.



Agenda Date: 9/11/2017

Agenda #: 4. **File #:** 15-6351 **Type:** Dinner Briefing

Charlotte Convention Center Expansion and Updates

Staff Resource(s):

Randy Harrington, Management and Financial Services
Tom Murray, Charlotte Regional Visitors Authority
William Haas, Engineering and Property Management

Time: 30 minutes

Explanation

- On September 12, 2016, City Council received a presentation on Charlotte Convention Center long-term needs, including investments for additional and reconfigured meeting space, enhanced technology and increased connection to Uptown hospitality, tourism locations and amenities.
- On January 9, 2017, City Council approved \$1.6 million for Convention Center schematic design (35% design phase).
- Schematic design is now complete, and City/CRVA staff is ready to complete the design.
- CRVA staff will present an overview of the proposed investments and next steps.

Future Action

- At the September 25 Council Business meeting, City Council will be asked to take these actions:
 - Approve a contract with the CRVA to reimburse expenditures incurred from a design contract with an architectural firm and a pre-construction contract with a construction management firm. Reimbursement will occur upon issuance of COPs for construction of the Convention Center Improvements.
- In early 2019, Council will be asked to approve a full construction contract with a construction management firm.



Agenda Date: 9/11/2017

Agenda #: 5. **File #:** 15-6385 **Type:** Dinner Briefing

Camp North End Infrastructure Reimbursement

Committee Chair:

James Mitchell, Economic Development

Staff Resource(s):

Debra Campbell, City Manager's Office

Patrick Mumford, Economic Development

Time: 15 minutes

Explanation

- Staff has been in discussions with the developer of the Camp North End site (formerly known as the Rite Aid and Hercules site) regarding a partnership opportunity to use a portion of the Applied Innovation Corridor Community Investment Plan funds to reimburse the developer for certain infrastructure improvements.
- At build-out the Camp North End redevelopment could include up to 280,000 square feet of retail and entertainment uses, 1,500,000 square-feet of office space and 1,500 multifamily units. In total, the development is estimated to increase the tax base by nearly \$600 million.

Future Action

City Council will be asked to approve a Memorandum of Understanding for the project at the September 25 Business meeting.



Agenda Date: 9/11/2017

Agenda #: 6. **File #:** 15-6132 **Type:** Dinner Briefing

River District Infrastructure Reimbursement

Committee Chair:

James Mitchell, Economic Development

Staff Resource(s):

Debra Campbell, City Manager's Office

Patrick Mumford, Economic Development

Time: 15 minutes

Explanation

- Staff has been in discussions with the River District development team regarding their request for City financial participation in public infrastructure improvements through two infrastructure reimbursement agreements. Funding for the reimbursement has been proposed using the City's Tax Increment Grant Program and the Community Investment Plan.
- The infrastructure improvements are part of Phase 1 of the development, which includes one million square-feet of office and retail space, a hotel, and 900 residential units. This phase of the project is expected to increase the tax base by \$422 million.
- This presentation is a referral from the Economic Development Committee's August 17, 2017 meeting and is an overview of agreement terms between the City and project developers.

Future Action

City Council will be asked to approve a Memorandum of Understanding for the project at the September 25 Business meeting.



Agenda Date: 9/11/2017

Agenda #: 7. **File #:** 15-6236 **Type:** Dinner Briefing

Tree Canopy Update

Committee Chair:

Patsy Kinsey, Environment

Staff Resource(s):

Michael Davis, Engineering and Property Management

Erin Oliverio, Engineering and Property Management

Chuck Cole, TreesCharlotte

Time: 30 minutes

Explanation

- City and TreesCharlotte staff will provide a briefing on the following topics as they pertain to the Urban Forest Master Plan (UFMP).
 - Current planting and maintenance efforts;
 - UFMP recommended tasks currently underway;
 - UFMP recommended tasks planned for the next year, and
 - TreesCharlotte FY 2017 successes and plans for FY 2018.

Future Action

The City Council will be asked to consider adoption of the completed UFMP during City Council's regular business meeting on September 25, 2017.



Agenda Date: 9/11/2017

Agenda #: 8. **File #:** 15-6248 **Type:** Dinner Briefing

Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Danny Pleasant, City Manager's Office

Time: 10 minutes

Synopsis

Staff responses to questions from the beginning of the dinner meeting.



Agenda Date: 9/11/2017

Agenda #: 9. **File #:** 15-6249 **Type:** Consent Item

Consent agenda items 20 through 53 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 citizens signed up to speak to the item.



Agenda Date: 9/11/2017

Agenda #: 10. **File #:** 15-6275 **Type:** Awards and Recognitions

September 11, 2001 Remembrance Day Proclamation

Action:

Mayor Roberts will read a proclamation in remembrance of September 11, 2001.



Agenda Date: 9/11/2017

Agenda #: 11. **File #:** 15-6252 **Type:** Awards and Recognitions

North Carolina Music Hall of Fame Inductee Anthony Hamilton Day

Action:

Mayor Roberts will read a proclamation recognizing Anthony Hamilton as an inductee into the North Carolina Music Hall of Fame.



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Agenda Date: 9/11/2017

Agenda #: 12. **File #:** 15-6250 **Type:** Policy Item

City Manager's Report



Agenda Date: 9/11/2017

Agenda #: 13. **File #:** 15-6267 **Type:** Policy Item

Solid Waste Ordinance Amendment

Action:

Approve the Environment Committee's recommendation to adopt an ordinance amending Chapter 10 - Health and Sanitation of the City Code, with an effective date of January 1, 2018.

Committee Chair:

Patsy Kinsey, Environment Committee

Staff Resource(s):

Victoria Johnson, Solid Waste Services
Pamela Wideman, Housing and Neighborhood Services
Ben Krise, Housing and Neighborhood Services
Ellen Price, Solid Waste Services
Thomas Powers, City Attorney's Office

Explanation

- During the FY 2017 budget process, City Council referred the review of the Health and Sanitation (Chapter 10) ordinance to the Environment Committee.
- On August 14, 2017, the Environment Committee approved a revised Solid Waste (SW) ordinance and recommended full Council adoption.
- The goals of the revised SW Ordinance are:
 - Simplify the structure to create stand-alone ordinances each for Solid Waste Services and Code Enforcement,
 - Modernize the language and update terms and definitions,
 - Provide greater flexibility in service provisions,
 - Update the fines schedule for enforcement, and
 - Provide authority for exploring options for service delivery.
- The proposed draft for a revised SW Ordinance includes the following major changes:
 - Categorizes service types into primary and secondary collection services,
 - Defines types of waste containers,
 - Assigns new multifamily developments with 12 or more units to dumpster/compactor service,
 - Provides discretionary powers and additional authority to the Solid Waste Services department head,
 - Assesses all general civil penalties violations at \$150,
 - Assesses penalties for signs violations at \$100, and
 - Defines chronic and repeat offenders with escalating violation penalties of \$250 and \$500.

Attachment(s)

Solid Waste Ordinance

CHAPTER 10 - HEALTH AND SANITATION

ARTICLE I. - IN GENERAL

Sec. 10-1. - Definitions.

The following words, terms and phrases, and their derivatives, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) Appliances means refrigerators, ranges, water heaters, freezers, unit air conditioners, washing machines, dishwashers, clothes dryers, and other similar domestic and commercial appliances.
- (b) Administrative Policy means the SWS document that provides guidance, information, and procedures to have items collected by SWS or its agents.
- (c) Building Material means any items, materials, or substances used in the construction, demolition, or renovation of a structure. Examples of building materials include, but are not limited to, lumber, brick, stone, carpet, plumbing materials, plaster, concrete, roofing, floor coverings, or gutters.
- (d) Bulky Waste means items that cannot be placed securely within a Container. Examples of Bulky Waste include, but are not limited to, items such as household furnishings, household appliances, mattresses, box springs, tires, lawn equipment (i.e. mowers, rototillers, wheelbarrows), and similar household items.
- (e) Business Enterprise means a sole proprietorship, corporation, professional corporation, nonprofit corporation, limited liability company, limited partnership, limited liability partnership, or any other partnership whether or not formed under the laws of the State of North Carolina. All foreign Business Enterprises must be licensed by the Secretary of State of North Carolina to do business in North Carolina.
- (f) Chronic Offender means, as set forth in North Carolina General Statutes § 160A-200.1, four or more violations of article III in the previous calendar year by the same property owner on any Premise within the city.
- (g) Code Enforcement means the division of the City's Housing and Neighborhood Services Department or any subsequent City department.
- (h) Commingled Waste means any Residential Solid Waste or Small Business Garbage mixed with Hazardous Waste, Industrial Waste, or Nonresidential Waste.
- (i) Container means Large Waste Container, Personal Container, and Small Waste Container.
- (j) County Tax Administrator means the Mecklenburg County Assessor's Office, the Mecklenburg County Tax Collector's Office, or any of their successors or assigns.
- (k) Curbside means the portion of property that is adjacent to or adjoining a Roadway.
- (l) Department Head means the manager of a city department.
- (m) Fee means the solid waste fees imposed by the City.
- (n) Foul odors mean offensive odors emanating from, but not limited to, garbage, or dead animals.
- (o) Garbage means all putrescible wastes, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
- (p) Graffiti means any imagery made by a perpetrator that defaces a structure, or place. Examples of graffiti include, but are not limited to, writings, drawings, inscriptions, figures or marks of paint, ink, chalk, dye, or other similar substances regardless of the content, or other similar substances regardless of the nature of materials used in the commission of the defacing act.

- (q) Hazardous Vehicle means a Motor Vehicle exhibiting any of the following:
- (1) A breeding ground or harbor for mosquitoes or other insects, snakes, rats, or other pests.
 - (2) A point of weed or other vegetation overgrowth.
 - (3) A point of collection for pools or ponds of water.
 - (4) A point of concentration of gasoline, oil or other flammable or explosive materials.
 - (5) So located that there is a danger of the Motor Vehicle falling or turning over.
 - (6) A place in which debris, bottles, or other Solid Waste is discarded and is present within or around the Motor Vehicle.
 - (7) A source of danger for children either through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass, or other rigid materials.
 - (8) The creation of another similar condition or circumstance which exposes the general public to safety or health hazards.
- (r) Hazardous Waste means a Solid Waste, or combination of Solid Wastes, which because of its quantity, concentration, physical characteristics, chemical characteristics, or infectious characteristics may (i) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or (ii) may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (s) Heavily Wooded Lots means any Premise being densely wooded with trees, shrubs, and overgrowth where equipment cannot maneuver because of the density of the area.
- (t) Industrial Waste means Solid Waste generated by manufacturing processes or industrial processes that is not Hazardous Waste.
- (u) Junk means any item which creates a littered condition outside of an enclosed structure and in whole or part is rusted, wrecked, broken, junked, dismantled, or in inoperative condition. Any Junk item completely enclosed in a structure is not subject to this definition. Examples of Junk include, but are not limited to, dilapidated furniture, appliances, machinery, equipment, Building Materials, automotive parts, tires, or other similar items.
- (v) Large Multi-family Development means thirty (30) or more residential units in a neighborhood or development approved by the City prior to January 1, 2018, or twelve (12) or more residential units in a neighborhood or development approved by the City after January 1, 2018.
- (w) Large Waste Container means a dumpster, compactor, open-top container, and detachable container that is used for collecting, storing, or transporting Residential Solid Waste. A Large Waste Container has a minimum capacity of two cubic yards and picked up by a specially equipped truck for transporting the waste materials to the disposal site.
- (x) Lawful Place and Manner means strict compliance with the city's zoning ordinance.
- (y) Litter means any discarded materials that accumulate on a premise in an untidy manner.
- (z) Maximum Allowance means the total amount of Solid Waste generated by a Residential Unit or Nonresidential Unit to be eligible for collection services by the City.
- (aa) Motor Vehicle means all machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.
- (bb) Nonresidential Unit means any place or area that is not a dwelling, domicile, or used as a residence. Examples of Nonresidential Unit include, but are not limited to, any use that is retail, manufacturing, wholesale, institutional, religious, government, or a nonprofit organization.

- (cc) Nonresidential Waste means any Solid Waste generated by a Nonresidential Unit. Examples of Nonresidential Waste include, but are not limited to, discarded Building Materials, any byproduct resulting from land disturbing activities, and large quantities of sod.
- (dd) Nuisance means something that is dangerous or prejudicial to the public health or public safety.
- (ee) Person means any natural person, owner, agent, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, occupant, lessee, tenant, or representative or group of individuals or entities of any kind.
- (ff) Personal Waste Container means any Container that is not a City-issued Container, is used by a Person for collection services of garbage and recyclables, and is smaller than a Large Waste Container.
- (gg) Persons With Disabilities means any person who has a physical or mental impairment which substantially limits one or more major life activities and has a record of such an impairment.
- (hh) Premise means private or public lots or parcels of land, sidewalks, rights-of-way, grass strips, or curbs up to the edge of the pavement of any Roadway.
- (ii) Public Rights-of-Way means land that is dedicated or otherwise legally established for public use.
- (jj) Recyclables means any process by which Solid Waste or materials which would otherwise become Solid Waste are collected, separated, or processed, and reused or returned to use in the form of raw materials or products. Recyclables include glass jars, bottles, aluminum cans, steel cans, plastic soda and liquor bottles, newspapers and inserts, plastic milk and water jugs, spiral paper cans.
- (kk) Repeat Offender means, as set forth in North Carolina General Statutes § 160A-200.1, four or more repeated violations of article III in the previous calendar year by the same property owner on the same Premise within the City.
- (ll) Residential Solid Waste means any Solid Waste generated by a Residential Unit. Examples of Residential Solid Waste include, but are not limited to, Recyclables and other Solid Waste, including Yard Waste.
- (mm) Residential Unit means a dwelling used by one or more natural persons as a residence, home, or domicile. The term does not include hotels, motels, inns, tourist camps, or other similar places that are required to collect a room occupancy tax.
- (nn) Responsible Person means, except as specified in section 10-141, any Person owning the property, acting as manager or agent for the property, or in possession or control of the property (i.e. tenant, occupant, or lessee) shall be responsible for complying with this article and correcting any violation.
- (oo) Roadway means, pursuant to G.S. 20-4.01(13), the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms "highway" and "street" and their cognates are synonymous.
- (pp) Sign means the displaying of any symbol, logo, insignia, handbill, or advertisement for a Person to read.
- (qq) Small Business Garbage means any accumulation of paper, cardboard, packaging materials, rags, or accumulations of incidental Garbage other than household trash, which is associated with the operation of stores, offices, churches, and commercial establishments.
- (rr) Small Multi-family Development means five (5) to twenty-nine (29) Residential Units in a neighborhood or development approved by the City prior to January 1, 2018, or five (5) to eleven (11) Residential Units in a neighborhood or development approved by the City after January 1, 2018.

- (ss) Small Waste Container means the City-issued receptacle for use by a Person for collection services of Garbage and Recyclables.
- (tt) Solid Waste means accumulations consisting of any combination of Small Business Garbage, Garbage, Residential Solid Waste, Bulky Waste, Yard Waste, Recyclables, and Junk and may be collected by SWS.
- (uu) Solid Waste Services means the City's department responsible for the collection of Garbage, Recyclables, Yard Waste, and Bulky Items from Residential Units and the collection of Small Business Garbage from business enterprises. This may also be identified as SWS.
- (vv) Special Tax District #1 means a section of the city bounded by I-77, Brookshire Freeway, and the John Belk Freeway (I-277).
- (ww) Yard Waste means Solid Waste consisting solely of vegetative matter resulting from landscaping maintenance. Examples of yard waste include, but are not limited to, grass, weeds, leaves, tree trimmings, plants, shrubbery prunings, and such other similar materials.

Sec. 10-2. - Smoking in city-owned buildings.

- (a) As used in this section, the term "smoking" shall mean the inhaling, exhaling, burning or carrying of a lighted pipe, cigarette or other combustible tobacco product.
- (b) Smoking shall not be permitted within any building owned by the city or within any building or space leased by the city. The manager or person in charge of the building shall conspicuously post signs within the building stating that smoking is not permitted. For example, the foregoing shall apply, but shall not be limited to, the following buildings and facilities: the Charlotte-Mecklenburg Government Center, Old City Hall Building, fire stations, Ovens Auditorium, the old and new Convention Center, the Coliseum, the Independence Arena, the North Carolina Blumenthal Performing Arts Center, the Mint Museum, Discovery Place, the Afro-American Cultural Center and Charlotte-Douglas International Airport. However, the manager or person in charge of a city-owned or -leased building may, in his discretion, designate smoking areas within the facility if he determines that it is feasible to adequately contain and ventilate the smoke from such smoking areas. The location and size of the smoking areas, if any, shall be determined by the manager or person in charge. Signs shall be conspicuously posted in any area designated as a smoking area.
- (c) No person shall smoke in a nonsmoking area in a city-owned or -leased building or smoke in any city-owned or -leased vehicle in violation of subsection (c). Any person who continues to smoke in any nonsmoking area or in any city-owned or -leased vehicle in violation of subsection (c) following notice by the person in charge or his designee that smoking is not permitted shall be subject to a civil penalty in the amount of \$50.00. If the penalty is not paid or appealed within 30 days of its issuance, a delinquency charge of \$25.00 shall be added to the amount of the penalty. This civil penalty and delinquency charge may be recovered by the city in a civil action in the nature of a debt if the violator does not pay the full amount within 15 days after the imposition of the delinquency charge. This subsection shall not apply to public transportation vehicles, which shall be governed by section 15-272.

Secs. 10-3—10-24. - Reserved.

ARTICLE II. - SOLID WASTE SERVICES

Sec. 10-25. - Purpose; conflicts.

This article is determined and declared to be a health, sanitary, and safety measure necessary for the promotion, protection, and preservation of the health, safety, and general welfare of the people of the city. Whenever this article conflicts with any other portion of the city Code, this article shall prevail with respect to any matters relating to solid waste services.

Sec. 10-26. – Authority of Department Head

- (a) The Department Head shall have the discretion to implement the aim and intent of this ordinance by determining:
 - (1) the appropriate type, quantity, or size of any Container for the provision of service pursuant to section 10-30 by the city.
 - (2) Whether any item constitutes Bulky Waste or Junk under section 10-33.
 - (3) whether the collection of an item could impair or affect the health and safety of city employees or its agents.
 - (4) the Maximum Allowance permitted to be placed in a Container for collection service.
 - (5) the Maximum Allowance permitted to be placed at Curbside.
- (b) When evaluating a property and/or neighborhood for service eligibility by the city, the Department Head may take into consideration its size, density, configuration, and the approval date for its zoning or subdivision. Any zoning or subdivision approval, which fails to set aside space for Containers in accordance with section 12.403 of the Zoning Ordinance, shall not be eligible for service by the city or its agents.
- (c) Any changes to the initial approval of development configurations, lot lines, phase lines, or variations in forms or timing of ownership, which may be approved under any provisions of the Subdivision Ordinance and/or the Zoning Ordinance, will not enable a Person to receive a different form of service under section 10-30 and 10-31 than the service the Person received after the initial approval.
- (d) Collection schedules shall be determined by the Department Head and may be altered to observe holidays or for emergency situations.
- (e) The Department Head shall have the authority to decline to perform any collection services if the Solid Waste:
 - (1) is not prepared in accordance with this article.
 - (2) exceeds the maximum weight and/or amount that two (2) collection personnel would be reasonably expected to lift and load into a collection vehicle.
 - (3) cannot be placed on or in the collection vehicle due to its size.
- (f) The Department Head shall have the authority to investigate whether a Person is exceeding the Maximum Allowance. Any Solid Waste above the Maximum Allowance will not be collected by the city or its agents.
- (g) The Department Head shall have the authority to assess a purchase price for a Small Waste Container at an amount that shall be equal to the city's per unit purchase cost.
- (h) The Department Head shall have the authority to develop an Administrative Policy which explains how items shall be prepared to facilitate collection services.

Sec. 10-27. - Interference with authorized personnel prohibited.

It shall be unlawful to interfere, harass, or otherwise impede any Person authorized by the city to carry out the duties and responsibilities set forth in this article. A law enforcement official shall have the authority to arrest a Person for violation of this section.

Sec. 10-28. - Unauthorized collection prohibited.

It shall be unlawful for any Person to collect, pick up, or cause to be collected or picked up, any solid waste unless the Person is authorized by the City.

Sec. 10-29. - Ownership of materials.

All Solid Waste, which is properly placed at Curbside for collection, is deemed to be abandoned and become the property of the city or its agents.

Sec. 10-30. - Types of Primary Service.

(a) *Residential solid waste services.*

- (1) This service shall be provided to city facilities and the following Residential Units: single-family detached homes, duplexes, triplexes, quadplexes, Small Multi-family Development, and Large Multi-family Development.
- (2) Any Residential Solid Waste shall be in an amount less than the Maximum Allowance.
- (3) If a Premise includes both Residential Units and Nonresidential Units, then the Nonresidential Units on the Premise are prohibited from receiving service pursuant to section 10-30(a).

(b) *Small Business Garbage.*

- (1) This service shall be provided to any Business Enterprise only generating Nonresidential Waste and in an amount less than the Maximum Allowance.
- (2) If a Premise includes both Residential Units and Nonresidential Units, then the Nonresidential Units on the Premise are prohibited from receiving service pursuant to section 10-30(a) but may receive service pursuant to section 10-30(b) if deemed eligible.

(c) *Special tax district #1 Small Business Garbage*

- (1) Personal Waste Containers and cardboard boxes shall be placed at any designated location between 7:00 a.m. and 10:00 a.m., Monday through Friday. Any Personal Waste Containers left at the Curbside shall be removed within one (1) hour after collection.
- (2) This service shall be provided to any Business Enterprise only generating Nonresidential Waste and in an amount less than the Maximum Allowance.
- (3) Nothing in this section shall mandate or imply an entitlement to multiple same-day collections or more than once per day collection service.
- (4) If a Premise includes both Residential Units and Nonresidential Units, then the Nonresidential Units on the Premise are prohibited from receiving service pursuant to section 10-30(a) but may receive service pursuant to section 10-30(c) if deemed eligible.

(d) *Persons with disabilities solid waste service.*

- (1) This service allows backyard collection of Small Waste Containers in an amount less than the Maximum Allowance for a person with a disability, where undertaking such an act would clearly and seriously threaten that person's health.
- (2) A valid medical verification form must be submitted to SWS and must be approved before a Person can receive this service.
- (3) A valid medical verification may be requested subsequently by the city to determine a Person's continued eligibility. If more than sixty (60) days have passed since the city requested a medical verification and a medical verification has not been provided, then the city may discontinue this service.

Sec. 10-31. - Types of Waste Container.

(a) *Small Waste Container.*

- (1) Residential Units that are single-family detached homes, duplexes, triplexes, and quadplexes are eligible to receive Small Waste Containers for service pursuant to section 10-30(a) and section 10-30(d).

- (2) Small Multi-family Developments are eligible to receive Small Waste Containers for service pursuant to section 10-30(a).
 - (3) Any other Residential Units that have been issued a Small Waste Container and have been receiving service pursuant to section 10-30(a) prior to January 1, 2018.
 - (4) No Person shall use or permit the use of any Small Waste Container except for its intended use.
 - (5) Garbage shall be drained of all liquid and enclosed in securely tied plastic bags before it is placed into the Small Waste Containers.
 - (6) Small Waste Containers shall be placed at the Curbside no earlier than the day before collection and shall be removed by 11:59 p.m. on the day of collection.
 - (7) A Small Waste Container must be placed at ground level, within six (6) feet of the Curbside and at least three (3) feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, Bulky Waste, trees, etc., or in a location specified by the Department Head. A Person should use reasonable care and caution when placing a Small Waste Container along the Curbside and should avoid interfering with the access to or denying the use of a sidewalk by others.
 - (8) A Small Waste Container will not be collected if collection personnel:
 - i. have to unlock or open a door.
 - ii. have to unlock a gate or similar obstacle and lack the necessary access code.
 - iii. encounter a vicious or aggressive animal.
 - iv. are denied reasonable access by parked Motor Vehicles, equipment, or other objects.
 - v. would be required to ascend or descend multiple steps to obtain access to any Small Waste Container.
 - vi. observe that damage to the Small Waste Container would prevent collection service from occurring.
- (b) Personal Waste Container
- (1) A Business Enterprise must obtain a Personal Waste Container in order to receive service pursuant to section 10-30(b) and section 10-30(c).
 - (2) A Personal Waste Container must be placed at ground level, within six (6) feet of the Curbside and at least three (3) feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, Bulky Waste, trees, etc., or in a location specified by the Department Head. A Person should use reasonable care and caution when placing a Personal Waste Container along the Curbside and should avoid interfering with the access to or denying the use of a sidewalk by others.
 - (3) Garbage shall be drained of all liquid and enclosed in securely tied plastic bags before it is placed into the Personal Waste Containers.
- (c) Large Waste Container.
- (1) Large Multi-family Developments and city facilities must obtain Large Waste Containers in order to receive service pursuant to section 10-30(a).
 - (2) Large Waste Containers should be kept in a good state of repair.
 - (3) No objects, obstructions, or Motor Vehicles should hinder Large Waste Container collection service.
 - (4) Garbage shall be drained of all liquid and enclosed in securely tied plastic bags before it is placed into the Large Waste Containers.

Sec. 10-32. – Types of Secondary Collection Services

(a) Yard Waste collection service.

- (1) Items shall be placed at the Curbside no earlier than the day before collection.
- (2) This service shall be provided to the following Residential Units: single-family detached homes, duplexes, triplexes, and quadplexes. This service may be provided to Small Multi-family Development if the Small Multi-Family Development uses Small Waste Containers pursuant to section 10-31(a) for any service pursuant to section 10-30(a).
- (3) Yard Waste shall be placed in Personal Containers or bags as required by the Department Head at the Curbside for collection. Any bag containing Yard Waste shall not be secured or tied. Any Personal Container used for Yard Waste shall have all lids removed.
- (4) Yard Waste must be placed at ground level, within six (6) feet of the Curbside and at least three (3) feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, Bulky Waste, trees, etc., or in a location specified by the Department Head. A Person should use reasonable care and caution when placing a Yard Waste along the Curbside and should avoid interfering with the access to or denying the use of a sidewalk by others.

(b) Recyclables

- (1) Requirements for single-family detached homes, duplexes, triplexes, and quadplexes
 - i. Small Waste Containers shall be placed at the Curbside no earlier than the day before collection and shall be removed by 11:59 p.m. on the day of collection.
 - ii. A Small Waste Container must be placed at ground level, within six (6) feet of the Curbside and at least three (3) feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, Bulky Waste, trees, etc., or in a location specified by the Department Head. A Person should use reasonable care and caution when placing a Small Waste Container along the Curbside and should avoid interfering with the access to or denying the use of a sidewalk by others.
 - iii. A Small Waste Container will not be collected if collection personnel:
 1. have to unlock or open a door.
 2. have to unlock a gate or similar obstacle and lack the necessary access code.
 3. encounter a vicious or aggressive animal.
 4. are denied reasonable access by parked Motor Vehicles, equipment, or other objects.
 5. would be required to ascend or descend multiple steps to obtain access to any Small Waste Container.
 6. observe that damage to the Small Waste Container would prevent collection service from occurring.
- (2) Requirements for Large Multi-family Development
 - i. All Recyclables shall be placed in Containers authorized by the city and provided by a private contractor.
 - ii. Any Container and any overflow materials shall be segregated from all other Solid Waste at the collection location.
 - iii. Any Container is the responsibility of the property or management company to maintain or replace.
- (3) Requirements for Small Multi-family Development

- i. A Small Multi-family Development shall be subject to section 10-32(b)(1) if it receives Small Waste Containers pursuant to section 10-31(a) for service pursuant to section 10-30(a).
- ii. A Small Multi-family Development shall be subject to section 10-32(b)(2) if it receives Large Waste Containers pursuant to section 10-31(c) for service pursuant to section 10-30(a).

Sec. 10-33. – Collection service for Bulky Waste and Junk.

- (a) Collection service for Bulky Waste and Junk must be scheduled with the city before collection can occur. Any Person requesting collection service for Bulky Waste and Junk must obtain a date for collection from the city.
- (b) Bulky Waste and Junk shall be placed at the Curbside no earlier than the day before the collection day.
- (c) Bulky Waste and Junk must be placed at ground level, within six (6) feet of the Curbside and at least three (3) feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, trees, etc., or in a location specified by the Department Head. A Person should use reasonable care and caution when placing Bulky Waste and Junk along the Curbside and should avoid interfering with the access to or denying the use of a sidewalk by others.
- (d) No collection service for Bulky Waste and Junk will be provided for:
 - (1) Commercially related activities involving, but not limited to, Building Material, Appliances, and equipment. Such commercially related activities are the responsibility of the Person owning, leasing, or possessing the Premise.
 - (2) Items from Business Enterprises operated from a Residential Unit.
 - (3) Oxygen tanks and other medical equipment.
 - (4) Propane tanks or large oil tanks used for household purposes.
 - (5) Parts of campers, boats, camper shells, and trailers.
 - (6) Automotive parts including, but not limited to, motors, doors, fenders, car seats, or batteries.

Sec. 10-34. – Restrictions on the collection of specific items

- (a) *Appliances.* An Appliance shall be emptied of its contents before it will be collected pursuant to section 10-33.
- (b) *Ashes.* Any ashes must be wetted, cool to the touch, and placed in a plastic bag that is securely tied. No collection of ashes will occur unless this provision is met.
- (c) *Building Materials.*
 - (1) The following Building Materials may be collected pursuant to section 10-33 if they are the result of a Residential Unit's repair or renovation:
 - i. Wooden pallets only if they are broken into smaller pieces (i.e. the size of boards or lumber) with nails removed or bent down.
 - ii. Large plumbing materials.
 - iii. Space heaters.
 - iv. Hot water heaters.
 - v. Collapsed accessory buildings.
 - vi. Guttering.
 - vii. Doors.

- viii. Windows.
 - ix. Lumber and boards.
 - x. Plywood, paneling, and pressboard.
 - xi. Carpet and padding.
 - xii. Gauge fence wire.
- (2) The city will not collect the following: dirt; rocks; boards with nails protruding; natural stone countertops; duct or sheet metal material; concrete blocks; brick; natural stone floor coverings; fence posts with concrete adhered to them; pipe posts with concrete adhered to them; sand; concrete; central air conditioning; heating units; pallets not prepared pursuant to section 10-34(c)(1); ceramic tile; sheet rock; roofing or plaster; or any Building Materials resulting from contractual work or commercially related activities.
- (c) *Broken & Sharp Items.* All dangerous items and/or waste materials of an injurious nature shall not be placed in a Container for disposal or collected pursuant to section 10-33 unless they are securely wrapped and marked so as to prevent injury to the collection personnel. These dangerous items and/or waste materials of an injurious nature include, but are not limited to, broken glass, light bulbs, sharp pieces of metal, fluorescent tubes, and television tubes.
- (d) *Christmas Trees.* Any artificial Christmas trees shall be collected pursuant to section 10-33. All natural Christmas trees shall be collected as Yard Waste pursuant to section 10-32(a).
- (e) *Contagious disease material.*
- (1) If highly infectious diseases have occurred in a Residential Unit or at other places, then any items exposed to highly infectious diseases shall not be placed in Containers for collection nor scheduled for Bulky Waste collection service pursuant to section 10-33.
 - (2) Any items exposed to highly infectious diseases shall be removed pursuant to the supervision and direction of the local health department.
 - (3) Where the local health director finds and declares the existence of an epidemic, or finds and declares that an epidemic is threatened, all Solid Waste collected by city or its agent shall be taken immediately to the disposal site and shall be disposed of as the local health director and Department Head may order.
- (f) *Dead animals.*
- (1) A Person owning or possessing a dead animal, which weighs in excess of one hundred (100) pounds, shall be responsible for the removal and disposal of the dead animal.
 - (2) If a Person's ownership or possession of the dead animal cannot be identified and the dead animal is in the Roadway or near the Curbside, then SWS shall remove the dead animal upon notification of its existence.
- (g) *Fifty-five-gallon drums.* No fifty-five-gallon drum or larger shall be collected or used as a Container for any collection service under section 10-31.
- (h) *Glass.* All glass in windows, doors, mirrors, and other items with large expanses of glass must have the glass taped at minimum with an "X" mark from corner to corner and with a "t" from top to bottom so it will not shatter in the collection process pursuant to section 10-33.
- (i) *Hazardous waste.*
- (1) Paint cans shall have lids removed and contain no wet paint. Kitty litter or sand may be added to solidify paint material for collection pursuant to section 10-33.
 - (2) Soiled kitty litter and soiled diapers shall be enclosed in double plastic bags and securely tied prior to placement in any Container.

- (j) *Hypodermic instruments.* Any hypodermic syringe, hypodermic needle, or any instrument or device for making hypodermic injections shall be:
 - (1) broken, disassembled, destroyed, or otherwise rendering such device inoperable and incapable of reuse; and,
 - (2) placed in either a milk jug, coffee can with a lid, or such similar containers with a sealed top; and,
 - (3) prepared for collection in a manner to avoid the possibility of causing injury to collection personnel.
- (k) *Industrial waste.* No industrial waste shall be placed in Containers or collected by the city or its agents. Industrial waste shall be collected, removed, and disposed of by the operator of the factory, plant, or business enterprise creating or causing the same.
- (l) *Large furniture items.* Any large furniture items shall be dismantled prior to collection pursuant to section 10-33.
- (m) *Lawn mowers.* Gasoline and oil must be removed from all push mowers prior to collection pursuant to section 10-33.
- (n) *Tires.* All tires from the following shall be eligible for collection pursuant to section 10-33: bicycles, automobiles, motorcycles, large vans, mini vans, and small pickup trucks. Tires from large trucks, from farm equipment, or on any rim shall not be eligible for collection.

Sec. 10-35. - Solid waste services fee.

- (a) *Purpose.* This Fee is for the provision of services set forth in section 10-30 and section 10-32.
- (b) *Eligibility and Ownership date.*
 - (1) The Fee shall be imposed upon any Premise receiving service pursuant to section 10-30 by the city or by the city's contractor as of January 1.
 - (2) The Premise's ownership shall be determined as of January 1 for each successive fiscal year.
 - (3) Any changes to the Premise's ownership between January 2 and December 31 will not cause the Premise to lose its eligibility for imposition of the Fee.
 - (4) No refunds will be issued to a property owner after imposition of the Fee.
 - (5) No Fee shall be imposed upon any Premise if the city does not provide service pursuant to section 10-30 and the Premise receives service from a business enterprise providing Solid Waste collection service.
- (c) *Administration.*
 - (1) The Fee shall be:
 - i. billed with property taxes; and,
 - ii. payable in the same manner as property taxes; and
 - iii. collected in any manner by which delinquent personal or real property taxes can be collected.
 - (2) The County Tax Administrator may promulgate additional rules and regulations necessary for the implementation of this section not inconsistent with the specific provisions set forth in this section.
 - (3) The Fee may be billed by a separate bill if:
 - i. property taxes are not levied upon the Premise.
 - ii. the structure is exempted from property taxation.

- iii. For the provision of Small Business Garbage pursuant to section 10-30(b) and section 10-30(c).
- (4) If a Fee should have been assessed during a fiscal year but was not assessed, then the city may levy the unassessed Fee for the year in which discovered and for any of the preceding five years during which it escaped assessment.
- (5) If there are multiple owners of a Premise and such multiple owners are assessed separately for the property taxes, then the Fee shall be levied on a ratable basis in accordance with the percentage of interest owned by the multiple owners.
- (6) The Fee shall be a lien on real and personal property under the same rules as set forth in G.S. 105-355, 160A-314.1, and other sections of the Machinery Act.
- (d) *Appeals*
 - (1) Any property owner, whom is assessed a Fee, may file a notice of exception with the County Tax Administrator. The notice of exception should include documentation supporting the property owner's argument. The County Tax Administrator shall provide a copy of the notice of exception to the SWS Department Head and shall seek input from the SWS Department Head before making a decision. A hearing may be scheduled if the County Tax Administrator deems it necessary. The County Tax Administrator shall determine if the Fee is or is not owed by the property owner. The County Tax Administrator shall issue a written decision to the property owner and provide a copy to the SWS Department Head.
 - (2) If the County Tax Administrator determines the Fee is owed, the property owner shall have fifteen (15) days from the receipt of the written decision to appeal to the city manager.
 - (3) The filing of a notice of exception shall not relieve a property owner of the obligation to pay the Fee prior to the date interest accrues. If a written decision is favorable to the property owner, then the city shall issue a refund with interest.
 - (4) If the city council determines that a Fee has been assessed in an amount that is in excess of the Fee, the city council shall refund, rebate, or credit an appropriate amount to any affected property owner.

ARTICLE III. – PUBLIC HEALTH NUISANCES

DIVISION 1. – ADMINISTRATION AND ENFORCEMENT

Sec. 10-100. - Authority.

- (a) Code Enforcement shall be responsible for the administration and enforcement of the provisions of this article, except as otherwise stated. Nothing in this article shall be construed to limit the legal authority of the officers of the city's police department to enforce ordinances or carry out their other duties.
- (b) Each and every violation of this article shall constitute a separate and distinct offense.
- (c) A Code Enforcement inspector shall have the following authority:
 - (1) to enter upon a Premise.
 - (2) to obtain an administrative search and inspection warrant, if necessary, as provided in G.S. 15-27.2 in order to conduct any necessary inspection of Premises and to obtain evidence to determine whether there are any violations of the provisions of this article.
 - (3) to issue a notice of violation pursuant to section 10-101 and/or impose civil penalties pursuant to section 10-102.

- (4) to enter upon or authorize an independent contractor to enter upon and clean up Premises in violation of this article.
- (5) to enter upon a Premise to summarily remove, abate, or remedy everything in the city limits that is considered by ordinance to be either dangerous or prejudicial to the public health or which has been declared to be a nuisance.
- (6) to determine whether any violation of this article has been fully remedied.
- (7) to charge the Responsible Person with a misdemeanor and subject the violator to any penalty prescribed by § 2-21.
- (8) to apply to the appropriate court for an injunction and order of abatement which would require the Responsible Person correct any unlawful condition relating to this article existing on the Premise.

Sec. 10-101. - Notice of violation.

- (a) Except as provided in subsection (c) of this section, Code Enforcement shall notify the Responsible Person of any violation of this article and give the Responsible Person a specified time to correct the violation. If the violation is not corrected within the time specified, Code Enforcement shall initiate enforcement proceedings as described in this article.
- (b) A notice of violation shall be given in writing and mailed or hand delivered to the address listed for the Responsible Person in the Mecklenburg County real estate records. Service of any written notice of violation is complete by hand delivering the notice or by depositing the notice in first class mail.
- (c) Exceptions.
 - (1) Any notice of violation for a junked motor vehicle, abandon motor vehicle, or hazardous motor vehicle shall conform to section 10-168.
 - (2) No written notice of violation is required for section 10-115.
 - (3) No written notice of violation will be given when Code Enforcement has the authority to summarily remove, abate, or remedy a violation of this article.
 - (4) When a Person has failed to comply with a notice of violation as described above, Code Enforcement shall not be required to provide subsequent further notices of violation to that person with regard to the current violation on the Premise before taking any of the enforcement actions authorized by this article.
 - (5) No notice of violation or time to correct a violation shall be provided for any Chronic Offender or Repeat Offender for all subsequent violations.

Sec. 10-102 – Civil penalty

- (a) A written notice of assessment shall be delivered to the Responsible Person at the address listed in the Mecklenburg County real estate records. Service of any written notice of assessment is complete by hand delivering the notice or by depositing the notice in first class mail.
- (b) A civil penalty issued to a Chronic Offender or Repeat Offender shall be \$250.00 for the fourth offense and \$500.00 for the fifth offense and subsequent offenses.
- (c) Code Enforcement's investigative and administrative costs and any independent contractor's costs may be assessed as a civil penalty to the Responsible Person for the violation.
- (d) Such civil penalty shall be due and payable to the city no later than thirty (30) days after the notice of assessment has been served. Failure to pay the civil penalty or file an appeal within thirty (30) days of service of the notice assessment shall result in an additional penalty of \$50.00.
- (e) If the civil penalty is not paid, the city shall levy a lien against the Premise in an amount equal to the civil penalty as provided by the authority of charter section 6.103. The city shall provide notice, by regular mail, to the property owner within five (5) days of levying a lien on the Premise.

- (f) Code Enforcement may collect civil penalties in a civil action in the nature of a debt.

Sec. 10-103. - Interference with authorized personnel prohibited.

- (a) It shall be unlawful for any Person to interfere, harass, or otherwise impede a Code Enforcement inspector when conducting an investigation under the authority of a lawfully issued administrative search warrant or when otherwise carrying out the enforcement provisions of this article. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.
- (b) A law enforcement official shall have the authority to arrest any natural person in violation of this section.

Sec. 10-104. - Adjudicatory hearing.

- (a) Any Person who has been assessed a civil penalty for a violation of this article or who is a Person entitled to claim possession of a towed Motor Vehicle may request an appeal hearing. Such request must be made in writing, filed with Code Enforcement within thirty (30) days of the notice of assessment or Motor Vehicle tow, and state the reasons why the civil penalty or Motor Vehicle tow should not have occurred. Failure to request an appeal hearing in the time and manner specified shall constitute a waiver of the right to contest the penalty or Motor Vehicle tow.
- (b) A Person requesting a hearing must post a bond equal to the amount of the civil penalty and must submit the bond with the Person's request for a hearing. No bond is required for any appeals of towed Motor Vehicle.
- (c) Any hearing shall be scheduled within a reasonable amount of time after the Person's notice of appeal and bond has been received by Code Enforcement.
- (d) Each hearing officer shall: be appointed by the Department Head; preside over the appeal hearing; receive evidence and testimony during the appeal hearing; and render a determination upon the evidence presented during the appeal hearing. For towed Motor Vehicles only, the issue is whether or not probable cause existed for the towing. If the hearing officer finds that probable cause did exist, the charge for towing and storage continues. If the hearing officer finds that probable cause did not exist, the charge for towing and storage is rescinded.
- (e) Any aggrieved party may seek judicial review of the decision by filing a written petition in the nature of certiorari within thirty (30) calendar days after receipt of the decision, but not thereafter, with the Mecklenburg County Superior Court.
- (f) For towed Motor Vehicles only, any aggrieved party may seek judicial review of the decision by appealing within thirty (30) calendar days after receipt of the decision, but not thereafter, to Mecklenburg County District Court.

Secs. 10-105—10-114. - Reserved.

DIVISION 2. - COLLECTION SERVICES

Sec. 10-115. – Placing or removing items from Curbside.

- (a) Any Person who places Solid Waste, Building Materials, Yard Waste, Bulky Waste, Junk, dead animals, Small Waste Containers, or Personal Waste Containers at Curbside more than one day before the day of the scheduled collection may be issued a civil penalty the amount of \$150.00.
- (b) Any Person who fails to remove Solid Waste, Building Materials, Yard Waste, Bulky Waste, Junk, dead animals, Small Waste Containers, or Personal Waste Containers from curbside by 11:59 p.m. on the day of scheduled collection may be issued a civil penalty the amount of \$150.00.
- (c) Any Person who fails to properly prepare or containerize Solid Waste for Curbside collection may be issued a civil penalty in the amount of \$150.00.

Sec. 10-116. - Large Waste Containers.

- (a) No Large Waste Containers shall be stored in front of a business, a residence, the building line closest to the Roadway or on Public Rights-of-Way. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.
- (b) Cleaning up spilled materials shall be the responsibility of the property owner or occupant and shall occur immediately after any such spillage or overflow occurs. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.

Sec. 10-117. - Unauthorized use of Small Waste Containers prohibited.

No Person shall use or permit the use of any Small Waste Container except for its intended use. A civil penalty in the amount of \$150.00 may be issued to any Person who violates this section.

Sec. 10-118. – Improperly prepared items or items ineligible for collection.

- (a) Any Person who improperly prepares Appliances, ashes, fifty-five gallon drums, tires, or hypodermic instruments for collection may be issued a civil penalty in the amount of \$150.00.
- (b) Any Person who places any contagious disease material, industrial waste, or hazardous waste out for collection shall be issued a civil penalty in the amount of \$150.00.

Sec. 10-119. - Appliances.

It shall be unlawful for any Person to leave outside any building in a place accessible to children any Appliance without it being strapped or locked so that it is impossible for a child to obtain access to it. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.

Sec. 10-120. - Hazardous waste.

- (a) It shall be unlawful for any Person to dispose of hazardous waste or to hire or otherwise arrange for a Person to dispose of hazardous waste upon another Person's Premise without the consent of the owner of that Premise. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.
- (b) The Responsible Person shall be strictly liable, without regard to fault or negligence, for damages or for any equitable remedies to Persons or Premise resulting from such unlawful disposal of hazardous waste. Damages shall include the cost of the removal of such hazardous waste to a lawfully designated disposal site.

Secs. 10-121—10-134. - Reserved.

DIVISION 3. - MAINTENANCE OF PREMISES AND LITTER CONTROL

Sec. 10-135. - Unauthorized accumulations.

It shall be unlawful for any Person to scatter, cast, throw, blow, place, sweep, or deposit anywhere within the city any litter in such a manner that it may be carried or deposited upon any Roadway, sidewalk, alley, body of water, sewer, parkway, lot, or Premise. Any unauthorized accumulation of litter is hereby declared to be a public nuisance and is prohibited. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.

Sec. 10-136. - Neglect of a Premise.

It shall be unlawful for a Person to neglect a Premise or create a dilapidated condition on property. Violation of this section may be evidenced by

- (i) causing or allowing the accumulation of unsightly litter, overgrown weeds and grass, Yard Waste, foul odor, dead animals, Junk, unsecured Appliances, or potentially dangerous devices to remain on or emanate from a Premise. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.

- (ii) creating a littered condition by leaving materials which are partially or wholly rusted, wrecked, dismantled, junked or otherwise in an inoperative condition and which are not completely enclosed within an enclosed structure. Examples of such materials include, but are not limited to, dilapidated furniture, Appliances, machinery, equipment, Building Materials, automotive parts, tires, or any other items. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.

This section shall not apply to authorized Junk dealers or establishments permitted to engage in repair, rebuilding, reconditioning, or salvaging of equipment.

Sec. 10-137. - Uncovered Motor Vehicles.

- (a) It shall be unlawful for a Person to operate a Motor Vehicle transporting loose materials that lacks a suitable cover to prevent offensive odors from escaping and loose materials from being dropped, blown, or spilled. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.
- (b) It shall be unlawful for any Person to operate, park, stand, or use upon a Roadway any Motor Vehicle used to transport loose materials for commercial purposes, unless the Motor Vehicle is properly identified by lettering on both sides indicating the name of the Business Enterprise or Person. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.
- (c) This section shall not apply to the transportation of poultry or livestock or silage or other feed grain used in the feeding of poultry or livestock.

Sec. 10-138. - Illegal dumping.

It shall be unlawful to dispose of or discard any litter, Junk, and etc. on any Premise without the owner's permission. A civil penalty in the amount of \$500.00 may be issued to any Person in violation of this section.

Sec. 10-139. - Construction and demolition sites.

It shall be unlawful for any construction contractor, demolition contractor, and/or property owner to fail to provide on-site Containers for loose debris, paper Building Material waste, scrap Building Material, and other trash produced by those working on the site. All such material shall be kept in a reasonably clean and litter-free condition. Construction sites shall be kept clean and orderly at all times. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.

Sec. 10-140. - Obstruction of rights-of-way.

- (a) It shall be unlawful to allow vegetation on any Premise to protrude or hang so as to obstruct the safe passage of pedestrians or Motor Vehicles. This section shall not apply to the removal of fallen trees, dead trees, shrubbery, bushes, etc., on a Premise where such do not protrude into the pedestrian/Motor Vehicle passageway. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.
- (b) It shall be unlawful to park a Motor Vehicle upon a Roadway at any time or for a limited time during restricted collection times as posted by the city department of transportation and referred to in section 14-216. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.
- (c) It shall be unlawful to allow Yard Waste, Bulky Waste, and/or Junk to obstruct the safe passage of pedestrians or Motor Vehicles. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.

Sec. 10-141. - Signs within Public Rights-of-Way and on public property.

- (a) It shall be unlawful for any Person to attach, place, paint, write, stamp, or paste any Sign within 11 feet of the edge of the pavement of any Roadway or alley.

- (b) It shall be unlawful for any Person to attach, place, paint, write, stamp, or paste any Sign within any Public Rights-of-Way.
- (c) It shall be unlawful for any Person to attach, place, paint, write, stamp or paste any Sign upon any post, pole, tree, tree stake or guard, shrub, or fire hydrant.
- (d) It shall be unlawful for any Person to attach, place, paint, write, stamp or paste any Sign upon anything else within 11 feet of the edge of any Public Rights-of-Way, upon any bridge or overpass within the city limits, or upon other public property including, but not limited to, traffic medians.
- (e) *Exceptions.* This section shall not apply to the following Signs:
 - (1) Signs regulating traffic.
 - (2) Signs required to be posted by law.
 - (3) Warning Signs and no trespassing Signs.
 - (4) Signs indicating bus stops, Metered Vehicle Stands under Code section 22-159, and similar transportation facilities.
 - (5) Signs not exceeding four (4) square feet in area giving information concerning the location or use of accessory off-street parking facilities or loading and unloading facilities.
 - (6) Signs established by governmental agencies.
 - (7) Signs permitted by the state board of transportation along Roadways. Proof of permission must be shown upon request.
 - (8) Nothing in this section shall apply to the painting of house numbers on the Curbside done with the prior approval of the city.
 - (9) Nothing in this section shall apply to the installation of a plaque, plate, statue, or monument on public property with the approval of the city council.
 - (10) Nothing in this section shall apply to the removal of an illegally placed Sign which is in violation of this section.
 - (11) A violation of any provision of this section shall not constitute an infraction or misdemeanor punishable under G.S. 14-4.
- (f) *Responsible person.* The Responsible Person for any Signs in violation of subsection (a) through (d) is defined as follows:
 - (1) In the case of a Sign advertising a service, product, dwelling, or event, the Responsible Person shall be deemed the Person hosting or organizing the event or the Person attaching, placing, painting, writing, stamping, or pasting any Sign. Violation of this section shall subject the Responsible Person to a civil penalty of \$100.00 per Sign.
 - (2) In the case of a campaign Sign for political office, the individual whose candidacy the Sign supports shall be deemed the Responsible Person for posting campaign Signs. Violation of this section shall subject the Responsible Person to a civil penalty of \$100.00 per Sign.
 - (3) In the case of a campaign Sign regarding a ballot measure, the Responsible Person shall be deemed the president or chief officer of the organization advocating its position concerning the ballot measure. Violation of this section shall subject the Responsible Person to a civil penalty of \$100.00 per Sign.
 - (4) In the case of any other Sign not described in subsections (1)—(3), the Responsible Person shall be deemed to be the Person who is named on the Sign or whose phone number, web site address, physical address, or electronic mail ("e-mail") address appears on the Sign. Violation of this section shall subject the Responsible Person to a civil penalty of \$100.00 per Sign.

- (5) Any person deemed the Responsible Person, as set forth in subsections (1)—(4) above, may notify Code Enforcement that another Person is liable. In such case, the Person shall provide the name, address, and signed consent of such other Responsible Person within seven (7) calendar days after a notice of assessment is issued.

Sec. 10-142. - Graffiti.

- (a) *Graffiti prohibited.* It shall be unlawful for any Person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building, structure, sidewalk, or any other real or personal property. It shall be unlawful for any Responsible Person to fail to remove or effectively obscure any graffiti upon such property.
- (b) *Exemption.* Subsection (a) shall not be construed to prohibit temporary, easily removable chalk or other water-soluble markings on public or private sidewalks, Roadways, or other paved surfaces which are used in connection with traditional children's activities. Traditional children's activities include drawings or bases for stickball, kickball, handball, hopscotch or similar activities. Nor shall subsection (a) be construed to prohibit temporary, easily removable chalk or other water soluble markings used in connection with any lawful business or public purpose or activity.
- (c) *Emergency removal.* The city may remove or cause the graffiti to be removed at its expense if the city determines that any graffiti is a danger to the health, safety, or welfare of the public and is unable to provide a notice of violation to the Responsible Person, or if the city determines that any graffiti contains profanity, obscene language, or obscene imagery.
- (d) *Costs and liens.* If the Responsible Person fails to remove or effectively obscure the graffiti within seven (7) days from receipt of the notice of violation, the city may cause the graffiti to be removed or effectively obscured and charge the Responsible Person for the expenses incurred by the city in removing the graffiti. The city may sue in a court of competent jurisdiction to recover all such expenses, which shall include, but not be limited to, all administrative personnel costs, attorney's fees and costs related to enforcing this section; and/or the city may record a lien in the public records of the county, which lien shall be for all such expenses, and the amount of the lien shall bear interest from the date of recording.
- (e) *Repair/restoration.* In no case shall the city paint or repair any area obscured by graffiti more extensively than where the graffiti itself is located. The city shall not be required to restore the obscured area to its original condition (i.e., color, texture, etc.).
- (f) *Action by Court.* Any Person convicted of a violation shall be fined not less than \$250.00 for a first offense and \$500.00 for second and subsequent offenses. In determining the fine to be imposed, the court may consider the efforts, if any, taken by the Responsible Person to remove or effectively obscure the graffiti during the preceding calendar year. The mandatory fine provided in this section shall not apply to a property owner, agent, manager, or possessor of property if such property owner, agent, manager or possessor has been victimized two (2) or more times by graffiti within any calendar year and, during such time, has removed or effectively obscured such graffiti from the property in a timely manner.
- (g) *Restitution.* In addition to any other punishment imposed, the court shall order the Person convicted of a violation of this section to make restitution to the victim for the damage or loss suffered by the victim as a result of the offense. The court may determine the amount, terms, and conditions of the restitution.

Secs. 10-143—10-154. - Reserved.

DIVISION 4. - WEEDS, GRASS, LEAVES AND UNDERGROWTH

Sec. 10-155. – Overgrown vegetation.

- (a) It shall be unlawful for the owner and/or occupant of a Premise to fail to cut overgrown grass, weeds, and other vegetation when the grass, weeds, and other vegetation is of a height greater than twelve inches. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.
- (b) Vacant lots adjacent to improved property, except as defined as Heavily Wooded Lots, shall be cut in their entirety. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.
- (c) Vacant lots over one acre shall have a 100-foot buffer area cut adjacent to the nearest Premise. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.
- (d) It shall be the duty of the owner and occupant to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with this provision of this division.

Sec. 10-156. - Accumulation of leaves, grass clippings, etc., on public ways.

- (a) It shall be unlawful for any Person to blow, place, allow to be placed, or to permit the accumulation of Yard Waste within Public Rights-of-Way, or on an area that pedestrians would be expected to use to walk upon parallel to a Roadway. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.
- (b) This section shall not apply to the accumulation of leaves along a Curbside of a Public Rights-of-Way for the purpose of collection by a private leaf-collecting contractor.

Sec. 10-157. - Heavily Wooded Lots.

- (a) It shall be unlawful for a Person to restrict the visibility of a Heavily Wooded Lot if the Heavily Wooded Lot is used for the purpose of assignation, prostitution, gambling, illegal possession of alcoholic beverages, illegal sale of alcoholic beverages, illegal possession of narcotic drugs as defined in the North Carolina Controlled Substances Act, illegal sale of narcotic drugs as defined in the North Carolina Controlled Substances Act, or repeated acts which create and constitute a breach of the peace. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.
- (b) It shall be the duty of the owner to cut and remove all trees, grass, weeds, and other vegetation as often as necessary so as to comply with this provision of this code and to improve the visibility of the Heavily Wooded Lot. A civil penalty in the amount of \$150.00 may be issued to any Person in violation of this section.
- (c) This section shall apply only to Heavily Wooded Lots that are located in residentially zoned districts of the city as specified by the zoning ordinance. Residentially zoned districts include, but are not limited to single-family, multifamily, urban residential, and UMUD zoning districts.

Secs. 10-158—10-164. - Reserved.

DIVISION 5. - REMOVAL AND DISPOSITION OF ABANDONED VEHICLES, HAZARDOUS VEHICLES AND JUNKED MOTOR VEHICLES

Sec. 10-165. - Abandoned vehicles.

- (a) It shall be unlawful to leave a Motor Vehicle on any Roadway if the Motor Vehicle has not moved for seven (7) days or more.
- (b) It shall be unlawful to leave a Motor Vehicle on property owned or operated by the city for longer than twenty-four (24) hours.

- (c) It shall be unlawful to leave a Motor Vehicle on private property without the consent of the owner, occupant, or lessee for longer than two (2) hours.

Sec. 10-166. - Hazardous vehicles.

It shall be unlawful for the owner of a Motor Vehicle or for the owner, lessee, or occupant of the Premise upon which the Motor Vehicle is located to leave or allow to remain on the Premise any Motor Vehicle which is a Hazardous Motor Vehicle.

Sec. 10-167. - Junked Motor Vehicles.

- (a) *Purpose.* G.S. 160A-303.2 authorizes the city to regulate and to prohibit junked Motor Vehicles on public grounds and on private property. Pursuant to that authority, the city council finds that such regulation, restraint or prohibition is necessary and desirable to promote or enhance the:
 - (1) Quality of urban attractiveness and the aesthetic appearance of the city.
 - (2) Protection of property values throughout the city.
 - (3) Preservation of the livability and the attractiveness of neighborhoods.
 - (4) Promotion of tourism, conventions and other opportunities for economic development for the city.
 - (5) Attractiveness of the city's Roadways which present the primary, public visibility to visitors and to passersby of the city.
- (b) *Determination.* In determining whether a Motor Vehicle constitutes a junked Motor Vehicle, Code Enforcement shall take into consideration, but not be limited to, whether the Motor Vehicle cannot be self-propelled or moved in the manner in which it was originally intended to move, whether the Motor Vehicle is partially dismantled or wrecked, whether the Motor Vehicle does not display a current license plate, or whether any other specific evidence would support a finding that the Motor Vehicle violates this section. If such a determination is made, then the inspector shall state that basis in writing.
- (c) *Unlawful acts.*
 - (1) It shall be unlawful to have more than one (1) junked Motor Vehicle on a Premise.
 - (2) It shall be unlawful for anyone to fail to comply with the locational requirements or the concealment requirements of this section.
- (d) *Permitted concealment or enclosures.*
 - (1) *One junked motor vehicle.* One (1) junked Motor Vehicle in its entirety can be located in the rear yard, as defined by the city's zoning ordinance (appendix A to this Code), if the junked Motor Vehicle is entirely concealed by an acceptable canvas covering. A canvas covering must remain in good repair and must not be allowed to deteriorate.
 - (2) *More than one junked motor vehicle.* Any additional junked Motor Vehicles must be kept in a garage or building structure that provides a complete enclosure so that the junked Motor Vehicle cannot be seen from a Roadway or abutting Premise.

Sec. 10-168. - Notice prior to removal; pretow notice.

- (a) Any junked Motor Vehicle, abandoned Motor Vehicle, or Hazardous Motor Vehicle found to be in violation of this division may be removed to a storage area.
- (b) Such Motor Vehicle shall be towed after notice is provided by posting a notice of violation on the Motor Vehicle. Such notice of violation shall be affixed to the windshield or some other conspicuous place on the Motor Vehicle. The notice shall state that the Motor Vehicle will be removed by the city on a specified date, no sooner than seven (7) days after the notice of violation is affixed to the Motor Vehicle, unless the vehicle is brought into compliance by the owner or legal possessor prior to that time.

- (c) The requirement that the notice of violation be affixed to an abandoned Motor Vehicle, Hazardous Motor Vehicle, or junked Motor Vehicle at least seven (7) days prior to removal may be omitted in those circumstances where there is a special need for prompt action.

Sec. 10-169. – Post tow notice and probable cause hearing.

When an abandoned Motor Vehicle, junked Motor Vehicle, or Hazardous Motor Vehicle is removed, the city shall give notice to the registered owner as required by G.S. 20-219.11 (a) and (b). Such notice shall inform the owner of the owner's right to a probable cause hearing.

Sec. 10-170. - Removal of vehicle reclamation.

- (a) When any junked Motor Vehicle, abandoned Motor Vehicle, or Hazardous Motor Vehicle is removed, Code Enforcement shall provide in its notice the information required by G.S. 44A-4(f), 20-114(c) and 44A-4(c).
- (b) A Person reclaiming a towed Motor Vehicle shall make payment to the city for the costs of removal and storage. When a Person presents payment to reclaim a Motor Vehicle, the city shall not accept such payment until and unless the Person signs a form that states that the Person understands that the Motor Vehicle must be removed on the release date shown on the receipt.
- (c) If the Person wishes to pay for additional days of storage beyond the date of payment, then the Person shall be permitted to do that and such payment for additional days shall be nonrefundable. A Person shall not be permitted to reclaim a Motor Vehicle after the release date shown on the receipt. If a Person has not reclaimed the Motor Vehicle by the release date, then the Person shall have to return to the city and make further payment for the days of storage beyond the release date shown on the receipt.
- (d) Upon presentation of a paid receipt from the city and a driver's license, registration card, or proof of title to a towing contractor by a Person, the towing contractor shall be authorized to release the Motor Vehicle to that Person if the Person is reclaiming the Motor Vehicle on or before the release date shown on the paid receipt.

Sec. 10-171. - Disposition of vehicles.

- (a) The city shall have the authority to authorize the disposition of abandoned Motor Vehicles, junked Motor Vehicles, and Hazardous Motor Vehicles by a sales procedure as provided in G.S. 44A-4(c) and, as applicable, G.S. 44A-5 and 44A-6, except that no hearing in addition to a probable cause hearing is required. If no one purchases the Motor Vehicle at the sale, and if the value of the Motor Vehicle is less than the amount of the lien, the city may authorize the destruction of the Motor Vehicle.
- (b) Code Enforcement shall have the authority to authorize the disposition of a Motor Vehicle immediately if the owner of the Motor Vehicle signs a consent form authorizing Code Enforcement to sell or to dispose of the Motor Vehicle immediately without complying with any statutory requirements pertaining to the disposition of such Motor Vehicles.

Sec. 10-172. - Protection against criminal and civil liability.

No Person shall be held to answer to any civil or criminal action to any owner or other Person legally entitled to the possession of any abandoned Motor Vehicle, lost or stolen Motor Vehicle, for disposing of such Motor Vehicle as provided in this division.

Sec. 10-173. - Exceptions.

- (a) This division shall not apply to any Motor Vehicle in an enclosed building or any Motor Vehicle on the premises of a business enterprise being operated in a lawful place and manner if the Motor Vehicle is necessary to the operation of the business enterprise,

- (b) This division shall not apply to any Motor Vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.
- (c) This division shall not apply to a Motor Vehicle kept or stored at a bona fide automobile graveyard or junkyard, as defined in G.S. 136-141 et seq.

DRAFT



Agenda Date: 9/11/2017

Agenda #: 14. **File #:** 15-6231 **Type:** Nomination

Nominations to Charlotte Community Capital Loan Fund

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning October 2, 2017 and ending September 30, 2020.
 - Bernadette Johnson is not interested in being reappointed.

Attachment(s)

Charlotte Community Capital Loan Fund Applicants



Agenda Date: 9/11/2017

Agenda #: 15. **File #:** 15-6232 **Type:** Nomination

Nominations to the Domestic Violence Advisory Board

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year beginning September 23, 2017 and ending September 22, 2020.
 - Beatrice Cote has served two full terms; therefore, she is not eligible for reappointment.
- One appointment for a partial term beginning immediately and ending September 21, 2018.
 - Alex Kondratyk, a County employee, is not eligible to serve.

Attachment(s)

Domestic Violence Advisory Board Applicants



Agenda Date: 9/11/2017

Agenda #: 16. **File #:** 15-6233 **Type:** Nomination

Nominations to the Housing Appeals Board

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment in the At-Large category for a partial term beginning immediately and ending December 31, 2018.
 - Amanda Cutliff has resigned.

Attachment(s)

Housing Appeals Board Applicants



Agenda Date: 9/11/2017

Agenda #: 17. **File #:** 15-6234 **Type:** Nomination

Nominations to Keep Charlotte Beautiful

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning immediately and ending June 30, 2018.
 - Mitchell Hughes did not meet attendance requirements.
- One appointment for a partial term beginning immediately and ending June 30, 2019.
 - Daniel Herrera did not meet attendance requirements.
- One appointment for a partial term beginning immediately and ending June 30, 2019.
 - Cory A. Watson has resigned.

Attachment(s)

Keep Charlotte Beautiful Applicants



Agenda Date: 9/11/2017

Agenda #: 18. **File #:** 15-6235 **Type:** Nomination

Nominations to the Zoning Board of Adjustment

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning immediately and ending January 31, 2019.
 - Nichelle Bonaparte resigned.

Attachment(s)

Zoning Board of Adjustment Applicants



City of Charlotte

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

Agenda Date: 9/11/2017

Agenda #: 19. **File #:** 15-6251 **Type:** Business Item

Mayor and City Council Topics

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



Agenda Date: 9/11/2017

Agenda #: 20.**File #:** 15-6212 **Type:** Consent Item

Governor's Highway Safety Program Grant for Traffic Safety

Action:

Adopt a resolution authorizing the Charlotte-Mecklenburg Police Department to accept the grant award of \$43,000 from the Governor's Highway Safety Program.

Staff Resource(s):

Kerr Putney, Police
David Sloan, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) has an opportunity to accept the grant award of \$43,000 from the Governor's Highway Safety Program (GHSP), which will provide the following:
 - \$14,000 to purchase four additional dual antenna radar units used in police vehicles to help enforce speed limit laws;
 - \$23,000 to purchase a Driving While Impaired (DWI) prevention simulator, which is used to demonstrate the effect of alcohol and other drugs on driving skills;
 - \$5,000 for the Regional Law Enforcement Liaison travel, training, and meetings expenses:
 - Local traffic safety meetings coordinated by CMPD;
 - Meetings throughout North Carolina and out-of-state; and
 - Training for other departments in the region, and annual, national traffic safety enforcement conference.
 - \$600 to cover the data plan expenses for the GHSP issued technology equipment; and
 - \$400 to support law enforcement county coordinators' public relations efforts.
- The grant is for a period of one year. No matching funds are required from the City.
- GHSP requires that the City Council pass a resolution authorizing the acceptance of grant funding.

Fiscal Note

Funding: Governor's Highway Safety Program

Attachment(s)

Resolution

North Carolina Governor's Highway Safety Program LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the _____ (herein called the
"Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that _____
(The Governing Body of the Agency)

_____ (herein called the "Governing Body") has thoroughly considered the problem
identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE _____ IN OPEN
(Governing Body)
MEETING ASSEMBLED IN THE CITY OF _____, NORTH CAROLINA,
THIS _____ DAY OF _____, 20 _____, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That _____ is authorized to file, on behalf of the Governing
(Name and Title of Representative)
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal
funding in the amount of \$ _____ to be made to the Governing Body to assist in defraying
(Federal Dollar Request)
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ _____ as
(Local Cash Appropriation)
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other
appropriate persons to furnish such information, data, documents and reports as required by the contract, if
approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by _____
(Chairperson/Mayor)

ATTESTED BY _____
(Clerk)

SEAL

DATE _____



Agenda Date: 9/11/2017

Agenda #: 21. **File #:** 15-6210 **Type:** Consent Item

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

Action:

Adopt a resolution authorizing the Charlotte-Mecklenburg Police Department to accept the fifth year grant award for \$187,479 from the Governor's Highway Safety Program for a Driving While Impaired Task Force.

Staff Resource(s):

Kerr Putney, Police
David Sloan, Police

Explanation

- On October 28, 2013, City Council authorized a grant acceptance from the Governor's Highway Safety Program (GHSP) to offset costs of a Driving While Impaired (DWI) Task Force to focus on mitigating DWI and informing the dangers associated with DWI for four years.
- GHSP modified the grant offering and offered a fifth year of funding for the FY 2018 grant for \$187,479, which funds 25 percent of the Task Force's personnel costs for six officers and one sergeant assigned to the DWI Task Force.
 - A City match of \$562,438 is required from the Charlotte-Mecklenburg Police Department's (CMPD) operating budget to fund the remaining costs not funded by the grant.
- The grant funded the DWI Task Force at 100 percent in FY 2014 (\$797,304), 85 percent in FY 2015 (\$488,350), 70 percent in FY 2016 (\$418,415), 50 percent in FY 2017 (\$359,847), and will fund 25 percent in FY 2018 (\$187,479), which equals a net savings of \$2,251,395 over the five-year grant award period.
- In FY 2019, the City will resume the total costs of the DWI Task Force.
- The DWI Task Force continues to be a significant factor in the number of enforcement actions taken by CMPD with less City funds as a result of the multiple NC GHSP grants received.
- The DWI Task Force conducted over 30 educational awareness sessions with area high school students and instructed over 100 officers in standardized field sobriety testing.
- In FY 2017, the DWI Task Force charged 681 drivers with DWI, issued 2,500 traffic citations, and assisted with 22 DWI related fatality cases.
- GHSP requires that City Council pass a resolution to authorize CMPD to apply and accept the grant funding.

Fiscal Note

Funding: Police Operating Budget and FY 2018 GHSP DWI Task Force grant

Agenda #: 21.**File #:** 15-6210 **Type:** Consent Item

Attachment(s)

Resolution

North Carolina Governor's Highway Safety Program LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the _____ (herein called the
"Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that _____
(The Governing Body of the Agency)

_____ (herein called the "Governing Body") has thoroughly considered the problem
identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE _____ IN OPEN
(Governing Body)

MEETING ASSEMBLED IN THE CITY OF _____, NORTH CAROLINA,

THIS _____ DAY OF _____, 20 _____, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That _____ is authorized to file, on behalf of the Governing
(Name and Title of Representative)
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal
funding in the amount of \$ _____ to be made to the Governing Body to assist in defraying
(Federal Dollar Request)
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ _____ as
(Local Cash Appropriation)
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other
appropriate persons to furnish such information, data, documents and reports as required by the contract, if
approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by _____
(Chairperson/Mayor)

ATTESTED BY _____
(Clerk)

SEAL

DATE _____



Agenda Date: 9/11/2017

Agenda #: 22. **File #:** 15-6244 **Type:** Consent Item

Voluntary Annexations Public Hearing Date

Action:

- A. Adopt resolutions setting public hearings for October 9, 2017 for the following voluntary annexation petitions:**
- **Rocky River MPV,**
 - **Berewick Commons,**
 - **Winget Park/Nature Preserve, and**
 - **Reedy Creek Nature Preserve,**
- B. Adopt a resolution setting a public hearing for October 9, 2017 for annexation of the City-owned Byrum/NC160 property.**

Staff Resource(s):

Ed McKinney, Planning
Jonathan Wells, Planning

Explanation

- The City has received two petitions for voluntary annexation of private properties and two petitions for voluntary annexation of public (County-owned) properties.
- In addition, it is proposed to annex a tract of City-owned property.
- Public hearings are required prior to City Council action on annexation requests.
- All of these properties are located within Charlotte's extraterritorial jurisdiction.
- Areas proposed for annexation share boundaries with current city limits.
- Annexation of these areas at this time will allow for more orderly land development review, extension of City services, capital investments, and future annexation processes.
- The 87.555-acre "Rocky River MPV" site is located off Rocky River Road east of I-485 in eastern Mecklenburg County.
 - The property is currently vacant and contains a portion of I-485 state-maintained right-of-way.
 - The petitioner has plans to construct a mixed use development on the site.
 - The property is zoned CC - Commercial Center (Petition 2017-042).
 - The property is located immediately adjacent to City Council District 4.
 - Petitioned area consists of three parcels plus some interstate right-of-way.
- The 17.850-acre "Berewick Commons" site is located off Berewick Commons Parkway in southwestern Mecklenburg County.
 - The property is currently vacant and contains a small portion of street right-of-way.
 - The petitioner has plans for a 107-unit townhome development on the property

Agenda #: 22.File #: 15-6244 Type: Consent Item

- The property is zoned CC - Commercial Center.
 - The property is located immediately adjacent to City Council District 3.
 - Petitioned area consists of three parcels.
- The 108.446-acre "Winget Park/Nature Preserve" site is located off Winget Road in southwestern Mecklenburg County.
 - The property is largely vacant but contains a rural farmhouse.
 - The petitioner has plans to continue to operate the property as a public park and nature preserve.
 - The property is zoned R-3 - Residential and MX-1(Innov) - Mixed Use, Innovative.
 - The property is located immediately adjacent to City Council District 3.
 - Petitioned area consists of four parcels.
- The 96.470-acre "Reedy Creek Nature Preserve" site is located adjacent to Reedy Creek Park off Rocky River Road in eastern Mecklenburg County.
 - The property is currently vacant.
 - The petitioner has plans to continue to operate the property as a public park and nature preserve.
 - The property is zoned R-3 - Residential and MX-1 - Mixed Use.
 - The property is located immediately adjacent to City Council District 4.
 - Petitioned area consists of two parcels.
- The City-owned 44.330-acre "Byrum/NC160" site is located at the Byrum Drive/West Boulevard intersection in western Mecklenburg County.
 - The property is vacant and is located within the Byrum Drive and West Boulevard rights-of-way.
 - The City acquired the property to serve as part of the future airport runway protection zone and will likely not be developed.
 - The property is zoned I-2 - Industrial and I-2(CD) - Industrial, Conditional.
 - The property is located immediately adjacent to City Council District 3.
 - Petitioned area consists of two parcels, segments of three other parcels plus some road right-of-way.

Consistency with City Council Policies

- These annexations are generally consistent with City voluntary annexation policies approved by the City Council on March 24, 2003; more specifically they:
 - Will not adversely affect the City's ability to undertake future annexations;
 - Will not have undue negative impact on City finances or services; and
 - Will not result in a situation where unincorporated areas will be encompassed by new City limits.

Agenda #: 22.**File #:** 15-6244 **Type:** Consent Item

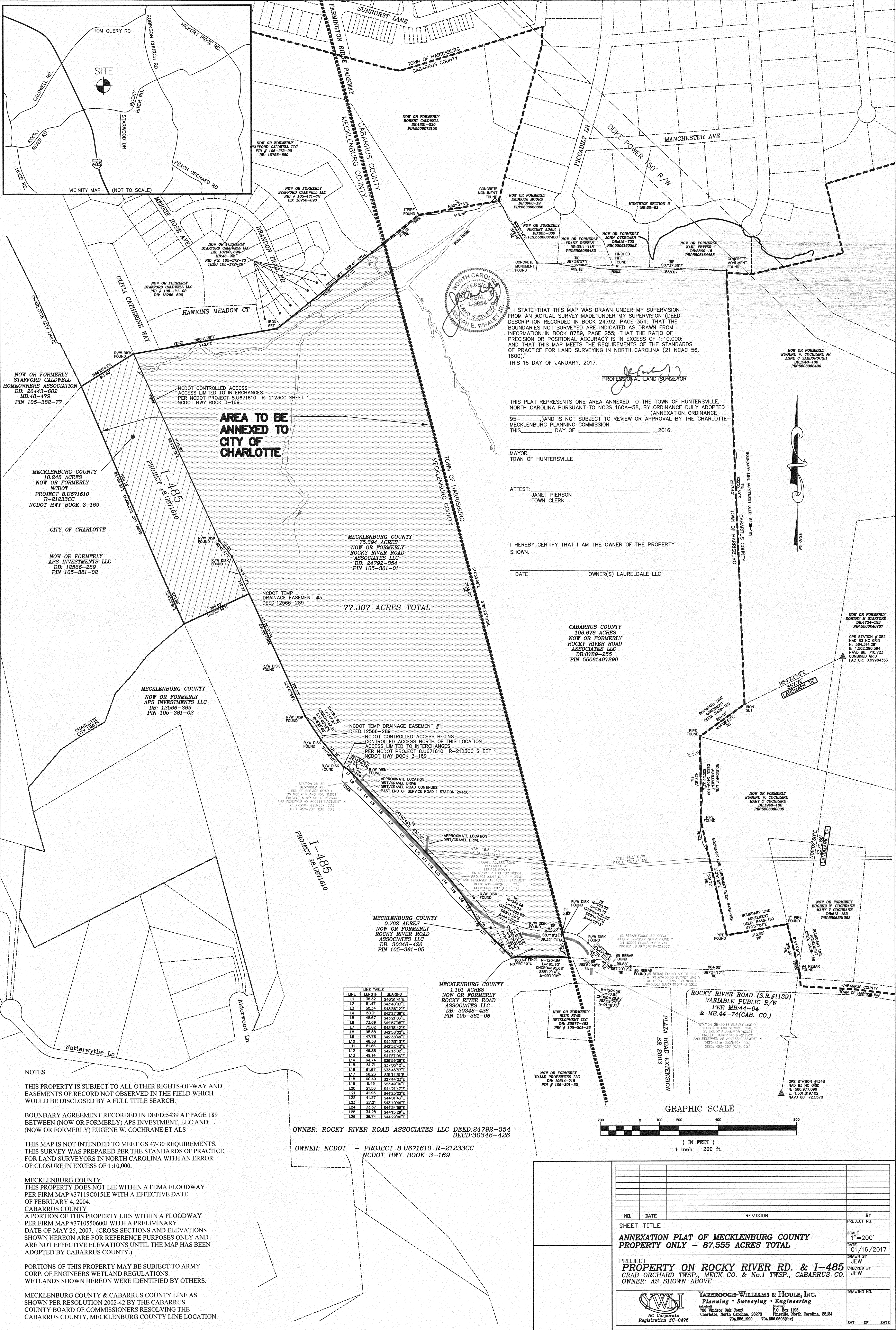
Public Hearing Date

The resolutions set Monday, October 9, 2017 for the public hearings.

Attachment(s)

Maps

Resolutions



LINE	LENGTH	BEARING
L1	36.32	S43°51'41"E
L2	51.47	S43°30'03"E
L3	50.34	S43°38'12"E
L4	50.31	S43°27'38"E
L5	48.67	S43°10'03"E
L6	73.69	S42°57'05"E
L7	75.82	S43°18'52"E
L8	98.88	S42°28'02"E
L9	47.78	S42°38'49"E
L10	48.58	S42°53'13"E
L11	51.86	S42°52'40"E
L12	46.88	S42°13'02"E
L13	48.14	S41°27'06"E
L14	64.74	S39°37'02"E
L15	61.71	S37°05'12"E
L16	61.67	S33°45'37"E
L17	58.23	S31°14'31"E
L18	60.49	S27°44'23"E
L19	5.49	S23°02'37"E
L20	21.56	S44°21'47"E
L21	41.95	S44°20'02"E
L22	41.27	S44°01'43"E
L23	27.21	S43°40'48"E
L24	33.37	S44°15'58"E
L25	34.28	S44°15'29"E
L26	36.74	S44°28'00"E

OWNER: ROCKY RIVER ROAD ASSOCIATES LLC DEED:24792-354
DEED:30348-426

OWNER: NCDOT - PROJECT 8.U671610 R-21233CC
NCDOT HWY BOOK 3-169

NOTES
THIS PROPERTY IS SUBJECT TO ALL OTHER RIGHTS-OF-WAY AND EASEMENTS OF RECORD NOT OBSERVED IN THE FIELD WHICH WOULD BE DISCLOSED BY A FULL TITLE SEARCH.

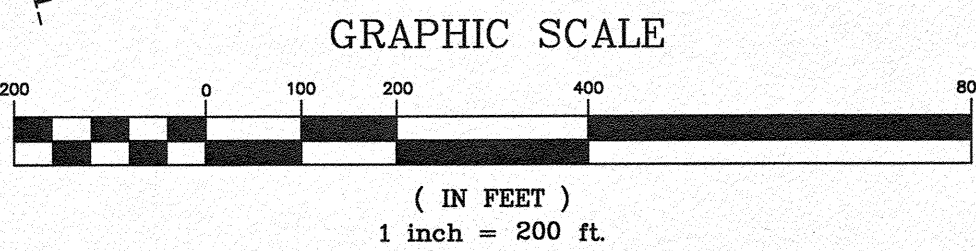
BOUNDARY AGREEMENT RECORDED IN DEED-5439 AT PAGE 189 BETWEEN (NOW OR FORMERLY) APS INVESTMENT, LLC AND (NOW OR FORMERLY) EUGENE W. COCHRANE ET ALS

THIS MAP IS NOT INTENDED TO MEET GS 47-30 REQUIREMENTS. THIS SURVEY WAS PREPARED PER THE STANDARDS OF PRACTICE FOR LAND SURVEYORS IN NORTH CAROLINA WITH AN ERROR OF CLOSURE IN EXCESS OF 1:10,000.

MECKLENBURG COUNTY
THIS PROPERTY DOES NOT LIE WITHIN A FEMA FLOODWAY PER FIRM MAP #37119C0151E WITH A EFFECTIVE DATE OF FEBRUARY 4, 2004.
CABARRUS COUNTY
A PORTION OF THIS PROPERTY LIES WITHIN A FLOODWAY PER FIRM MAP #3710550600J WITH A PRELIMINARY DATE OF MAY 25, 2007. (CROSS SECTIONS AND ELEVATIONS SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND ARE NOT EFFECTIVE ELEVATIONS UNTIL THE MAP HAS BEEN ADOPTED BY CABARRUS COUNTY.)

PORTIONS OF THIS PROPERTY MAY BE SUBJECT TO ARMY CORP. OF ENGINEERS WETLAND REGULATIONS. WETLANDS SHOWN HEREON WERE IDENTIFIED BY OTHERS.

MECKLENBURG COUNTY & CABARRUS COUNTY LINE AS SHOWN PER RESOLUTION 2002-42 BY THE CABARRUS COUNTY BOARD OF COMMISSIONERS RESOLVING THE CABARRUS COUNTY, MECKLENBURG COUNTY LINE LOCATION.



NO.	DATE	REVISION	BY
SHEET TITLE			PROJECT NO.
ANNEXATION PLAT OF MECKLENBURG COUNTY			SCALE
PROPERTY ONLY - 87.555 ACRES TOTAL			1" = 200'
PROJECT			DATE
PROPERTY ON ROCKY RIVER RD. & I-485			01/16/2017
CRAB ORCHARD TWP., MECK CO. & No.1 TWP., CABARRUS CO.			DRAWN BY
OWNER: AS SHOWN ABOVE			JEW
DRAWING NO.			CHECKED BY
JEW			JEW
SHT			OF
SHTS			

YARBROUGH-WILLIAMS & HOULE, INC.
Planning • Surveying • Engineering
7800 Windsor Oak Court
Charlotte, North Carolina, 28273
704.558.1980 704.558.0505(fax)

**RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**

ROCKY RIVER MPV AREA

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on October 9, 2017.

Section 2. The area proposed for annexation is described as follows:

LEGAL DESCRIPTION

BEING THAT PROPERTY LYING AND BEING IN CRAB ORCHARD TOWNSHIP, MECKLENBURG COUNTY, NORTH CAROLINA, DESCRIBED IN BOOK 24792-354, AND 30348-426 MECKLENBURG COUNTY PUBLIC REGISTRY; DESCRIBED AS FOLLOWS:

COMMENCING AT "GPS STATION #1348", SAID POINT HAVING NORTH CAROLINA STATE PLANE GRID COORDINATES OF NORTHING: 560,977.096 FEET AND EASTING: 1,501,819.102 FEET (NAD 83; NAVD 88:723.578); THENCE N 08-02-30 E 3370.86 FEET TO AT "GPS STATION #1082", SAID POINT HAVING NORTH CAROLINA STATE PLANE GRID COORDINATES OF NORTHING: 564,314.281 FEET AND EASTING: 1,502,290.594 FEET (NAD 83; NAVD 88:710.723), THENCE S 64-22-55 E TO AN IRON, THENCE WITH THE LINE OF THE PROPERTY OF EUGENE W. COCHRANE, JR. (NOW OR FORMERLY) AS SHOWN IN BOOK 1948, PAGE 133, CABARRUS COUNTY PUBLIC REGISTRY, THE FOLLOWING FIVE (5) CALLS AND DISTANCES: (1) S 54-09-52 W 280.61 FEET TO A PIPE FOUND; S 00-56-33 E 437.85 FEET TO A PIPE FOUND; (3) S 12-41-55 E 591.72 FEET TO A PIPE FOUND; (4) N 79-37-04 E 313.98 FEET TO A 1" PIPE FOUND; (5) S 14-14-31 E 259.36 FEET TO A #4 REBAR FOUND; THENCE LEAVING SAID PROPERTY LINE OF EUGENE W. COCHRANE, JR. (NOW OR FORMERLY) AND WITH THE NORTHERN RIGHT-OF-WAY LIMIT OF ROCKY RIVER ROAD (S.R. #1139) THE FOLLOWING TWO (2) CALLS AND DISTANCES: (1) N 87-34-17 W 864.65 FEET TO A POINT; (2) N 87-20-17 W 99.88 FEET TO A #5 REBAR FOUND; THENCE WITH THE EASTERN RIGHT-OF-WAY LIMIT OF I-485 THE FOLLOWING THREE (3) CALLS AND DISTANCES: (1) N 46-01-59 W 165.47 FEET TO A R/W DISK FOUND; (2) ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT WITH A RADIUS OF 180.00 FEET, ARC LENGTH OF 138.76 FEET, CHORD BEARING OF N 65-14-12 W, AND A CHORD DISTANCE OF 135.35 FEET TO A R/W DISK FOUND; THENCE (3) N 87-16-34 W 5.82 FEET TO POINT ON THE MECKLENBURG/CABARRUS COUNTY LINE, **THE POINT OF BEGINNING;**

THENCE WITH THE MECKLENBURG/CABARRUS COUNTY LINE S 14-33-06 E

133.18' TO A POINT ON THE NORTHERN RIGHT-OF-WAY OF ROCKY RIVER ROAD; THENCE WITH THE NORTHERN RIGHT-OF-WAY OF ROCKY RIVER ROAD TWO (2) CALLS 1) WITH THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1204.56' AN ARC LENGTH OF 195.90' (SUBTENDED BY CHORD N88-17-14W 195.68') TO A POINT; 2) S87-20-45W 100.64' TO A POINT, THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF ROCKY RIVER ROAD AND THE EASTERLY RIGHT-OF-WAY OF I-485; THENCE THIRTY THREE (33) CALLS WITH THE EASERLY RIGHT-OF-WAY OF I-485;

1)N44-29-00W 36.74' TO A POINT; 2)N44-15-29W 34.28' TO A POINT;

3) N44-34-58W 33.37' TO A POINT; 4)N43-40-46W 27.21' TO A POINT;
5)N44-01-43W 41.27' TO A POINT; 6)N44-25-02W 41.95' TO A POINT;
7)N44-21-47W 21.56' TO A POINT; 8) N23-49-36W 5.49' TO A POINT;
9) N27-44-23W 60.49' TO A POINT; 10) N31-14-31W 58.23' TO A POINT;
11) N33-45-57W 61.67' TO A POINT; 12) N37-05-12W 61.71' TO A POINT;
13) N39-59-08W 64.74' TO A POINT; 14) N41-27-06W 49.14' TO A POINT;
15) N42-13-02W 46.88' TO A POINT; 16) N42-52-43W 51.86' TO A POINT;
17) N42-53-13W 48.58' TO A POINT; 18) N42-38-49W 47.78' TO A POINT;
19) N42-58-02W 95.88' TO A POINT; 20) N43-18-42W 75.82' TO A POINT;
21) N42-57-05W 73.69' TO A POINT; 22) N43-21-03W 48.67' TO A POINT;
23) N43-27-39W 50.31' TO A POINT; 24) N43-56-12W 50.34' TO A POINT;
25) N43-40-03W 51.47' TO A POINT; 26) N43-51-41W 38.32' TO A POINT;
27) N61-20-46W 24.03' TO A R/W DISK FOUND; (28) N 40-02-18 W 178.36 FEET TO A R/W DISK FOUND; (29) ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT WITH A RADIUS OF 1312.39 FEET, AN ARC LENGTH OF 147.29 FEET, (SUBTENDED BY CHORD N 33-49-52 W 147.21 FEET) TO A R/W DISK FOUND; (30) N 24-47-53 W 286.95 FEET TO A R/W DISK FOUND;
(31) N 24-37-17 W 401.58 FEET TO A POINT; (32) S 65-22-43 W 365.07 FEET TO A POINT; (33) N 24-28-51 W 270.86 FEET TO A POINT (35) N 23-06-23 W 1051.13 FEET TO A POINT; (36) N 58-20-42 E 313.80 FEET TO A R/W DISK FOUND IN THE SOUTHERN TERMINUS OF OLIVIA CATHERINE WAY; THENCE WITH THE SOUTHERN TERMINUS OF OLIVIA CATHERINE WAY AND THE RIGHT-OF-WAY LINE OF HAWKINS MEADOWS CT AND THE SOUTHERN BOUNDARY LINE OF THE PROPERTY OF STAFFORD CALDWELL, LLC (NOW OR FORMERLY) AS SHOWN IN BOOK 18756, PAGE 690, MECKLENBURG COUNTY PUBLIC REGISTRY, THE FOLLOWING TWO (2) CALLS AND DISTANCES: (1) N 80-11-36 E 743.62 FEET TO AN IRON SET;
(2) N 51-18-28 E 701.23 FEET TO A POINT ON THE MECKLENBURG/CABARRUS COUNTY LINE; THENCE WITH THE MECKLEBURG/CABARRUS COUNTY LINE S 14-33-06E 3636.05' TO A POINT, **THE POINT OF BEGINNING**

SAID PROPERTY CONTAINING 87.555 ACRES AS SHOWN ON THAT ANNEXATION EXHIBIT BY YARBROUGH-WILIAMS & HOULE, INC. DATED JANUARY 16, 2017, SIGNED AND SEALED BY JOSEPH E. WHALEY, JR. NCPLS.

Section 3. Notice of the public hearing shall be published in the *Mecklenburg Times*, a newspaper having general circulation in the City of Charlotte, at least ten (10) days prior to the date of the public hearing.



Vicinity Map - Not to Scale

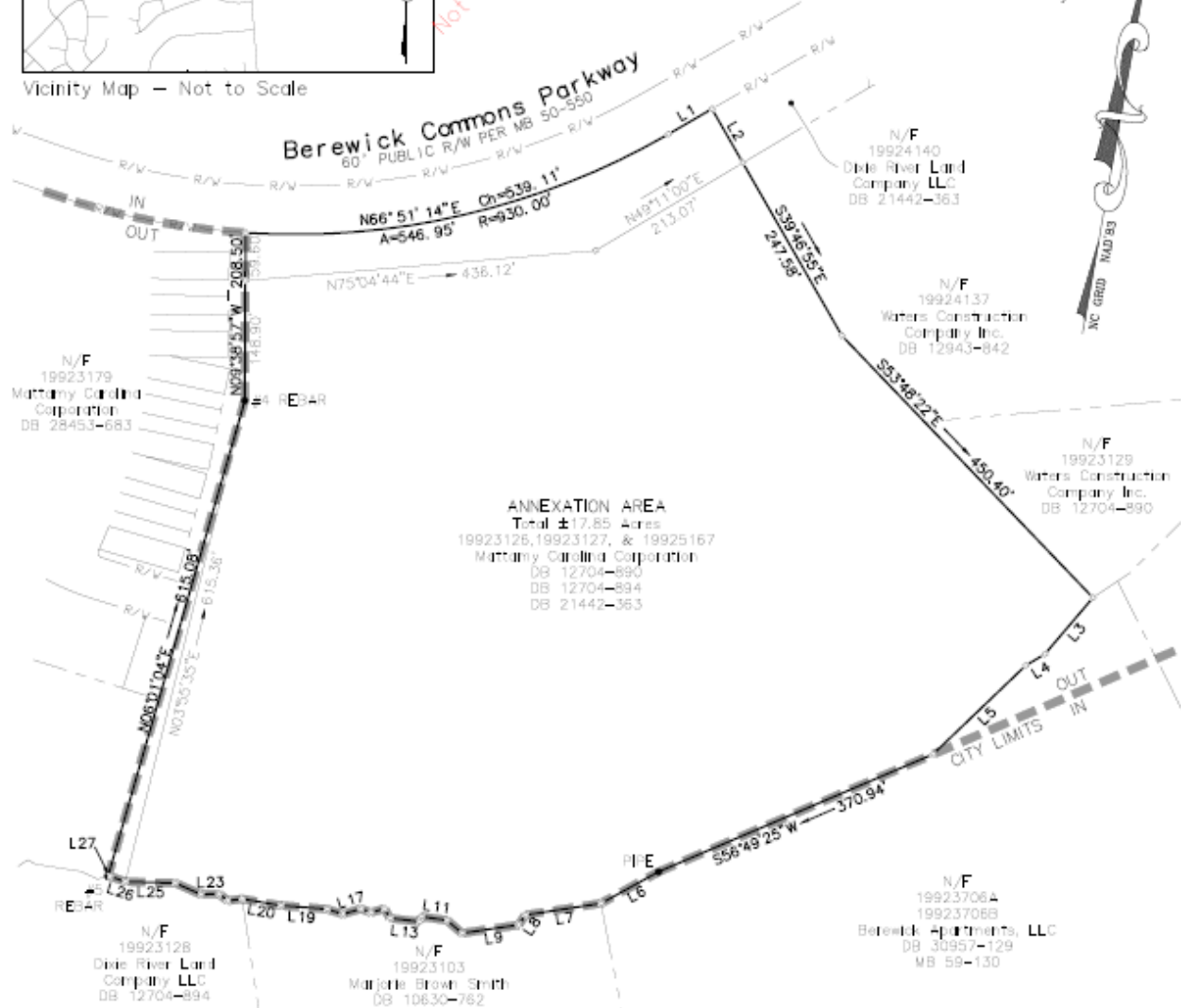


Notes:

1. Tax Parcel IDs - 19923126, 19923127, 19925167
2. All distances are shown horizontal.
3. Total Area of Annexation: ±17.85 Acres
4. See Sheet 2 for additional notes and certification.

Legend

- IR Existing Iron Rod
- CM Concrete Monument
- PT Calculated Point
- R/W Right-of-Way
- N/F Now or Formerly
- DB Deed Book
- MB Map Book
- City Boundary
- Annexation Boundary



LDSI

Phone: (704) 337-8329
Fax: (866) 661-12778
508 West 5th St., Suite 125
Charlotte, NC 28202
License No.: C-1925

Voluntary Annexation Map Berewick

Charlotte, North Carolina
Tax Parcel IDs: 19923126, 19923127, 19925167
Deed References: Deed Book 12704 Pg 894, Deed Book 12943 Pg 842,
Deed Book 21442 Pg 363



**RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**

BEREWICK COMMONS AREA

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on October 9, 2017.

Section 2. The area proposed for annexation is described as follows:

LEGAL DESCRIPTION

BEGINING at an existing #5 rebar located along the northern line of Dixie River Land Company (now or formerly) as described in deed book 12704, page 894 of the Mecklenburg County Registry and the southeastern most corner Mattamy Carolina Corporation (now or formerly) as shown on map book 59, page 984; THENCE with the aforementioned Mattamy Carolina Corporation the following two (2) courses and distances: 1) North 06 degrees 01 minutes 04 seconds East a distance of 615.08 feet to an existing #4 rebar; 2) THENCE North 09 degrees 38 minutes 57 seconds West a distance of 208.50 feet to a new #5 rebar along the southern right of way of Berewick Commons Parkway, a variable width public right of way as shown in map book 50, page 550 & map book 57, page 298; THENCE with the right of way of Berewick Commons Parkway the following two (2) courses and distances: 1) along a curve to the left having an arc length of 546.95 feet, and a radius of 930.00 feet, being subtended by a chord bearing of North 66 degrees 51 minutes 14 seconds East, a distance of 539.11 feet to a new #5 rebar; 2) THENCE North 50 degrees 00 minutes 20 seconds East a distance of 62.29 feet to a new #5 rebar; THENCE leaving the right of way of Berewick Commons Parkway with a new line the following two (2) courses and distances: 1) South 39 degrees 46 minutes 55 seconds East a distance of 324.52 feet to a new #5 rebar; 2) THENCE South 53 degrees 48 minutes 22 seconds East a distance of 450.40 feet to a point in the centerline of a creek and being along the northerly line of Berewick Apartments, LLC (now or formerly) as described in deed book 30957, page 129; THENCE with the meanders of the creek the following twenty-five (25) courses and distances: 1) THENCE South 30 degrees 22 minutes 14 seconds West a distance of 92.25 feet to a point; 2) THENCE South 49 degrees 14 minutes 29 seconds West a distance of 27.75 feet to a point; 3) THENCE South 36 degrees 11 minutes 16 seconds West a distance of 159.13 feet to a point; 4) THENCE South 56 degrees 49 minutes 25 seconds West a distance of 370.94 feet to a point; 5) THENCE South 51 degrees 18 minutes 26 seconds West a distance of 81.36 feet to a point; 6) THENCE South 71 degrees 17 minutes 17 seconds West a distance of 94.68 feet to a point; 7) THENCE South 24 degrees 21 minutes 32 seconds West a distance of 15.02 feet to a point; 8) THENCE South 71 degrees 34 minutes 33 seconds West a distance of 71.34 feet to a point; 9) THENCE North 59 degrees 00 minutes 51 seconds West a distance of 24.61 feet to a point; 10) THENCE South 88 degrees 06 minutes 47 seconds West a distance of 32.30 feet to a point; 11) THENCE South 07 degrees 20

minutes 18 seconds West a distance of 6.65 feet to a point; 12) THENCE South 86 degrees 32 minutes 23 seconds West a distance of 37.01 feet to a point; 13) THENCE North 39 degrees 18 minutes 49 seconds West a distance of 13.87 feet to a point; 14) THENCE South 63 degrees 47 minutes 50 seconds West a distance of 17.65 feet to a point; 15) THENCE North 78 degrees 32 minutes 05 seconds West a distance of 13.14 feet to a point; 16) THENCE South 63 degrees 14 minutes 32 seconds West a distance of 23.58 feet to a point; 17) THENCE North 82 degrees 18 minutes 19 seconds West a distance of 20.40 feet to a point; 18) THENCE South 84 degrees 20 minutes 58 seconds West a distance of 57.65 feet; to a point; 19) THENCE South 89 degrees 55 minutes 27 seconds West a distance of 48.79 feet to a point; 20) THENCE South 72 degrees 21 minutes 23 seconds West a distance of 18.03 feet to a point; 21) THENCE North 62 degrees 02 minutes 18 seconds West a distance of 13.67 feet to a point; 22) THENCE South 79 degrees 09 minutes 57 seconds West a distance of 22.72 feet to a point; 23) THENCE North 76 degrees 10 minutes 38 seconds West a distance of 34.98 feet to a point; 24) THENCE South 81 degrees 25 minutes 53 seconds West a distance of 61.65 feet to a point; 27) THENCE North 81 degrees 04 minutes 12 seconds West a distance of 20.28 feet to a point; 28) THENCE South 68 degrees 07 minutes 41 seconds West a distance of 2.49 feet to the POINT OF BEGINNING, and having an area of 17.85 acres more or less.

Section 3. Notice of the public hearing shall be published in the *Mecklenburg Times*, a newspaper having general circulation in the City of Charlotte, at least ten (10) days prior to the date of the public hearing.



Vicinity Map - Not to Scale

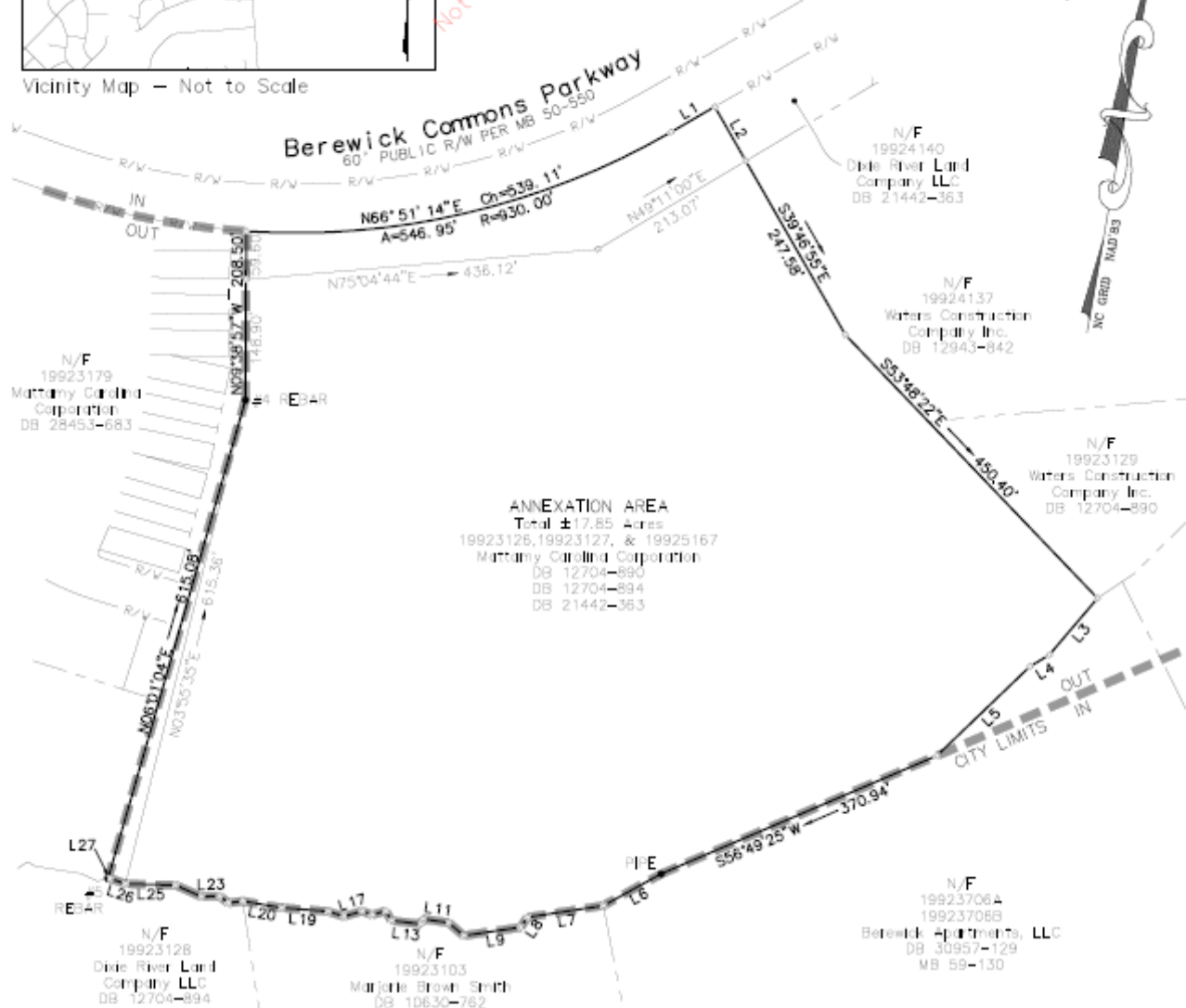


Notes:

1. Tax Parcel IDs - 19923126, 19923127, 19925167
2. All distances are shown horizontal.
3. Total Area of Annexation: ±17.85 Acres
4. See Sheet 2 for additional notes and certification.

Legend

- IR Existing Iron Rod
- CM Concrete Monument
- PT Calculated Point
- R/W Right-of-Way
- N/F Now or Formerly
- DB Deed Book
- MB Map Book
- City Boundary
- Annexation Boundary



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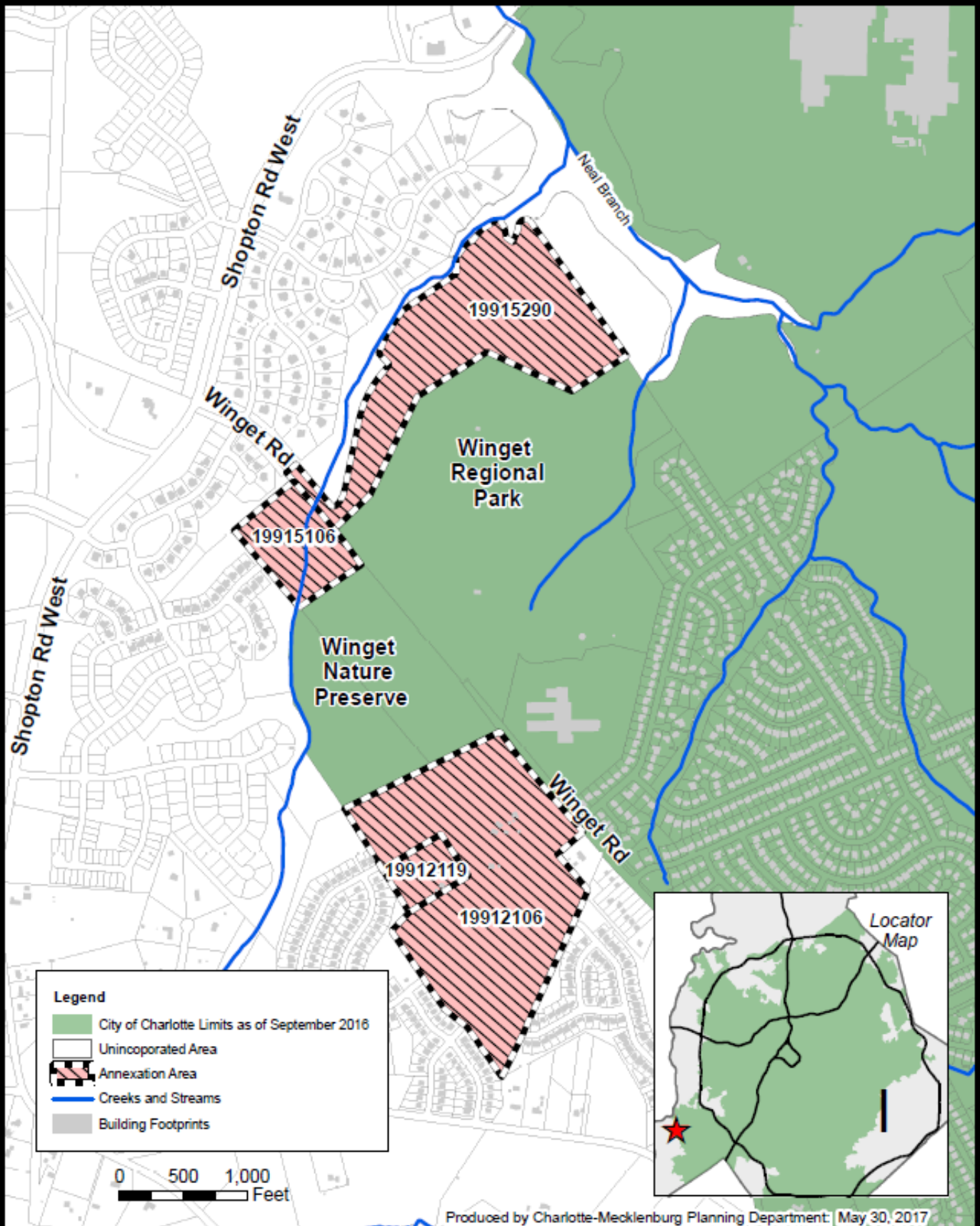
Voluntary Annexation Map Berewick

Charlotte, North Carolina
 Tax Parcel IDs: 19923126, 19923127, 19925167
 Deed References: Deed Book 12704 Pg 894, Deed Book 12943 Pg 842,
 Deed Book 21442 Pg 363



Thomas M. Winget Regional Park/Nature Preserve

Proposed Voluntary Annexation of County-Owned Property



**RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**

WINGET PARK/NATURE PRESERVE AREA

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on October 9, 2017.

Section 2. The area proposed for annexation is described as follows:

LEGAL DESCRIPTION

Area A:

BEGINNING at a point on the EXISTING CHARLOTTE CITY LIMITS LINE, said point being the Northerly most corner of Mecklenburg County Tax Parcel 199-151-08 a common corner with Mecklenburg County Tax Parcel 199-151-07 also being a common corner with a 5.05 acre Common Open Space as shown on Map Book 56 Page 495 have a Mecklenburg County Tax Parcel number of 199-154-53 and the Southerly most corner of a Mecklenburg County Tax Parcel 199-151-06 being 11.399 acres recorded in Deed Book 24112 Page 315 all being located in the centerline of an unnamed branch; thence leaving the Existing Charlotte City Limits Line and the centerline of said unnamed branch line in a Northwesterly direction following along and with the Southwesterly boundary line of said 11.399 acre parcel of land owned by Mecklenburg County recorded in Deed Book 28112 Page 315 also being a common boundary line with the Final Map of Chapel Cove Phase 3A Map 2 recorded in Map Book 56 page 495 with the following bearing and distance North 40-06-15 East 621.16 feet crossing over the terminus of Horned Lark Drive having a 56 foot right-of-way to a point said point being the Westerly most corner of said Mecklenburg County Tax Parcel 199-151-06 being located on the Southeasterly boundary line of a 3.212 acre Common Open Space as shown on the Final Map For Chapel Cove Phase 3A Map 1 recorded in Map Book 55 Page 846; thence in a Northeasterly direction following along and with the Northwesterly boundary line of the said Mecklenburg County Parcel of land recorded in Deed Book 24112 Page 315 having a Tax Parcel number of 199-151-06 and being a common boundary line with the said 3.212 acre Common Open Space as shown in said Map Book 55 page 846 with a bearing and distance of North 50-55-49 East 608.40 feet to a point said point being located on

the Southwesterly margin of Winget Road as shown on said Map Book 55 Page 846; thence in a Northwesterly direction following along and with the Southwesterly margin of Winget Road with a bearing and distance of North 40-03-08 West 90.20 feet as shown on said Map Book 55 page 846; thence in a Northeasterly direction leaving the Southwesterly margin of Winget Road and crossing over said Winget Road with a bearing and distance of North 49-38-50 East 100.00 feet to a point said point being located on the Northeasterly margin of said Winget Road as shown on a Recombination Survey for Winget Park recorded in Map Book 59 Page 603 and also being located on a common line with a 10.277 acre Common Open Space as shown on recorded Map Book 54 page 374; thence in a Southeasterly direction following along and with the Northeasterly margin of Winget Road as shown on said Map Book 59 Page 603 with the following bearing and distance South 40-03-08 East 414.79 feet to a point; thence leaving the Northeasterly margin of Winget Road in a Northerly direction with the Westerly boundary line of a Mecklenburg County Parcel of land having a Mecklenburg County Tax Parcel Number of 199-151-03 said boundary line being a common line with Map Book 54 Page 74 , Map Book 49 Page 399 and Map Book 40 Page 319 with the following (25) bearings and distances as shown on said Map Book 59 Page 603; 1)with a curve to the left having a radius of 32.22 feet an arc length of 58.58 feet subtended with a chord bearing and distance of South 86-05-23 East 50.84 feet to a point, 2)with a curve to the left having a radius of 225.00 feet an arc length of 127.12 feet subtended with a chord bearing and distance of North 27-51-42 East 125.44 feet to a point, 3)North 11-40-32 East 549.02 feet to a point, 4)with a curve to the right having a radius of 875.00 feet an arc length of 518.60 feet subtended with a chord bearing and distance of North 28-39-17 East 511.04 feet to a point, 5)North 44-21-59 West 125.72 feet to a point, 6)North 23-18-08 East 166.37 feet to a point, 7) North 33-31-06 East 214.37 feet to a point, 8)North 55-34-31 East 514.86 feet to a point, 9)North 01-08-18 West 125.68 feet to a point, 10)North 36-07-36 East 120.15 feet to a point, 11)North 57-16-44 East 73.48 feet to a point, 12)North 40-54-20 East 113.66 feet to a point, 13)North 56-59-15 East 128.93 feet to a point, 14)South 72-03-34 East 36.03 feet to a point, 15)South 30-53-26 East 56.09 feet to a point, 16) South 10-56-14 East 80.34 feet to a point, 17 South 54-32-30 East 62.48 feet to a point, 18)North 20-02-58 East 50.27 feet to a point, 19)North 23-38-17 East 65.17 feet to a point, 20)North 03-48-49 East 40.11 feet to a point, 21) North 40-27-43 East 39.15 feet to a point, 22)North 87-00-53 East 42.94 feet to a point ,23)South 77-54-25 East 15.74 feet to a point, 24) South 35-37-40 East 4.74 feet to a point, 25)South 35-37-40 East 1300.84 feet to a point said point being the Northwesterly corner of Mecklenburg County Deed Book 7944 Page 333 as shown on said Map Book 47 Page 29 and also being the Northeasterly corner of Deed Book 16493 Page 360 as shown on Map Book 40 Page 319 said point also being located on the Westerly property line of Deed Book 9880 Page 604 all being located on the Existing City of Charlotte City Limits Line, thence in a Southwesterly direction following along the Existing City of Charlotte City Limits Line and a portion of the property line as described in Deed Book 16493 Page 360 as shown on Map Book 40 Page 319, and also being a common line with said Deed Book 7944 Page 333 and as shown on said Map Book 47 Page 29 South 57-01-02 West 511.24 feet to a point said point being on the

Westerly property line of said Deed Book 7944 Page 333 and also being located on the Easterly property line of Deed Book 16493 Page 360 as shown on Map Book 40 Page 319; thence in a Southerly direction following along the Existing City of Charlotte City Limits Line being the Westerly property line of Deed Book 19916 Page 142 as shown on Map Book 47 Page 29, with the following (4) bearings and distances: 1) South 65-01-00 East 731.91 feet to a point, 2) South 57-10-04 West 650.96 feet to a point, 3) South 25-41-44 West 849.34 feet to a point, 4) South 46-28-23 West 359.06 feet to a point said point being located on the Northeasterly margin of Winget Road, thence in a Southwesterly direction following along and with Existing City of Charlotte City Limits Line crossing said Winget Road with a bearing and distance of South 46-28-23 West 63.16 feet to a point said point being located at the intersection of a line 30 feet West of and parallel with the approximate centerline of Winget Road and the Westerly property line of Deed Book 19916 Page 142 (extended) as shown on Map Book 47 Page 29, thence in a Southerly direction following along and with the Existing City of Charlotte City Limits Line also being the Westerly margin of Winget Road approximately 351 feet to a point said point being located on the Westerly margin of Winget Road a common corner with Deed Book 26750 Page 523 and Deed Book 24228 Page 500, thence in a Southwesterly direction along and with the Existing City of Charlotte City Limits Line also being the Southeasterly boundary line of said Deed Book 26750 Page 523 a common line with said Deed Book 24228 Page 500 with a bearing and distance of South 55-55-39 West 594.00 feet to a point being located on the Existing City of Charlotte City Limits Line said point being a common corner with Said Deed Book 26750 Page 523, Deed Book 24228 Page 500, Deed Book 24228 Page 496 and Deed Book 23071 Page 661 all being located in the centerline of an unnamed branch and also being the Point and Place of Beginning.

Area B:

BEGINNING at a point on the EXISTING CHARLOTTE CITY LIMITS LINE, said point being the Southwesterly margin of Winget Road being a common corner with Mecklenburg Tax parcel 199-121-06 a Mecklenburg County parcel as described in Deed Book 30863 Page 542 and Mecklenburg Tax parcel 199-121-15 the property of Gale and Eugenia Davis as described in Deed Book 17742 Page 361, thence leaving the Existing City Of Charlotte City Limits line and the Southwesterly margin of Winget in a Southwesterly direction following along and with the common line with said Deed Books with the following (2) bearings and distances: 1) South 50-21-53 west 259.99 feet to a point, 2) South 39-43-46 East 369.18 feet to a point said point being in the Northwesterly line of Heart Homes Inc. as described in Deed Book 17487 Page 467 and shown in Map Book 41 Page 355; thence continuing in a Southwesterly direction following along Northwesterly line of said Heart Homes Inc. South 26-16-46 West 30.63 feet to a point said point being in the Northerly corner of lands of Winget Pond Homeowners Association Inc. as described in Deed Book 25313 Page 448 and shown in Map Book 44 Page 49 & 51; thence continuing in a Southwesterly direction following along Northwesterly line of said lands of Winget Pond Homeowners Association Inc. South 24-39-28 West 1,560.67 feet to a point said point being in the Easterly line of Lot 5 of Hartwell Subdivision as shown on Map Book 45 page 285; thence in a Northwesterly direction following along and with the rear lines of said

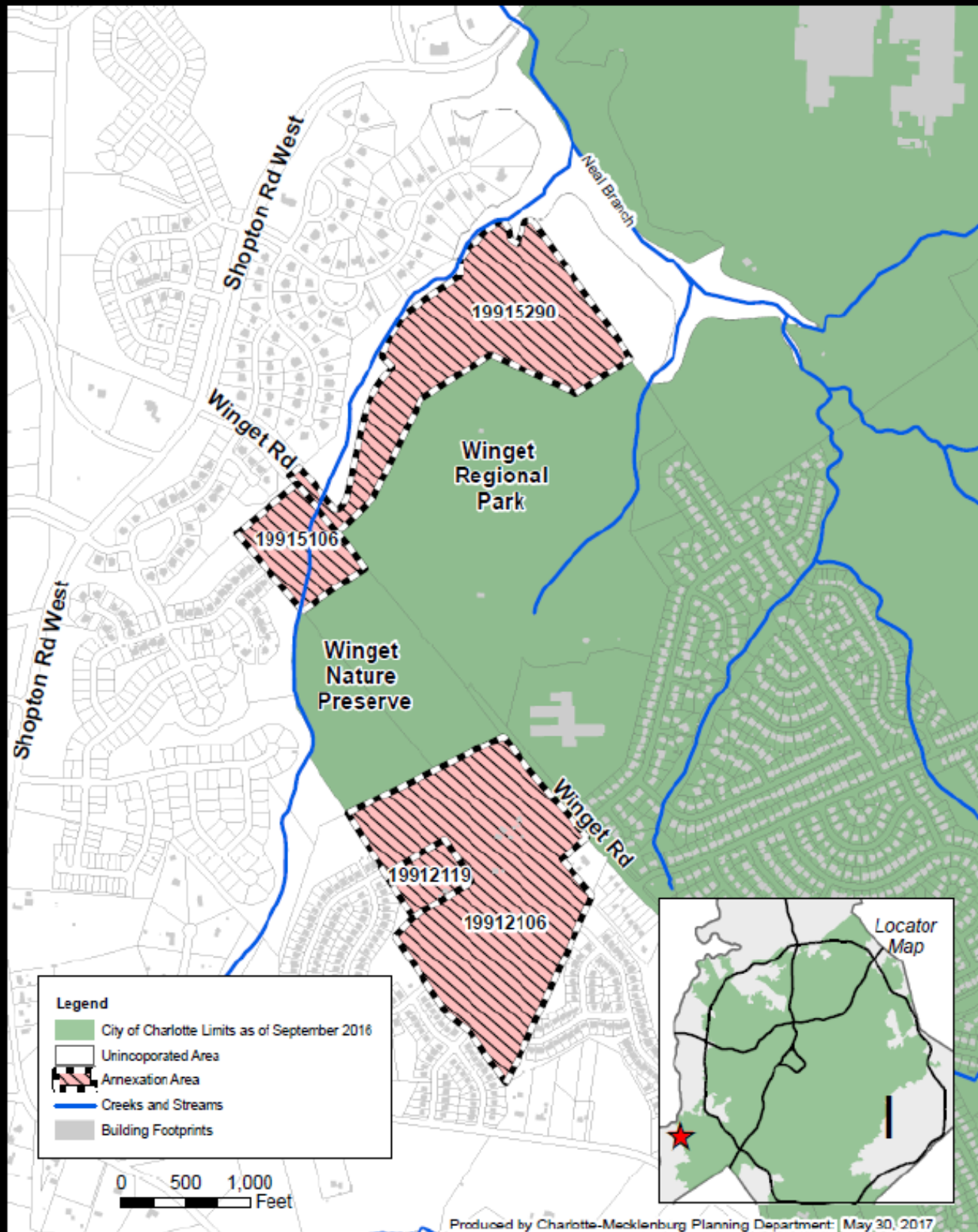
Lot 5 and Lots 6,7,8,9,10 and 11 of Hartwell Subdivision Map Book 45 Page 285 with the following bearing and distance of North 35-12-43 West 474.85 feet to a point; thence continuing in a Northwesterly direction with a small portion of the rear of said Lot 11, the Easterly terminus of Luscombe Farm Road, and the rear lines of Lots 12,13 and 14 of Hartwell Subdivision as shown on Map Book 43 Page 891 with the following bearing and distance of North 51-34-20 West 231.36 feet to a point said point being the common Easterly corner of said Lot 14 and Lot 15 of Hartwell Subdivision Map Book 43 Page 891; thence in a Northwesterly direction following along and with the rear lines of said Lot 15 and Lots 16,17 and 18 of Hartwell Subdivision Map Book 43 Page 891, the terminus of Hartwell Farm Drive and the Easterly line of Hartwell Homeowners Association, Inc. as described in Deed Book 20118 Page 265 and shown on Map Book 45 Page 291 with the following bearing and distance of North 34-14-46 West 736.43 feet to a point said point being the Easterly corner of said Lands of Hartwell Homeowners Association, Inc.; thence in a Northeasterly direction following along and with the Easterly line of said lands of Hartwell Homeowners Association, Inc. with the following bearing and distance of North 42-41-21 East 203.06 feet to a point said point being the Southernmost corner of the lands of Mecklenburg County as described in Deed Book 30863 Page 539 having a tax parcel number of 199-121-19 also being a common corner with the lands of Mecklenburg County as described in Deed Book 30863 Page 542 having a tax parcel number of 199-121-06; thence in a Northwesterly direction with the Northeasterly line of said lands of Hartwell Homeowners, Inc. as described in said Deed Book 20118 Page 265 as shown on Map Book 45 page 291 with a bearing and distance of North 32-23-15 West 172.72 feet to a point said point being in an Easterly corner of Lot 38 of Hartwell Subdivision as shown on Map Book 46 Page 423; thence continuing in a Northwesterly direction with the Easterly line of said Lot 38 and Lots 39 and 40 of Hartwell Subdivision Map Book 46 Page 423 with a bearing and distance of North 31-54-40 West 222.69 feet to a point said point the Westerly most corner of the land of Mecklenburg County described in said Deed Book 30863 Page 539 being a common corner with said tax parcels 199-121-19 and 199-121-06 and being located on the Easterly line of said Lot 40 as shown on Map Book 46 Page 423; thence continuing in a Northwesterly direction with a small portion of the said Northeasterly line of Lot 40 the Southeasterly terminus of Lawrence Farm Lane the Northeasterly line of Lot 41 and the Northeasterly line of a 4.837 acre Common Open Space as shown on said Map Book 46 page 423 with the following bearing and distance of North 31-54-40 West 564.96 feet to a point said point being located on the Existing City of Charlotte City Limits Line and also being the Northerly most corner of said Map Book 46 Page 423 a common corner with the land of Mecklenburg County as described in said Deed Book 30863 Page 542 being said Tax Parcel 199-121-06 and Tax Parcel 199-151-08 being land of Mecklenburg County as described in Deed Book 24228 Page 496 and Tax parcel 199-156-32 being the Easterly corner of a 11.668 acre Common Open Space as shown on Map Book 58 Page 396; thence in a Northeasterly direction following along and with the Existing City of Charlotte City Limits Line being a common line with land of Mecklenburg County as described in said Deed Book 24228 Page 496 with a bearing and distance of North 63-54-33 East 764.57 feet to a point said point being located on the Northerly boundary line

of Deed Book 22392 Page 318 also being the Southwesterly corner of Deed Book 24228 Page 500 and the Southeasterly corner of Deed Book 24228 Page 496; thence continuing in a Northeasterly direction with the Existing City of Charlotte City Limits Line being the Northerly boundary line of said Deed Book 22392 Page 318 also being a common line with Deed Book 24228 Page 500 with a bearing and distance of North 63-54-33 East 594.00 feet to a point said point being located on the westerly margin of Winget Road; thence in a Southeasterly direction following along and with the Existing City of Charlotte City Limits Line approximately 1250 feet to the Point and Place of Beginning.

Section 3. Notice of the public hearing shall be published in the *Mecklenburg Times*, a newspaper having general circulation in the City of Charlotte, at least ten (10) days prior to the date of the public hearing.

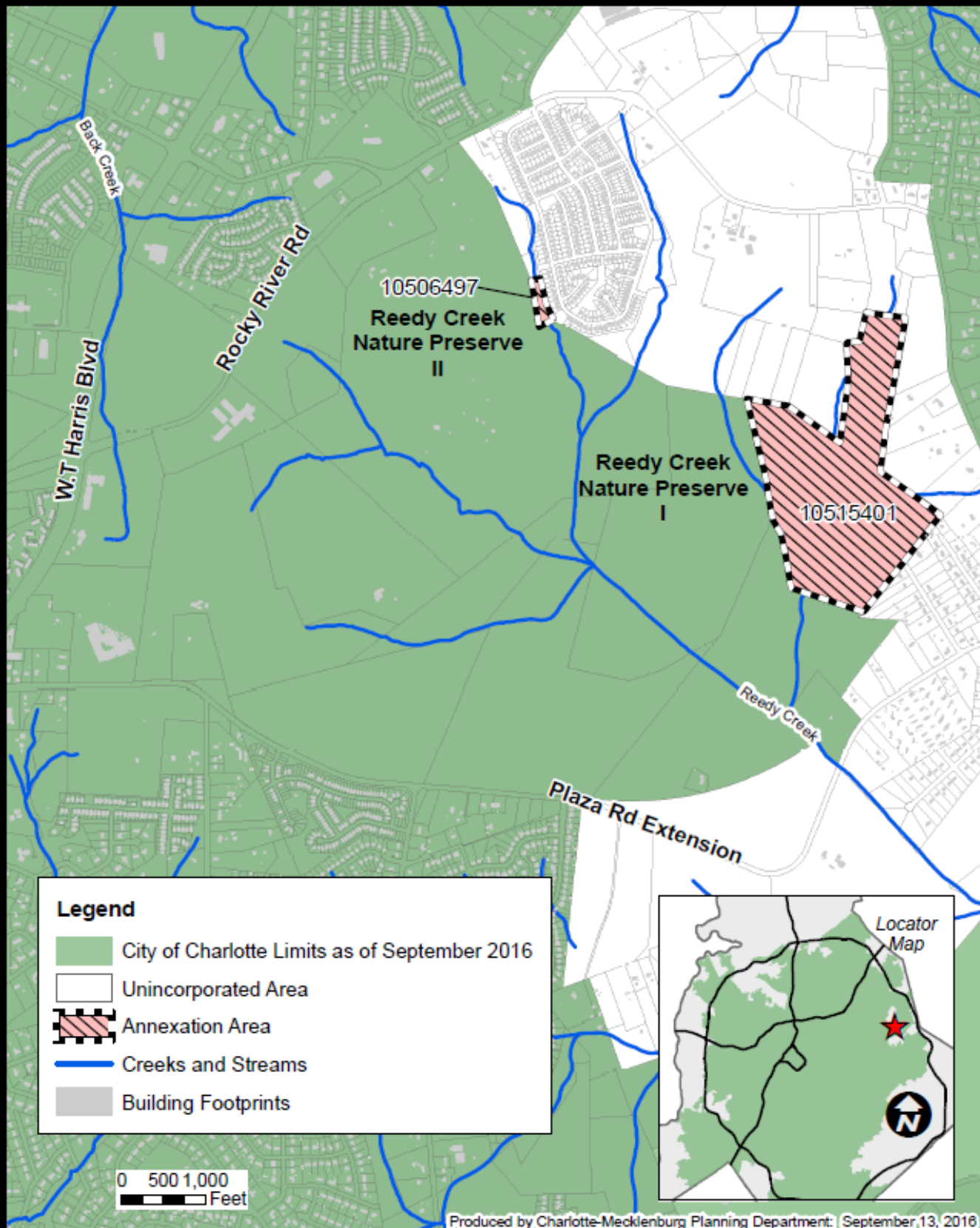
Thomas M. Winget Regional Park/Nature Preserve

Proposed Voluntary Annexation of County-Owned Property



Reedy Creek Nature Preserve

Proposed Voluntary Annexation of County-Owned Property



**RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**

REEDY CREEK NATURE PRESERVE AREA

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on October 9, 2017.

Section 2. The area proposed for annexation is described as follows:

LEGAL DESCRIPTION

Area A:

BEGINNING at a point on the EXISTING CHARLOTTE CITY LIMITS LINE said point being described in the 1990 Reedy Creek Park Annexation Area recorded in the Mecklenburg County Register of Deeds Office in Deed Book 6201 Page 348 said point also being the Northwesterly corner of Mecklenburg Tax Parcel 105-064-97 being the lands of Mecklenburg County as recorded in Deed Book 22553 Page 192 also being the Southwesterly corner with the lands of Wade D. and Barbara T. Collins having a Tax Parcel Number of 105-061-10 recorded in Deed Book 5440 Page 158; thence leaving the EXISTING CHARLOTTE CITY LIMITS LINE in a Northeasterly direction with the Northerly boundary line of the of the said lands of Mecklenburg County being a common line with the said Wade D. and Barbara T. Collins land with the following bearings and distances as shown on Buckleigh Subdivision Map 7, Sheet 1 of 2 recorded in Map Book 44 Page 53, North 74-08-27 East 110.62 feet to a point said point being located on the Westerly boundary line of the common open space as shown on said Map Book 44 Page 53; thence in a Southerly direction following along and with the said Westerly boundary line of the Common Open Space with the following (2) bearings and distances: 1) South 13-19-05 East 315.62 feet to a point; 2) South 26-49-13 East 213.55 feet to a point said point being located on the EXISTING CHARLOTTE CITY LIMITS LINE and also being the Southeasterly corner of the said lands of Mecklenburg County as recorded in Deed Book 22553 Page 192 also being a common corner with the Reedy Creek Regional Park as recorded in Deed Book 9276 Page 437 having

a Tax Parcel number of 105-071-01 all being located on the Westerly boundary line of the common open space of the said Buckleigh Subdivision Map 7, Sheet 1 of 2 recorded in said Map Book 44 Page 53; thence in a Southwesterly direction following along and with the EXISTING CHARLOTTE CITY LIMITS LINE as described in the said 1990 Reedy Creek Park Annexation Area recorded in the Mecklenburg County Register of Deeds Office in said Deed Book 6201 Page 348 with the following (2) bearings and distances: 1) South 76-00-00 West 193.00 feet to a point; 2) North 10-12-00 West 568.00 feet to a point said point being the POINT AND PLACE OF BEGINNING.

Area B:

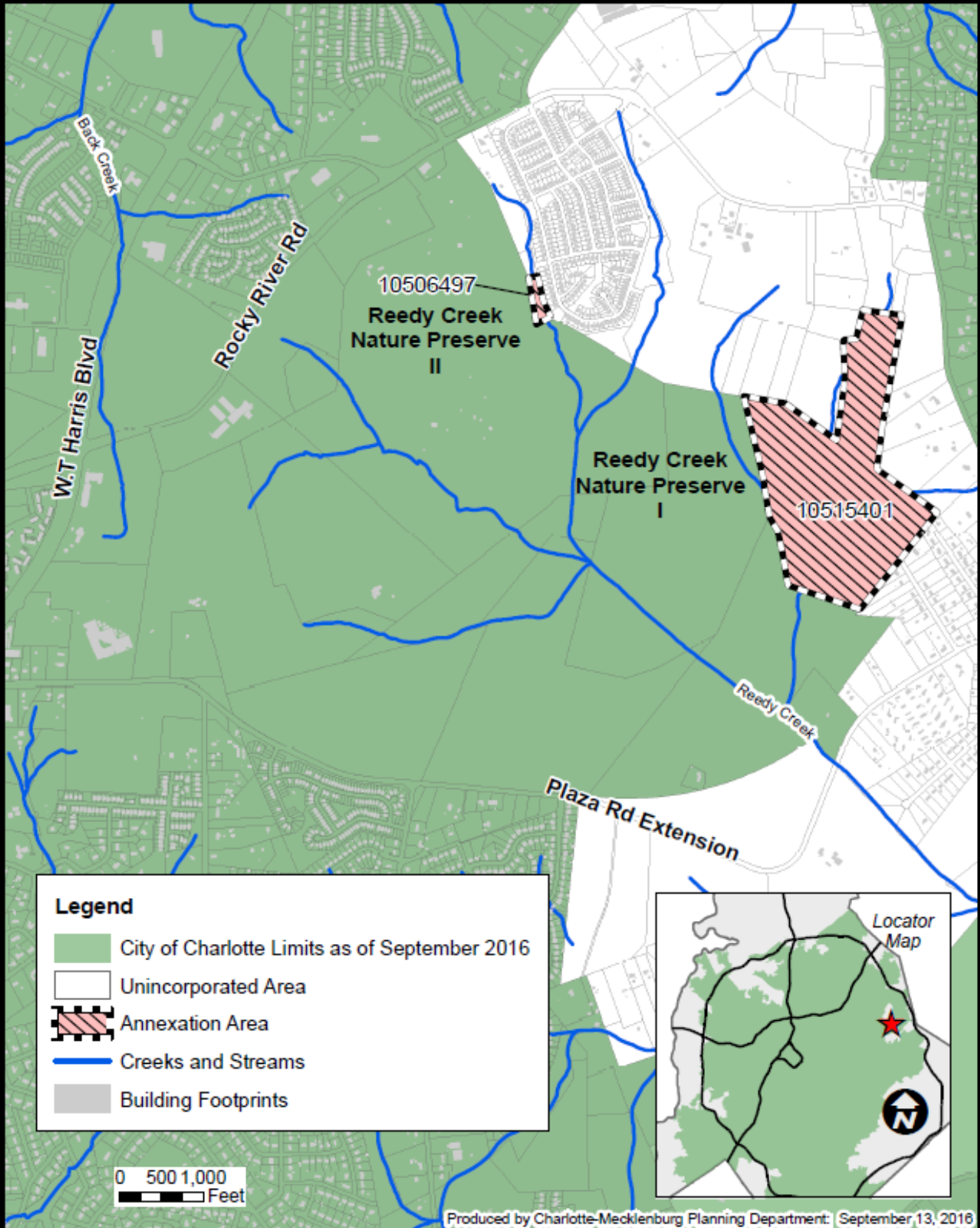
BEGINNING at a point on the EXISTING CHARLOTTE CITY LIMITS LINE said point being described in the 1990 Reedy Creek Park Annexation Area description recorded in the Mecklenburg County Registry in Deed Book 6201 Page 348 said point also being the Westerly corner of Mecklenburg County Tax Parcel 105-154-01 being the lands of Mecklenburg County as recorded in Deed Book 30495 Page 574 said point being in the southerly margin of lands of Hodges Family Properties, LLC as same described by Deed recorded in Book 25532 Page 170 in the Mecklenburg County Registry; running thence with the southerly and easterly margin of said lands of Hodges Family Properties, LLC the following eleven (11) bearings and distances: 1)South 80-00-48 East 286.10 feet to a point; 2)South 79-50-53 East 235.12 feet to a point; 3)South 54-46-04 East 471.90 feet to a point; 4)South 54-40-10 East 294.87 feet to a point; 5)North 06-04-59 East 613.49 feet to a point; 6)running thence with the arc of a circular curve to the left, said arc having a radius of 2643.71 feet, an arc length of 572.30 feet and a chord bearing and distance of North 00-04-11 West 571.18 feet to a point; 7)South 72-04-43 East 10.10 feet to a point; 8)North 17-52-29 East 29.21 feet to a point; 9)North 83-14-58 East 28.54 feet to a point; 10)North 83-14-30 East 111.43 feet to a point; and 11) North 14-41-01 East 357.60 feet to a point, said point being the southwesterly corner of lands of Rocky River Retail Investor as described in Deed Book 20808 Page 499; thence with the southerly line of said lands of Rocky River Retail Investors South 82-24-24 East 487.95 feet to a point said point being in the westerly margin of lands of Cape Reedy Creek Retail Investors, LLC. as described in Deed Book 30126 Page 910; thence with the said margin of the lands Cape Reedy Creek Retail Investors, LLC. South 10-17-17 West 957.77 feet to a point, said point being in the northwesterly corner of the lands of Gerald J. Micklow as described in Deed Book 12844 Page 922; thence with the westerly margin of said lands of Micklow South 10-16-25 West 400.16 feet to a point, said point being the northwesterly corner of lands of Duane D. Kohari as described in Deed Book 5110 Page 498; thence with the westerly margin of said lands of Kohari South 07-10-14 West 343.77 feet to a point, said point being in the northwesterly corner of lands of Nancy E. Newton as

described in Deed Book 12016 Page 17; thence with the westerly and southwesterly margin of said lands of Newton with the following two (2) bearings and distances: 1) South 07-13-41 West 174.40 feet to a point; and 2) South 53-45-12 East 557.95 feet to a point, said point being in the northwesterly corner of lands of Richard Robertson as described in Deed Book 7883 Page 333; thence with the westerly margin of said lands of Robertson with the following (2) bearings and distances: 1) South 53-43-32 East 230.83 feet to a point; 2) South 53-41-22 East 119.19 feet to a point, said point being in the northwesterly corner of lands of Jeffrey A. Shaw as described in Deed Book 4883 Page 514; thence with the northwesterly margin of said lands of Shaw the following two (2) bearings and distances: 1) South 38-51-46 West 43.05 feet to a point; and 2) South 38-34-12 West 87.71 feet to a point, said point being in the northernmost corner of lands of Douglas L. Sherrard as described in Deed Book 30330 Page 14; thence with the northwesterly margin of said lands of Sherrard South 38-41-41 West 193.29 feet to a point, said point being in the northernmost corner of lands of Wynand Dupuy Family Trust as described in Deed Book 18447 Page 154; thence with the northwesterly margin of said lands of Wynand Dupuy Family Trust, the northwesterly terminus of Plaza Park Drive and the northwesterly margin of lands of Michael G. Christenbury as described in Deed Book 28481 Page 231 South 38-39-29 West 949.60 feet to a point said point being in the northwesterly corner of said lands of David J. Craven; thence with the northwesterly margin of said lands of Craven South 38-40-10 West 213.16 feet to a point said point being in the intersection of the westerly margin of lands of said Craven as described in Deed Book 29428 Page 789 said point being located on the Existing City of Charlotte City Limits Line said point being described in the 2008 Reedy Creek Park II Annexation description recorded in Deed Book 23612 Page 202; thence in a northwesterly direction following along and with the Existing City of Charlotte City Limits Line being the westerly margin of the lands of Mecklenburg County having said Tax parcel number 105-154-01 recorded in said Deed Book 30495 Page 574 with the following seven (7) bearings and distances as described in the 2008 Reedy Creek Park II Annexation description : 1) North 71-15-25 West 919.16 feet to a point, 2) North 09-30-25 West 133.49 feet to a point, 3) North 09-30-25 West 76.51 feet to a point, 4) North 09-30-25 West 76.51 feet to a point, 5) North 09-30-25 West 104.35 feet to a point, 6) North 11-45-25 West 276.38 feet to a point, 7) North 30-30-25 West 202.13 feet to a point said point being located on the Existing City of Charlotte City Limits Line said point also being described in the 1990 Reedy Creek Park Annexation Description recorded in Deed Book 6201 Page 348; thence continuing in a Northwesterly direction following along the said Existing City of Charlotte City Limits Line North 31-54-19 West 1532.49 feet to a point as described in the said 1990 Reedy Creek Park Annexation Description said point being the Point and Place of Beginning.

Section 3. Notice of the public hearing shall be published in the *Mecklenburg Times*, a newspaper having general circulation in the City of Charlotte, at least ten (10) days prior to the date of the public hearing.

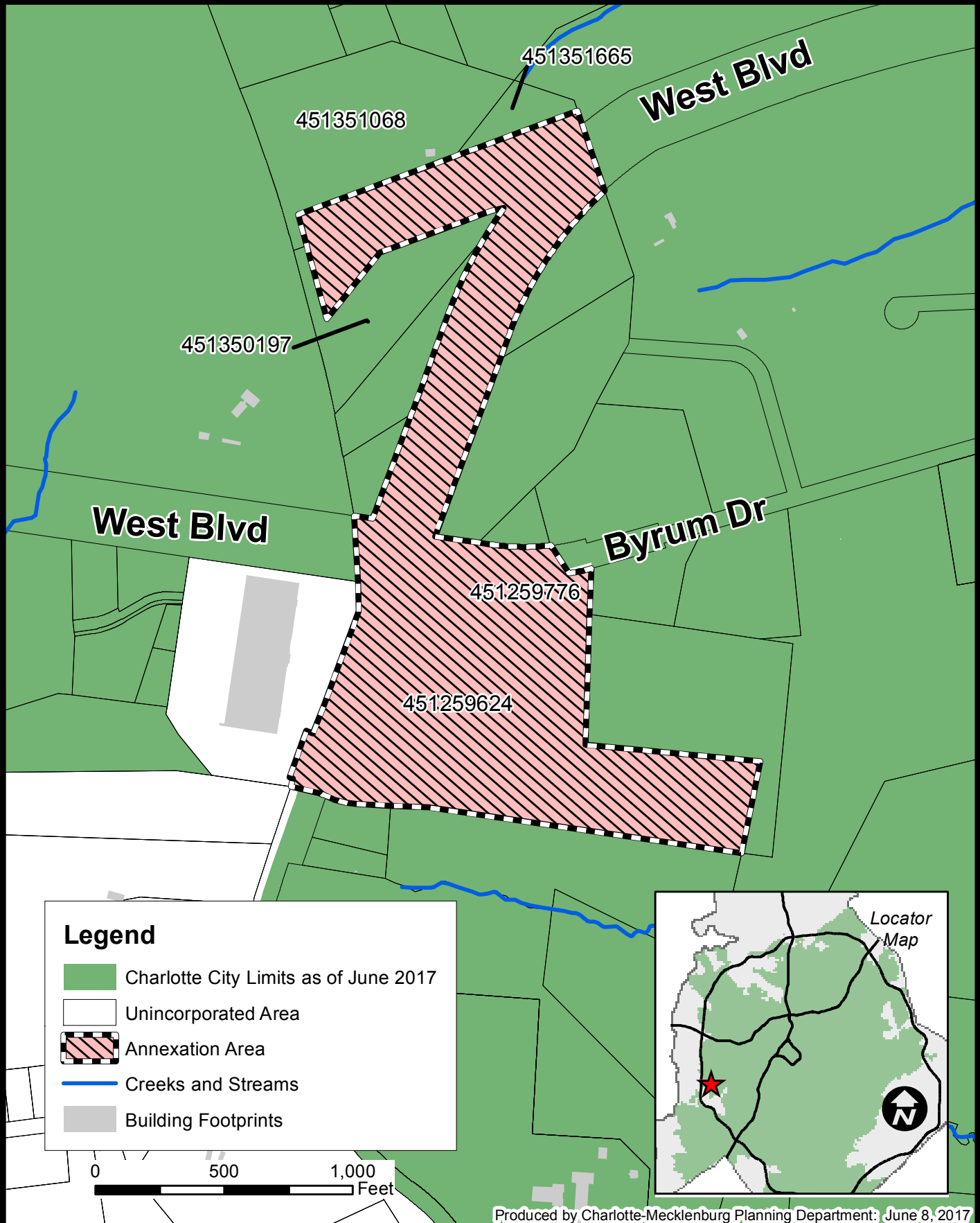
Reedy Creek Nature Preserve

Proposed Voluntary Annexation of County-Owned Property



Byrum/NC 160

Proposed Annexation of City-Owned Property



**RESOLUTION STATING THE INTENT OF THE CITY OF CHARLOTTE TO
ANNEX PROPERTY OWNED BY THE CITY WHICH IS CONTIGUOUS TO THE
EXISTING MUNICIPAL BOUNDARIES**

BE IT RESOLVED by the City Council of the City of Charlotte that:

Section 1. It is the intent of the City Council pursuant to G.S. 160A-31, to annex the property described in Section 2, which is owned by the City of Charlotte.

Section 2. The legal description of the property is as follows:

LEGAL DESCRIPTION

Beginning at a point on the existing City of Charlotte Limits Line as described in Ordinance Book 39 Page 429 having an Ordinance Number 3101-X and recorded in Deed Book 6475 Page 14 all entitled (BEAM ROAD AREA ANNEXATION) dated February 4, 1991 said point being located on the old existing westerly right-of-way margin of Steele Creek Road a common corner with Parcel 10 having a Mecklenburg Tax Parcel number of 141-121-48 and Parcel 20 as shown on recorded Map Book 52 page 904&905; thence leaving the old existing westerly margin of said Steele Creek Road in a Easterly direction crossing said Steele Creek Road with the Existing City of Charlotte Limits Line and following along the Northerly boundary of the Steele Creek Presbyterian Church property and the Southerly boundary of the property as described in Deed Book 1588, page 150 for the following two courses: 1) South 83-00 East approximately 370 feet to a point; thence 2) South 4-25 West 13.02 feet to a point; thence in a Northeasterly direction with the Existing City of Charlotte Limits Line which separates Lot 2 on the North and Tract D1 on the South as shown and described on recorded Map Book 51 Page 705 with the following two bearings and distances 1). South 87-12-29 East 148.78 feet; 2) South 81-47-44 East 1,227.64 feet to a point said point being the Northeasterly corner of said Tract D1 and also being the Southeasterly corner of said Lot 2 as described in said Map Book 51 Page 705; thence with the Existing City of Charlotte Limits Line with the following bearings and distances; North 11-59 East 363.21 feet to a point; North 84-27 West 684.7 feet to a point; North 01-54 East approximately 705.6 feet to a point, said point being on a line 40 feet South of and parallel with the centerline of Byrum Drive; thence in a Southwesterly direction following along a line 40 feet South of and parallel with the centerline of Byrum Drive approximately 160 feet to a point, said point being located where the parallel line 40 feet South of the centerline of Byrum Drive intersects with the Easterly boundary line of Parcel 15 as shown on Map Book 52 Page 904 (if extended); thence with the Existing City of Charlotte Limits Line in a Northwesterly direction crossing Byrum Drive and following along

the Easterly boundary line of said parcel 15 as having a bearing of North 15-41-38 West approximately 120 feet to a point said being the Southeasterly corner of said Parcel 15 being located on the Northerly right-of-way of Byrum Drive as shown on Map Book 52 Page 904; thence with the Existing City of Charlotte Limits Line in a Northwesterly direction along and with the Northerly right-of-way of said Byrum Drive having a circular curve to the right with a radius of 884.93 feet, an arc length of 231.73 feet, a chord bearing of North 89-17-50 West and a chord length of 231.06 feet to a point; thence North 81-47-44 West 46.99 feet to a point said point being the Southwesterly corner of said Parcel 15 and the Southeasterly corner of Parcel 11 as shown on said recorded Map Book 52 Page 904; thence with the Existing City of Charlotte Limits Line continuing along and with the Northerly right-of-way line of said Byrum Drive, North 81-47-44 West 175.31 feet to a point; said point being the Northeasterly corner of the intersection of Byrum Drive and West Boulevard; thence with the Existing City of Charlotte Limits Line in a Northeasterly direction along and with the Easterly margin of the 250 foot right-of-way of West Boulevard with the following two (2) bearings and distances; 1) North 20-14-07 East 840.05 feet to a point; 2) with a circular curve to the right with a radius of 1435.00 feet, an arc length of 671.58 feet and a chord bearing of North 33-38-33 East and a chord length of 665.47 feet a point; said point being located on the said Easterly boundary line of Parcel 23, and being the Easterly margin of the 250 foot right-of-way of West Boulevard as shown on said Recorded Map Book 52 Page 904; thence with the Existing City of Charlotte Limits Line in a Northerly direction crossing the 250 foot right-of-way of said West Boulevard to a calculated point, being the Easterly boundary line of City of Charlotte Parcel 23 (extended) having a bearing and distance of N 18-52-52 W 250.08 feet as shown on said Map Book 52 Page 904 and being located on the Northerly right-of-way of said West Boulevard; thence with the Existing City of Charlotte Limits Line in a Southwesterly direction following along and with the Northerly right-of-way of West boulevard to a calculated point having a bearing and distance of S 69-40-34 W 1,160.70 feet; thence with the Existing City of Charlotte Limits Line in a Southerly direction crossing the 250 foot right-of-way of said West Boulevard with the Westerly boundary line of the City of Charlotte Parcel 24 (extended) having a bearing and distance of S 14-53-11 E 429.48 feet to a point said point being 0.77 feet N 14-53-11 W from a R/W monument on line as shown on said Map Book 52 Page 904; thence with the Existing City of Charlotte Limits Line in a Northeasterly direction along and with the Existing 250 foot right-of-way of West Boulevard with the following two (2) bearings and distances: (1) N 38-29-42 E 342.93 feet, (2) N 69-40-34 E 518.45 feet to a point said point being the intersection of the Existing 250 foot right-of-way of West Boulevard and the proposed 250 foot right-of-way of West Boulevard as shown on Map Book 52 Page 904; thence with the Existing City of Charlotte Limits Line in a southwesterly

direction following along and with the Westerly right-of-way of the said proposed 250 foot right-of-way of West Boulevard as shown on Map Book 52 Page 904 with the following two (2) calls: (1) with a curve to the left having a radius of 1685.00 feet an arc length of 464.79 feet with a chord bearing and distance of South 28-08-15 East 463.31 feet to a point, (2) South 20-14-07 West 858.56 feet to a point said point being the intersection of the Westerly and Northerly 250 foot right-of-way lines of the proposed West Boulevard as shown on said Map Book 52 page 904; thence with the Existing City of Charlotte Limits Line in a Westerly direction along and with the Northerly 250 foot right-of-way of West Boulevard N 81-47-44 West 42.16 feet to a point as shown on Map Book 52 Page 904; thence with the Existing City of Charlotte Limits Line in a Southerly direction crossing the proposed 250 foot right-of-way of West Boulevard with a calculated bearing and distance of S 03-32-14 West 250.84 feet to a point, said point being located on the Southerly 250 foot right-of-way margin of West Boulevard also being the Northeasterly corner of Tract C1 as shown on recorded Map Book 52 Page 815 also being Parcel 10 recorded on Map Book 52 page 904; thence leaving the Existing City of Charlotte Limits Line in Southerly direction following along and with the new westerly margin of Steele Creek Road with the following nine (9) bearings and distances as shown on recorded Map Book 52 Page 904; (1) S 01-55-01 E 117.53 feet to a point (2) S 20-09-29 E 365.22 feet to a point; (3) S 25-02-46 E 21.17 feet to a point; (4) S 20-14-07 W 121.31 feet to a point; (5) N 69-46-04 W 27.56 feet to a point; (6) S 20-14-07 W 192.03 feet to a point; (7) S 69-45-53 E 15.00 feet to a point; (8) S 18-02-10 W 33.08 feet to a point; (9) S 81-38-47 E 34.40 to a point said point being located on the old westerly right-of-way margin of Steele Creek Road and also being the Point and Place of Beginning.

Section 3. The property described in Section 2 is contiguous to the current municipal boundaries.

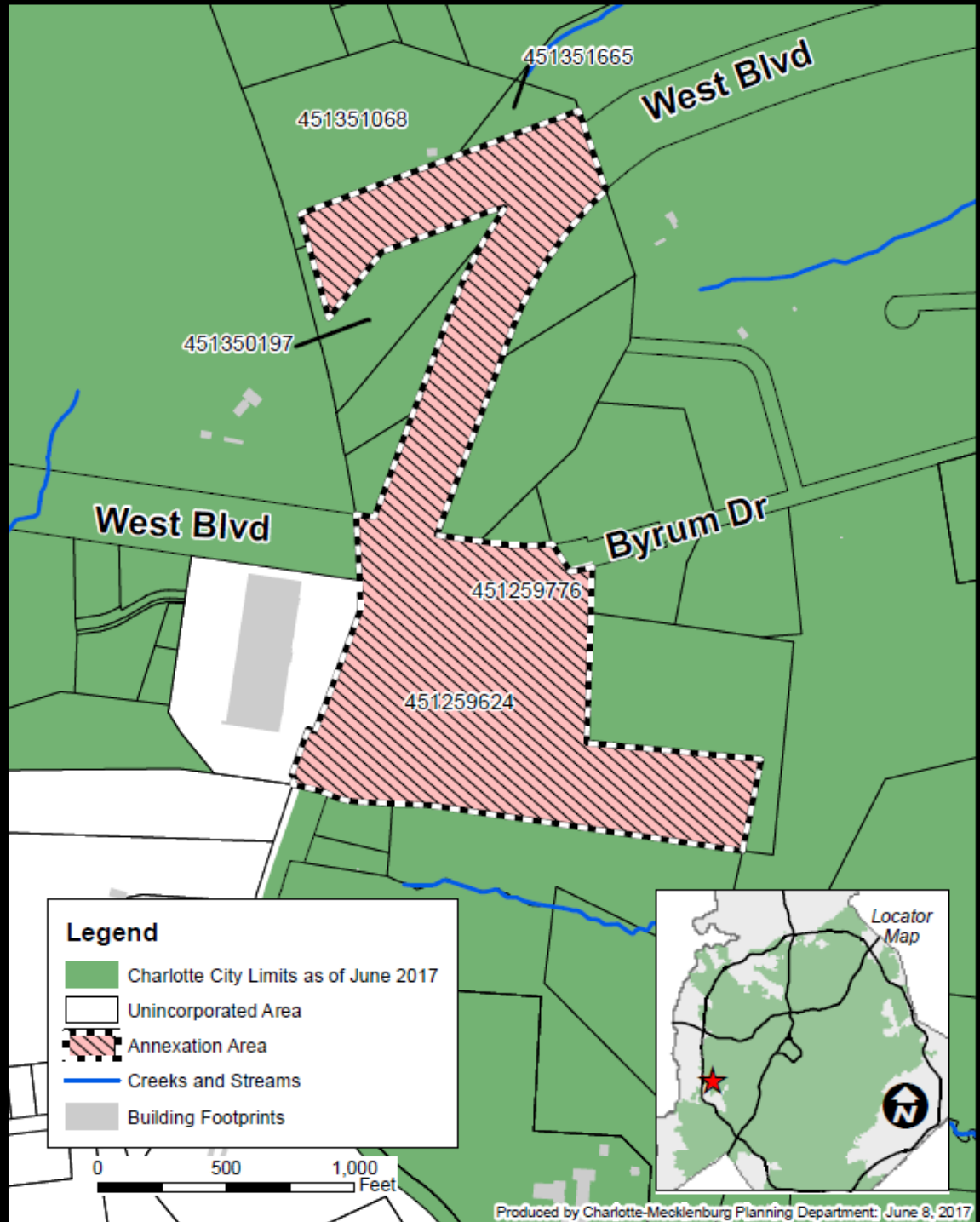
Section 4. A public hearing on the question of annexation of the property will be held in The Meeting Chamber of The Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, NC at 7:00 p.m. on Monday October 9, 2017.

Section 5. Notice of the public hearing shall be published once in The Mecklenburg Times, a newspaper having general circulation in the City of Charlotte, at least ten (10) days prior to the date of the public hearing.

Adopted this _____ day of _____, 2017.

Byrum/NC 160

Proposed Annexation of City-Owned Property





Agenda Date: 9/11/2017

Agenda #: 23. **File #:** 15-6178 **Type:** Consent Item

Intelligent Transportation System Project Grant

Action:

- A. Approve a resolution authorizing the City Manager to execute a municipal agreement with the North Carolina Department of Transportation accepting a Congestion Mitigation and Air Quality Grant for Intelligent Transportation System in the amount of \$1,580,000, and**
- B. Adopt a budget ordinance appropriating \$1,580,000 to the General Community Investment Plan.**

Staff Resource(s):

Liz Babson, Transportation
Angela Berry, Transportation

Explanation

- The Charlotte Regional Transportation Planning Organization allocated Congestion Mitigation and Air Quality (CMAQ) funding for the construction of five Intelligent Transportation System (ITS) projects.
- ITS projects are part of the implementation of the Intelligent Transportation System Master Plan identified in the Transportation Action Plan.
- ITS projects consist of items such as fiber optic cabling, traffic signal interconnection, and video traffic management cameras. These items, as a system, provide the ability to remotely adjust traffic signals in the response to traffic flow and emergency conditions.
- This grant will be used on five ITS construction projects:
 - Harris Boulevard from University City Boulevard to Rocky River Road and Old Concord Road to Mclean Road;
 - Wilkinson Boulevard from Morehead Street to Josh Birmingham Parkway;
 - Steele Creek Road from Westinghouse to South Tryon;
 - Arrowood Road from South Tryon to South Boulevard; and
 - Mallard Creek Road from Harris Boulevard to Governor Hunt Road.
- CMAQ funding for construction is \$1,580,000 (79%) and the City's match for construction is \$420,000 (21%).
- Council will be asked to approve construction contracts with general contractors as the projects are designed and bid.

Fiscal Note

Agenda #: 23.**File #:** 15-6178 **Type:** Consent Item

Funding: North Carolina Department of Transportation Congestion Mitigation Air Quality Grant (\$1,580,000) and Transportation Community Investment Plan (City's match of \$420,000)

Attachment(s)

Budget Ordinance
Resolution

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 9104-X, THE 2017-2018 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF \$1,580,000 FOR CONGESTION MITIGATION AND AIR QUALITY GRANT FOR INTELLIGENT TRANSPORTATION SYSTEM IMPROVEMENTS

BE IT ORDAINED, by the City Council of the City of Charlotte;

- Section 1. That the sum of \$1,580,000 hereby estimated to be available from the North Carolina Department of Transportation - Congestion Mitigation and Air Quality Grant
- Section 2. That the sum of \$1,580,000 is hereby appropriated in the General Capital Investment Fund (4001) into the project Arterial Signal System Coordination - 4292000026
GL: 4001-42-42-4230-429200-000000-000-530500-
- Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 4. All ordinances in conflict with this ordinance are hereby repealed.
- Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney

**RESOLUTION PASSED BY THE CITY COUNCIL OF THE
CITY OF CHARLOTTE, NORTH CAROLINA ON SEPTEMBER 11, 2017**

A motion was made by _____ and seconded by _____ for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, the CRTPO allocated Congestion Mitigation and Air Quality (CMAQ) funding for the construction of five Intelligent Transportation System (ITS) projects (the “Project”),

WHEREAS, the Project will be partially funded using North Carolina Department of Transportation funds in federal fiscal year 2018,

WHEREAS, a Municipal Agreement between the City and the State will provide up to \$1,580,000 in state funding to the Project,

WHEREAS, the Municipal Agreement specifies items eligible for funding as construction costs and construction administration, and

WHEREAS, the format and cost sharing philosophy is consistent with past municipal agreements.

NOW, THEREFORE, BE IT RESOLVED that a Municipal Agreement with the North Carolina Department of Transportation for the City to receive \$1,580,000 for the construction of five Intelligent Transportation System Projects is hereby formally adopted by City Council of the City of Charlotte, and the City Manager and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the aforementioned groups.



Agenda Date: 9/11/2017

Agenda #: 24. **File #:** 15-6213 **Type:** Consent Item

Idlewild Road/Rama Road and Monroe Road Municipal Agreement

Action:

- A. Authorize the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for construction of various improvements at the intersection of Idlewild Road/Rama Road and Monroe Road,**
- B. Adopt a resolution accepting funds from the North Carolina Department of Transportation to the City of Charlotte for the project in the amount of \$3,400,000, and**
- C. Adopt a budget ordinance appropriating \$3,400,000 in North Carolina Department of Transportation funds.**

Staff Resource(s):

Liz Babson, Transportation
Felix Obregon, Transportation

Explanation

- The Idlewild Road/Rama Road intersection project was a named 2014 bond project.
- The Project will provide vehicular capacity and amenities for vehicles, pedestrians and bicyclists at the intersection. The widening will:
 - Construct a multi-use path on the north side of Monroe Road from McMullen Way to Idlewild Road as part of the future Independence Boulevard Area Sidewalk and Bike Facilities South Capital project,
 - Add left and right turn lanes to increase vehicular capacity,
 - Provide pedestrian improvements by constructing curb ramps and pedestrian islands, and
 - Add bicycle facilities on all approaches.
- The anticipated total project cost is \$9.5 million. The cost share is:
 - North Carolina Department of Transportation: \$3,400,000
 - City of Charlotte: \$6,100,000
- A Municipal Agreement between the City and the State is necessary for the City to be reimbursed. This Municipal Agreement is consistent with past agreements.

Fiscal Note

Funding: North Carolina Department of Transportation (\$3,400,000) and General Transportation Community Investment Plan (City's match of \$6,100,000)

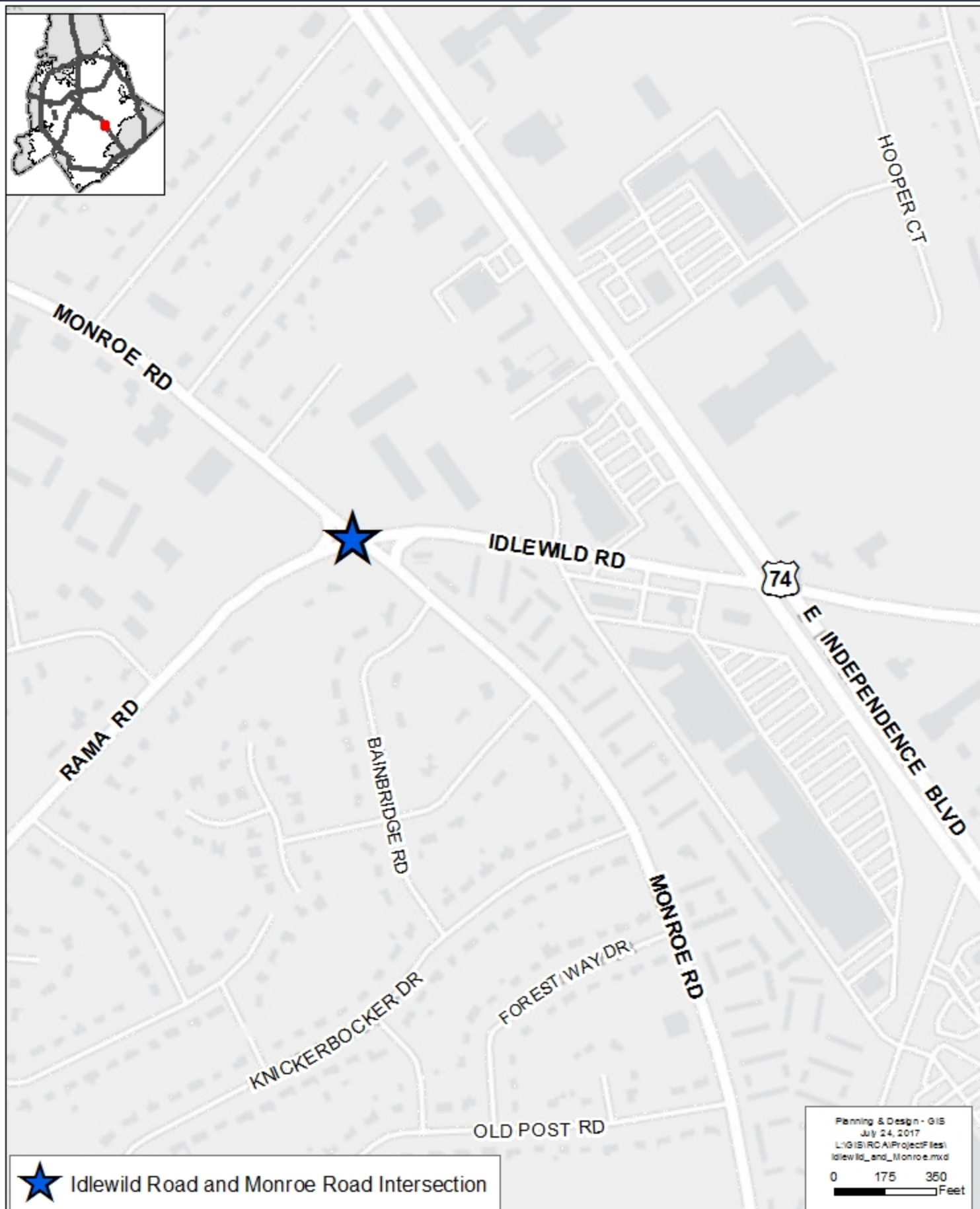
Agenda #: 24.**File #:** 15-6213 **Type:** Consent Item

Attachment(s)

Map
Budget Ordinance
Resolution



Idlewild Road and Monroe Road Intersection



ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 9104-X, THE 2017-2018 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF \$3,400,000 FOR THE IDLEWILD ROAD/RAMA ROAD AND MONROE ROAD INTERSECTION IMPROVEMENT PROJECT

BE IT ORDAINED, by the City Council of the City of Charlotte;

- Section 1. That the sum of \$3,400,000 hereby estimated to be available from the North Carolina Department of Transportation
- Section 2. That the sum of \$3,400,000 is hereby appropriated in the General Capital Investment Fund (4001) into the project Idlewild/Monroe Intersection - 4288550022
GL: 4001-42-42-4288-428855-000000-000-530500-
- Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 4. All ordinances in conflict with this ordinance are hereby repealed.
- Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney

**RESOLUTION PASSED BY THE CITY COUNCIL OF THE
CITY OF CHARLOTTE, NORTH CAROLINA ON SEPTEMBER 11, 2017**

A motion was made by _____ and seconded by _____
_____ for the adoption of the following Resolution, and upon being put
to a vote was duly adopted:

WHEREAS, the City of Charlotte has a project to widen the intersection of Idlewild Road and SR 1009 (Monroe Road) (the “Project”),

WHEREAS, the Project will be partially funded using North Carolina Department of Transportation funds in federal fiscal year 2021,

WHEREAS, the Project is listed in the North Carolina Department of Transportation’s (State) Transportation Improvement (TIP) as project U-5805,

WHEREAS, a Municipal Agreement between the City and the State will provide up to \$3,400,000 in state funding to project U-5805,

WHEREAS, the Municipal Agreement specifies items eligible for funding as right-of-way and construction for project C-5805, and

WHEREAS, the format and cost sharing philosophy is consistent with past municipal agreements.

NOW, THEREFORE, BE IT RESOLVED that a Municipal Agreement with the North Carolina Department of Transportation for the City to receive \$3,400,000 for TIP project U-5805 is hereby formally adopted by City Council of the City of Charlotte, and the City Manager and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the aforementioned groups.



Agenda Date: 9/11/2017

Agenda #: 25. **File #:** 15-5632 **Type:** Consent Item

Beatties Ford Road Widening

Action:

Award a contract in the amount of \$10,281,606.23 to the lowest responsive bidder J. T. Russell and Sons, Inc. for the Beatties Ford Road Widening project.

Staff Resource(s):

Mike Davis, Engineering and Property Management

Imad Fakhreddin, Engineering and Property Management

Explanation

- This project will widen Beatties Ford Road from two lanes to four and include turning lanes, planted median, bicycle lanes, sidewalk, planting strips and lighting. The project limits are from Capps Hill Mine Road to Pauline Lane (approximately 2.2 miles).
- The work will improve the horizontal alignment along the roadway and provide a new traffic signal at the intersection of Beatties Ford Road and Capps Hill Mine Road.
- Initial bids were received on May 4, 2017 from three bidders. All bids were rejected due to not meeting bid requirements.
- On July 12, 2017, the City re-advertised the Invitation to Bid. Five bids were received from interested service providers.
- J.T. Russell and Sons, Inc. was selected as the lowest responsive, responsible bidder.
- Utility companies have been working on relocating facilities since spring, 2014. It is expected that utility relocation will be complete by fall, 2017.
- This project is funded by 2010 transportation bonds as a Capital Improvement Project.
- Construction is anticipated to be complete by second quarter 2020.

Charlotte Business INclusion

Established SBE Goal: 19.00%

Committed SBE Goal: 49.99%

JT Russell & Sons, Inc. exceeded the established SBE subcontracting goal, and has committed 49.99% (\$5,139,822.86) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- B & N Grading, Inc. (SBE) (\$4,316,611.20) (grading and storm drainage)
- R.R.C. Concrete Inc (SBE, MBE) (\$281,000) (concrete)
- Silverback Brothers LLC (SBE, MBE) (\$272,211.66) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$250,000) (hauling)
- Mid-Atlantic Erosion Control, Inc (SBE, MBE) (\$20,000) (erosion control)

Agenda #: 25.File #: 15-5632 Type: Consent Item

Established MBE Goal: 8.00%

Committed MBE Goal: 8.01%

JT Russell & Sons, Inc. exceeded the established MBE subcontracting goal, and has committed 8.01% (\$823,211.66) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

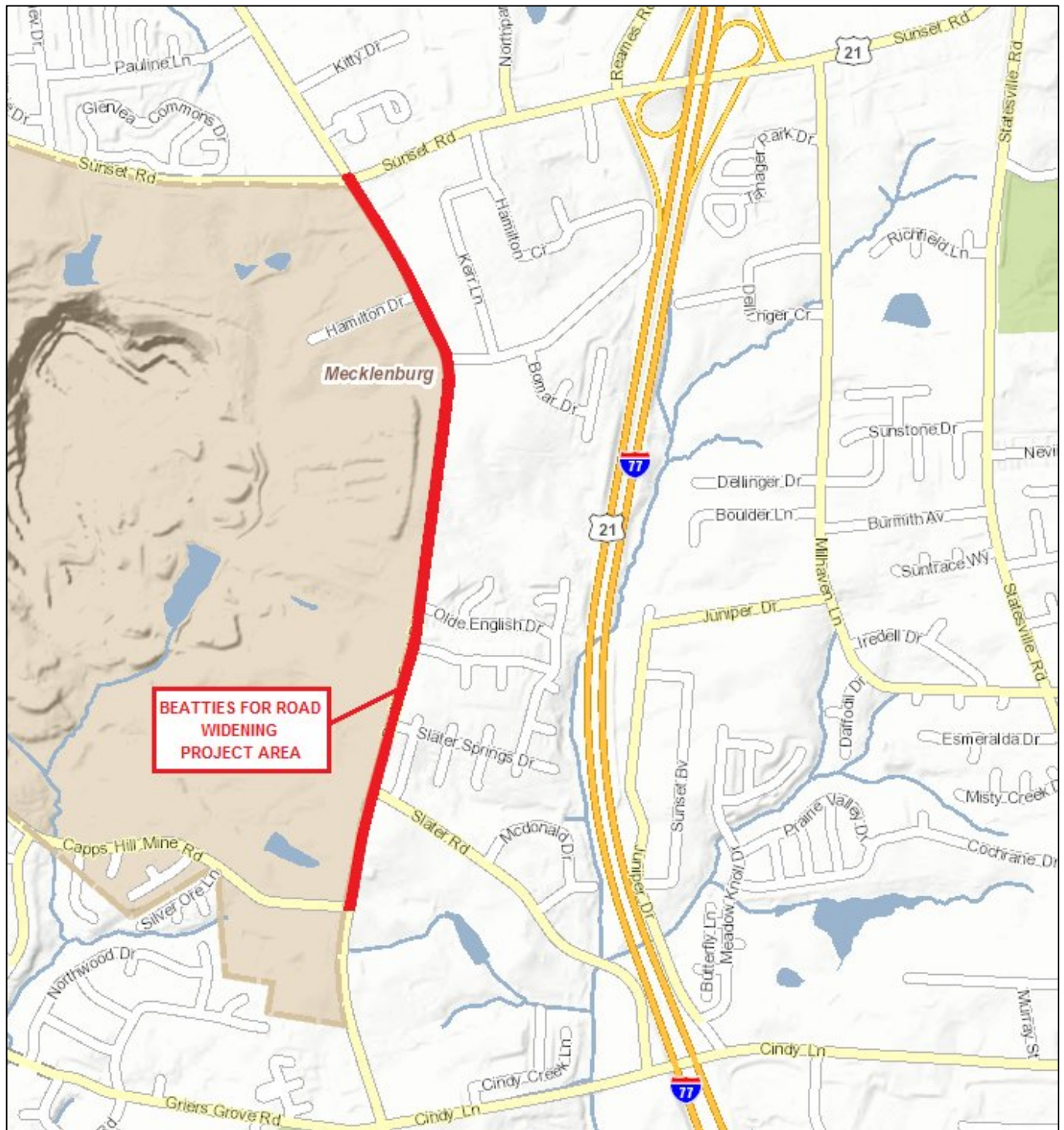
- R.R.C. Concrete Inc (SBE, MBE) (\$281,000) (concrete)
- Silverback Brothers LLC (SBE, MBE) (\$272,211.66) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$250,000) (hauling)
- Mid-Atlantic Erosion Control, Inc (SBE, MBE) (\$20,000) (erosion control)

Fiscal Note

Funding: General Transportation Community Investment Plan

Attachment(s)

Map



Location Map: Beatties Ford Road Widening (Council District 2)

Beatties Ford Road Widening Project

Summary of Bids

<u>Bidder:</u>	<u>Bid Amount:</u>
J.T Russell and Sons, Inc.	\$10,281,606.26
Blythe Development Company	\$10,472,006.85
Sealand Contractors Corp.	\$10,552,294.58
Blythe Construction, Inc.	\$11,911,279.05
United of Carolinas, Inc.	\$11,994,131.79



Agenda Date: 9/11/2017

Agenda #: 26. **File #:** 15-5809 **Type:** Consent Item

Heating, Ventilation, and Air Conditioning Maintenance and Repair Services

Action:

Approve unit price contracts with the following companies for heating, ventilation and air conditioning maintenance and repair services for a three-year term:

- **Armstrong Mechanical Services, Inc.,**
- **Redblue, Inc., and**
- **Southern Comfort of Charlotte, Inc.**

Staff Resource(s):

Mike Davis, Engineering and Property Management

William Haas, Engineering and Property Management

Explanation

- The contracts will provide repairs and maintenance services for heating, ventilation, and air conditioning systems in approximately 4.5 million square feet of City-owned space.
- Contractors are used to ensure peaks in heating, ventilation, and air conditioning workload can be addressed in a timely manner by qualified technicians.
- On June 20, 2017, the City issued a Request for Proposals; three proposals were received from interested technical service providers.
- Armstrong Mechanical Services, Inc., Redblue, Inc., and Southern Comfort of Charlotte, Inc. all meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- As needs arise, the City will issue work orders based on unit prices established by the contract.
- Estimated contract expenditures for all contracts are each \$150,000 annually/\$1.35 million in the aggregate over the three-year term.

Charlotte Business INclusion

No subcontracting goal was established for this contract(s) because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Engineering and Property Management Operating Budget



Agenda Date: 9/11/2017

Agenda #: 27. **File #:** 15-6008 **Type:** Consent Item

Charlotte Fire Logistics Pavement Repair

Action:

Award a contract in the amount of \$474,935.22 to the lowest responsive bidder Carolina Site Concepts, Inc. for the Charlotte Fire Department Logistics Pavement Repair project.

Staff Resource(s):

Mike Davis, Engineering and Property Management
William Haas, Engineering and Property Management

Explanation

- Charlotte Fire Logistics, located at 1501 North Graham Street, is a centralized warehouse for all 42 fire stations. Charlotte fire trucks enter the parking lot daily to replenish supplies, swap out equipment and perform ladder testing.
- The current parking lot pavement is too thin and does not support the load of the trucks.
- This project includes removal of the existing asphalt pavement and replacing it with 10-inch thick reinforced concrete pavement.
- On July 10, 2017, the City issued an Invitation to Bid; one bid was received from interested service providers.
- Carolina Site Concepts, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2017.

Charlotte Business INclusion

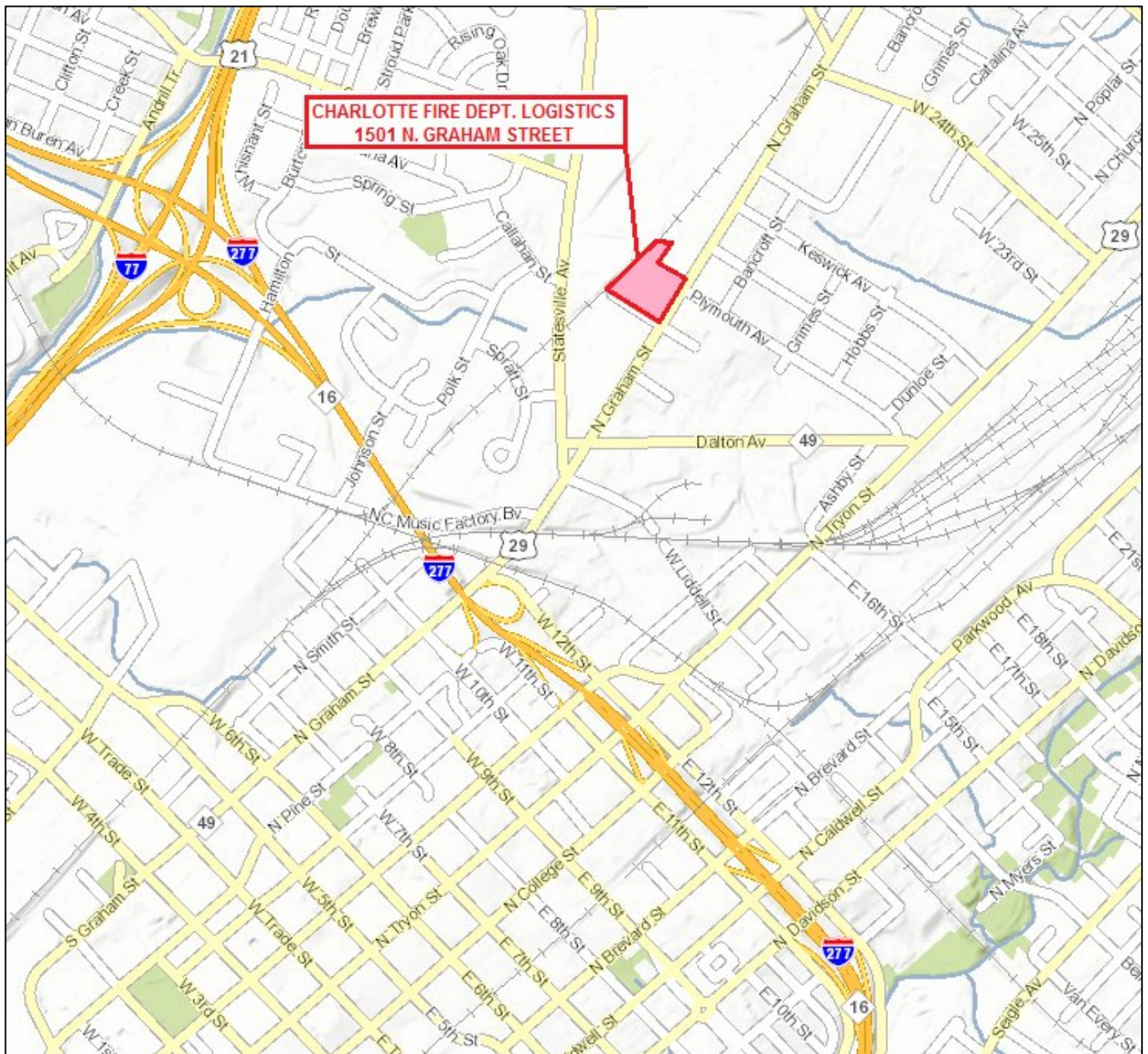
The City solicited bids only from City certified SBEs, therefore 100% of the project participation is being committed to the following certified firm: Carolina Site Concepts, Inc. (SBE) (Part A: Section 2.3 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map



**Location Map: Charlotte Fire Department Logistics Pavement Repair
(Council District 2)**



Agenda Date: 9/11/2017

Agenda #: 28. **File #:** 15-6106 **Type:** Consent Item

Landscape Installation Services

Action:

Approve one-year contracts with the following companies for landscape installation services:

- **The Metrolina Landscape Company, \$150,000**
- **Roundtree Companies, LLC, \$225,000**
- **Carolina Outdoor Maintenance, Inc., \$75,000**
- **Leisure Time Lawn Care, LP, \$75,000**
- **Southern Shade Tree Co., Inc., \$75,000**
- **New Beginning Landscape, LLC, \$100,000**

Staff Resource(s):

Mike Davis, Engineering and Property Management
Quin Hall, Engineering and Property Management
Tim Porter, Engineering and Property Management

Explanation

- These contracts provide continuous landscape installation services for City right-of-way and in coordination with TreesCharlotte plantings in schools and parks.
- Services include, but are not limited to:
 - Plant material installation in the right-of-way planting strip (between the curb and sidewalk), behind sidewalk and in medians,
 - Stump grinding, debris removal and disposal on specific projects where tree replacement is occurring, and
 - Mulching and clean-up.
- The City will issue work orders for specific individual projects separately to each contractor.
- On June 28, 2017, the City issued a Request for Proposals; seven proposals were received from interested service providers.
- Firms selected were the best qualified firms to meet the City's needs on the basis of demonstrated competence and qualification of services in response to the RFP requirements.
- Estimated contract expenditures for all contracts are \$700,000 annually.

Charlotte Business INclusion

No subcontracting goals were established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy). Four contracts will be awarded to the following certified firms, resulting in \$475,000 (67.86%) total MSBE utilization:

- Roundtree Companies, LLC (SBE) (\$225,000)
- New Beginnings Landscape, LLC (SBE, MBE) (\$100,000)
- Carolina Outdoor Maintenance, Inc. (SBE) (\$75,000)
- Leisure Time Lawn Care, LP (SBE) (\$75,000)

Agenda #: 28.**File #:** 15-6106 **Type:** Consent Item

Fiscal Note

Funding: General Community Investment Plan



Agenda Date: 9/11/2017

Agenda #: 29. **File #:** 15-6186 **Type:** Consent Item

Cross-Charlotte Trail Design Services

Action:

Approve contract Amendment #3 in the amount of \$352,439 for the Cross Charlotte Trail with Kimley-Horn and Associates, Inc. for additional design services.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Joe Frey, Engineering and Property Management

Explanation

- The completed Cross Charlotte Trail (XCLT) will consist of a combination of new and existing greenways connected by new urban trails to form a continuous pathway extending approximately 26 miles across the City of Charlotte.
- On October 26, 2015, the City Council approved a contract for \$978,179 with Kimley-Horn and Associates, Inc. (Kimley-Horn) for the design of the following trail sections:
 - Brandywine Road to Tyvola Road (design services)
 - South Charlotte Connector (design services)
 - Davidson Street to 25th Street (planning services)
- On November 17, 2016, staff executed contract amendment #1, adding a specialty sub-consultant for geotechnical/foundation/wall services. Amendment #1 was administrative in nature with no associated costs.
- On December 12, 2016, City Council approved contract amendment #2 for \$680,760, allowing Kimley-Horn to provide services on:
 - Davidson Street to Matheson Avenue segment (design, real estate, and construction services)
 - Matheson Avenue to Craighead Road segment (planning services)
- Amendment #3 will allow Kimley-Horn to provide the following services:
 - Brandywine Road to Tyvola Road segment:
 - Design, real estate, and construction services for Storm Water Best Management Practices (BMP's) required per the Post Construction Storm Water Ordinance for permitting entire trail segment.
 - Design services for a pocket park at a trail access point at 3938 Selwyn Avenue (corner of Selwyn Avenue and Park Road)
 - Matheson Avenue to Craighead Avenue segment: Matheson Avenue Retaining Walls (expedited design revisions in order to accommodate schedule and site plan of adjacent private development)
- In order to expedite multiple segments concurrently and respond to rezoning petitions and private developments along the XCLT alignment, the services of Kimley-Horn are being utilized for multiple segments of the Trail under the same contract as described above.
- The total contract amount to date, including contract amendment #3 is \$2,011,378 and is available in the project budget.

Charlotte Business INclusion

All additional work involved in this amendment will be performed by Kimley-Horn and Associates and their

Agenda #: 29.File #: 15-6186 Type: Consent Item

existing sub-consultants (Part D: Section 6 of the Charlotte Business INClusion Policy). Kimley-Horn has committed 14.47% (\$51,000) of the total amendment amount to the following certified firms:

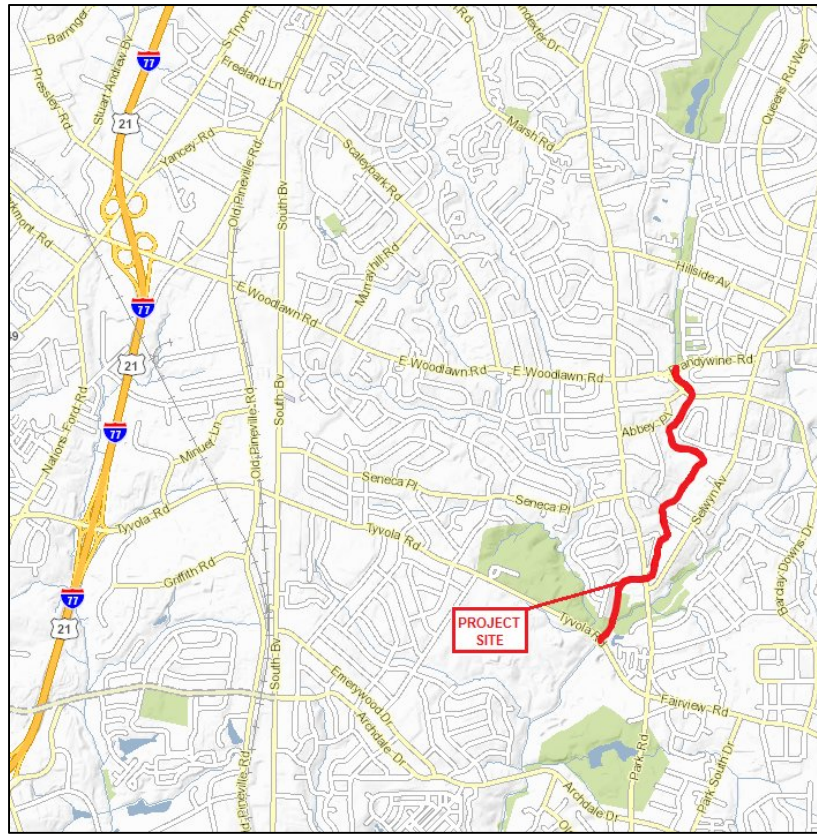
- CES Group Engineers (WBE, SBE) (\$40,500) (real estate phase services)
- James Mauney & Associates (SBE) (\$8,000) (mapping services)
- Boyle Consulting Engineers (SBE) (\$2,500) (geotechnical services)

Fiscal Note

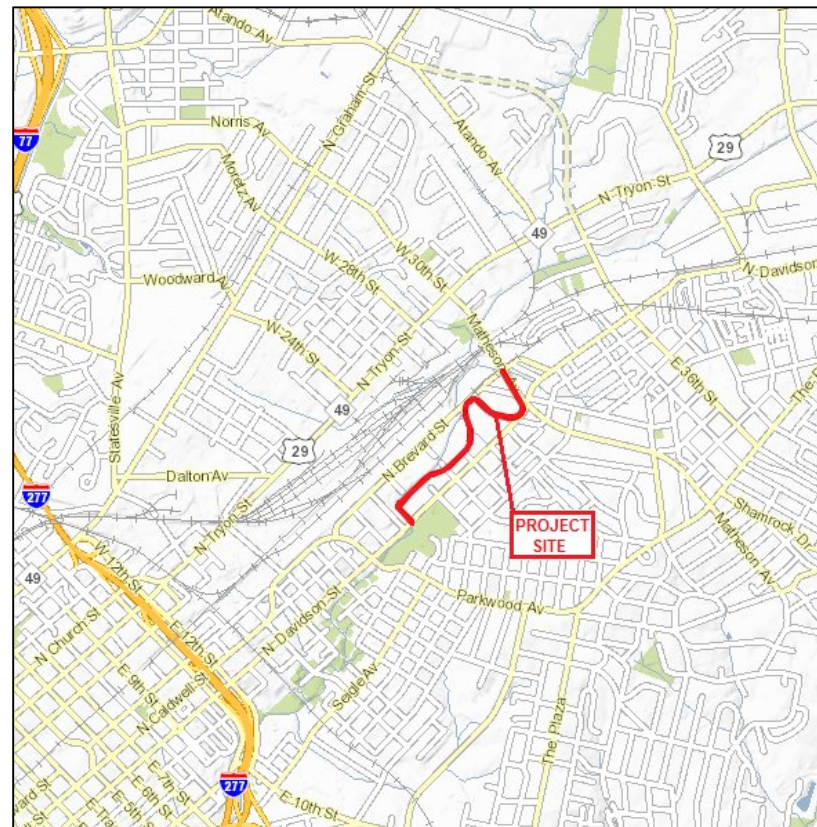
Funding: General Community Investment Plan

Attachment(s)

Map



Cross Charlotte Trail: Brandywine Road to Tyvola Road (Council District 6)



Cross Charlotte Trail: Davidson Street to Matheson Avenue (Council District 1)

Location Maps: Cross-Charlotte Trail Design Services



Agenda Date: 9/11/2017

Agenda #: 30. File #: 15-6169 Type: Consent Item

Seneca Place and Wedgewood Drive Intersection and Storm Drainage Improvements

Action:

Award a contract in the amount of \$915,200 to the lowest responsive bidder Zoladz Construction Co., Inc. for the Seneca Place and Wedgewood Drive Intersection and Storm Drainage Improvements project.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Becky Chambers, Engineering and Property Management
Stewart Edwards, Engineering and Property Management

Explanation

- This project will rebuild the intersection of Wedgewood Drive and Seneca Place with new curb and gutter, sidewalk and curb ramps to improve pedestrian safety. This project will also install a new storm drainage system including box culverts, headwalls, pipes and catch basins along Seneca Place between Wedgewood Drive and Lamont Drive.
- This project is an opportunity to minimize construction impacts by addressing requests for pedestrian safety and storm drainage improvements simultaneously in the neighborhood.
- On June 27, 2017, the City issued an Invitation to Bid; four bids were received from interested service providers.
- Zoladz Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2018.

Charlotte Business INclusion

Established SBE Goal: 15.00%

Committed SBE Goal: 15.92%

Zoladz Construction Co., Inc. exceeded the established SBE subcontracting goal, and has committed 15.92% (\$145,740) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc. (SBE, MBE) (\$91,000) (masonry)
- McCloud Construction, LLC (SBE) (\$36,740) (concrete)
- Trull Contracting, LLC (SBE, WBE) (\$18,000) (asphalt/paving)

Established MBE Goal: 5.00%

Committed MBE Goal: 9.94%

Zoladz Construction Co., Inc. exceeded the established MBE subcontracting goal, and has committed 9.94% (\$91,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

Agenda #: 30.**File #:** 15-6169 **Type:** Consent Item

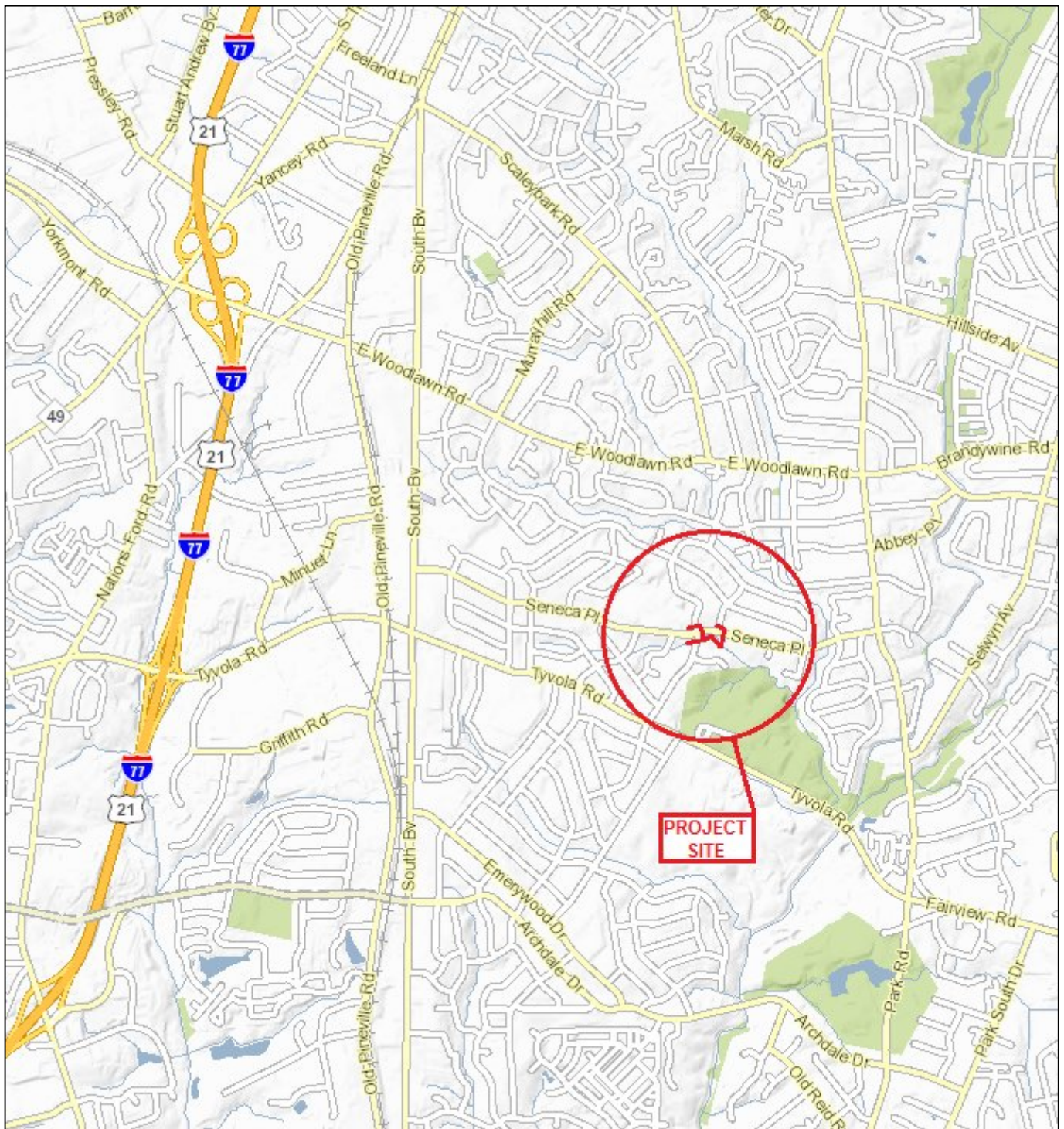
- On Time Construction, Inc. (SBE, MBE) (\$91,000) (masonry)

Fiscal Note

Funding: General and Storm Water Community Investment Plans

Attachment(s)

Map



**Location Map: Seneca Place and Wedgewood Drive Intersection
and Storm Drainage Improvements
(Council District 6)**



Agenda Date: 9/11/2017

Agenda #: 31. **File #:** 15-6109 **Type:** Consent Item

Long Creek Stream Restoration

Action:

Award a contract in the amount of \$1,045,969.18 to the lowest responsive bidder North State Environmental, Inc. for the Long Creek Stream Restoration project.

Staff Resource(s):

Barry Gullet, Charlotte Water
Carl Wilson, Charlotte Water

Explanation

- Long Creek is eroding and has changed its alignment since the sewer line was installed in 2007. The City needs to perform stream restoration in order to protect the 54-inch sewer line. If the sewer line and easement area are not stabilized the stream could undermine the sewer line and cause a major spill.
- The current flow on the 54-inch Long Creek outfall is four million gallons per day average and up to seven million gallons per day maximum.
- This project will provide survey, erosion control, grading, construction materials, and work necessary to perform the restoration of the Long Creek stream banks. The project limits are from the intersection of Long Creek and Belmeade Drive to a point approximately one mile South down Long Creek.
- On June 9, 2017, the City issued an Invitation to Bid for Long Creek Stream Restoration; five bids were received from interested service providers.
- North State Environmental, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by December 2018.

Background

- On March 28, 2016, City Council authorized the application of the Long Creek Grant and for acceptance by the City Manager if awarded.
- The North Carolina's Clean Water Management Trust Fund Grant was awarded in the amount of \$450,000 in October 2016.

Charlotte Business INclusion

Established MSBE Goal: 4.00%

Committed MSBE Goal: 4.10%

North State Environmental, Inc. met the established subcontracting goal and has committed 4.10% (\$42,928) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Habitat Assessment & Restoration Professionals (SBE) (\$30,500) (live stakes)
- Jones Grading & Fencing, Inc. (SBE, MBE) (\$12,428) (hauling)

Agenda #: 31.**File #:** 15-6109 **Type:** Consent Item

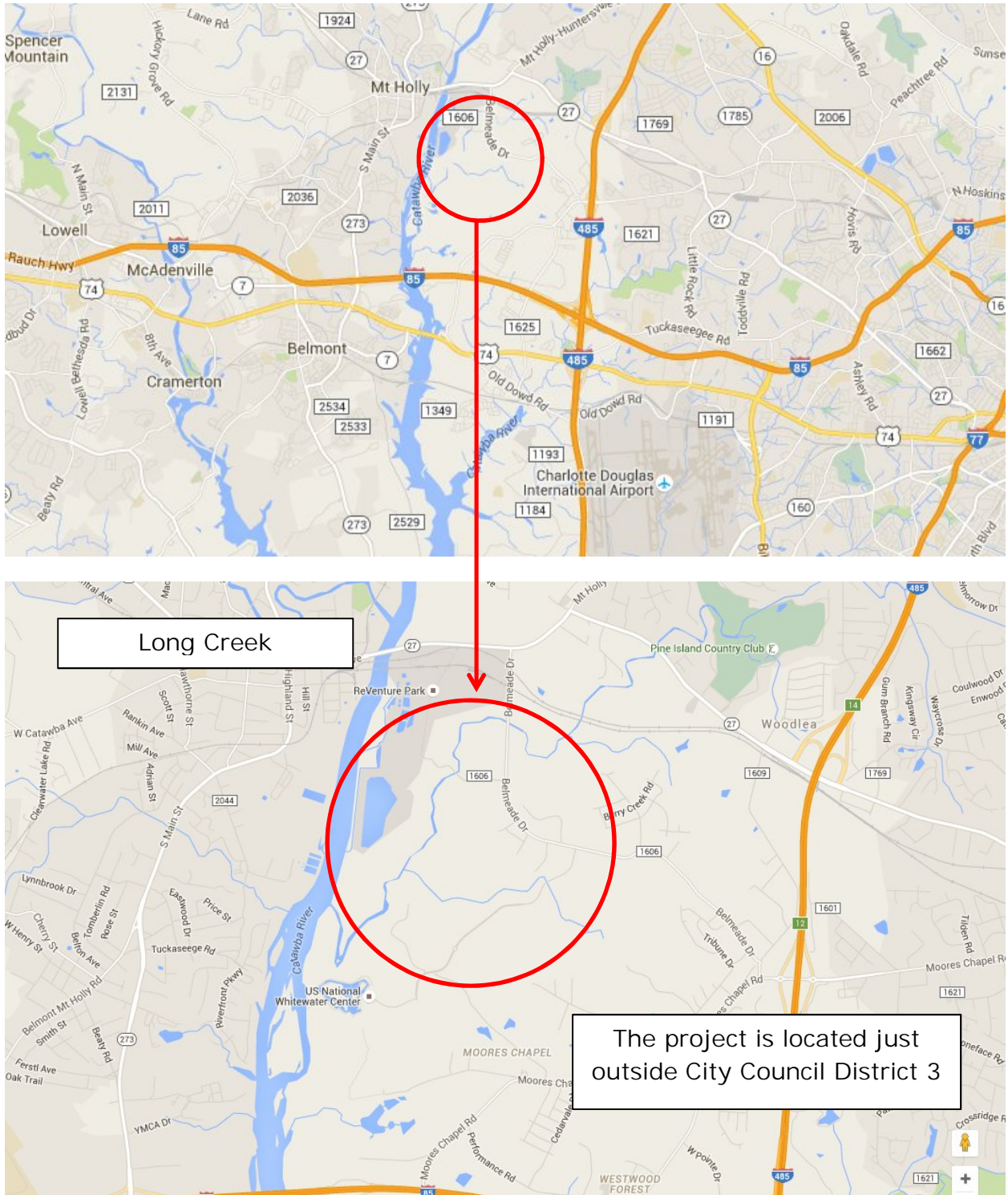
Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

Long Creek Stream Restoration – Map





Agenda Date: 9/11/2017

Agenda #: 32.**File #:** 15-6110 **Type:** Consent Item

Professional Services for Charlotte Water Relocations and Improvements

Action:

- A. Approve a contract in the amount of \$1,500,000 with Hinde Engineering, Inc., for general engineering services for Charlotte Water infrastructure, and**
- B. Approve a contract in the amount of \$500,000 with STV Engineers, Inc. for general engineering services for Charlotte Water infrastructure.**

Staff Resource(s):

Barry Gullet, Charlotte Water
Carl Wilson, Charlotte Water

Explanation

- Whenever a water or sewer line is located within a NCDOT right-of-way and conflicts with an improvement project, the City is required to relocate its facilities as a part of the right-of-way use agreement obtained when the pipe line was installed.
- These contracts will provide the design of new and relocated water and sewer infrastructure as required by public agencies.
- The NCDOT projects that are identified at this time include:
 - Future Independence Widening;
 - I-77 HOT lanes;
 - Local Widening and Intersection Improvements; and
 - HOV Lane Additions to Interstate-485 (Charlotte South Outer Loop) from Hwy 16 to US-74 (Independence Blvd).
- These contracts will be used on an as-needed basis in order to expedite the design of miscellaneous water and sewer relocations.
- On May 24, 2017, the City issued a Request for Qualifications (RFQ); two proposals were received from interested professional service providers on June 20, 2017.
- It was determined that Hinde Engineering, Inc. and STV Engineers, Inc. are both qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Charlotte Business INClusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INClusion Policy).

- Hinde Engineering, a City SBE, has committed 20% (\$300,000) of the total contract amount to the following certified firm(s):
 - DiCon Consulting, PC (SBE) (\$285,000) (construction management and inspection services)
 - Avioimage Mapping Services, Inc. (SBE) (\$15,000) (aerial mapping services)
- STV Engineers, Inc. has committed 20% (\$100,000) of the total contract amount to the following

Agenda #: 32.**File #:** 15-6110 **Type:** Consent Item

certified firm:

- DiCon Consulting, PC (SBE) (\$100,000) (construction observation/as-built plans)

Fiscal Note

Funding: Charlotte Water Community Investment Plan



Agenda Date: 9/11/2017

Agenda #: 33.**File #:** 15-6147 **Type:** Consent Item

CATS Passenger Information Display System Upgrade

Action:

- A. Approve contract amendment #5 in the amount of \$138,200 to Signature Technologies, Inc. d/b/a Com-Net Software for an upgrade of the CATS Passenger Information Display System (PIDS) and one year of annual maintenance and support, and**
- B. Authorize the City Manager to approve the purchase of maintenance and support for as long as the City uses the system.**

Staff Resource(s):

John Lewis, CATS

Larry Kopf, CATS

Explanation

- In order to be compliant with the City's new Sentinel One information technology security protection, the Passenger Information Display System (PIDS) application needs to be upgraded by October 2017.
- Com-Net Software is the only company that can provide this service due to the software being proprietary to Com-Net.
- A waiver of a competitive solicitation process may be granted when deemed appropriate and in the City's best interest. Such a finding has been made and a waiver granted for this procurement.
- Expenditures for upgrading the system are estimated to be \$93,200.
- Expenditures for maintenance and support are estimated to be \$45,000 per year, subject to adjustments as authorized by the contract or by the City Manager.

Background

- In 2006, CATS procured, through a request for proposal process, the PIDS to provide transit schedule and arrival information to patrons within the Charlotte Transit Center and park and ride locations at a cost of \$427,271.
- In 2008, the contract was amended twice to provide additional equipment and real time interfaces for an additional cost of \$36,670.
- In 2009 the contract was amended to provide maintenance and support services at an estimated cost of \$45,000.
- In 2010, the contract was amended to integrate the real-time component for an additional cost of \$25,737.

Charlotte Business INclusion

No subcontracting goal was established for this amendment because there are no subcontracting opportunities (Part D: Section 6 of the Charlotte Business INclusion Policy).

Agenda #: 33.**File #:** 15-6147 **Type:** Consent Item

Fiscal Note

Funding: CATS Operating Budget



Agenda Date: 9/11/2017

Agenda #: 34. **File #:** 15-6152 **Type:** Consent Item

LYNX Blue Line Extension Service Agreements with UNC Charlotte

Action:

- A. Authorize the City Manager to negotiate and execute a five-year agreement with UNC Charlotte for an all-access pass to use CATS services,**
- B. Authorize the City Manager to negotiate and execute a five-year agreement with UNC Charlotte for addressing safety and security issues within the CATS light rail easement and adjacent areas, and**
- C. Authorize the City Manager to negotiate and execute a five-year agreement with UNC Charlotte for landscaping and maintenance services within the CATS light rail easement including the UNC Charlotte Main Station.**

Staff Resource(s):

John Lewis, CATS
Olaf Kinard, CATS
Jill Brim, CATS

Explanation

- The University of North Carolina at Charlotte (UNC Charlotte) was instrumental in the LYNX Blue Line Extension project, as funding was contingent on the anticipated ridership demand from University members and students.
- In partnership with the Charlotte Area Transit System (CATS), UNC Charlotte has committed more than \$6 million in funding and land for the project.

Action A

- An all-access pass will provide UNC Charlotte students, faculty and staff with the opportunity to utilize all modes of the CATS' system.
- The Pass Agreement will establish an annual rate (\$50.00) for students, faculty and staff to pay for the use of CATS services.
- The anticipated annual revenue from the all access pass is approximately \$1,050,000.
- Key terms of the Agreement are attached

Action B

- The BLE reaches its terminus at the UNC Charlotte Main Station near Cameron Boulevard on the UNC Charlotte campus.

Agenda #: 34.File #: 15-6152 Type: Consent Item

- As authorized by law, UNC Charlotte has established its own law enforcement agency (University Police Department) with territorial jurisdiction on campus and adjoining property.
- The Security Agreement will outline mutual responsibilities such as first response obligations, emergency calls, crimes in progress, felony calls, arrest and detention and the sharing of information such as camera feeds and radio communications.
- The service agreement for security is to establish the distribution of responsibilities between UNC Charlotte and the City along the Blue Line Extension on the Campus. There is no monetary exchange.

Action C

- The UNC Charlotte Main Station will become an important landmark for the University. Consequently an agreement is needed to designate various landscaping and maintenance responsibilities.
- All landscaping and maintenance on the platform will be managed by CATS. The landscaping and maintenance around the station will be managed by UNC Charlotte.
- The service agreement for landscaping/maintenance is to establish the distribution of responsibilities between UNC Charlotte and the City along the Blue Line Extension on the Campus at UNC Charlotte. As such, no money will change hands.

Fiscal Note

Funding: CATS Operating Budget

Attachment(s)

Key Terms of the Agreement

Action A—All-Access Pass Agreement Key Terms

- The all-access pass will be incorporated into UNC Charlotte's new contactless identification card.
- Each semester, UNC Charlotte will pay CATS based on the number of eligible enrolled students that pay the transportation fee at the census date and the current faculty and staff that choose the pass option.
- CATS will adjust the all-access pass price per the Agreement and in accordance with the Metropolitan Transit Commission (MTC) fare policy.
- On February 22, 2017, the MTC approved a change in the fare policy to permit all access pass agreements and pricing structures.

Action B—Security Agreement Key Terms

- The University Police will be the primary provider of law enforcement services for the UNC Charlotte Station, the adjacent campus, and any light rail vehicle within the vicinity.
- In those areas, the University Police will be the primary on all emergency calls, felony calls, crimes in progress, calls involving firearms, and calls with any death or serious injury.
- If CMPD responds to a call, CMPD shall have the discretion to designate itself as primary law enforcement agency.
- CATS' Company Police will respond to all other calls at the UNC Charlotte Station.
- CATS will provide University Police with real-time access to camera feeds from the UNC Charlotte Station and Tunnel area within the CATS easement.

Action C—Landscaping & Maintenance Agreement Key Terms

- The University will conduct all landscaping services.
- City staff and contractors will maintain the UNC Charlotte Station platform.
- University maintenance staff will receive specialized safety training if they work near any live catenary lines.
- The City and University will promptly remove graffiti or waste on the platform and communicate any damage or vandalism observed.



Agenda Date: 9/11/2017

Agenda #: 35. **File #:** 15-6148 **Type:** Consent Item

Transportation Management and City Strategic Planning Consulting Services

Action:

- A. Approve a contract in the amount not to exceed \$203,000 with TransPro Consulting LLC. for transportation management consulting services,**
- B. Approve a contract in the amount not to exceed \$68,200 with TransPro Consulting LLC for City strategic planning consulting services, and**
- C. Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

John Lewis, CATS
Daniel Edes, CATS

Explanation

Action A:

- In August 2016, the City contracted with TransPro to assist CATS with developing performance scorecard evaluation and improvements for a total of \$60,000.
- Over the course of fiscal year 2017, TransPro worked with CATS to develop a performance measurement system known as CATS TRAX Performance Scorecard and CATS will now focus on populating the scorecard with the results.
- TransPro will assist CATS for the first two quarters of fiscal year 2018 with three objectives in assessing the results of the Performance Scorecard measurements:
 - Quarterly analysis, predictive analytics and ongoing evaluation and prioritization of strategic goals;
 - Community engagement; and
 - Employee engagement.
- The project will provide results that CATS can use to plan and target areas for improvements to better serve its customers.
- In addition, TransPro will assist with conducting customer surveys of CATS' fixed route, LYNX, and Special Transportation Services (STS).
- A waiver of a competitive solicitation process may be granted when deemed appropriate and in the City's best interest. Such a finding has been made and a waiver granted for this procurement.
- The waiver was granted because the initial tracking effort was performed by TransPro and they will continue using their method of tracking these performance indicators. TransPro also has the knowledge and experience unique to this project.
- Total estimated contract expenditures are \$203,000, including the \$60,000 spent last fiscal year.

Action B:

- TransPro will provide the City Manager's Office with strategic planning consulting services in the amount of \$68,200. This work will include:
 - Updating the framework for the City's traditional balanced scorecard performance measurement system,
 - Incorporating community outcomes, and
 - Completing customer satisfaction surveys for various City services.

Charlotte Business INclusion

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

Fiscal Note

Funding: CATS and City Manager's Office Operating Budgets



Agenda Date: 9/11/2017

Agenda #: 36. **File #:** 15-6150 **Type:** Consent Item

Aviation Passenger Boarding Bridge and Baggage Conveyor System Parts

Action:

- A. Approve the purchase of passenger boarding bridge and baggage conveyor system parts, as authorized by the sole source exemption of G.S. 143-129 (e)(6),**
- B. Approve a unit price contract with ThyssenKrupp Airport Systems for the purchase of passenger boarding bridge and baggage conveyor system parts for the term of five years, and**
- C. Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation
Jack Christine, Aviation

Sole Source Exemption

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

Explanation

- The Airport relies heavily on passenger boarding bridges and baggage carousels to provide service to the traveling public.
- ThyssenKrupp is the vendor for these passenger boarding bridges, and this contract will provide for the purchase of spare parts that are compatible to these systems.
- Total contract expenditures are estimated at \$1,250,000 for the five-year period and \$250,000 for each optional year.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Operating Budget



Agenda Date: 9/11/2017

Agenda #: 37. **File #:** 15-5588 **Type:** Consent Item

Airport Enclosed Regional Boarding Ramps

Action:

- A. Approve the purchase of regional boarding ramps, as authorized by the sole source exemption of G.S. 143-129 (e)(6),**
- B. Approve a contract in the amount of \$775,420 with East Island Aviation Services, Inc. for the purchase and the installation of enclosed regional boarding ramps, and**
- C. Adopt a budget ordinance appropriating \$665,420 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s):

Brent Cagle, Aviation

Sole Source Exemption

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

Explanation

- Currently, passengers at Airport concourse gates E4 and E5 are exposed to the outdoor elements while walking to/from and waiting to board the aircraft.
- At the request of American Airlines, the Airport is purchasing and installing two enclosed regional boarding ramps to provide a covered walkway for passengers from the gate to the aircraft.
- The enclosed boarding ramps are an alternate solution to using passenger boarding bridges due to space limitations at these particular gates.
- East Island Aviation Services, Inc. is the only manufacturer of regional boarding ramp systems that provide a fully enclosed option.
- This project is partially funded by passenger facility charge funds (\$110,000). The budget appropriation of \$665,420 will fund the remaining portion of this project.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Community Investment Fund

The Aviation Department intends to seek Federal Aviation Administration approval to use future Passenger

Agenda #: 37.**File #:** 15-5588 **Type:** Consent Item

Facility Charge funds for reimbursement of the total project costs.

Attachment(s)
Budget Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 9104-X, THE 2017-2018 BUDGET ORDINANCE PROVIDING
AN APPROPRIATION OF \$665,420 FROM THE AVIATION DISCRETIONARY FUND FOR
THE PURCHASE OF TWO REGIONAL BOARDING RAMPS

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$665,420 is available from the Aviation Discretionary Fund
for the contract with East Island Aviation Services, Inc.

Section 2. That the sum of \$665,420 is hereby appropriated from the Aviation Discretionary Fund
to the Aviation Community Investment Plan Fund to the following project(s):

Fund 6064
Project 4020901564
Source 6000
Type 60006001
Year 0000

To be replaced by future Passenger Facility Charge funds

Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this
ordinance will remain in effect for the duration of the project and funds are to be carried forward to
subsequent fiscal years until all funds are expended or the project is officially closed.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney



Agenda Date: 9/11/2017

Agenda #: 38. **File #:** 15-6182 **Type:** Consent Item

Airport Federal Aviation Administration Grant Acceptance

Action:

- A. Adopt a resolution accepting a grant in the amount of \$14,610,809 from the Federal Aviation Administration for Airport projects, and**
- B. Adopt a budget ordinance appropriating \$14,610,809 in grant funds from the Federal Aviation Administration and \$2,870,270 in local share from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s):

Brent Cagle, Aviation
Jack Christine, Aviation

Explanation

- Each year, the Federal Aviation Administration provides Airport Improvement Program entitlement grant funding based on the Airport's operations and number of boarded passengers.
- The total amount of the entitlement grant funding for this year is \$14,610,809.
- Per the grant terms, proceeds from this grant will fund 75 percent of the projects costs for the reimbursement of Taxiway A Rehabilitation, Runway 18R/36L Airport Joint Sealant Improvements, Runway 18R/36L Safety Area Grading Improvements, and West Ramp Expansion Phase I.
- Local funds (Aviation) will pay for the remaining 25 percent of the project costs, which is \$2,870,270.
- The Aviation Department intends to seek approval from the Federal Aviation Administration to reimburse local funds spent with future Passenger Facility Charge funds.

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment(s)

Budget Ordinance
Resolution

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 9104-X, THE 2017-2018 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF \$14,610,809 FROM THE FEDERAL AVIATION ADMINISTRATION GRANT AND \$2,870,270 OF DISCRETIONARY FUNDS FOR AIRPORT PROJECTS.

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$14,610,809 is available from the Federal Aviation Administration grant.

Section 2. That the sum of \$14,610,809 is hereby appropriated from the Federal Aviation Administration grant to the Aviation Community Investment Plan Fund to the following project(s):

Fund 6064
Project 4020901624
Name Taxiway A Rehab
Amount \$ 10,017,228
Source 1000
Type 10001000
Year 2018

Fund 6064
Project 4020901702
Name Runway 18R/36L Joint Sealant Improvement
Amount \$ 1,423,024
Source 1000
Type 10001000
Year 2018

Fund 6064
Project 4020901506
Name Concourse A Expansion Phase I West Ramp
Amount \$ 2,225,942
Source 1000
Type 10001000
Year 2018

Fund 6064
Project 4020901739
Name Runway 18R/36L RSA Improvement
Amount \$ 944,615
Source 1000
Type 10001000
Year 2018

Section 2. That the sum of \$2,870,270 is hereby appropriated from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund to the following project(s):

Fund 6064
Project 4020901624
Name Taxiway A Rehab
Amount \$ 1,339,076
Source 6000
Type 60006001
Year 0000

Fund 6064
Project 4020901702
Name Runway 18R/36L Joint Sealant Improvement
Amount \$ 474,341
Source 6000
Type 60006001
Year 0000

Fund 6064
Project 4020901506
Name Concourse A Expansion Phase I West Ramp
Amount \$ 741,981
Source 6000
Type 60006001
Year 0000

Fund 6064
Project 4020901739
Name Runway 18R/36L RSA Improvement
Amount \$ 314,872
Source 6000
Type 60006001
Year 0000

Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney

RESOLUTION

Extract from the minutes of a regular meeting of the Charlotte City Council held on September 11, 2017

The following resolution was introduced by _____, seconded by _____, considered and adopted.

Resolution authorizing, adopting, approving, accepting and ratifying the execution of the grant agreement for the AIRPORT IMPROVEMENT PROGRAM (3-37-0012-77-2017) between the United States of America and the City of Charlotte, North Carolina.

Be it resolved, by the City Council of The City of Charlotte, North Carolina

SECTION 1. That said City Council hereby authorizes, adopts, approves, accepts and ratifies the execution of a Grant Agreement between the Federal Aviation Administration on behalf of the United States of America and the City of Charlotte, North Carolina

SECTION 2. That the Execution of said Grant Agreement in quadruplicate on behalf of said City Council by Brent Cagle, Aviation Director and the impression of the official seal of the City of Charlotte and the attestation by Stephanie Kelly; City Clerk is hereby authorized, adopted, approved, accepted and ratified.

SECTION 3. That the Aviation Director is hereby authorized to execute payment requests under these Grant Agreements on behalf of said City of Charlotte.



Agenda Date: 9/11/2017

Agenda #: 39.**File #:** 15-6220 **Type:** Consent Item

Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$7,732.15.

Staff Resource(s):

Randy Harrington, Management and Financial Services
Mark Goodman, Management and Financial Services

Explanation

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

Pearson Review Update

- In accordance with the ordinance approved by the City Council on August 25, 2014, and the North Carolina law, a list of refunds, which have been paid since the last City Council Business Meeting as a result of the Pearson Review, is available at the City Clerk's Office.
- The amount of Pearson Review refunds paid since the last City Council Business Agenda Meeting on August 28, 2017, totaled \$9,905.22.

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

Taxpayers and Refunds Requested

ASTOR FARMS INC	\$	536.65
ASTOR FARMS INC	\$	614.23
BARKER, BENNIE L	\$	103.63
CARDOSO, ANDERSON	\$	14.92
CARR, TAYLOR	\$	114.83
CARR, TAYLOR	\$	115.29
CARR, TAYLOR	\$	123.65
CARR, TAYLOR	\$	123.65
CHANDLER, JEFF	\$	446.21
CHANDLER, JEFF	\$	454.80
CHANDLER, JEFF	\$	487.79
CHICK-FIL-A #01754	\$	263.41
CHICK-FIL-A #01817	\$	371.69
CLARIANT CORPORATION	\$	3.56
CRUZ, ROSA	\$	51.48
DELOITTE & TOUCHE	\$	73.89
GLENN, JAMES H	\$	1,226.74
GUTIERREZ, PATRICK JOHN	\$	281.96
GUTIERREZ, PATRICK JOHN	\$	281.96
HARTIS, DORIS	\$	321.92
HERNANDEZ-CHAVEZ, JORGE	\$	125.45
HERNANDEZ-CHAVEZ, JORGE	\$	172.08
HERNANDEZ-CHAVEZ, JORGE	\$	219.08
HERNANDEZ-CHAVEZ, JORGE	\$	221.11
IERACI, TRENT	\$	5.37
IERACI, TRENT	\$	5.82
IERACI, TRENT	\$	6.45
LAMPONE, PATRICIA	\$	220.17
LENDERMAN, ROSANNE FIELDS	\$	117.81
TEAGUE, CHERYL REY	\$	122.43
VAPOR SMOKE SHOP / VST ENTERPRISES LLC	\$	313.90
WAGGONER, JAIME	\$	55.66
WAGGONER, JAIME	\$	64.92
WAGGONER, JAIME	\$	69.64
	<u>\$</u>	<u>7,732.15</u>

A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY TAXES

Reference is made to the schedule of "Taxpayers and Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.
3. The amounts listed on the schedule were collected through either a clerical or assessment error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 11th day of September 2017 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.



Agenda Date: 9/11/2017

Agenda #: 40. **File #:** 15-6261 **Type:** Consent Item

In Rem Remedy 619 Sheryl Circle

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 & 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: (619 Sheryl Circle)

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (619 Sheryl Circle) (Neighborhood Profile Area 54).

Attachment(s)

In Rem Packet for (619 Sheryl Circle)

ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 619 SHERYL CIRCLE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF OLGA MORALES 619 SHERYL CIRCLE CHARLOTTE, NC 28217

WHEREAS, the dwelling located at 619 Sheryl Circle in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 619 Sheryl Circle in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Senior Assistant City Attorney

GENERAL INFORMATION	
Property Address	619 Sheryl Circle
Neighborhood	Neighborhood Profile Area 54
Council District	#3
Owner(s)	Olga Morales
Owner(s) Address	619 Sheryl Circle Charlotte, NC 28217
KEY FACTS	
Focus Area	Housing & Neighborhood Development & Community Safety Plan
CODE ENFORCEMENT INFORMATION	
◆ Reason for Inspection:	Petition
◆ Title report received, revealing party in interest:	12/05/2016
◆ Date of the Inspection:	12/08/2016
◆ Owner and parties in interest notified of Complaint and Notice of Hearing by advertisement and certified mail by:	12/10/2016 12/12/2016 03/21/2017
◆ Held hearings for owner and parties in interest by:	01/13/2017 04/18/2017
◆ Owner and parties in interest attend hearing:	No
◆ Filed Lis Pendens:	01/25/2017
◆ Owner and parties in interest ordered to demolish structure by:	02/09/2017 05/22/2017
◆ Owner has not repaired, or complied with order to demolish.	
◆ Structure occupied:	No
◆ Demolition cost:	\$4,955
◆ Lien will be placed on the property for the cost of Demolition.	

NOTIFICATION TO OWNER

Owner and parties of interest have been advised that failure to comply with the Order to Demolish the structure would result in City Council being requested to approve demolition by the City and a lien being placed on the property for the cost of demolition.

OPTIONS

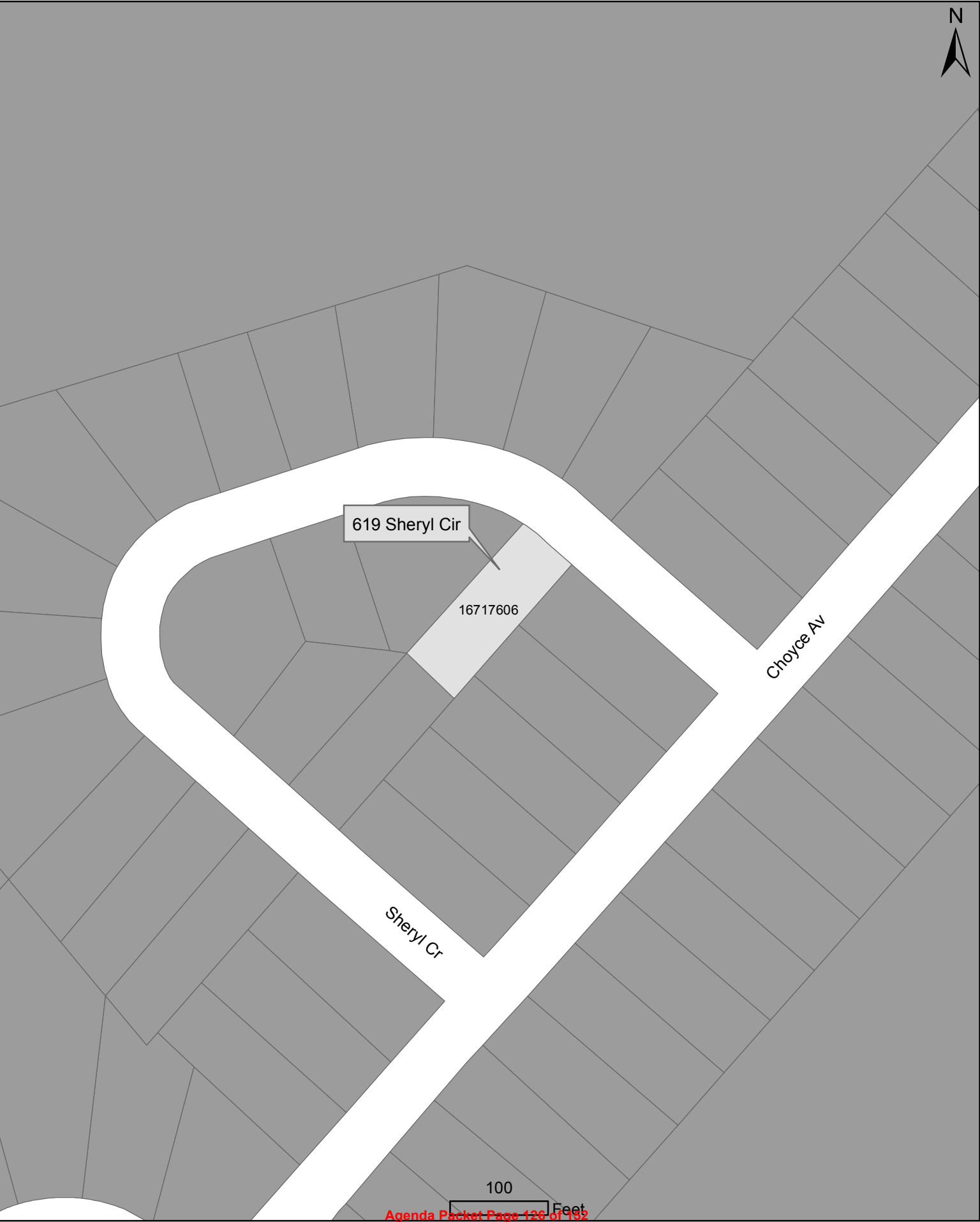
IN-REM REPAIR	REHAB TO CITY STANDARD	REPLACEMENT HOUSING	DEMOLITION
Estimated In-Rem Repair Cost: \$44,050	Acquisition & Rehabilitation Cost (Existing structure: 897 sq. ft. total) Economic Life: 15-20 years Estimated cost-\$151,850	New Replacement Structure Cost (Structure: 1,000 sq. ft. total) Economic Life: 50 years Estimated cost-\$180,955	Demolition Cost \$4,955
In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.	Acquisition: Tax values: - Structure: \$ 41,300 - Storage/Carport: \$ 1,400 - Land: <u>\$ 14,300</u> Total Acquisition: \$ 57,000 Estimated Rehabilitation Cost: Cost: \$ 44,850 Outstanding Loans \$ 50,000 Property Taxes owed: \$ 0 Interest on Taxes owed: <u>\$ 0</u> Total: \$ 94,850	Acquisition: Tax values: - Structure: \$ 41,300 - Storage/Carport: \$ 1,400 - Land: <u>\$ 14,300</u> Total Acquisition: \$ 57,000 New structure: \$ 69,000 Demolition: \$ 4,955 Outstanding Loans: \$ 50,000 Property Taxes owed: \$ 0 Interest on Taxes owed: <u>\$ 0</u> Total: \$ 123,955	

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:

- Estimated In-Rem Repair cost of: \$44,050 (\$49.10 /sq. ft.), which is 106.658% of the structure tax value, which is \$41,300.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- Violations include: Structural, electrical and heating violations: Moisture damage interior walls. Areas of ceiling covering missing. Decayed wall framing and subflooring. Broken window glass. Decayed roof sheathing. Loose and damaged roof covering. Damaged light fixtures and receptacles. Heating equipment not operational.
- The building is 62 years old and consists of 897 square feet total.
- A new 1,000 sq. ft. structure can be built for \$69,000.

619 Sheryl Circle



619 Sheryl Cir

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100

Feet

619 Sheryl Circle





Agenda Date: 9/11/2017

Agenda #: 41. **File #:** 15-6350 **Type:** Consent Item

In Rem Remedy 2029 Queens Road, East

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 & 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: (2029 Queens Road, East)

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (2029 Queens Road, East) (Neighborhood Profile Area 392).

Attachment(s)

In Rem Packet for (2029 Queens Road, East)

ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 2029 QUEENS ROAD EAST PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF ALAN CRAIG SHELTON 2131 CUMBERLAND AVENUE CHARLOTTE, NC 28203.

WHEREAS, the dwelling located at 2029 Queens Road East in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 2029 Queens Road East in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Senior Assistant City Attorney

GENERAL INFORMATION	
Property Address	2029 Queens Road East
Neighborhood	Neighborhood Profile Area 392
Council District	#6
Owner(s)	Alan Craig Shelton
Owner(s) Address	2131 Cumberland Avenue Charlotte, NC 28203
KEY FACTS	
Focus Area	Housing & Neighborhood Development & Community Safety Plan
CODE ENFORCEMENT INFORMATION	
◆ Reason for Inspection:	Field Observation
◆ Date of the Inspection:	07/18/2016
◆ Received title search:	08/10/2016
◆ Owner notified of Complaint and Notice of Hearing by advertisement and certified mail by:	08/11/2016
◆ Held hearing for owner by:	09/09/2016
◆ Owner attend hearing:	Yes
◆ Received letter of appeal:	09/19/2016
◆ Filed Lis Pendens:	09/28/2016
◆ Owner ordered to demolish structure by:	10/10/2016
◆ The Housing Appeals Board upheld the Order to demolish. The board delayed enforcement of the Order by one hundred twenty (120) days or until June 14 th 2017.	2/14/2017
◆ Received title search update, no change:	07/13/2017
◆ Owner has not repaired, or complied with order to demolish.	
◆ Structure occupied:	No
◆ Estimated demolition cost:	\$27,770
◆ Lien will be placed on the property for the cost of Demolition.	

NOTIFICATION TO OWNER

Owner and parties of interest have been advised that failure to comply with the Order to Demolish the structure would result in City Council being requested to approve demolition by the City and a lien being placed on the property for the cost of demolition.

OPTIONS

IN-REM REPAIR	REHAB TO CITY STANDARD	REPLACEMENT HOUSING	DEMOLITION
Estimated In-Rem Repair Cost: \$57,675	Acquisition & Rehabilitation Cost (Existing structure: 3,405 sq. ft. total) Economic Life: 15-20 years Estimated cost-\$784,765	New Replacement Structure Cost (Structure: 3,405 sq. ft. total) Economic Life: 50 years Estimated cost-\$877,230	Estimated Demolition Cost \$27,770
In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.	Acquisition: Tax values: - Structure: \$ 12,700 - Garage: \$ 1,600 - Land: \$ 592,300 Total Acquisition: \$ 606,600 Estimated Rehabilitation Cost: \$ 170,250 Outstanding Loans \$ 0 Property Taxes owed: \$ 7,915 Interest on Taxes owed: \$ 0 Total: \$ 178,165	Acquisition: Tax values: - Structure: \$ 12,700 - Garage: \$ 1,600 - Land: \$ 592,300 Total Acquisition: \$ 606,600 New structure: \$ 234,945 Estimated demolition cost: \$ 27,770 Outstanding Loans: \$ 0 Property Taxes owed: \$ 7,915 Interest on Taxes owed: \$ 0 Total: \$ 270,630	

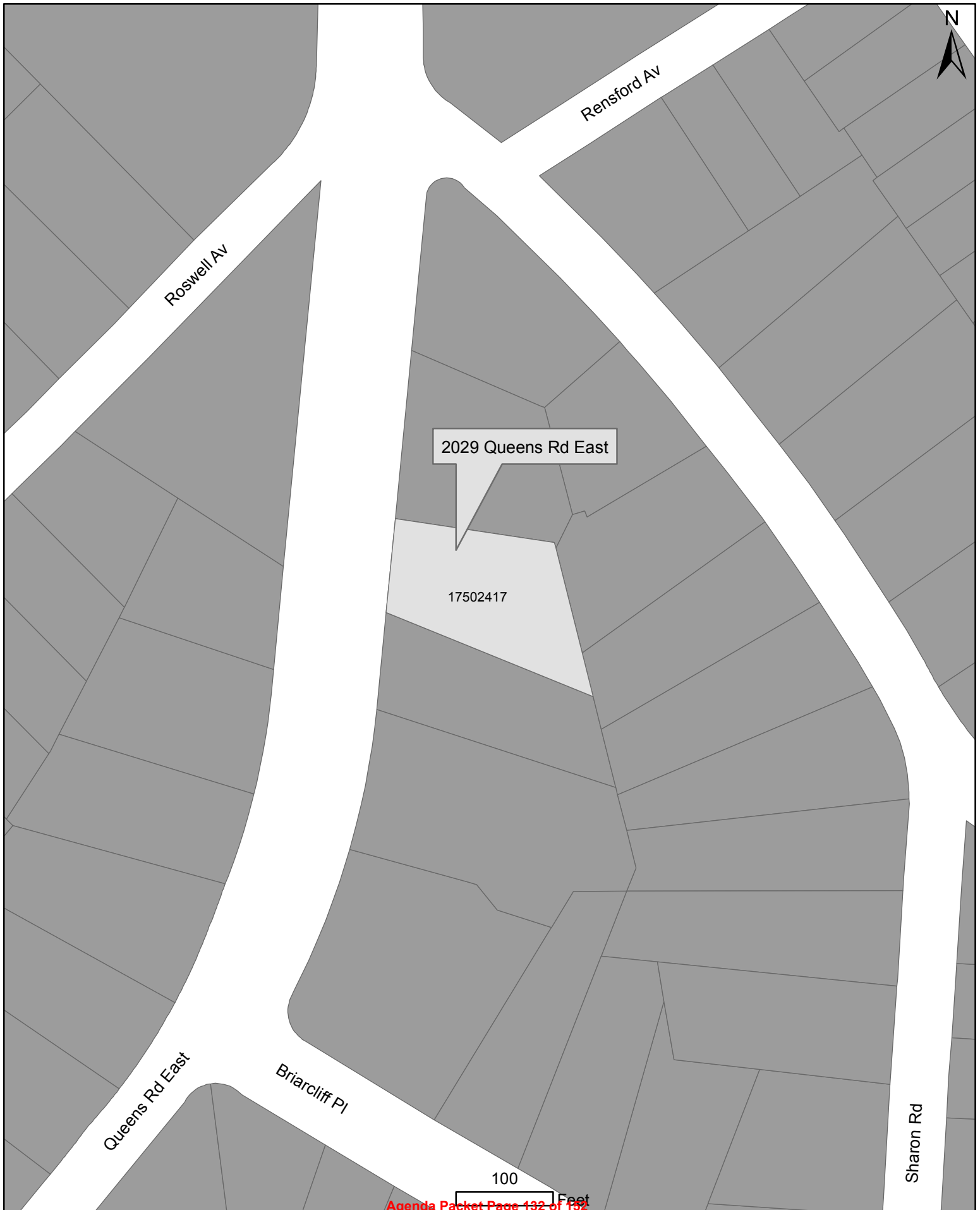
RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:

Estimated In-Rem Repair cost of: \$57,675 (\$16.93/sq. ft.), which is 454.13% of the structure tax value, which is \$12,700.

- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- Violations include: Structural, electrical, plumbing and heating violations. Walls, floor and ceiling covering unclean/unsanitary. Holes/cracks in finish of ceiling material. Decayed floor joists. Damaged entry doors. Exterior siding and trim decayed. Loose and decayed stair treads. Loose and damaged roof covering. Areas of decayed roof sheathing. Unsafe electrical wiring. Damaged electrical breaker box. No potable water supply. Heating equipment not operational. Loose and damaged roof covering. Areas of decayed roof sheathing. Accessory building (detached garage) not in safe substantial condition.
- The building is 75 years old and consists of 3,405 square feet total.
- A new 3,405 sq. ft. structure can be built for \$234,945.

2029 Queens Road East



2029 Queens Road East





Agenda Date: 9/11/2017

Agenda #: 42. **File #:** 15-6184 **Type:** Consent Item

Aviation Property Transaction - 8200/8210 Tuckaseegee Road

Action:

Approve the following Property Acquisition - 8200/8210 Tuckaseegee Road

Project: Airport Master Plan Land

Owner(s): William Ladd Shaw Jr. & Kimberly Shaw Quisenberry

Property Address: 8200/8210 Tuckaseegee Road

Total Parcel Area: 11.34 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: Residential Home

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 055-381-08

Purchase Price: \$900,000 and all relocation benefits in compliance with federal, state, or local regulations

Council District: 3



Agenda Date: 9/11/2017

Agenda #: 43. **File #:** 15-6188 **Type:** Consent Item

Aviation Property Transaction - Corner of N Josh Birmingham Parkway and Wilkinson Boulevard

Action:

Approve the following Property Acquisition - corner of N Josh Birmingham Parkway and Wilkinson Boulevard

Project: Airport Area Master Plan (Project AMP)

Owner(s): Fuller Family Limited Partnership and John and Irene Blackmon

Property Address: Corner of N Josh Birmingham Parkway and Wilkinson Boulevard

Total Parcel Area: 5.03 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: Residential Home

Landscaping to be impacted: Trees and shrubs

Zoned: I-2

Use: Industrial

Tax Code: 061-282-06

Purchase Price: \$4,820,000

Council District: 3



Agenda Date: 9/11/2017

Agenda #: 44. **File #:** 15-6295 **Type:** Consent Item

Property Transactions - 25th Street Connection, Parcel #3.1

Action:

Approve the following Acquisition: 25th Street Connection, Parcel #3.1

Project: 25th Street Connection, Parcel #3.1

Owner(s): William Caldwell and Pamela Caldwell

Property Address: 413 East 25th Street

Total Parcel Area: 3,822 sq. ft. (.088 ac.)

Property to be acquired by Easements: 588 sq. ft. (.013 ac.) in Utility Easement, plus 555 sq. ft. (.013 ac.) in Gas Line Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 083-053-06

Purchase Price: \$22,825

Council District: 1



Agenda Date: 9/11/2017

Agenda #: 45. **File #:** 15-6296 **Type:** Consent Item

Property Transactions - Clems Branch Pump Station Improvements, Parcel #1

Action:

Approve the following Acquisition: Clems Branch Pump Station Improvements, Parcel #1

Project: Clems Branch Pump Station Improvements, Parcel #1

Owner(s): Jared James and Janna James

Property Address: 16790 Lancaster Highway

Total Parcel Area: 307,220 sq. ft. (7.053 ac.)

Property to be acquired by Fee: 305,676 sq. ft. (7.017 ac.) in Fee Simple

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 223-511-11

Purchase Price: \$180,000

Council District: 7



Agenda Date: 9/11/2017

Agenda #: 46. **File #:** 15-6297 **Type:** Consent Item

Property Transactions - Goose Creek Pump Station, Parcel #12

Action:

Approve the following Acquisition: Goose Creek Pump Station, Parcel #12

Project: Goose Creek Pump Station, Parcel #12

Owner(s): Peter J. Jugis, Bishop of the Roman Catholic Diocese of Charlotte, NC

Property Address: 13700 Lawyers Road

Total Parcel Area: 1,450,488 sq. ft. (33.298 ac.)

Property to be acquired by Easements: 19,848 sq. ft. (.456 ac.) in Sanitary Sewer Easement, plus 35,837 sq. ft. (.823 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Concrete walkway

Landscaping to be impacted: Trees

Zoned: R

Use: Single-family Residential

Tax Code: 195-151-01

Purchase Price: \$18,950

Council District: N/A (Mint Hill)



Agenda Date: 9/11/2017

Agenda #: 47. **File #:** 15-6299 **Type:** Consent Item

**Property Transactions - South Tryon Sidewalk Improvement Project
Phase II, Parcel #11**

Action:

Approve the following Condemnation: South Tryon Sidewalk Improvement Project Phase II, Parcel #11

Project: South Tryon Sidewalk Improvement Project Phase II, Parcel #11

Owner(s): Elbert Wayne Collins and Lunette Pace Collins

Property Address: 13721 South Tryon Street

Total Parcel Area: 49,253 sq. ft. (1.131 ac.)

Property to be acquired by Easements: 1,244 sq. ft. (.029 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 219-124-15

Appraised Value: \$1,525

Recommendation: To obtain clear title and avoid delay in the project schedule, staff recommends proceeding to condemnation.

Council District: 3



Agenda Date: 9/11/2017

Agenda #: 48. **File #:** 15-6301 **Type:** Consent Item

**Property Transactions - South Tryon Sidewalk Improvement Project
Phase II, Parcels #16 and 18**

Action:

Approve the following Condemnation: South Tryon Sidewalk Improvement Project Phase II, Parcels #16 and 18

Project: South Tryon Sidewalk Improvement Project Phase II, Parcels #16 and 18

Owner(s): Christ the King Lutheran Church

Property Address: 13501 South Tryon Street

Total Parcel Area: 817,354 sq. ft. (18.764 ac.)

Property to be acquired by Easements: 3,001 sq. ft. (.069 ac.) in Sidewalk and Utility Easement, plus 4,108 sq. ft. (.094 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Irrigation System

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Rural Homesite

Tax Code: 219-124-01 and 219-121-14

Appraised Value: \$7,775

Recommendation: Staff is currently waiting on signed documents but to avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 3



Agenda Date: 9/11/2017

Agenda #: 49.**File #:** 15-6302 **Type:** Consent Item

**Property Transactions - South Tryon Sidewalk Improvement Project
Phase II, Parcel #21**

Action:

Approve the following Condemnation: South Tryon Sidewalk Improvement Project Phase II, Parcel #21

Project: South Tryon Sidewalk Improvement Project Phase II, Parcel #21

Owner(s): Danita A Brigantino, Kitra J. Leach, Jaquelyn F. Brigantino, Carly J. Brigantino and Gloris J. Brigantino

Property Address: 13121 South Tryon Street

Total Parcel Area: 37,434 sq. ft. (.859 ac.)

Property to be acquired by Easements: 67 sq. ft. (.002 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: NS

Use: Commercial

Tax Code: 219-123-04

Appraised Value: \$100

Outstanding Concerns: Property owner is non-responsive.

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

Council District: 3



Agenda Date: 9/11/2017

Agenda #: 50. **File #:** 15-6303 **Type:** Consent Item

**Property Transactions - South Tryon Sidewalk Improvement Project
Phase II, Parcel #22**

Action:

Approve the following Condemnation: South Tryon Sidewalk Improvement Project Phase II, Parcel #22

Project: South Tryon Sidewalk Improvement Project Phase II, Parcel #22

Owner(s): Sicilian, LLC

Property Address: 13105 South Tryon Street

Total Parcel Area: 105,041 sq. ft. (2.411 ac.)

Property to be acquired by Easements: 143 sq. ft. (.003 ac.) in Storm Drainage Easement, plus 569 sq. ft. (.013 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Use: Commercial

Tax Code: 219-123-03

Appraised Value: \$1,525

Recommendation: To obtain clear title and avoid delay in the project schedule, staff recommends proceeding to condemnation.

Council District: 3



Agenda Date: 9/11/2017

Agenda #: 51.**File #:** 15-6308 **Type:** Consent Item

Property Transactions - Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #2

Action:

Approve the following Condemnation: Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #2

Project: Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #2

Program: Flood Control

Owner(s): Joseph M. Jones and Deborah W. Jones

Property Address: 6520 Randy Drive

Total Parcel Area: 15,862 sq. ft. (.364 ac.)

Property to be acquired by Easements: 1,159 sq. ft. (.027 ac.) in Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings.

Zoned: R-3

Use: Single-family Residential

Tax Code: 107-161-08

Appraised Value: \$675

Property Owner's Concerns: The property owner disagrees with the project and the joint maintenance responsibility required by the State.

City's Response to Property Owner's Concerns: Staff explained the obligation of the City of Charlotte and the property owners to comply with the North Carolina High Hazard dam requirements.

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

Agenda #: 51.**File #:** 15-6308 **Type:** Consent Item

Council District: 5



Agenda Date: 9/11/2017

Agenda #: 52. **File #:** 15-6309 **Type:** Consent Item

Property Transactions - Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #3

Action:

Approve the following Condemnation: Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #3

Project: Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #3

Program: Flood Control

Owner(s): Ronald Lee Stading

Property Address: 7400 Oakwood Lane

Total Parcel Area: 66,614 sq. ft. (1.529 ac.)

Property to be acquired by Easements: 6,786 sq. ft. (.156 ac.) in Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings.

Zoned: R-3

Use: Single-family Residential

Tax Code: 107-172-23

Appraised Value: \$875

Property Owner's Concerns: The property owner disagrees with the project and the joint maintenance responsibility required by the State.

City's Response to Property Owner's Concerns: Staff explained the obligation of the City of Charlotte and the property owners to comply with the North Carolina High Hazard dam requirements.

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

Agenda #: 52.**File #:** 15-6309 **Type:** Consent Item

Council District: 5



Agenda Date: 9/11/2017

Agenda #: 53. **File #:** 15-6354 **Type:** Consent Item

Property Transactions - North Tryon Business Corridor, Parcel #64 and 66

Action: Approve the following Acquisition: North Tryon Business Corridor, Parcel #64

Project: North Tryon Business Corridor, Parcel #64 and #66

Owner(s): Lonnie C. Hanna, Sr. and Kathy Hanna

Property Address: 114 West 28th Street

Total Parcel Area: 33,641 sq. ft. (.772 ac.)

Property to be acquired by Fee: 6,193 sq. ft. (.142 ac.) in Fee Simple

Property to be acquired by Easements: 1,637 sq. ft. (.038 ac.) in Storm Drainage Easement, plus 4,095 sq. ft. (.094 ac.) in Sidewalk and Utility Easement, plus 12,870 sq. ft. (.295 ac.) in Temporary Construction Easement, plus 146 sq. ft. (.003 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Tax Code: 079-088-01 and 079-088-02

Purchase Price: \$41,500

Council District: 1



Agenda Date: 9/11/2017

Agenda #: 54. **File #:** 15-6036 **Type:** Consent Item

Reference - Charlotte Business INClusion Policy

The following excerpts from the City's Charlotte Business INClusion Policy are intended to provide further explanation for those agenda items which reference the Charlotte Business INClusion Policy in the business meeting agenda.

Part A: Administration & Enforcement

Appendix Section 20: Contract: For the purposes of establishing an 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, MBE or WBE Goal has been set.
- Financial Partner Agreements, Development Agreements, 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 shall be "Exempt Contracts" from all aspects of the Charlotte Business INClusion Policy, unless the Department responsible for procuring the Contract decides otherwise:

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 shall be Exempt Contracts, 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 shall be Exempt Contracts.

Real Estate Leasing and Acquisition Contracts: Contracts for the acquisition or lease of real estate shall be Exempt Contracts.

Federal Contracts Subject to DBE Requirements: Contracts that are subject to the U.S. Department

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of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation shall be Exempt Contracts.

State Contracts Subject to MWBE Requirements: Contracts for which a minority and women business participation goal is set pursuant to G.S. 143-128.2(a) due to a building project receiving funding from the State of North Carolina shall be Exempt Contracts.

Financial Partner Agreements with DBE or MWBE Requirements: Contracts that are subject to a disadvantaged business development program or minority and women business development program maintained by a Financial Partner shall be Exempt Contracts.

Interlocal Agreements: Contracts with other units of federal, state, or local government shall be Exempt Contracts.

Contracts for Legal Services: Contracts for legal services shall be Exempt Contracts, unless otherwise indicated by the City Attorney.

Contracts with Waivers: Contracts for which the SBO Program Manager or the City Manager waives the SBO Program requirements shall be Exempt Contracts (such as when there are no SBE subcontracting opportunities on a Contract).

Special Exemptions: Contracts where the Department and the Program Manager agree that the Department had no discretion to hire an SBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

Appendix Section 35: Informal Contracts: Contracts and purchase orders through which the City procures services from a Business Enterprise that fall within one of the following two categories:

Construction Contracts Less Than or Equal To \$500,000:

Service and Commodities Contracts That Are Less Than or Equal To \$100,000:

Part B: Formal Construction Bidding

Part B: Section 2.1: When the City Solicitation Documents for a Construction Contract contain an MWSBE Goal, each Bidder must either: (a) meet the MWSBE Goal, or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements. Failure to do so constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities.

The City shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no SBEs, MBEs or WBEs (as applicable) to perform scopes of work or provide products or services that the City regards as realistic opportunities for subcontracting.

Part C: Services Procurement

Part C: Section 2.1: When the City Solicitation Documents for a Service Contract do not contain an SBE Goal, each Proposer must negotiate in good faith with each MWSBE that responds to the Proposer's solicitations and each MWSBE that contacts the Proposer on its own accord. Additionally, the City may negotiate a Committed SBE Goal with the successful Proposer after the Proposal Opening.

Part C: Section 2.1: No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish an MWSBE Goal for Service Contracts where there are no MWSBEs certified to perform the

scopes of work that the City regards as realistic opportunities for subcontracting.

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:

- Notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or
- Establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.



Agenda Date: 9/11/2017

Agenda #: 55. **File #:** 15-6037 **Type:** Consent Item

Reference - Property Transaction Process

Property Transaction Process Following City Council Approval for Condemnation

The following overview is intended to provide further explanation for the process of property transactions that are approved by City Council for condemnation.

Approximately six weeks of preparatory work is required before the condemnation lawsuit is filed. During this time, City staff continues to negotiate with the property owner in an effort to reach a mutual settlement.

- If a settlement is reached, the condemnation process is stopped, and the property transaction proceeds to a real estate closing.
- If a settlement cannot be reached, the condemnation lawsuit is filed. Even after filing, negotiations continue between the property owner and the City's legal representative. Filing of the condemnation documents allows:
 - The City to gain access and title to the subject property so the capital project can proceed on schedule.
 - The City to deposit the appraised value of the property in an escrow account with the Clerk of Court. These funds may be withdrawn by the property owner immediately upon filing, and at any time thereafter, with the understanding that additional funds transfer may be required at the time of final settlement or at the conclusion of litigation.
- If a condemnation lawsuit is filed, the final trial may not occur for 18 to 24 months; however, a vast majority of the cases settle prior to final trial. The City's condemnation attorney remains actively engaged with the property owner to continue negotiations throughout litigation.
 - North Carolina law requires that all condemnation cases go through formal non-binding mediation, at which an independent certified mediator attempts to facilitate a successful settlement. For the minority of cases that do not settle, the property owner has the right to a trial by judge or jury in order to determine the amount of compensation the property owner will receive.



Agenda Date: 9/11/2017

Agenda #: 56. **File #:** 15-6038 **Type:** Consent Item

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
 - Leave voice messages.
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If the City Council approves the resolutions, the City Attorney's office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to a trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross," such as public utility easement.
- The definition of fee simple 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, commonly, synonym for ownership.