

City of Charlotte

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



Meeting Agenda

Monday, February 11, 2019

Council Chambers

City Council Business Meeting

*Mayor Vi Lyles
Mayor Pro Tem Julie Eiselt
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Ed Driggs
Council Member Larken Egleston
Council Member Justin Harlow
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Matt Newton
Council Member Greg Phipps
Council Member Braxton Winston II*

5:00 P.M. ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, ROOM 267

1. Mayor and Council Consent Item Questions

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

2. Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. School Zone Policy Update

Staff Resource(s):

Liz Babson, Transportation
Charles Abel, Transportation

Time: 15 minutes

Explanation

- The current School Zone Policy was developed in 2004.
- The updates to bring the policy in line with the new national standards and Vision Zero goals is needed.
- There are approximately 170 schools that may be eligible for new school zones or changes to existing zones.
- On January 14, 2019 the Transportation and Planning Committee voted unanimously to advance the policy updates to the full Council (Ajmera was absent).

Future Action

The updated policy will be presented to City Council for adoption at a future date.

4. City-Owned Land Guidelines and Procedures

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Time: 15 minutes

Explanation

- The City intends to prioritize the use of available City-owned land for development of affordable housing.
- The proposed guidelines and procedures were presented to the Housing and Neighborhood Development Committee on Wednesday, January 16.

Future Action

City Council will consider adoption of the City-Owned Land Guidelines and Procedures at a future date.

5. Tree Canopy Coverage Update

Staff Resource(s):

Kim Eagle, City Manager's Office

Mike Davis, Engineering and Property Management

Gina Shell, Engineering and Property Management

Time: 15 minutes

Explanation

- In 2011, City Council established goal to achieve 50 percent tree canopy in 2050.
- An assessment using 2016 data has been completed by the City's consultant, Planit GEO.

Future Action

Recommendations for retaining the 50 percent goal or establishing an alternative goal will be brought to Council at a future date.

6. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Staff responses to questions from the beginning of the Business Meeting.

7. Closed Session (as necessary)

**6:30 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
CHAMBER**

Call to Order

Introductions

Invocation

Pledge of Allegiance

PUBLIC FORUM

8. Public Forum

9. Consent agenda items 33 through 75 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.

AWARDS AND RECOGNITIONS

10. National Multiple Myeloma Awareness Month

Action:

Mayor Lyles will read a proclamation recognizing March 2019 as National Multiple Myeloma Awareness Month.

11. Chief Pete Key Day Proclamation

Action:

Mayor Lyles will read a proclamation recognizing February 11, 2019, as Chief Pete Key Day.

12. NBA All-Star Weekend

Action:

Mayor Lyles will read a proclamation recognizing February 15, 2019 through February 17, 2019 as NBA All-Star Weekend.

POLICY

13. City Manager's Report

14. Amend City Council's Resolution on Boards and Commissions

Action:

Adopt a revised resolution on Boards and Commissions amending the section on residency requirements for boards and commissions.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office
Sarah Hazel, City Manager's Office

Explanation

- The revised resolution amends the section on residency requirements for Boards and Commissions by removing the criteria that a member of any City-appointed board, committee, or commission must be registered at all times to vote in Mecklenburg County.
- In its place, the resolution specifies that a member of any board, committee, or commission must be a resident of Mecklenburg County at all times.
- This Resolution was adopted by the City Council in 1997 and amended in 2000, 2003, 2009, 2016, and 2017.

Strategy Session Discussion

- At the February 4, 2019 City Council Strategy Session, Council heard a presentation on peer research and discussed revising the language of the resolution from requiring voter-registration to requiring Mecklenburg County residency.
- Council voted 9-2 to remove the voter registration requirement and just require Mecklenburg County residency. (Ajmera, Egleston, Eiselt, Harlow, Mayfield, Mitchell, Newton, Phipps, Winston, voted yes; Driggs and Bokhari, voted no).
- Council also directed that the two Boards were exempted from this change due to code of charter provisions. These two boards are: The Civil Service Board and Citizens Review Board.

Attachment(s)

Revised Boards and Commissions Resolution
February 4, 2019 Dinner Briefing Presentation
List of City Council Advisory Boards and Commissions

[Attachment 02.11.18.Resolution](#)

[Attachment Boards and Commissions - Strategy Session](#)

[Attachment Listing of Boards and Commissions](#)

15. Resolution of Intent to Consider an Ordinance Amending the City Charter to Increase the Terms of Office of the Mayor and Members of City Council and Setting of Public Hearing on Notice of Intent

Action:

- A. Approve an increase to the terms of office of Mayor and members of City Council from two years to four years,**
- B. Approve staggering the terms of office,**
- C. Determine the method of staggering terms of office, including groups of officials and the dates for transitioning to four-year terms,**
- D. Approve that the increase in terms of office be submitted to a vote of the people via referendum,**
- E. Adopt a resolution of intent to consider an ordinance amending the City Charter to increase the terms of office served by the Mayor and members of City Council, and**
- F. Set the date for a public hearing on a resolution of intent to consider an ordinance amending the City Charter to increase the terms of office of the Mayor and members of City Council.**

Committee Chair:

Greg Phipps, Budget and Effectiveness

Staff Resource(s):

Hope Root, City Attorney's Office

Phil Reiger, Strategy and Budget

Explanation

- North Carolina General Statute 160A-101 allows the City Council to change the terms of office of the Mayor and/or members of City Council.
- North Carolina General Statute 160A-102 outlines the procedures for amending the charter by ordinance to change the terms of office of the Mayor and/or members of City Council.
- To change the terms of office, City Council must adopt a resolution of intent to consider an ordinance amending the City Charter to increase the terms of office and hold a public hearing on the Resolution of Intent.
- State law requires that the Resolution of Intent describe the proposed Charter amendments completely and with reference to the pertinent statutory provisions allowing the amendments.
- Upon adoption of the Resolution of Intent, the City must publish notice of the public hearing containing a summary of the proposed amendments.
- The public hearing must be held at least 10 days after the published notice and within 45 days of adoption of the Resolution of Intent.
- Following the public hearing, Council may adopt an ordinance amending the Charter to implement the amendments proposed in the Resolution of Intent.
- Adoption of the ordinance must be made within 60 days of the public hearing, but no sooner than the next regular meeting of City Council.
- City Council may, but is not required to, make the ordinance effective only if approved by a vote of the people.
- If the ordinance is not submitted to the vote of the people by Council, state law requires the ordinance to be submitted to a vote if a referendum petition is submitted bearing the signatures of 5,000 registered voters.

- If a vote of the people is required, whether by Council referral or referendum petition, the vote will take place during the general election on November 5, 2019.
- The statutory items to be included in the Resolution of Intent require Council to decide on the following:
 - Term of office of the Mayor; at least two years, but no more than four years.
 - Term of office of members of Council; two or four years.
 - Whether district and at-large members hold same term of office.
 - Whether terms are staggered or run concurrently.
 - If staggered, which offices (i.e., Mayor, at-large, districts, and particular districts).
 - If staggered, time frame for staggering.

Committee Discussion

- On November 13, 2018 the City Attorney reviewed informational materials along with options and processes regarding the adjusting Mayor and Council term limits in accordance with North Carolina State law.
- The Budget and Effectiveness committee voted unanimously to bring forward to full Council for consideration on increasing Council terms to four-year staggered terms. Committee also voted to recommend for Council to initiate a referendum. (approved - 4:1, Mayfield opposed)

Strategy Session Discussion

- At the February 4, 2019 City Council Strategy Session, Council received an overview of the Budget and Effectiveness Committee's recommendations, and the process and timelines for changing to four-year staggered terms.
- A motion was made, and seconded to place a Resolution of Intent for City Council Four-Year terms on the February 11, 2019 agenda. The motion was carried by the following vote: Council members Eiselt, Ajmera, Egleston, Harlow, Mitchell, Newton, Phipps, and Winston, voted yes. Council members Bokhari, Driggs, and Mayfield voted no.

Attachment(s)

Council Budget and Effectiveness Committee Update December 2018

Draft Resolution of Intent of the Charlotte City Council to Consider Amending the Mayor and Council Terms of Office as Set Forth in the Charlotte City Charter and Setting a Public Hearing on the Proposed Amendments

[Draft Resolution of Intent of the Charlotte City Council to Consider Amending the Mayor and Council T](#)

BUSINESS**16. Housing and Urban Development Continuum of Care
Program Grant Acceptance****Action:**

- A. Adopt a resolution accepting a grant in the amount of \$127,124 from the U.S. Department of Housing and Urban Development for homelessness activities, and**
- B. Adopt a budget ordinance appropriating \$127,124 for the Charlotte-Mecklenburg Continuum of Care Program.**

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services
Mary Gaertner, Housing and Neighborhood Services

Explanation

- The Charlotte Mecklenburg Continuum of Care (CoC) is a collaboration among the City of Charlotte, Mecklenburg County, and their partners with the purpose of ending or preventing homelessness.
- Each year, the CoC receives approximately \$5,600,000 in funding from the U.S. Department of Housing and Urban Development to fund its activities. Housing and Neighborhood Services serves on behalf of the CoC as the applicant for and the recipient of the planning grant to support its planning activities.
- Acceptance of these grant funds will be used in collaboration with Socialserve.com to find project management services related to the HousingCLT landlord consortium project.
 - Socialserve.com connects people experiencing homelessness with available rental properties.
 - HousingCLT is a community collaboration among rental property owners, professional property managers, and services agencies to provide housing for people who face, and who are experiencing homelessness, with significant barriers to securing safe, permanent, and affordable housing.

Fiscal Note

Funding: Neighborhood Services Grant Fund

Attachment(s)

Resolution
Budget Ordinance

[RESOLUTION for Grant Agreement](#)

[Budget Ordinance - CoC HNS](#)

17. CATS Fiscal Year 2019 Operating and Community Investment Plan Budget Amendment

Action:

- A. Adopt a budget ordinance appropriating \$1,996,758 to the CATS Operating Fund, and
- B. Adopt a budget ordinance appropriating \$5,711,905 to the CATS Community Investment Fund.

Staff Resource(s):

John Lewis, CATS

Blanche Sherman, CATS

Explanation

- Throughout the year, CATS receives Notice of Funding Opportunities (NOFOs) from Federal Transit Administration (FTA) and North Carolina Department of Transportation (NCDOT). The NOFO's allow the City to receive capital funding to advance the 2030 Transit Plan and operating funds to maintain a state of good repair and prepare for future corridors.
- The net impact to the Operating Fund of \$1,996,758 includes a new Transit Oriented Development (TOD) planning grant as well as a reduction in State Operating Assistance and projects previously included in the Capital Fund moved to the Operating Fund. The TOD grant requires a local match, provided by the City of Charlotte (\$200,000), City of Gastonia (\$20,000), and the City of Belmont (\$10,000).
- CATS and Planning, Development, and Design collaborated to submit a proposal to FTA for TOD planning grant funds along the proposed LYNX Silver Line. The proposed LYNX Silver Line is a corridor that stretches East to West across multiple jurisdictions including the Town of Stallings, Town of Indian Trail, Town of Matthews, City of Belmont, City of Gastonia and the City of Charlotte.
- The net impact to the Capital Fund of \$5,711,905 includes a new FTA grant for Buses as well as a reduction for projects previously included in Capital Fund being moved to the Operating Fund. Match for the new FTA grant is available in the current Capital fund.
- CATS will use the new FTA grant to purchase twelve new motor coaches. The buses will replace vehicles that have exceed their useful life to expand express service along I-77.

Fiscal Note

Funding: CATS Operating Fund and Community Investment Fund

Attachment(s)

Budget Amendment Details

Budget Ordinance

[FY2019 Budget Amendment](#)

[15-10008 Ordinance](#)

18. Nominations to the Bicycle Advisory Committee

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a partial term beginning immediately and ending December 31, 2021.
 - Robert Boyer has resigned.

Attachments

Bicycle Advisory Committee Applicants

[Bicycle Advisory Committee Applications](#)

19. Nominations to the Business Advisory Committee

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a partial term recommended by the Charlotte Regional Business Alliance beginning immediately and ending April 28, 2020.
 - Eric Cohen has resigned.
 - Recommendations are forthcoming and will be brought to Council at the February 25, 2019 meeting.
- Two appointments for partial terms recommended by the Charlotte Regional Business Alliance beginning immediately and ending April 28, 2021.
 - Scott Campagna and Charles McShane did not meet attendance requirements.
 - Recommendations are forthcoming and will be brought to Council at the February 25, 2019 meeting.
- One appointment for a partial term for a representative of the Carolinas Asian-American Chamber of Commerce beginning immediately and ending April 28, 2020.
 - Deepika Jalla did not meet attendance requirements.
 - The Asian American Chamber of Commerce has recommended Reena Ruwala.
- Two appointments for partial terms beginning immediately and ending April 28, 2019, and then continuing for full three-year terms beginning April 29, 2019 and ending April 28, 2022.
 - Rachel Geathers and DeAlva Glen did not meet attendance requirements.

Attachments

Business Advisory Committee Applicants

20. Nominations to the Charlotte Business Inclusion Advisory Committee

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a two-year term for a representative of the National Association of Women Business Owners beginning March 1, 2019 and ending February 28, 2021.
 - Vilma Betancourt is eligible but not interested in reappointment.
 - The National Association of Women Business Owners has recommended Nicole Reina.
- One appointment for a two-year term for a representative of the Carolinas Association of General Contractors beginning March 1, 2019 and ending February 28, 2021.
 - William Stricker is eligible and interested in reappointment.
 - The Carolinas Association of General Contractors has recommended William Stricker.
- One appointment for a two-year term in the category of At-Large Representing Prime Construction Company beginning March 1, 2019 and ending February 28, 2021.
 - Christopher Socha is eligible and interested in reappointment.
- One appointment for a partial term for an At-Large member beginning immediately and ending February 28, 2019 and then continuing for a full two-year term beginning March 1, 2019 and ending February 28, 2021.
 - Noah Cartagena did not meet attendance requirements.

Attachments

Charlotte Business Inclusion (CBI) Advisory Committee Applicants

21. Nominations to the Charlotte Housing Authority Board

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a three-year term beginning January 18, 2019 and ending December 17, 2021.
 - Linda Ashendorf is eligible and interested in reappointment.

Attachments

Charlotte Housing Authority Board Applicants

22. Nominations to the Charlotte International Cabinet

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term for an At-Large member beginning immediately and ending June 30, 2021.
 - Brooks Shelley did not meet attendance requirements.

Attachments

Charlotte International Cabinet Applicants

23. Nominations to the Citizens' Transit Advisory Group

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a partial term beginning immediately and ending June 30, 2020.
 - Daniel MacRae did not meet attendance requirements.

Attachments

Citizens' Transit Advisory Group Applicants

24. Nominations to the Community Relations Committee

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, 2019, and then continuing for a full three-year term from July 1, 2019 through June 30, 2022.
 - Jacqlin Robinson did not meet attendance requirements.
- One appointment for a partial term beginning immediately and ending June 30, 2021.
 - Savannah Turner did not meet attendance requirements.
- One appointment for a three-year term beginning March 9, 2019 and ending March 8, 2022.
 - Hector Vaca is eligible and interested in reappointment.

Attachments

Community Relations Committee Applicants

[Community Relations Committee Applications](#)

25. Nominations to Keep Charlotte Beautiful

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for partial terms beginning immediately and ending June 30, 2019, and then continuing for full three-year terms beginning July 1, 2019 and ending June 30, 2022.
 - Jeff Beaver and Sue Du Chanois have resigned.
- One appointment for a partial term beginning immediately and ending June 30, 2020.
 - Brian Withrow has resigned.

Attachments

Keep Charlotte Beautiful Applicants

[Keep Charlotte Beautiful Applications](#)

26. Nominations to the Neighborhood Matching Grants Fund

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a partial term for a Neighborhood Representative beginning immediately and ending April 15, 2020.
 - Colin Pinkney did not meet attendance requirements.
- One appointment for a partial term for a Business Representative beginning immediately and ending April 15, 2020.
 - Laura McClettie did not meet attendance requirements.

Attachments

Neighborhood Matching Grants Fund Applicants

27. Nominations to the Privatization/Competition Advisory Committee

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Six appointments for two-year terms beginning March 2, 2019 and ending March 1, 2021.
 - Parker Cains, Eric Cohen, Johnell Holman, Angela Shealy, William Turner, and Alexander Vuchnich are eligible and interested in reappointment.
- One appointment for a partial term beginning immediately and ending March 1, 2020.
 - James Marascio did not meet attendance requirements.

Attachments

Privatization/Competition Advisory Committee Applicants

28. Nominations to the Storm Water Advisory Committee

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term in the General Contractor category beginning immediately and ending June 30, 2019, and then continuing for a full three-year beginning July 1, 2019 and ending June 30, 2022.
 - David Hamrick did not meet attendance requirements.

Attachments

Storm Water Advisory Committee Applicants

29. Nominations to the Transit Services Advisory Committee

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a three-year term for a Local Service Passenger beginning February 2, 2019 and ending January 31, 2022.
 - Terry Lansdell is eligible and interested in reappointment.

Attachments

Transit Services Advisory Committee Applicants

30. Nominations to the Waste Management Advisory Board

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One recommendation for appointment for a partial term beginning immediately and ending November 5, 2021.
 - Jason Thomas is eligible and interested in reappointment.

Attachments

Waste Management Advisory Board Applicants

31. 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 three-year term beginning February 2, 2019 and ending January 31, 2022.
 - Terry M. Brown Jr. is eligible and interested in reappointment

Attachments

Zoning Board of Adjustment Applicants

32. Mayor and City Council Topics

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

CONSENT

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

Action:

Adopt a resolution to apply and accept a grant award in the amount of \$197,598 from the Governor's Highway Safety Program for a Driving While Impaired Task Force.

Staff Resource(s):

Kerr Putney, Police
Gavin Jackson, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) has been awarded a Fiscal Year (FY) 2019 Governor's Highway Safety Program (GHSP) grant for Driving While Impaired (DWI) Task Force. This grant has been awarded annually for the previous six years.
- The grant will fund 25 percent of the Task Force's personnel costs for six officers and one sergeant assigned to the DWI Task Force in FY 2020 (\$197,598) which offsets the Task Force costs by \$2,636,472 over the seven-year grant award period.
- On October 28, 2013, City Council authorized a grant acceptance from the GHSP to offset costs of a DWI Task Force to focus on mitigating DWI and informing the dangers associated with DWI for four years. GHSP modified the grant application and offered a fifth, sixth, and now seventh year of funding for a FY 2020 grant for \$197,598.
- In 2018, the DWI Task Force conducted over 50 educational awareness sessions with area high school students and instructed over 300 officers in standardized field sobriety testing.
- GHSP requires that City Council adopt a resolution to authorize CMPD to apply for and accept the grant funding.
- The grant is for a one-year term from October 1, 2019 through September 30, 2020.
- In FY 2021, the City will assume the total annual cost of the DWI Task Force.
- The grant totals \$197,598, and requires the City to provide matching funds in the amount of \$592,793 which is included in CMPD's normal operating budget.

Fiscal Note

Funding:

- Grant Project Funding: General Grants Fund
- Local Match Funding: Police Operating Budget

Attachment(s)

Resolution

[Resolution 2019 NC GHSP DWI Task Force Grant 011519](#)

34. 2018 Urban Area Security Initiative Grant Acceptance

Action:

Authorize the Charlotte Area Homeland Security Director (Charlotte Fire Chief) to accept a grant for \$2,000,000 from the United States Department of Homeland Security for the 2018 Urban Area Security Initiative Grant Program.

Staff Resource(s):

Reginald Johnson, Fire
Cynthia Bonham, Fire
Robert Graham, Fire

Explanation

- The 2018 Urban Area Security Initiative (UASI) Grant Program allowed eligible applicants to apply for funding to aid in the prevention, protection, response, and recovery from terrorist attacks.
- The City has been a recipient of funding from this program since 2004, and has once again been awarded the grant.
- The total amount of the grant awarded to the Charlotte UASI was \$2,500,000.
- The North Carolina Division of Emergency Management is eligible to retain up to 20 percent of the funds under the program guidelines. As such, the Division has elected to retain the full \$500,000 for the management and administration of the grant program and provide continued support to the North Carolina Voice Interoperability Plan for the Emergency Responder radio system.
- The City has been awarded the remaining \$2,000,000.
- The focus of these funds will be on terrorism preparedness activities, such as equipment acquisition, planning, training courses, and drills. Equipment specifics include:
 - Equipment to supplement existing Law Enforcement, Search and Rescue (SAR) and Hazardous Materials (HAZMAT) capabilities, including replacement of HAZMAT monitoring equipment,
 - Equipment to continue the expansion of the regional radio system,
 - Replacement of obsolete technology within the Emergency Operations Center (EOC),
 - HAZMAT and Urban Search/Rescue training, and
 - Cybersecurity threat planning and technology.
- In developing a regional approach, as mandated by the grant guidelines, the following 10 counties were included as part of a regional implementation concept: Cabarrus, Catawba, Gaston, Iredell, Lincoln, Lancaster, Mecklenburg, Stanly, Union, and York.
- There are no City matching funds required for this grant.

Fiscal Note

Funding: 2018 Urban Area Security Initiative Grant

Attachment(s)

Memorandum of Agreement

[FY18 MOA 1843 UASI \(executed\) \(2\)](#)

35. Charlotte Fire Department Officer Promotional Testing Services

Action:

- A. Approve a contract with Morris and McDaniel, Inc. for Fire Officer Promotional Testing Services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments, and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Reginald Johnson, Fire

Explanation

- The Charlotte Fire Department holds promotional processes annually, using a written exam and an assessment center to ensure a fair and high-quality process for candidates.
- The vendor will provide services for captain and battalion chief promotional processes to include designing and administering the written exam, assessment exercises, and training for assessors, with the possibility of expanding the scope of service to the positions of Division Chief and Deputy Chief in later years.
- On November 15, 2018, the City issued a Request for Proposals (RFP); seven proposals were received.
- Morris and McDaniel, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
 - Morris and McDaniel, Inc. has over 42 years of experience in developing and conducting candidate testing and promotional performance-based assessment programs.
 - The firm has assisted large metropolitan fire departments with promotional procedures including the New York Fire Department, the Austin Fire Department, the City of Rochester Fire Department, the Kansas City Fire Department, the Philadelphia Police Department, and many others.
 - The firm has created legally defensible testing and assessment procedures and the senior principal is a licensed attorney who has expertise in employment discrimination law as well as Title VII litigation.
- Estimated contract expenditures are \$615,500 in the aggregate over the five-year term.

Charlotte Business INclusion

The City negotiates participation after the firm is selected for this services contract (Part C: Section 2.1 (h) of the Charlotte Business Inclusion Policy). Morris and McDaniel, Inc. has committed 5% of the total contract amount with MWSBE firms in the following scopes:

- Audio and Video Production Services
- Office Supplies
- Printing/Copying
- Catering

Fiscal Note

Funding: Charlotte Fire Department Operating Budget

36. 924 West Sugar Creek Apartments Bond Issuance Approval

Action:

Adopt a resolution granting the Charlotte Housing Authority's request to issue multi-family housing revenue bonds, in an amount not to exceed \$18,000,000 to finance the development of 924 West Sugar Creek Apartments.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services
Zelleka Biermann, Housing and Neighborhood Services

Explanation

- A City Council priority is to build and preserve vibrant and diverse neighborhoods by expanding the supply of affordable housing through new construction and preservation of the existing housing stock. This action will not obligate the City financially or impact the proposed Community Investment Plan.
- The Charlotte Housing Authority (CHA) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for 924 West Sugar Creek Apartments, which is located in Council District 4.
- Mosaic Development Group, Inc. is the developer of the 180-unit affordable housing community.
- The CHA bonds, which are not to exceed \$18,000,000, will be used to finance land acquisition and construction.
- The adoption of the resolution is required by the governmental unit with jurisdiction over the area where the development is located in order to satisfy Section 147(f) of the Internal Revenue Service Code of 1986.

Background

- On April 23, 2018, City Council approved a Housing Trust Fund allocation of \$5,300,000 for the development's construction.
- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$18,000,000 for the project.

Attachment(s)

Charlotte Housing Authority Resolution
City of Charlotte Resolution

[CHA - West Sugar Creek - City Council Approval in Principle](#)

[Active 112049924 1 CHA - West Sugar Creek - Amended Inducement Resolution](#)

37. Cross Charlotte Trail - South Charlotte Connector

Action:

Approve a contract in the amount of \$2,333,078 to the lowest responsive bidder Onsite Development, LLC for the Cross Charlotte Trail - South Charlotte Connector project.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Imad Fakhreddin, Engineering and Property Management
Liz Babson, Transportation
Scott Curry, Transportation

Explanation

- The Cross Charlotte Trail is a City-County partnership that will connect existing County greenway segments with new urban trails to form a continuous pathway extending approximately 26 miles across Charlotte.
- This project, located in Council District 7, proposes a 0.7-mile trail that includes a bridge connecting Little Sugar Creek Greenway/Cross Charlotte Trail at Park Road Extension to the existing McMullen Creek/McAlpine Creek/Four Mile Creek greenway system that runs from Pineville Matthews Road at McMullen Creek Parkway to Rea Road and Bevington Place.
- Once completed, the 0.7-mile South Charlotte Connector will connect the Cross Charlotte Trail to an existing 5.5-mile greenway system that crosses south Charlotte, reaching Rea Road. It will extend the reach of the Cross Charlotte Trail by connecting an additional 25,000 south Charlotte residents to within walking distance of the trail.
- This connector is one of two City projects needed to complete a continuous 18-mile trail from Uptown to South Charlotte. Council will be asked to approve an additional 1.5-mile segment from Brandywine Road to Tyvola Road at a future meeting.
- Work will include an asphalt greenway, grading, retaining walls, driveway, curb, gutter, wheel chair ramps, storm drainage, pre-fabricated bridge, boardwalks, bank stabilization and traffic control.
- On August 14, 2018, the City issued an Invitation to Bid; four bids were received.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2020.

Charlotte Business INclusion

Established SBE Goal: 15.00%
Committed SBE Goal: 17.86%

Onsite Development, LLC exceeded the established SBE subcontracting goal, and has committed 17.86% (\$416,700) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (SBE, MBE) (\$125,000) (concrete)
- Axiom Foundations, LLC (SBE) (\$105,000) (foundation protection)
- AMP Utility Distribution Services, LLC (SBE) (\$50,000) (material supply)
- Affordable Source Trucking, LLC (SBE, MBE) (\$43,350) (hauling)
- Streeter Trucking Company, Inc (SBE, MBE) (\$43,350) (hauling)
- JV Trucking, LLC (SBE) (\$25,000) (hauling)
- L Carranza Dump Truck Service LLC (SBE) (\$25,000) (hauling)

Established MBE Goal: 6.00%
Committed MBE Goal: 11.00%

Onsite Development, LLC exceeded the established MBE subcontracting goal, and has committed 11.00% (\$256,700) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (SBE, MBE) (\$125,000) (concrete)

- MTS Trucking Inc. (MBE) (\$45,000) (hauling)
- Affordable Source Trucking, LLC (SBE, MBE) (\$43,350) (hauling)
- Streeter Trucking Company, Inc (SBE, MBE) (\$43,350) (hauling)

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Cross Charlotte Trail - South Charlotte Connector \(9-10-2018\)](#)

38. Construction Manager at Risk Services for the Innovation Barn Renovations

Action

Authorize the City Manager to negotiate and approve a Construction Manager at Risk contract in an amount not to exceed \$2,000,000 with J.E. Dunn Construction Company for the Innovation Barn Renovation project.

Staff Resource(s):

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

Explanation

- This project is the result of a public-private partnership between the City of Charlotte and Envision Charlotte to implement and promote a circular economy. This project includes the renovation of a City-owned facility at a reduced cost through use of donated materials.
- Envision Charlotte will use the 36,000-square-foot facility for community space to provide programs specializing in the circular economy.
- This initiative will divert trash from the landfill, create jobs, drive innovation and economic development and will lead the City's transformation into this new economy.
- On May 14, 2018, City Council approved a \$500,000 grant and a five-year lease agreement with Envision Charlotte to lease a vacant City building at 932 Seigle Avenue in Council District 1.
- As part of the FY 2019 budget, Council approved funding for the renovation of 932 Seigle Avenue as part of the agreement with Envision Charlotte.
- Envision Charlotte and its design team will develop the plans to support the circular economy concept, submit the drawings for a building permit, and provide drawings appropriate for bidding to the City and J.E. Dunn.
- The City has selected the Construction Manager at Risk (CMAR) project delivery method to provide more effective coordination, more certainty with project costs and fast track schedule, and to better mitigate risks during construction.
- On July 20, 2018, the City issued a Request for Qualifications (RFQ); six proposals were received.
- J.E. Dunn Construction Company is the firm best qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The contract with J.E. Dunn Construction Company is for construction phase services, including coordination of all construction activities, managing all subcontractors, and delivering the project in collaboration with the City, Envision Charlotte and the design consultant.
- J.E. Dunn Construction Company as the CMAR will not be allowed to self-perform the construction work. The company will be required to prequalify all first-tier subcontractors and competitively bid the work to subcontractors.
- Envision Charlotte will have local companies donate materials to showcase local businesses, demonstrate their commitment to a circular economy and aid in reducing the cost for renovation of a City-owned building.
- J.E. Dunn Construction Company will be responsible for managing the subcontractors' work, delivering the project on-schedule and on-budget and implementing the City's Charlotte Business Inclusion program.
- The project is anticipated to be complete by the fall of 2019.

Charlotte Business INclusion

The City has established a 20% MWSBE subcontracting goal on this project and J.E. Dunn Construction Company has committed to meeting the established goal (Part G: Section 2.7 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Construction Manager at Risk Services for the Innovation Barn Renovations Project](#)

39. Light Rail Transit South Corridor Landscape Maintenance Services

Action:

Approve a contract in the amount of \$628,005 with Taylor's Landscaping Service, Inc. for landscape maintenance for the CATS Corridor Light Rail Transit South for a three-year term.

Staff Resource(s):

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

Explanation

- The City regularly contracts for landscape maintenance services at City-owned facilities and properties.
- On September 4, 2018, a Request for Proposal (RFP) was issued for multiple City-owned areas, including the CATS Corridor Light Rail Transit South (Council District 3). Three proposals were received.
- Taylor's Landscaping Service, Inc. best meets the City's needs in terms of qualifications, experience, cost and responsiveness to RFP requirements.
- Work is anticipated to begin March 1, 2019.

Charlotte Business INclusion

Taylor's Landscaping Service, Inc., a City SBE, is being awarded this services contract.

Fiscal Note

Funding: Engineering and Property Management Operating Budget

Attachment

Map

[Location Map - Landscape Maintenance Services](#)

40. Central Yard Storm Water Control Retrofit

Action:

Approve a contract in the amount of \$812,623.90 to the lowest responsive bidder Blythe Development Company for the Central Yard Storm Water Control Retrofit Project.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Matt Gustis, Engineering and Property Management

Explanation

- The project is located at a City of Charlotte Fleet Management facility, 829 Louise Avenue, in the Upper Little Sugar Creek watershed, in Council District 1.
- The purpose of the Central Yard Storm Water Control Retrofit Project is to improve surface water quality in the Upper Little Sugar Creek watershed. This project location has been selected by the Surface Water Quality Program as a retrofit opportunity to improve water quality of an unnamed tributary to Little Sugar Creek.
- Construction will include installation of an underground modular concrete storm water vault, storm drainage and sanitary sewer modifications, and paving.
- This project is in partnership with the Louise Avenue Parking Lot Improvements project which will be brought to City Council at a later date.
- On November 27, 2018, the City issued an Invitation to Bid; four bids were received.
- Blythe Development Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2019.

Charlotte Business INclusion

Established SBE Goal: 11.00%
Committed SBE Goal: 11.08%

Blythe Development Company exceeded the established SBE subcontracting goal, and has committed 11.08% (\$90,000) of the total contract amount to the following certified SBE firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete (SBE, MBE) (\$90,000) (concrete)

Established MBE Goal: 5.00%
Committed MBE Goal: 11.08%

Blythe Development Company exceeded the established MBE subcontracting goal, and has committed 11.08% (\$90,000) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete (SBE, MBE) (\$90,000) (concrete)

Fiscal Note

Funding: Storm Water Community Investment Plan

Attachment(s)

Map

[Location Map - Central Yard Storm Water Control Retrofit](#)

41. Storm Water Repairs and Improvements

Action:

- A. Approve a contract in the amount of \$1,998,595 to the lowest responsive bidder Onsite Development, LLC for the Storm Water Repair and Improvement Fiscal Year 2019-B project, and**
- B. Approve a contract in the amount of \$4,013,146 to the lowest responsive bidder Onsite Development, LLC for the Storm Water Repair and Improvement Fiscal Year 2019-C project.**

Staff Resource(s):

Mike Davis, Engineering and Property Management
Susan Tolan, Engineering and Property Management

Explanation

- These contracts are part of an ongoing program to provide repairs and/or improvements to storm drainage systems. Each request is investigated and prioritized based on the severity of potential public/private property flooding and/or property damage.

Action A

- Projects are limited to repairs on City-maintained drainage systems.
- Approximately 50 projects may be constructed within a contract term that may not exceed 18 months. The number of projects may vary depending on the nature and extent of the repairs constructed.
- On December 21, 2018, the City issued an Invitation to Bid; four bids were received.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.

Action B

- Approximately 30 projects may be constructed within a contract term that may not exceed 18 months. The number of projects may vary depending on the nature and extent of the repairs constructed.
- On December 4, 2018, the City issued an Invitation to Bid; four bids were received.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Action A:

Established SBE Goal: 22.00%
Committed SBE Goal: 22.01%

Onsite Development, LLC. exceeded the established SBE subcontracting goal, and has committed 22.01% of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution Services, LLC (SBE) (utility material)
- Affordable Source Trucking, LLC (SBE, MBE) (hauling)
- B & N Grading, Inc. (SBE) (milling)
- JV Trucking, LLC (SBE) (hauling)
- Landmark Materials, LLC (SBE) (hauling)
- MTS Trucking Inc. (SBE, MBE) (hauling)
- R.R.C. Concrete Inc (SBE, MBE) (concrete)
- Solanos Trucking Company, Inc (SBE) (hauling)
- Streeter Trucking Company, Inc (SBE, MBE) (hauling)
- Tony's Trucking Inc. (SBE) (hauling)

Established MBE Goal: 9.00%
Committed MBE Goal: 9.01%

Onsite Development, LLC. exceeded the established MBE subcontracting goal, and has committed 9.01% of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Affordable Source Trucking, LLC (SBE, MBE) (hauling)
- R.R.C. Concrete Inc (SBE, MBE) (concrete)
- Streeter Trucking Company, Inc (SBE, MBE) (hauling)

Action B:

Established SBE Goal: 21.00%

Committed SBE Goal: 21.06%

Onsite Development, LLC. exceeded the established SBE subcontracting goal, and has committed 21.06% of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution Services, LLC (SBE) (utility material)
- Affordable Source Trucking, LLC (SBE, MBE) (hauling)
- B & N Grading, Inc. (SBE) (milling)
- JV Trucking, LLC (SBE) (hauling)
- L Carranza Dump Truck Service LLC (SBE) (hauling)
- Landmark Materials, LLC (SBE) (hauling)
- MTS Trucking Inc. (SBE, MBE) (hauling)
- R.R.C. Concrete Inc (SBE, MBE) (concrete)
- Solanos Trucking Company, Inc (SBE) (hauling)
- Streeter Trucking Company, Inc (SBE, MBE) (hauling)
- Tony's Trucking Inc. (SBE) (hauling)

Established MBE Goal: 10.00%

Committed MBE Goal: 10.01%

Onsite Development, LLC. exceeded the established MBE subcontracting goal, and has committed 10.01% of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Affordable Source Trucking, LLC (SBE, MBE) (hauling)
- R.R.C. Concrete Inc (SBE, MBE) (concrete)
- Streeter Trucking Company, Inc (SBE, MBE) (hauling)

Fiscal Note

Funding: Storm Water Community Investment Plan

42. Water and Wastewater Treatment Process Control Equipment Maintenance

Action:

- A. Approve contracts with the following companies for water and wastewater treatment process control equipment maintenance for an initial term of two years:
- MPG Consulting Services, LLC, and
 - CITI, LLC, and
- B. Authorize the City Manager to renew the contracts for up to one, two-year term with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- These contracts provide maintenance services for the Supervisory Control and Data Acquisition (SCADA) system.
- The SCADA system is a computer control system which monitors and controls variables such as water flow and pressure during the water and wastewater treatment process.
- All of Charlotte Water's water and wastewater treatment plants and dozens of lift/booster/pump stations use the SCADA system.
- To ensure consistency, these vendors will also be utilized as subcontractors for projects funded by Charlotte Water's Community Investment Plan.
- On January 18, 2019, the City issued a Request for Proposals (RFP); four proposals were received.
- The companies selected best meet the City's needs in terms of demonstrated competence and qualification of professional services in response to the RFP requirements.
- Annual expenditures for all contracts in aggregate are estimated to be \$825,000.

Charlotte Business INclusion

MPG Consulting Services, LLC, a City SBE and MBE, and CITI, LLC, a City MBE, are being awarded these services contracts.

Fiscal Note

Funding: Charlotte Water Operating Budget and Charlotte Water Community Investment Plan

43. Transit Management Services

Action:

- A. **Approve a three-year agreement with RATP DEV USA (formally McDonald Transit Associates, Inc.) to provide transit management services for the Bus Operations Division, at a total cost of \$2,015,510, and**
- B. **Authorize the City Manager to negotiate and execute contract renewals up to the amount of \$730,000 per year, for up to two additional years.**

Staff Resource(s):

John Lewis, CATS

Tangee Mobley, CATS

Explanation

- North Carolina law (NC General Statute §95-98) prohibits municipalities from collective bargaining activities such as those with labor unions. However, a federal law (referred to as "13c") preserves the collective bargaining rights of certain unions which existed prior to the enactment of the state law.
- The labor unions for the CATS bus drivers and mechanics were protected by this federal law, but the City is prohibited from negotiating with these unions by state law.
- CATS, therefore, must use an independent contractor to manage the bus operations division and to conduct negotiations with the labor unions for bus drivers and mechanics.
- On July 30, 2018, the City issued a Request for Proposals (RFP); two responses were received.
- RATP DEV USA best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- RATP DEV USA, also the current service provider, has proposed an experienced local transit management team for Charlotte to oversee the Transit Bus Operations Division, and the firm will also provide corporate resources for labor negotiations, service optimization, policies and procedures, and system performance audits as requested and/or needed.

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).

Fiscal Note

Funding: CATS Operating Budget

44. Airport Taxiway M Rehabilitation Construction

Action:

Approve a contract in the amount of \$14,619,652.50 with Hi-Way Paving, Inc. for the Taxiway M Rehabilitation Project.

Staff Resource(s):

Brent Cagle, Aviation
Jack Christine, Aviation

Explanation

- This project scope includes rehabilitating the existing pavement concrete of two taxiways.
- Additional work related to the taxiway rehabilitation includes airfield lighting and signage replacement, grading, drainage, temporary sediment and erosion control measures, and pavement markings.
- On November 15, 2018, the City issued an Invitation to Bid; two bids were received.
- On December 13, 2018, the project was re-advertised for bid: two bids were received.
- Hi-Way Paving, Inc. was the lowest responsible bidder.
- The project is anticipated to be completed by November 2019.
- This activity is occurring on airport property (Council District 3).

Disadvantaged Business Enterprise

Established DBE Goal: 15.00%

Committed DBE Goal: 15.00%

Hi-Way Paving, Inc met the established subcontracting goal, and has committed 15.00% (\$2,193,038.81) of the total contract amount to the following certified firms:

- All Points Trucking (DBE) (\$564,676) (hauling)
- Southeastern Public Safety (DBE) (\$509,070) (flagging)
- Millennium Trucking (DBE) (\$364,320) (hauling)
- MRS Airfield Lights and Supplies (DBE) (\$226,572.60) (lighting)
- Carolina Construction Supplies (DBE) (\$159,663.60) (steel)
- Bullseye Equipment and Supply (DBE) (\$122,564) (drainage mats and barricades)
- Martin Landscaping (DBE) (\$95,740) (erosion control)
- Speidel Construction Co. (DBE) (\$77,489.75) (pavement markings)
- Dan-Kel Concrete Cutting (DBE) (\$46,942.86) (concrete cutting and joint sealing)
- Kingdom Trucking (DBE) (\$26,000) (asphalt hauling)

Fiscal Note

Funding: Aviation Community Investment Plan

45. Airport Parking Deck Expansion Joint Repair

Action:

- A. **Approve a contract in the amount of \$675,637 to the lowest responsive bidder Volunteer Restoration, Inc. for the west daily parking deck expansion joint repair, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation
Jack Christine, Aviation

Explanation

- The West Daily Parking Deck is 12 years old and needs repairs to extend the useful life of the parking facility.
- The project scope includes expansion joint replacement, weatherproofing through recoating the surface deck, and restriping parking spaces.
- On November 9, 2018, the City issued an Invitation to Bid; six bids were received.
- Volunteer Restoration, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by 2nd quarter 2019.
- This activity is occurring on airport property, Council District 3.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Community Investment Plan

46. GAT Airline Ground Support, Inc. Lease

Action:

Approve a three-year lease with GAT Airline Ground Support, Inc. for office space in the terminal of Charlotte Douglas International Airport.

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- Aviation has agreed to lease 473 square feet of office space in the terminal to GAT Airline Ground Support, Inc. to support various airlines' operations.
- The first year's rent based on the terminal rental rate is \$27,545.28. The total three-year lease value will vary based on the annual terminal rental rate.
- This activity is occurring on airport property (Council District 3).

Fiscal Note

Funding: Revenue from the lease agreement will be deposited within Aviation's operating budget

47. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$9,024.60.

Staff Resource(s):

Robert Campbell, Finance
Sarah Richards, Finance

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers final](#)

[Resolution](#)

48. Meeting Minutes

Action:

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

- **December 17, 2018 Zoning Meeting,**
- **January 7, 2019 Strategy Session,**
- **January 14, 2019 Business Meeting, and**
- **January 22, 2019 Zoning Meeting.**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

49. Property Transactions - Bryant Farms Road Sidewalk, Parcel #4

Action: Approve the following Condemnation: Bryant Farms Road Sidewalk, Parcel #4

Project: Bryant Farms Road Sidewalk, Parcel #4

Owner(s): Jack Jaimes and Ruth L. Jaimes

Property Address: 9300 Briarwick Lane

Total Parcel Area: 25,564 sq. ft. (.587 ac.)

Property to be acquired by Easements: 258 sq. ft. (.006 ac.) in Storm Drainage Easement, plus 2,285 sq. ft. (.052 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-12

Use: Single-family Residential

Tax Code: 223-201-52

Appraised Value: \$12,500

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

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

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: 7

[Location Map - Bryant Farms Sidewalk.P4.docx](#)

50. Property Transactions - Bryant Farms Road Sidewalk, Parcel #5

Action: Approve the following Acquisition: Bryant Farms Road Sidewalk, Parcel #5

Project: Bryant Farms Road Sidewalk, Parcel #5

Owner(s): Debra G. Yeatts and Rodney A. Yeatts

Property Address: 9014 Bryant Farms Road

Total Parcel Area: 37,212 sq. ft. (.854 ac.)

Property to be acquired by Fee: 2,406 sq. ft. (.055 ac.) in Fee Simple

Property to be acquired by Easements: 929 sq. ft. (.021 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: None

Zoned: R-3

Use: Rural homesite

Tax Code: 223-202-57

Purchase Price: \$19,000

Council District: 7

[Location Map - Bryant Farms Road.P5.docx](#)

51. Property Transactions - Bryant Farms Road Sidewalk, Parcel #6

Action: Approve the following Acquisition: Bryant Farms Road Sidewalk, Parcel #6

Project: Bryant Farms Road Sidewalk, Parcel #6

Owner(s): Kathryn Miller Jones

Property Address: 9000 Bryant Farms Road

Total Parcel Area: 32,804 sq. ft. (.753 ac.)

Property to be acquired by Fee: 1,761 sq. ft. (.040 ac.) in Fee Simple

Property to be acquired by Easements: 183 sq. ft. (.004 ac.) in Storm Drainage Easement, plus 1,345 sq. ft. (.031 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Brick column, fence, and irrigation

Landscaping to be impacted: Shrubs and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 223-292-01

Purchase Price: \$21,255

Council District: 7

[Location Map - Bryant Farms Road.P6.docx](#)

52. Property Transactions - Bryant Farms Road Sidewalk, Parcel #9

Action: Approve the following Condemnation: Bryant Farms Road Sidewalk, Parcel #9

Project: Bryant Farms Road Sidewalk, Parcel #9

Owner(s): Dana Hoegh-Guldberg and Niels Hoegh-Guldberg

Property Address: 8722 Bryant Farms Road

Total Parcel Area: 47,451 sq. ft. (1.089 ac.)

Property to be acquired by Fee: 3,120 sq. ft. (.072 ac.) in Fee Simple

Property to be acquired by Easements: 138 sq. ft. (.003 ac.) in Storm Drainage Easement, plus 1,127 sq. ft. (.026 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Rural homesite

Tax Code: 223-282-83

Appraised Value: \$21,000

Counter Offer: \$93,500

Property Owner's Concerns: The property owner is concerned with the amount of compensation being offered and the loss of parking due to the location of the sidewalk.

City's Response to Property Owner's Concerns: Staff informed the property owner they could obtain their own appraisal in order justify a counteroffer. Staff explained the sidewalk is located at the back of curb and cannot be eliminated.

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: 7

[Location Map - Bryant Farms Sidewalk.P9.docx](#)

53. Property Transactions - Cross Charlotte Trail Brandywine-Tyvola, Parcel #18

Action: Approve the following Acquisition: Cross Charlotte Trail Brandywine-Tyvola, Parcel #18

Project: Cross Charlotte Trail Brandywine-Tyvola, Parcel #18

Owner(s): Colby McKnight Nicholson and Samuel D. Nicholson

Property Address: 3460 Selwyn Avenue

Total Parcel Area: 62,053 sq. ft. (1.425 ac.)

Property to be acquired by Easements: 3,541 sq. ft. (.081 ac.) in Greenway Easement, plus 3,987 sq. ft. (.092 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 175-131-08

Purchase Price: \$31,875

Council District: 6

[Location Map - Cross Charlotte Trail Brandywine - Tyvola.P18.docx](#)

54. Property Transactions - Cross Charlotte Trail Brandywine-Tyvola, Parcel #19

Action: Approve the following Acquisition: Cross Charlotte Trail Brandywine-Tyvola, Parcel #19

Project: Cross Charlotte Trail Brandywine-Tyvola, Parcel #19

Owner(s): Harry Sibold

Property Address: 3514 Selwyn Avenue

Total Parcel Area: 60,651 sq. ft. (1.392 ac.)

Property to be acquired by Easements: 4,575 sq. ft. (.105 ac.) in Greenway Easement, plus 1,606 sq. ft. (.037 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 175-131-39

Purchase Price: \$23,075

Council District: 6

[Location Map - Cross Charlotte Trail Brandywine - Tyvola.P19.docx](#)

55. Property Transactions - Irvins Creek Trunk, Parcel #10

Action: Approve the following Acquisition: Irvins Creek Trunk, Parcel #10

Project: Irvins Creek Trunk, Parcel #10

Owner(s): Carl McEwen Ellington

Property Address: 11252 Lawyers Road

Total Parcel Area: 23,176 sq. ft. (0.532 ac.)

Property to be acquired by Easements: 2,809 sq. ft. (.064 ac.) in Sewer Easement, plus 4,399 sq. ft. (.101 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Asphalt and concrete

Landscaping to be impacted: Various plantings

Zoned: B-D

Use: Commercial

Tax Code: 135-381-52

Purchase Price: \$34,700

Council District: N/A (Mint Hill)

[Location Map - Irvins Creek Trunk.P10.docx](#)

56. Property Transactions - Irvins Creek Trunk, Parcel #3

Action: Approve the following Acquisition: Irvins Creek Trunk, Parcel #3

Project: Irvins Creek Trunk, Parcel #3

Owner(s): Richard Dale Evans, et al

Property Address: 11024 Lawyers Road

Total Parcel Area: 169,241 sq. ft. (3.885 ac.)

Property to be acquired by Easements: 18,091 sq. ft. (.415 ac.) in Sewer Easement, plus 7,216 sq. ft. (.166 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R (Mint Hill)

Use: Single-family Residential

Tax Code: 135-381-61

Purchase Price: \$57,350

Council District: N/A (Mint Hill)

[Location Map - Irvins Creek Trunk.P3.docx](#)

57. Property Transactions - Irvins Creek Trunk, Parcel #4

Action: Approve the following Acquisition: Irvins Creek Trunk, Parcel #4

Project: Irvins Creek Trunk, Parcel #4

Owner(s): Billy E. Lineberger and Edith Lineberger

Property Address: 11110 Lawyers Road

Total Parcel Area: 97,439 sq. ft. (2.237 ac.)

Property to be acquired by Easements: 5,825 sq. ft. (.134 ac.) in Sewer Easement, plus 3,786 sq. ft. (.087 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R (Mint Hill)

Use: Single-family Residential

Tax Code: 135-381-60

Purchase Price: \$23,594

Council District: N/A (Mint Hill)

[Location Map - Irvins Creek Trunk.P4.docx](#)

58. Property Transactions - Irvins Creek Trunk, Parcel #9

Action: Approve the following Acquisition: Irvins Creek Trunk, Parcel #9

Project: Irvins Creek Trunk, Parcel #9

Owner(s): McDowell / Cochrane, LLC, et al

Property Address: 11232 Lawyers Road

Total Parcel Area: 36,228 sq. ft. (0.832 ac.)

Property to be acquired by Easements: 6,147 sq. ft. (.141 ac.) in Sewer Easement, plus 2,146 sq. ft. (.049 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: B-D

Use: Commercial

Tax Code: 135-381-53

Purchase Price: \$20,625

Council District: N/A (Mint Hill)

[Location Map - Irvins Creek Trunk.P9.docx](#)

59. Property Transactions - Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcels #4, 9, 10, 12, 13 and 14

Action: **Approve the following Acquisition:** Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcels #4, 9, 10, 12, 13 and 14

Project: Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcels #4, 9, 10, 12, 13 and 14

Owner(s): Thomas R. Hunter, Carroll E. Hunter and Hunter Auto and Wrecker Services, Inc.

Property Address: 1107 and 1114 North Davidson Street

Total Parcel Area: 176,383 sq. ft. (4.049 ac.)

Property to be acquired by Easements: 17,050 sq. ft. (.391 ac.) in Sewer Easement, plus 13,249 sq. ft. (.304 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 081-065-07, 081-093-03, 081-093-04, 081-093-08, 081-093-09 and 081-093-11

Purchase Price: \$208,925 and all relocation benefits in compliance with Federal, State or Local regulations

Council District: 1

[Location Map - Little Sugar Creek Tributary Trunk Sewer to north Tryon Street.P4.P9.P10.P12.P13.P14](#)

60. Property Transactions - NC51 (McAlpine - Ridgeloch) Sidewalk, Parcel #11

Action: Approve the following Condemnation: NC51 (McAlpine - Ridgeloch) Sidewalk, Parcel #11

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

Project: NC51 (McAlpine - Ridgeloch) Sidewalk

Owner(s): The Cherokee Association Incorporated

Property Address: Rea Road

Total Parcel Area: 52,721 sq. ft. (1.21 ac.)

Property to be acquired by Easements: 4,316 sq. ft. (.099 ac.) in Sidewalk Utility Easement, plus 3,340 sq. ft. (.077 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 211-521-01

Appraised Value: \$18,550

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: 7

[Location Map - NC51 - McAlpine - Ridgeloch Sidewalk.P11.docx](#)

61. Property Transactions - NC51 (McAlpine - Ridgeloch) Sidewalk, Parcel #20

Action: Approve the following Condemnation: NC51 (McAlpine - Ridgeloch) Sidewalk, Parcel #20

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

Project: NC51 (McAlpine - Ridgeloch) Sidewalk

Owner(s): James G. Friend and Sandra W. Friend

Property Address: 4527 Nora's Path Road

Total Parcel Area: 23,158 sq. ft. (.532 ac.)

Property to be acquired by Easements: 1,957 sq. ft. (.045 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 211-252-69

Appraised Value: \$4,525

Property Owner's Concerns: The property owner does not agree with the proposed project.

City's Response to Property Owner's Concerns: Staff explained the necessity of the project.

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: 7

[Location Map - NC51 - McAlpine - Ridgeloch Sidewalk.P20.docx](#)

62. Property Transactions - NC51 (McAlpine - Ridgeloch) Sidewalk, Parcel #21

Action: Approve the following Condemnation: NC51 (McAlpine - Ridgeloch) Sidewalk, Parcel #21

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

Project: NC51 (McAlpine - Ridgeloch) Sidewalk

Owner(s): Clifton S. Clardy, Jr. and Christine A. Clardy

Property Address: 4519 Nora's Path Road

Total Parcel Area: 42,475 sq. ft. (.975 ac.)

Property to be acquired by Easements: 565 sq. ft. (.013 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 211-252-68

Appraised Value: \$4,000

Property Owner's Concerns: The property owner does not agree with the proposed project.

City's Response to Property Owner's Concerns: Staff explained the necessity of the project.

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: 7

[Location Map - NC51 - McAlpine - Ridgeloch Sidewalk.P21.docx](#)

63. Property Transactions - NC51 (McAlpine - Ridgeloch) Sidewalk, Parcel #24

Action: Approve the following Acquisition: NC51 (McAlpine - Ridgeloch) Sidewalk, Parcel #24

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

Project: NC51 (McAlpine - Ridgeloch) Sidewalk

Owner(s): Michael R. Gordon and Mary E. Gordon

Property Address: 5630 McPherson Drive

Total Parcel Area: 26,161 sq. ft. (0.601 ac.)

Property to be acquired by Easements: 1,150 sq. ft. (.026 ac.) in Storm Drainage Easement, plus 1,024 sq. ft. (.024 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 211-441-01

Purchase Price: \$13,588

Council District: 7

[Location Map - NC51 - McAlpine - Ridgeloch Sidewalk.P24.docx](#)

64. Property Transactions - NC51 (McAlpine - Ridgeloch) Sidewalk, Parcel #29

Action: Approve the following Condemnation: NC51 (McAlpine - Ridgeloch) Sidewalk, Parcel #29

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

Project: NC51 (McAlpine - Ridgeloch) Sidewalk

Owner(s): Lisa Y. Strange, Cynthia Leigh Podador and Tristan T. Valerio Podador

Property Address: 7808 Biddstone Court

Total Parcel Area: 40,358 sq. ft. (.926 ac.)

Property to be acquired by Easements: 342 sq. ft. (.008 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 211-264-10

Appraised Value: \$400

Outstanding Concerns: Property owner has become unresponsive.

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: 7

[Location Map - NC51 - McAlpine - Ridgeloch Sidewalk.P29.docx](#)

65. Property Transactions - Peachtree Hills Sidewalk, Parcel #28

Action: Approve the following Acquisition: Peachtree Hills Sidewalk, Parcel #28

Project: Peachtree Hills Sidewalk, Parcel #28

Owner(s): Greater Bethel A.M.E. Church and Trustees

Property Address: 1029 Peachtree Road

Total Parcel Area: 449,702 sq. ft. (10.324 ac.)

Property to be acquired by Fee: 15,426 sq. ft. (.354 ac.) in Fee Simple

Property to be acquired by Easements: 9,172 sq. ft. (.211 ac.) in Sidewalk Utility Easement, 1,948 sq. ft. (.045 ac.) in Storm Drainage Easement, plus 13,810 sq. ft. (.317 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Stone Walls

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 037-017-04

Purchase Price: \$17,425

Council District: 2

[Location Map - Peachtree Hills Sidewalk.P2.docx](#)

66. Property Transactions - Prosperity Church Road Pedestrian Crossing, Parcel #4

Action: Approve the following Condemnation: Prosperity Church Road Pedestrian Crossing, Parcel #4

Project: Prosperity Church Road Pedestrian Crossing

Owner(s): Stonebridge Church Community

Property Address: 3700 Prosperity Church Road

Total Parcel Area: 322,518 sq. ft. (7.404 ac.)

Property to be acquired by Easements: 165 sq. ft. (.004 ac.) in Utility Easement, plus 136 sq. ft. (.003 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 029-351-15

Appraised Value: \$50

Property Owner's Concerns: The property owner was concerned with the design of the project.

City's Response to Property Owner's Concerns: Staff was able to redesign.

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: 4

[Location Map - Prosperity Church Road Pedestrian Crossing.P4.docx](#)

67. Property Transactions - State Street Pedestrian Improvements, Parcel #15

Action: Approve the following Condemnation: State Street Pedestrian Improvements, Parcel #15

Project: State Street Pedestrian Improvements

Owner(s): Chrishan Villavarayan and Amala Nicholas

Property Address: 330 State Street

Total Parcel Area: 12,419 sq. ft. (0.285 ac.)

Property to be acquired by Easements: 146 sq. ft. (.003 ac.) in Sidewalk Utility Easement, plus 764 sq. ft. (.018 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-8

Use: Single-family Residential

Tax Code: 071-105-13

Appraised Value: \$4,075

Outstanding Concerns: The property owner has become unresponsive.

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: 2

[Location Map - State Street Pedestrian Improvement.P15.docx](#)

68. Property Transactions - State Street Pedestrian Improvements, Parcel #32

Action: Approve the following Condemnation: State Street Pedestrian Improvements, Parcel #32

Project: State Street Pedestrian Improvements

Owner(s): Cynthia Ashmore, Richard Cotton and Beverly C. Lawston

Property Address: 203 State Street

Total Parcel Area: 10,202 sq. ft. (.234 ac.)

Property to be acquired by Easements: 164 sq. ft. (.004 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-8

Use: Single-family Residential

Tax Code: 071-107-01

Appraised Value: \$625

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: 2

[Location Map - State Street Pedestrian Improvement.P32.docx](#)

69. Property Transactions - Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #9

Action: Approve the following Condemnation: Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #9

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

Project: Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #9

Owner(s): 2317 Thrift Holdings, LLC

Property Address: 1225 Berryhill Road

Total Parcel Area: 30,618 sq. ft. (.703 ac.)

Property to be acquired by Easements: 478 sq. ft. (.011 ac.) in Sidewalk Utility Easement, 71 sq. ft. (.002 ac.) in Utility Easement, plus 1,689 sq. ft. (.039 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 071-051-16

Appraised Value: \$3,750

Recommendation: We are 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

[Location Map - Tuckaseegee - Berryhill - Thrift Roundabout.P9.docx](#)

70. Property Transactions - Washam Potts Road 8" Sanitary Sewer to Serve 10241, Parcel #4

Action: Approve the following Condemnation: Washam Potts Road 8" Sanitary Sewer to Serve 10241, Parcel #4

Project: Washam Potts Road 8" Sanitary Sewer to Serve 10241

Owner(s): Paul McDougall and Janice Urbanic-McDougall

Property Address: 10213 Washam Potts Road

Total Parcel Area: 33,510 sq. ft. (.769 ac.)

Property to be acquired by Easements: 1,996 sq. ft. (.046 ac.) in Sewer Easement, plus 1,002 sq. ft. (.023 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Brick columns

Landscaping to be impacted: None

Zoned: NR

Use: Single-family Residential

Tax Code: 005-143-04

Appraised Value: \$3,450

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: N/A (Cornelius)

[Location Map - Washam Potts Road 8 Sanitary Sewer to Serve 10241.P4.docx](#)

71. Property Transactions - Wilmore Drive / Park Avenue Sanitary Sewer Replacement, Parcel #3

Action: Approve the following Condemnation: Wilmore Drive / Park Avenue Sanitary Sewer Replacement, Parcel #3

Project: Wilmore Drive / Park Avenue Sanitary Sewer Replacement

Owner(s): Vista Homes II, LLC

Property Address: 1957 Wilmore Drive

Total Parcel Area: 13,675 sq. ft. (.314 ac.)

Property to be acquired by Easements: 5,373 sq. ft. (.123 ac.) in Sewer Easement, plus 1,469 sq. ft. (.034 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 119-074-30

Appraised Value: \$28,250

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

[Location Map - Wilmore Drive Park Avenue Sanitary Sewer Replacement.P3.docx](#)

72. Property Transactions - Wilmore Drive / Park Avenue Sanitary Sewer Replacement, Parcel #4

Action: Approve the following Condemnation: Wilmore Drive / Park Avenue Sanitary Sewer Replacement, Parcel #4

Project: Wilmore Drive / Park Avenue Sanitary Sewer Replacement

Owner(s): CLT Home Solutions II, LLC

Property Address: 1953 Wilmore Drive

Total Parcel Area: 6,155 sq. ft. (.141 ac.)

Property to be acquired by Easements: 1,174 sq. ft. (.027 ac.) in Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 119-074-13

Appraised Value: \$11,100

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

[Location Map - Wilmore Drive Park Avenue Sanitary Sewer Replacement.P4.docx](#)

73. Property Transactions - Win Hollow Pump Station, Parcel #3

Action: Approve the following Condemnation: Win Hollow Pump Station, Parcel #3

Project: Win Hollow Pump Station, Parcel #3

Owner(s): Marcie Heslop Seibert and Steven Paul Seibert

Property Address: 11425 Faires Road

Total Parcel Area: 437,205.12 sq. ft. (10.037 ac.)

Property to be acquired by Easements: 19,633.02 sq. ft. (.451 ac.) in Sewer Easement, plus 21,899.94 sq. ft. (.503 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 105-222-03

Appraised Value: \$13,350

Property Owner's Concerns: The property owner is concerned with the project design and the loss of trees.

City's Response to Property Owner's Concerns: Staff explained this is the best design and will try to minimize impact to the trees during construction.

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: N/A

[Location Map - Win Hollow Pump Station.P3.docx](#)

74. Property Transactions - Win Hollow Pump Station, Parcel #5 and 6

Action: Approve the following Acquisition: Win Hollow Pump Station, Parcel #5 and 6

Project: Win Hollow Pump Station, Parcel #5 and 6

Owner(s): Michael S. Williams and Karen M. Williams

Property Address: 8820 and 8821 Faires Road

Total Parcel Area: 1,078,284 sq. ft. (24.754 ac.)

Property to be acquired by Easements: 37,242.27 sq. ft. (.855 ac.) in Sanitary Sewer Easement, plus 37,305.97 sq. ft. (.856 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Forest - Commercial Production

Tax Code: 105-222-30 and 105-222-29

Purchase Price: \$45,000

Council District: N/A

[Location Map - Win Hollow Pump Station.P5andP6.docx](#)

75. Aviation Property Transactions - 4217/4221 Keeter Drive

Action: Approve the following Property Acquisition.

Project: Airport Destination District - Central

Owner(s): Thomas Concrete of North Carolina, Inc.

Property Address: 4217 / 4221 Keeter Drive

Total Parcel Area: 3.364 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: Commercial Building

Landscaping to be impacted: Trees

Zoned: I-2

Use: Industrial

Tax Code: 055-369-43

Purchase Price: \$1,923,858 and all relocation benefits in compliance with Federal, State or Local regulations

Council District: 3

[Location Map - 4217 Keeter Drive](#)

Adjournment

REFERENCES

76. 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 that reference the Charlotte Business INClusion Policy in the business meeting agenda.

Part A: Administration and Enforcement

Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs).

When feasible, the Charlotte Business INClusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

Part A: Section 3.1: Subcontracting Goals. The City shall establish one or more Subcontracting Goals for all Construction Contracts of \$300,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

Appendix Section 20: Contract: For the purposes of establishing an (Minority, Women, and Small Business Enterprise (MWSBE) subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the City procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration, and remodeling; (b) architectural work, engineering, surveying, testing, construction management, and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services), and (d) apparatus, supplies, goods, or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INClusion Program Policy.

Appendix Section 27: Exempt Contracts: Contracts that fall within one or more of the following categories are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INClusion Policy:

No Competitive Process Contracts: Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the City, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

Managed Competition Contracts: Managed competition contracts pursuant to which a City department or division competes with Business Enterprises to perform a City function.

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

Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as

set forth in 49 CFR Part 26 or any successor legislation.

State Funded Contracts Subject to the State's MWBE Requirements: Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

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

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

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

Contracts with Waivers: Contracts for which the City Manager or CBI Program Manager waives the CBI Program requirements (such as when there are no MWSBE subcontracting opportunities on a Contract).

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

Appendix Section 35: Informal Contracts: Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the City Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

Part B: Construction and Commodities Contracts

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

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no SBEs, MBEs, or WBEs (as applicable) to perform scopes of work or provide products or services that the City regards as realistic opportunities for subcontracting.

Part C: Service Contracts

Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified; or (b) there are no SBEs or MWBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part C: Section 2.1(b) and 2.1(c): The City may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer's Committed Subcontracting Goals; and (c) an affidavit listing the SBEs and MWBEs it intends to use on the Contract.

Part C: Section 2.1(h) Negotiated Goals: The City may seek to negotiate Subcontracting Goals after Proposals have been submitted.

Part D: Post Contract Award Requirements

Part D: Section 6: New Subcontractor Opportunities/Additions to Scope/Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the City as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the City shall either (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

Part G: Alternative Construction Agreements

Part G: Section 2.7: Prior to City Council's vote to award the Alternative Construction Agreement, the Program Manager and the Company shall negotiate and agree on proposed MWSBE Goals for the Project and on a Participation Plan that describes the outreach and efforts the Company will be required to undertake to meet the MWSBE subcontracting goals.

77. Reference - Property Acquisitions and Condemnations

- The City has negotiated in good faith to acquire the properties set forth below
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
 - Sending introductory letters via regular and certified mail,
 - Making several site visits,
 - Leaving door hangers and business cards,
 - Seeking information from neighbors,
 - Searching the internet,
 - Obtaining title abstracts, and
 - Leaving voice messages.
- For most condemnation cases, 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 term "fee simple" is a synonym for ownership and is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited.

78. 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.