City of Charlotte

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

Meeting Agenda

Monday, September 28, 2015

Council Chambers

City Council Business Meeting

Mayor Daniel Clodfelter
Mayor Pro Tem Michael Barnes
Council Member Al Austin
Council Member John Autry
Council Member Ed Driggs
Council Member Claire Fallon
Council Member David Howard
Council Member Patsy Kinsey
Council Member Vi Lyles
Council Member LaWana Mayfield
Council Member Greg Phipps
Council Member Kenny Smith
Monday, September 28, 2015, 5:00 PM

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CITY COUNCIL MEETING
Monday, September 28, 2015
In addition to the previously advertised public hearing items, Departments have asked that the time sensitive items listed below not be deferred.

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Mayor and Council Consent Item Questions

Staff Resource(s):
Ann Wall, City Manager’s Office

Time: 5 minutes

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

Time: 45 minutes

Action:
Adopt a motion to go into closed session pursuant to:

A. North Carolina General Statute 143-318.11(a)(3) to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling or settlement of Dana G. Estridge v. City of Charlotte - I.C. No. 514648, and

B. North Carolina General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.
Transportation Action Plan, Charlotte BIKES, and Charlotte WALKS

Staff Resource(s):
Danny Pleasant, Transportation  
Norm Steinman, Transportation

Time: 30 minutes

Explanation
- Staff will present the purposes and key contents of the three plans: Transportation Action Plan (TAP), Charlotte BIKES, and Charlotte WALKS.
- The City Council’s Transportation & Planning Committee referred the three related plans to full City Council for further discussion, in anticipation of action by the City Council in 2016.
- The TAP is the City’s comprehensive plan for all transportation modes.
- Charlotte BIKES is the new name for the City’s plan for bicycle travel.
- Charlotte WALKS will be the City’s plan for pedestrian travel.
- Two of the plans, the TAP and Charlotte BIKES, are intended to be updated every five years. The third plan, Charlotte WALKS, is a new plan representing a compilation of existing policies.

Future Action
The presentation is for information only.
Answers to Mayor and Council Consent Item Questions

Staff Resource(s):
Ann Wall, City Manager’s Office

Time: 10 minutes

Synopsis
Staff responses to questions from the beginning of the dinner meeting.
Dr. Plescia, Mecklenburg County Health Director

Dr. Plescia will provide a report on the importance of all citizens getting vaccinated against the flu.
Domestic Violence Advisory Board Presentation

Kimberly Livingston, Mecklenburg County Community Support Services, will share the Domestic Violence Advisory Board’s 2014 Annual Report.
Agenda #: 8. File #: 15-1253. Type: Awards and Recognitions

Ovarian Cancer Awareness Month

Mayor Clodfelter will read a proclamation recognizing the month of September as Ovarian Cancer Awareness Month.
Charlotte CROP Hunger Walk Day

Mayor Clodfelter will read a proclamation recognizing October 18, 2015, as Charlotte CROP Hunger Walk Day.
Agenda #: 10. File #: 15-1252 Type: Awards and Recognitions

Red Ribbon Week Proclamation

Mayor Clodfelter will read a proclamation recognizing the week of October 25, 2015, as Red Ribbon Week in Charlotte.
Neighborhood Leadership Awards Recipients

Mayor Clodfelter will recognize the recipients of the 2015 Neighborhood Leadership Awards.
Agenda #: 12. File #: 15-1467 Type: Consent Item

Consent agenda items 23 through 91 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. Consideration of consent Items that have not been pulled, and
B. Consider of Consent Items with citizens signed up to speak to the item.
Rezoning Petition 2015-088

Action:
   Render a decision on petition 2015-088 by Charlotte Parker & Marion McGaha
   - From R-3 (single-family residential), and
   - To UR-2 (urban residential, conditional).

Staff Resource(s):
   Tammie Keplinger, Planning

Explanation
   - The public hearing on this rezoning petition was held on July 20, 2015.
   - The property is approximately 1.95 acres located on the south side of Fairview Road between Park Road and Closeburn Road. (Council District 6 - Smith)
   - The petition proposes to allow the development of up to 18 attached residential dwelling units for a density of 9.2 units per acre.
   - The City Council deferred the decision on this sufficiently protested petition at the September 21, 2015, Zoning Meeting to the Council Business Meeting on September 28, 2015, to allow time for an updated site plan to be submitted.
   - The Zoning Committee previously found the proposed land use to be consistent with the South District Area Plan. Therefore, the petition was found to be reasonable and in the public interest based on the staff analysis and the public hearing.
   - The Zoning Committee voted 7-0 to recommend approval of this petition as modified.
   - Staff agrees with the recommendation of the Zoning Committee.

NOTE: The City Council must determine by a 3/4 vote if the following changes to the site plan after the Zoning Committee vote are substantial and if the petition should be referred back to the Zoning Committee for review.

1. The “height note” has been revised so that the height is: “not to exceed 2 stories to the soffit”. (This is consistent with the building elevations provided.)
2. A note and plan change has been added to prohibit connection of the southernmost driveway onto Closeburn Road. Specifically, the note reads: “Alley will not be connected to Closeburn at this location.”
3. Additional description has been added to note “E” under “Transportation and Planning,” as follows: “Occupancy permits shall be withheld until final approval of abandonment process and related improvements are completed. Occupancy permits shall not be withheld if City does not approve right-of-way abandonment.”
4. A new section “Construction Access” has been added. Note “A” reads: “Signage shall be provided requiring construction equipment and materials delivery to the site to come from the Park Road end of Closeburn Road, and the petitioner shall make reasonable efforts to enforce such access restrictions.”

5. A revised site plan has been submitted.

Attachment
Zoning Committee Statement of Consistency
Zoning Committee Recommendation
Staff Analysis
Vicinity Map
Locator Map
Site Plan
Zoning Committee Statement of Consistency (To approve)
This petition is consistent with the South District Plan, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses; and
- The requested density is supported by the General Development Policies.

Therefore, this petition is reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The site is appropriate for multi-family housing because it is adjacent to a large multi-family building and abuts a site recently rezoned for multi-family; and
- Is located with ¼ mile of the SouthPark Major Activity Center; and
- Provides site design consistent with the guidelines for attached residential development described in the General Development Policies.

Statement of Consistency (to deny)
This petition is consistent with the South District Plan, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses; and
- The requested density is supported by the General Development Policies.

However, this petition is not reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The proposed density of 9.2 dwelling units per acre is not within the character of the single family homes located to the south of the subject property; and
- The proposed higher density development will encroach into the established neighborhood and will destabilize the existing neighborhood;
- The building setbacks and orientation are inconsistent with the existing neighborhood; and
- Access to this site will be from streets that are currently developed with single family homes.
Rezoning Petition 2015-088
Zoning Committee Recommendation
July 29, 2015

REQUEST
Current Zoning:  R-3 (single family residential)
Proposed Zoning:  UR-2(CD) (urban residential, conditional)

LOCATION
Approximately 1.95 acres located on the south side of Fairview Road between Park Road and Closeburn Road.
(Council District 6 - Smith)

SUMMARY OF PETITION
The petition proposes to allow the development of up to 18 attached residential dwelling units for a density of 9.2 dwelling units per acre.

PROPERTY OWNER
Charlotte Parker and Marion McGaha

PETITIONER
Charlotte Parker and Marion McGaha

AGENT/REPRESENTATIVE
DPR Assc., Inc.

COMMUNITY MEETING
Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 17

STATEMENT OF CONSISTENCY
This petition is found to be consistent with the South District Plan, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses; and
- The requested density is supported by the General Development Policies.

Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The site is appropriate for multi-family housing because it is adjacent to a large multi-family building and abuts a site recently rezoned for multi-family; and
- Is located with ¼ mile of the SouthPark Major Activity Center; and
- Provides site design consistent with the guidelines for attached residential development described in the General Development Policies;

By a 7-0 vote of the Zoning Committee (motion by Wiggins seconded by Commissioner Eschert).

ZONING COMMITTEE ACTION
The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications and the petitioner’s commitment to address one outstanding issue:

1. Addressed Charlotte-Mecklenburg Stormwater Services and Engineering and Property Management issues by adding “The petitioner shall provide peak flow control, for the 100-year, six-hour runoff from the developed site to the predevelopment peak flow rate.” under note Environmental Features note A.
2. Eliminated the alternate building layout plan shown on sheet RZ-2.
3. Changed the proposed number of units under General Provisions Note A from “17” to “18” rather than amending the site data section.
4. Delineated the sub-lot areas which include the area for private open space for each unit on sheet RZ-1.
5. Specified that driveways will be less than seven feet or greater than 20 feet in length.
6. Amended the maximum building height under Site Data by removing the exact height and specifying height per the Ordinance, not to exceed three stories.
7. Provided a 13-foot planting strip and six-foot sidewalk along the site’s frontage on Fairview Road from the western property line.
east to the proposed sidewalk located along Closeburn Road.

8. Amended the proposed uses to read: “Attached and detached residential.”

9. Added a sentence under General Provisions Note A to read that houses existing on the site may continue to be used as residences until such time as they are removed to accommodate new construction rather than added a note under Permitted Uses.

10. Staff rescinded the request to provide notes describing how each property could be developed independently because the site layout and notes allow for the properties to develop independently.

11. Provided a minimum 15-foot buffer along the southern edge of the site containing at least four trees per 100 linear feet and a variety of evergreen and deciduous shrubs at a rate of 10 shrubs per 100 linear feet. Shrubs will not be required where there is a solid wall.

12. Committed to improvements within the specified “common open space” shown on the site plan. Improvements to include pedestrian amenities such as seating, flower beds, etc.

13. Added an “Alternate Plan” and corresponding note related to the area at the dead end portion of Closeburn Road. The plan and note depicts the possible abandonment of the right-of-way, removal of pavement, landscape and barrier improvements.

14. Committed to working with CDOT to determine the appropriate wording of the note and the process for pursuing the proposed changes to the end of Closeburn Road.

VOTE
Motion/Second: Wiggins/Dodson
Yeas: Dodson, Eschert, Labovitz, Lathrop, Nelson, Sullivan, and Wiggins
Nays: None
Absent: None
Recused: None

ZONING COMMITTEE DISCUSSION
Staff provided a summary of the rezoning request and the changes since the public hearing. Staff stated the petitioner has worked with CDOT to address the final outstanding issue. There was no additional discussion.

STAFF OPINION
Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW
• Proposed Request Details
The site plan accompanying this petition contains the following provisions:
• Allows the construction of up to 18 attached residential units within two principal buildings. Allows existing detached dwellings to remain.
• Commits to seeking abandonment of the dead-end portion of Closeburn Road, provides a plan showing possible improvements to the dead end portion and commits to working with CDOT to determine the appropriate changes of the area if the abandonment is approved.
• Provides vehicular access via private alleys connected at two access points to both frontages of Closeburn Road.
• Allows for a pedestrian connection to the abutting site to the east.
• Commits to improvements within the specified “common open space” shown on the site plan. Improvements to include pedestrian amenities such as seating, flower beds, etc.
• Provides two parking spaces per unit located in garages.
• Specified that driveways will be less than seven feet or greater than 20 feet in length.
• Provides recessed on-street parking along both frontages of Closeburn Road.
- Provides proposed building elevations indicating intended building materials.
- Maximum building not to exceed three stories.
- Commits to a solid wall between five and six feet tall along the southern edge of the site adjacent to the existing single family homes.
- Provides a minimum 15-foot wide buffer along the southern edge of the site containing at least four trees per 100 linear feet and a variety of evergreen and deciduous shrubs at a rate of 10 shrubs per 100 linear feet. Shrubs will not be required where there is a solid wall.
- Provides a decorative wrought iron or aluminum picket fence four to five feet high with brick or similar columns along the public street frontage.
- Provides a 13-foot planting strip and six-foot sidewalk along the site’s frontage on Fairview Road.
- Limits free-standing lighting to a maximum of 15 feet in height.

**Public Plans and Policies**
- The *South District Plan* (1993) recommends single family residential at three dwelling units per acre and references the residential location criteria of the *General Development Policies (GDP)* for areas of higher density development.
- The petition meets the *General Development Policies* for the density requested, as illustrated in the table below.

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<td>Meeting with Staff</td>
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</tr>
<tr>
<td>Sewer and Water Availability</td>
<td>2 (CMUD)</td>
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<tr>
<td>Land Use Accessibility</td>
<td>2 (Medium)</td>
</tr>
<tr>
<td>Connectivity Analysis</td>
<td>3 (Medium)</td>
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<tr>
<td>Road Network Evaluation</td>
<td>1 (Yes)</td>
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<tr>
<td>Design Guidelines</td>
<td>4 (Yes)</td>
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<tr>
<td>Other Opportunities or Constraints</td>
<td>NA</td>
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<tr>
<td><strong>Minimum Points Needed:</strong> 12</td>
<td><strong>Total Points: 13</strong></td>
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- The petition is consistent with the *South District Plan* and the density is supported by the *General Development Policies*.

**DEPARTMENT COMMENTS** (see full department reports online)
- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)
- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - Minimizes impacts to the natural environment by redeveloping an infill site.

**OUTSTANDING ISSUES**
- No issues.
Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** John Kinley  (704) 336-8311
REQUEST
Current Zoning:   R-3 (single family residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION
Approximately 1.95 acres located on the south side of Fairview Road between Park Road and Closeburn Road.
(Council District 6 - Smith)

SUMMARY OF PETITION
The petition proposes to allow the development of up to 18 attached residential dwelling units for a density of 9.2 dwelling units per acre.

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the South District Plan and the density is supported by the General Development Policies.

PROPERTY OWNER
Charlotte Parker and Marion McGaha

PETITIONER
Charlotte Parker and Marion McGaha

AGENT/REPRESENTATIVE
DPR Assc., Inc.

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 17

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Allows the construction of up to 17 attached residential units within two principal buildings.
  - Provides an alternate layout showing 16 units in three buildings.
  - Provides vehicular access via private alleys connected at two access points to both frontages of Closeburn Road.
  - Allows for a pedestrian connection to the abutting site to the east.
  - Provides two parking spaces per unit located in garages.
  - Provides recessed on-street parking along both frontages of Closeburn Road.
  - Provides proposed building elevations indicating intended building materials.
  - Maximum building height limited to three stories and 45 feet.
  - Commits to a solid wall between five and six feet tall along the southern edge of the site adjacent to the existing single family homes.
  - Provides a decorative wrought iron or aluminum picket fence four to five feet high with brick or similar columns along the public street frontage.
  - Limits free-standing lighting to a maximum of 15 feet in height.

- Existing Zoning and Land Use
  The site is currently developed with two single family detached homes. The property to the north is zoned R-22MF (multi-family residential) and R-12MF(CD) (multi-family residential, conditional) and developed with multi-family residential uses. The property to the east was rezoned in December 2014-075 to UR-2(CD) and is currently developed with single family detached homes. Properties to the south and west are zoned R-3 (single family residential) with single family detached uses.

- Rezoning History in Area
  Recent rezonings approved in the area include:
  - Petition 2014-075 rezoned property located adjacent to and to the east of the subject site, at the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive, from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow up to 27 attached residential dwelling units.
  - Petition 2014-010 rezoned property located at the west side of Park South Drive between Royal Crest Drive and Fairview Road from R-3 (single family residential) and INST(CD) (institutional, conditional) to UR-C(CD) (urban residential – commercial, conditional).
  - Petition 2011-035 rezoned property located at the southwest corner of the intersection at Park Road and Tyvola Road and Fairview Road from R-22MF (multi-family residential) to
B-2(CD) (general business, conditional).

- **Public Plans and Policies**
  - The *South District Plan* (1993) recommends single family residential at three dwelling units per acre and references the residential location criteria of the *General Development Policies (GDP)* for areas of higher density development.
  - The petition meets the *General Development Policies* for the density requested, as illustrated in the table below.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category - up to 12 dua</th>
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<tbody>
<tr>
<td>Meeting with Staff</td>
<td>1 (Yes)</td>
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<tr>
<td>Sewer and Water Availability</td>
<td>2 (CMUD)</td>
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<tr>
<td>Land Use Accessibility</td>
<td>2 (Medium)</td>
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<tr>
<td>Connectivity Analysis</td>
<td>3 (Medium)</td>
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<td>Road Network Evaluation</td>
<td>1 (Yes)</td>
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<tr>
<td>Design Guidelines</td>
<td>4 (Yes)</td>
</tr>
<tr>
<td>Other Opportunities or Constraints</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Minimum Points Needed: 12</strong></td>
<td><strong>Total Points: 13</strong></td>
</tr>
</tbody>
</table>

- The petition is consistent with the *South District Plan* and the density is supported by the *General Development Policies*.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
  - **Vehicle Trip Generation:**
    - Current Zoning: The petition will allow a wide range of trip generation based on the existing zoning classification.
    - Proposed Zoning: 200 trips per day.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate two students, while the development allowed under the proposed zoning will produce one student. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
- **Charlotte-Mecklenburg Storm Water Services:** Include the following note under Environmental Features, “The Petitioner shall provide peak flow control for the 100-year, six-hour storm runoff from the developed site to the predevelopment peak flow rate.”
- **Engineering and Property Management:** Show right-of-way trees and tree save on site plan.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies—Environment*.
  - Minimizes impacts to the natural environment by redeveloping an infill site.

**OUTSTANDING ISSUES**

- The petitioner should:
  2. Eliminate the alternate plan shown on sheet RZ-2.
  3. Change the proposed number of units under site data from “18” to “17” and amend the proposed density accordingly.
  4. Delineate the areas for private open space for each unit on sheet RZ-1.
5. Specify that driveways will be less than seven feet or greater than 20 feet in length.
6. Amend the maximum building height under Site Data to replace the word “or” with “and.”
7. Show and commit to providing a 13-foot planting strip and six-foot sidewalk along the site’s frontage of Fairview Road from the western property line, east to the proposed sidewalk located along Closeburn Road.
8. Amend the proposed uses to read: “Attached and detached residential.”
9. Add a note under Permitted Uses to read: “The existing family home located at 5600 Fairview Road may remain until such time as that portion of the site is to be developed, at which point the existing home shall be removed.”
10. Provide notes describing how each property could be developed independently.
11. Provide a minimum 15-foot wide side/rear yard along the southern edge of the site containing at least four trees per 100 linear feet and a variety of evergreen and deciduous shrubs at a rate of 10 shrubs per 100 linear feet.
12. Commit to improvements within the specified “common open space” shown on the site plan. Improvements could include landscaping, seating, art, fountains and other pedestrian scale amenities.

Attachments Online at www.rezoning.org
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: John Kinley (704) 336-8311
Acreage & Location: Approximately 1.95 acres located on the south side of Fairview Road between Park Road and Closeburn Road.

Rezoning Petition: 2015-088

Agenda Packet Page 23 of 301

May 14, 2015

INSIDE CHARLOTTE
CITY LIMITS
Petition #: 2015-088
Petitioner: Charlotte Parker & Marion McGaha

Zoning Classification (Existing): R-3
(Single Family, Residential)

Zoning Classification (Requested): UR-2(CD)
(Urban Residential, Conditional)

Acreage & Location: Approximately 1.95 acres located on the south side of Fairview Road between Park Road and Closeburn Road.
CLOSEBURN RD. - WEST ELEVATION

CLOSEBURN RD. - WEST PARTIAL ELEVATION

CLOSEBURN RD. (FAIRVIEW RD.) - NORTH ELEVATION

CLOSEBURN RD. - SOUTH ELEVATION

ALTERNATE SKETCH - CLOSEBURN RD @ FAIRVIEW

PETITION # 2015-088

PROPOSED ARCHITECTURAL ELEVATIONS

CHARLOTTE, NORTH CAROLINA

FOR

CHARLOTTE PARKER & MARION MCGAHA
Agenda #: 14. File #: 15-1399 Type: Zoning Decision

Rezoning Petition 2015-026

Action:

Render a decision on petition 2015-026 by Robert Drakeford

- From R-5 (single family residential), and
- To UR-2-CD (urban residential, conditional).

Staff Resource(s):
Laura Harmon, Planning

Explanation

- The public hearing on this rezoning petition was held on June 15, 2015.
- The property is approximately 1.14 acres located on the north site of McClintock Road near the intersection of St. Julien Street and McClintock Road. (Council District 1 - Kinsey).
- The petition proposes to allow two developments on the north and south sides of McClintock Road totaling 11 single-family detached, two-story dwellings.
- The item was on the Zoning Meeting Agenda for a decision on September 21, 2015. The City Council voted to deny this sufficiently protested petition; however, the City Council did not have the needed majority vote to pass the corresponding consistency statement required by State Law.
- As a result, this item was referred to the September 28 Council Business Meeting.
- The Zoning Committee previously found this petition to be consistent with the Central District Plan and the General Development Policies. Therefore, they found the petition to be reasonable and in the public interest based on the staff analysis and the public hearing.
- The Zoning Committee voted 6-0 to recommend approval of this petition with the noted modifications.
- Staff agrees with the recommendation of the Zoning Committee.

Note: The City Council must determine by a 3/4 vote if the following changes to the site plan after the Zoning Committee vote are substantial and if the petition should be referred back to the Zoning Committee for review.

- The petitioner:
  1. Reduced the maximum building height for all buildings from 40 feet and three stories to 34 feet and two stories, with soffits no higher than 24 feet.
  2. Committed to install a wrap-around porch on House #6 in Area A.
  3. Committed to install a wrap-around porch on House #4 in Area B.
  4. Reduced number of single family detached dwellings from 12 to 11 by eliminating House #7
in Area A.

5. Added 10 feet to the setback for Houses #1 through #6 along McClintock Road in Area A to reflect a total 20-foot minimum setback from the property line, and the property line is ten feet from the back of curb.

6. Added five feet to the setback for Houses #1-4 along McClintock Road to reflect a 25-foot setback from the back of curb.

7. Added an additional 10 feet to House #5 in Area B to reflect a 30-foot setback from the back of curb along St. Julien Street.

8. Amended minimum setback for the side of homes facing St. Julien Street to 16 feet, which is changed from a 20-foot minimum setback for heated living space and a 16-foot overall setback from back of curb for side lots facing St. Julien Street.

9. Added an option for homes in Area A to have an attached or detached garage.

10. Eliminated heated living space above the detached garages in Area A. Detached garages are limited to one story in Area A.

11. Limited optional heated living space above for attached garages in Area A, which will be additional living space for the primary home.

12. Committed to a five-foot tall privacy fence that runs perpendicular to St. Julien Street along the northern property line.

13. Eliminated a driveway access to the garage for House #1 in Area A. Access now provided off the residential access alley.

14. Shifted location of the proposed residential access alley in Area A to be closer to the northern exterior property line.

15. Clarified that the optional heated living space allowed above all garages in Area B will be additional living space for the primary home.

16. Corner lot Home #6 in Area A will have at least two windows on the second floor of the side of the house facing St. Julien Street to avoid blank walls. This is reduced from a minimum of three windows.

17. Corner lot Home #4 in Area B will have at least two windows on the second floor of the side of the house facing St. Julien Street to avoid blank walls. This is reduced from a minimum of three windows.

18. Amended building elevations to include several front and side elevations.

19. Deleted requirement for evergreen foundation shrubs to be planted along the side of homes facing St. Julien Street in Area A and Area B.

20. Deleted requirement for evergreen shrubs to be planted along the northwest corner of the alley facing St. Julien Street for screening in Area A. Note no longer needed due to elimination of House #7 in Area A.

Attachment
Zoning Committee Statement of Consistency
Zoning Committee Recommendation
Staff Analysis
Vicinity Map
Locator Map
Site Plan
Rezoning petition 2015-026
Consistency Statements

To Deny

I move that petition 2015-026 is consistent with the Central District Plan and the General Development Policies, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential land uses at this location and the site meets the General Development Policies (GDP) criteria for over 17 dwelling units per acre.

However, this petition is not reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- The density of over 10 dwelling units per acre is out of character with the existing Commonwealth Morningside neighborhood to the north and east, which is developed at five dwelling units per acre.
- The introduction of higher density could lead to other rezoning requests for higher density residential and subsequent development in the area, which would further erode the existing neighborhood.
- The maximum height of three stories is not consistent with existing homes.
- The setbacks, which are less than what is currently, found in the neighborhood changes the character of the area.
- The proposed development will eliminate five existing homes that are an integral part of the Commonwealth Morningside neighborhood.

To Approve

I move that petition 2015-026 is consistent with the Central District Plan and the General Development Policies, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential land uses at this location and the site meets the General Development Policies (GDP) criteria for over 17 dwelling units per acre.

Therefore, this petition is reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the:

- Request is consistent and compatible with the character and pattern of the surrounding land uses; and
- Units are accessed via residential alleys; and
- Development contributes to the health, safety, and welfare of the neighborhood due to access via rear alleys.
REQUEST
Current Zoning:  R-5 (single family residential)
Proposed Zoning:  UR-2(CD) (urban residential, conditional)

LOCATION
Approximately 1.14 acres located on the north and south sides of McClintock Road near the intersection of St. Julien Street and McClintock Road.
(Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes two developments on the north and south sides of McClintock Road totaling 12 single family detached, two to three-story dwellings.

PROPERTY OWNER
Curry Family Partnership LLC, Ruth and Henry Purser, Patrick Rothe, Derick Ritter and Angela Wright

PETITIONER
Robert Drakeford

AGENT/REPRESENTATIVE
Robert Drakeford

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting:  12

STATEMENT OF CONSISTENCY
This petition is found to be consistent with the Central District Plan and the General Development Policies, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential land uses at this location and the site meets the General Development Policies (GDP) criteria for over 17 dwelling units per acre.

Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the:

- Request is consistent and compatible with the character and pattern of the surrounding land uses; and
- Units are accessed via residential alleys; and
- Development contributes to the health, safety and welfare of the neighborhood due to access via rear alleys;

By a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Labovitz).

ZONING COMMITTEE ACTION
The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:

1. Labeled the area on the north side of McClintock Road as Area A and the area on the south side of McClintock Road as Area B.
2. Amended Note 4E to reflect a six-foot sidewalk and eight-foot planting strip along St. Julien Street.
3. Added a note that no garage shall be oriented toward a public street.
4. Homes constructed on the site will have raised brick foundations with brick porch steps/stoops and brick porch columns standing five feet above finished grade minimum. Building materials will consist of two variations of hardi panel siding per home with windows.
5. Corner Lot #6 in Area A will have at least three windows on the ground floor and three on the second floor for the side of the house facing St. Julien Street to avoid blank walls.
6. Corner Lot #4 in Area B will have at least three windows on the ground floor and three on the second floor for the side of the house facing St. Julien Street to avoid blank walls.
7. The side of garage #6 in Area A and garage #4 in Area B will have a window on the side facing St. Julien Street.
8. Homes on Lots 5, 6, and 7 in Area A will be two stories maximum.
and homes on Lots 1, 2, 3 and 4 will be three stories maximum.

9. Homes on Lots 3 and 4 in Area B will be two stories maximum and Lots 1, 2, and 5 will be three stories maximum.

10. Homes in Area A will have a 25-foot minimum setback measured from the property line.

11. The home on Lot #7 in Area A will have a 50-foot minimum front setback as measured from the back of curb on St. Julien Street.

12. Homes in Area B facing McClintock Road will have a 20-foot minimum front setback measured from the back of curb of McClintock Road.

13. The home on Lot 5 in Area B will have a 30-foot minimum front setback as measured from the back of curb on St. Julien Street.

14. A 20-foot minimum setback for heated living space as measured from back of curb for side of homes facing St. Julien Street will be provided. A 16-foot minimum overall setback measured from back of curb for side of homes facing St. Julien Street will be provided.

15. Evergreen foundation shrubs will be planted where applicable along the side of homes facing St. Julien Street; the shrubs will be 30 inches tall and spaced five feet on center at installation.

16. Evergreen shrubs will be planted along the northwest corner of the alley facing St. Julien Street for screening in Area A. Shrubs will be 30 inches tall and spaced five feet on center at installation.

17. A five-foot tall privacy fence will be installed at the northern corner of Area A behind homes on Lots 1 and 7.

18. Amended Note H under heading of Architectural Standards as follows: Garages at home numbers 1 and 7 north of McClintock Road, Area A, will be one story maximum. Home numbers 2, 3, 4, 5, and 6 garages will have optional heated living space above. This space will be additional living space for the primary homes.

19. Amended Note 1 under heading of Architectural Standards as follows: Garages for homes numbers 1, 2, 3, 4, and 5 located south of McClintock Road in Area B will have optional heated living space above. This space will be additional living space for the primary home.

VOTE

Motion/Second: Ryan/Labovitz
Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan, and Sullivan
Nays: None
Absent: Walker
Recused: None

ZONING COMMITTEE DISCUSSION
Staff provided a summary of the petition and noted that all outstanding issues have been addressed. The petition is consistent with the Central District Plan. There was no further discussion.

STAFF OPINION
Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • The petition proposes 12 single family detached dwellings.
  • Area A (located on the north side of McClintock Road)
    • Proposes seven single family detached dwelling units, at a density of 10.24 units per acre.
    • Dwellings will be accessed off McClintock Road via a 10-foot driveway and residential alley.
    • Homes in Area A will have a 25-foot minimum setback measured from the property line.
    • The home on Lot #7 in Area A will have a 50-foot minimum front setback as measured from the back of curb on St. Julien Street.
    • Corner Lot #6 in Area A will have at least three windows on the ground floor and three on the second floor for the side of the house facing St. Julien Street to avoid blank walls.
    • The side of garage #6 in Area A will have a window on the side facing St. Julien Street.
• Homes on Lots 5, 6, and 7 in Area A will be two stories maximum and homes on Lots 1, 2, 3, and 4 will be three stories maximum.
• Garages on Lots 1 and 7 in Area A will be a maximum of one story. Garages on Lots 2, 3, 4, 5, and 6 will have optional heated living space above, which will be additional living.
• Area B (located on the south side of McClintock Road)
  • Proposes five single family detached dwelling units, at a density of 10.9 units per acre.
  • Dwellings will be accessed off St. Julien Street via an alley.
  • A 20-foot setback will be provided for Lots 1-6 along McClintock Road, and a 20-foot setback will be provided for Lot 5 along St. Julien Street.
  • The side of garage #4 in Area B will have a window on the side facing St. Julien Street.
  • Corner Lot #4 in Area B will have at least three windows on the ground floor and three on the second floor for the side of the house facing St. Julien Street to avoid blank walls.
  • Homes on Lots 3 and 4 in Area B will be two stories maximum and Lots 1, 2 and 5 will be three stories maximum.
  • All garages in Area B will have optional heated living space above, which will be additional living space for the primary home.
  • Homes in Area B facing McClintock Road will have a 20-foot minimum front setback measured from the back of curb of McClintock Road.
  • The home on Lot 5 in Area B will have a 30-foot minimum front setback as measured from the back of curb on St. Julien Street.
• A 16-foot side yard will be provided for the side of dwellings facing St. Julien Street. The remaining lots will have a side yard of 3.75 feet, reduced from five feet as allowed per the zoning ordinance.
• Maximum building height of 40 feet and up to three stories.
• An eight-foot planting strip and eight-foot sidewalk will be provided along the project’s frontage on McClintock Road, and a six-foot sidewalk and eight-foot planting strip along the site’s frontage on St. Julien Street.
• Homes constructed on the site will have raised brick foundations with brick porch steps/stoops and brick porch columns standing five feet above finished grade minimum. Building materials will consist of two variations of hardi panel siding per home with windows. Roofing will be comprised of architectural asphalt shingles. Vinyl is prohibited as a building material but may be used on windows, soffits, garage doors, and handrails/railings.
• Building renderings reflect prominent front porches and architectural style that is compatible and consistent with the character of the neighborhood.
• Dwellings located on corner lots fronting public streets will have a minimum of two windows on the ground floor, three windows on the second floor, and one on the third floor on the side of the house facing the street, in order to avoid blank walls.
• No garage shall be oriented toward a public street.
• A 20-foot minimum setback for heated living space as measured from back of curb for the side of homes facing St. Julien Street will be provided.
• A 16-foot minimum overall setback measured from back of curb for the side of homes facing St. Julien Street will be provided.
• Evergreen foundation shrubs will be planted where applicable along the side of homes facing St. Julien Street and along the northwest corner of the alley facing St. Julien Street for screening; the shrubs will be 30 inches tall and spaced five feet on center at installation.
• Detached lighting will be limited to 15 feet in height. All new lighting will be full cut-off type lighting fixtures excluding decorative lighting.

**Public Plans and Policies**

- The Central District Plan (1993) recommends single family land uses up to four units per acre for most of the subject properties, and office for one of the properties.
- The plan references the residential locational criteria of the General Development Policies (GDP) for areas of higher density. The site currently meets the General Development Policies (GDP) criteria for the density requested.

<table>
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<td>Road Network Evaluation</td>
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<td>Design Guidelines</td>
<td>4</td>
</tr>
<tr>
<td>Other Opportunities or Constraints</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Minimum Points Needed:** 14  **Total Points:** 14
The residential use proposed by the petition is consistent with the Central District Plan, which recommends single family residential uses for all but one lot included in the rezoning petition. For that lot, the proposed residential use is inconsistent with plan’s recommendation for office uses. The proposed densities of 10.24 and 10.9 units per acre are consistent with the density of over 17 dwelling units per acre supported by the General Development Policies (GDPs).

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: Developer must comply with the City’s housing policies if seeking public funding.
- Transportation: No issues.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: No issues.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte Water: No issues.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.
- Urban Forestry: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  - Minimizes impacts to the natural environment by building on infill lots.

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Sonja Sanders (704) 336-8327
REQUEST

Current Zoning:  R-5 (single family residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION

Approximately 1.14 acres located on the north and south sides of McClintock Road near the intersection of St. Julien Street and McClintock Road. (Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes two developments on the north and south sides of McClintock Road totaling 12 single family detached, two to three-story dwellings.

STAFF RECOMMENDATION

Staff recommends approval upon resolution of outstanding issues. The residential use proposed by the petition is consistent with the Central District Plan, for all but one lot included in the rezoning petition. For that lot, the proposed residential use is inconsistent with plan’s recommendation for office uses. The proposed densities of 10.24 units per acre (on the north side of McClintock Road) and 10.9 units per acre (on the south side of McClintock Road) are consistent with the density of over 17 dwelling units per acre supported by the General Development Policies (GDPs). In addition, the petition is compatible and consistent with the character and pattern of the surrounding land uses.

PROPERTY OWNER

Curry Family Partnership LLC, Ruth and Henry Purser, Patrick Rothe, Derick Ritter and Angela Wright

PETITIONER

Robert Drakeford

AGENT/REPRESENTATIVE

Robert Drakeford

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 12

PLANNING STAFF REVIEW

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • The petition proposes 12 single family detached dwellings.
  • Area A (located on the north side of McClintock Road)
    • Proposes seven single family detached dwelling units, at a density of 10.24 units per acre.
    • Dwellings will be accessed off McClintock Road via a 10-foot driveway and residential alley.
    • A 20-foot setback will be provided for Lots 1-6 along McClintock Road, and a 30-foot setback will be provided along St. Julien Street for Lot 7.
  • Area B (located on the south side of McClintock Road)
    • Proposes five single family detached dwelling units, at a density of 10.9 units per acre.
    • Dwellings will be accessed off St. Julien Street via an alley.
    • A 20-foot setback will be provided for Lots 1-6 along McClintock Road, and a 20-foot setback will be provided for Lot 5 along St. Julien Street.
    • A 16-foot side yard will be provided for the side of dwellings facing St. Julien Street. The remaining lots will have a side yard of 3.75 feet, reduced from five feet as allowed per the zoning ordinance.
  • Maximum building height of 40 feet and up to three stories, with raised foundations.
  • One story garages will be provided for each unit, with an option for a second story.
  • An eight-foot planting strip and eight-foot sidewalk will be provided along the project’s frontage on McClintock Road, and a six-foot sidewalk and eight-foot planting strip along the site’s frontage on St. Julien Street.
  • Building materials consist of hardiplank siding, wood, a masonry base, and veneer stoop elements. Roofing will be comprised of architectural asphalt shingles. Vinyl is prohibited as a building material but may be used on windows, soffits, garage doors and handrails/railings.
• Building renderings reflect prominent front porches and architectural style that is compatible and consistent with the character of the neighborhood.
• Dwellings located on corner lots fronting public streets will have a minimum of two windows on the ground floor, three windows on the second floor, and one on the third floor on the side of the house facing the street, in order to avoid blank walls.
• Detached lighting will be limited to 15 feet in height. All new lighting will be full cut-off type lighting fixtures excluding decorative lighting.

• Existing Zoning and Land Use
  • The subject properties are developed with single family dwellings and a duplex dwelling unit. Surrounding properties located to the west of St. Julien Street contain single family detached dwellings, duplex dwelling units, office, retail and warehouse uses in R-5 (single family residential), O-2 (office) MUDD-O (mixed use development, optional), and B-2 (general business). Some properties lie within the Plaza Central Pedestrian Overlay (PED) zoning district. Properties on the east side of St. Julien Street are zoned R-5 (single family residential) and are developed with single family detached units and duplex units.

• Rezoning History in Area
  • Petition 2011-46 rezoned property located along Central Avenue and bounded by The Plaza, McClintock Road and Nandina Street from B-2 PED (general business, pedestrian overlay) to B-2 PED-O (general business, pedestrian overlay, optional) to allow redevelopment of a grocery store with a maximum building square footage not to exceed 51,000 square feet.

• Public Plans and Policies
  • The Central District Plan (1993) recommends single family land uses up to four units per acre for most of the subject properties, and office for one of the properties.
  • The plan references the residential locational criteria of the General Development Policies (GDP) for areas of higher density. The site currently meets the General Development Policies (GDP) criteria for the density requested.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category - &gt;over 17 dua</th>
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<tbody>
<tr>
<td>Meeting with Staff</td>
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<td>Sewer and Water Availability</td>
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<td>Road Network Evaluation</td>
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<td>Design Guidelines</td>
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<td>Other Opportunities or Constraints</td>
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<tr>
<td>Minimum Points Needed: 14</td>
<td>Total Points: 14</td>
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</table>

• The residential use proposed by the petition is consistent with the Central District Plan, which recommends single family residential uses for all but one lot included in the rezoning petition. For that lot, the proposed residential use is inconsistent with plan’s recommendation for office uses. The proposed densities of 10.24 and 10.9 units per acre are consistent with the density of over 17 dwelling units per acre supported by the General Development Policies (GDPs).

DEPARTMENT COMMENTS (see full department reports online)

• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: Developer must comply with the City’s housing policies if seeking public funding.
• Transportation: No issues.
  • Vehicle Trip Generation:
    Current Zoning: 460 trips per day.
    Proposed Zoning: 100 trips per day.
• Charlotte Fire Department: No comments received.
• Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would generate three students, while the development allowed under the proposed zoning will produce one student. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
• Charlotte-Mecklenburg Storm Water Services: Replace the existing notes under the heading
Environmental Features and replace with the following: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance."

- **Charlotte-Water:** No issues.
- **Engineering and Property Management:** Show tree save areas and right-of-way trees on the site plan.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - Minimizes impacts to the natural environment by building on infill lots.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Label the area on the north side of McClintock Road as Area A and the area on the south side of McClintock Road as Area B.
  2. Amend Note 4E to reflect a six-foot sidewalk and eight-foot planting strip along St. Julien Street.
  3. Add a note that garages may not be oriented toward the public streets.

**Attachments Online at** [www.rezoning.org](http://www.rezoning.org)

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** Sonja Sanders (704) 336-8327
Acreage & Location: Approximately 1.14 acre located on the north and south sides of McClintock Road near the intersection of St. Julien Street and McClintock Road.
Petition #: 2015-026
Petitioner: Robert Drakeford

Zoning Classification (Existing): R-5
(Residential, Single Family)

Zoning Classification (Requested): UR-2(CD)
(Urban Residential, Conditional)

Acreage & Location: Approximately 1.14 acre located on the north and south sides of McClintock Road near the intersection of St. Julien Street and McClintock Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 5-22-2015.
Rezoning Petition 2014-109

Action: Reconsider the decision on 2014-109 by Midtown Area Partners II, LLC

- From UR-C(CD) (PED) (urban residential - commercial, conditional, pedestrian overlay), B-1 (PED) (neighborhood business, pedestrian overlay) and R-8 (single family residential), and

- To B-2 (PED-O) (general business, pedestrian overlay, optional), UR-C (PED-O) (urban residential - commercial, pedestrian overlay, optional) and R-8MF (PED-O) (multi-family residential, pedestrian overlay, optional) with five-year vested rights.

Staff Resource(s):
Tammie Keplinger, Planning

Explanation
- The public hearing on this rezoning petition was held on April 20, 2015.
- The property is approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street. (Council District 1 - Kinsey).
- The petition proposes to allow a mixed use development including a 270,000-square foot building, an 187,450-square foot parking structure with up to 4,600 square feet of commercial uses on the street level, and up to eight single-family attached dwelling units.
- The City Council voted to deny this sufficiently protested petition at the September 21, 2015, Zoning Meeting; however, the City Council subsequently voted at the September 21 meeting to reconsider this item at the Council Business Meeting on September 28, 2015.
- The Zoning Committee previously found the proposed land use to be consistent with the Midtown Morehead Cherry Area Plan; however, the building heights and some of the setbacks and streetscapes were found to be inconsistent the Midtown Morehead Cherry Area Plan. Therefore, the petition was found to be reasonable and in the public interest based on the staff analysis and the public hearing.
- The Zoning Committee voted 5-0 to recommend approval of this petition as modifications.
- Staff agrees with the recommendation of the Zoning Committee.
- **NOTE:** The City Council must determine by a 3/4 vote if the following changes to the site plan after the Zoning Committee vote are substantial and if the petition should be referred back to the Zoning Committee for review.
Agenda #: 15. File #: 15-1394 Type: Zoning Decision

1. The petitioner has committed to reduce the height of the building in Area A to 100 feet.

Attachment
Statement of Consistency
Zoning Committee Recommendation
Staff Analysis
Vicinity Map
Locator Map
Site Plan
2014-109 Midtown Area Partners II, LLC

Statement of Consistency (To approve)

The majority of the proposed land use is consistent with the Midtown Morehead Cherry Area Plan; however, some of the setbacks and streetscapes are found to be inconsistent the Midtown Morehead Cherry Area Plan, based on information from the staff analysis and the public hearing, and because:

- The plan recommends a mixture of residential, office and retail for the majority of the site along South Kings Drive, Baxter Street, Cecil Street, Luther Street and Cherry Street north of the intersection with Main Street; and
- The plan recommends residential uses at eight units per acre for the portion of the site fronting Cherry Street south of Main Street; and
- The plan recommends a 24-foot setback along South Kings Drive; and
- The plan recommends on-street parking along South Kings Drive and specifies streetscape improvements for Baxter, Luther, Cherry, and Cecil Streets.

Therefore, this petition is reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because this rezoning will allow:

- A mixed use development; and
- A pedestrian-friendly environment with ground floor commercial facing the Metropolitan development; and
- A height transition to the Cherry neighborhood; and
- The tallest building in the development to be located along South Kings Drive approximately 230 feet away from Cherry Street, and separated by office uses from the single family neighborhood; and
- The proposed parking structure to be screened by the townhomes on Cherry Street.

Statement of Consistency (to deny)

The majority of the proposed land use is consistent with the Midtown Morehead Cherry Area Plan; however, some of the setbacks and streetscapes are found to be inconsistent the Midtown Morehead Cherry Area Plan, based on information from the staff analysis and the public hearing, and because:

- The plan recommends a mixture of residential, office and retail for the majority of the site along South Kings Drive, Baxter Street, Cecil Street, Luther Street and Cherry Street north of the intersection with Main Street; and
- The plan recommends residential uses at eight units per acre for the portion of the site fronting Cherry Street south of Main Street; and
- The plan recommends a 24-foot setback along South Kings Drive; and
- The plan recommends on-street parking along South Kings Drive and specifies streetscape improvements for Baxter, Luther, Cherry, and Cecil Streets.

Therefore, this petition is not reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- This rezoning will allow development that is not fully consistent with the Midtown Morehead Cherry Area Plan; and
- The proposed townhomes on Cherry Street are located in an area recommended for single family development and would result in encroachment of higher density uses into the largely single family neighborhood; and
- The proposed non-residential uses are too intense for the edge of the Cherry neighborhood and could impact the stability of the neighborhood; and
REQUEST

Current Zoning: UR-C(CD) (PED) (urban residential - commercial, conditional, pedestrian overlay), B-1 (PED) (neighborhood business, pedestrian overlay) and R-8 (single family residential)

Proposed Zoning: B-2 (PED-O) (general business, pedestrian overlay, optional), UR-C (PED-O) (urban residential – commercial, pedestrian overlay, optional) and R-8MF (PED-O) (multi-family residential, pedestrian overlay, optional), with five-year vested rights

LOCATION

Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street. (Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes to allow a mixed use development including a 275,000-square foot building, a 221,000-square foot parking structure with up to 7,000 square feet of commercial uses on the street level, and up to eight single family attached dwelling units.

PROPERTY OWNER

Midtown Area Partners II, LLC and Stonehunt, LLC

PETITIONER

Midtown Area Partners II, LLC

AGENT/REPRESENTATIVE

John Carmichael, Robinson Bradshaw & Hinson, P.A.

COMMUNITY MEETING

Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6

STATEMENT OF CONSISTENCY

The majority of the proposed land use is found to be consistent with the Midtown Morehead Cherry Area Plan; however, the building heights and some of the setbacks and streetscapes are found to be inconsistent the Midtown Morehead Cherry Area Plan, based on information from the staff analysis and the public hearing, and because:

• The plan recommends a mixture of residential, office and retail for the majority of the site along South Kings Drive, Baxter Street, Cecil Street, Luther Street and Cherry Street north of the intersection with Main Street; and
• The plan recommends residential uses at eight units per acre for the portion of the site fronting Cherry Street south of Main Street; and
• The plan recommends a height plane of one foot of building height for every ten feet of distance from single family residential zoning; and
• The plan recommends a 24-foot setback along South Kings Drive; and
• The plan recommends on-street parking along South Kings Drive and specifies streetscape improvements for Baxter, Luther, Cherry, and Cecil Streets.

Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because this rezoning will allow:

• A mixed use development; and
• A pedestrian-friendly environment with ground floor commercial facing the Metropolitan development; and
• A height transition to the Cherry neighborhood; and
• The tallest building in the development to be located along South Kings Drive approximately 230 feet away from Cherry Street, and separated by office uses from the single family neighborhood; and
• The proposed parking structure to be screened by the townhomes on Cherry Street;

By a 5-0 vote of the Zoning Committee (motion by Commissioner Labovitz seconded by Commissioner Walker).
The Zoning Committee voted 5-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Amended the graphics on Sheet RZ1.7 for Section B to accurately reflect the pedestrian overlay height planes as required by the Zoning Ordinance and amended all the graphics on Sheet RZ1.7 so that they are to scale.
2. Amended the street wall elevations on Sheet RZ1.8 to accurately reflect the Area C conceptual site plan.
3. Provided metes and bounds of the proposed zoning boundaries.
4. Staff has rescinded the request to eliminate Optional Provision H if Cecil Street is converted to a private street not required by the Subdivision Ordinance.
5. Staff has rescinded the request to amend Optional Provision K to replace Cecil Street with Baxter Street if Cecil Street is converted to a private street not required by the Subdivision Ordinance. Staff rescinded this request because the proposed abandonment will not take place prior to City Council decision.
6. Clarified the width of the sidewalk along Kings Drive in front of Development Area B.
7. Specified that primary entrances will be oriented to and at street grade along South Kings Drive for uses along the street level of Areas A and B.
8. Removed existing zoning boundaries within the project area on Sheet RZ 1.1.
9. Highlighted the rezoning site boundary on Sheet RZ1.1.
10. Labeled the zoning boundary lines on Sheet RZ1.1.
11. Provided information in the development data table related to the percentage of open space provided.
12. Added an optional request opting out of providing the ten-foot buffer along a portion of the southern boundary of the site and deleted Setback and yards/streetscape/buffer Note D.
13. Specified architectural details for the screen wall along Cecil Street.
14. Provided more detailed commitments for the treatment of blank walls above the minimum PED (pedestrian overlay) requirements.
15. Clarified the height for Development Area C in Architectural Standards and Design Note C.
16. Adjusted the graphics on Sheets RZ1.7 and 1.8 to match and accurately represent the proposed height.
17. Added an optional provision allowing the buildings in Area C to have a maximum height of 48 feet.
18. Added planters as one of the potential amenities provided in the setback along South Kings Drive.
19. Added an optional provision to not require side and rear yards along the site's southern boundary line.
20. Specified that in the event Cecil Street is abandoned and converted to a private street, a public access easement shall be provided to allow travel between Baxter and Luther Streets.

**VOTE**

- **Motion/Second:** Labovitz/Walker
- **Yeas:** Dodson, Escert, Labovitz, Sullivan, and Walker
- **Nays:** None
- **Absent:** None
- **Recused:** Nelson, Ryan

**DISCUSSION**

Staff presented the petition to the Zoning Committee. There was no further discussion.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.
PLANNING STAFF REVIEW

• Background
  • Petition 2005-060 rezoned the portion of the site located between South Kings Drive and Cecil Street from B-1 (neighborhood business) to UR-C(CD) (urban residential, conditional) to allow up to 12,000 square feet of retail and restaurant uses and associated surface and structured parking as part of the Metropolitan development plan.
  • Petition 2012-050 established PED (pedestrian overlay district) zoning over a majority of the site excluding a 0.207 acre portion facing Cherry Street south of the intersection of Cherry Street and Main Street.

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Divides the site into three development areas (A, B, and C).
  • Establishes the pedestrian overlay on the portion of the site currently zoned R-8 (single family).
  • Permitted uses, except as noted below, include single family attached dwelling units, multi-family dwellings, planned multi-family dwelling units, dwellings mixed use, eating/drinking/entertainment establishments Type 1 and 2, hotels, art galleries, colleges/universities/commercial/trade schools, business and general offices, retail sales, service uses, private postal services, studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths and jewelry designers.

  • Development Area A – proposed zoning to B-2 (PED-O) (general business, pedestrian overlay, optional):
    • Allows a maximum of 275,000 square feet of building area.
    • Maximum building height of 119 feet.
    • Multi-family residential limited to 300 units.
    • Maximum of 225 hotel rooms.
    • Requires ground floor uses located in the building to be devoted to non-residential uses with primary entrances oriented to and at street grade of South Kings Drive.
    • Prohibits single family attached dwelling units.

  • Development Area B – proposed zoning to UR-C (PED-O) (urban residential - commercial, pedestrian overlay, optional):
    • Allows a 221,000-square foot structured parking facility and up to 7,000 square feet of ground floor nonresidential uses facing South Kings Drive.
    • Maximum building height of 81 feet along South Kings Drive and 64 feet adjacent to single family zoning.
    • Prohibits residential dwellings, hotels, colleges/universities/commercial and trade schools, and private postal services.
    • Uses on the ground floor or street level of the structured parking facility may only be devoted to nonresidential uses with primary entrances oriented to and at street grade of South Kings Drive. The remaining portions may only be devoted to the structured parking facility.
    • Prohibits single family attached dwelling units.

  • Development Area C – proposed zoning to R-8MF (PED-O) (multi-family residential, pedestrian overlay, optional):
    • Allows up to eight single family attached dwelling units and associated accessory uses.
    • Requires the dwelling units to be constructed prior to the issuance of a Certificate of Occupancy for the parking structure.
    • Dwelling units are required to be constructed along the frontage on Cherry Street adjacent to the structured parking facility, in order to provide a residential edge.
    • Dwelling units will only have pedestrian access to Cherry Street. No vehicular access will be allowed to Cherry Street.
    • Provides conceptual site plan and elevations for the proposed dwelling units.
    • Maximum height of the single family attached dwelling units is limited to 48 feet along Cherry Street.

  • Abandonment of Cecil Street right-of-way (after the zoning decision) which would be converted into a private drive providing access to adjacent parcels and the parking structure.
  • Direct vehicular access between Baxter Street and Luther Street via the proposed private drive (formerly Cecil Street) through the parking structure on Development Area B.

  • Vehicular access (ingress/egress) to site via Luther Street.
  • Pedestrian stair access from South Kings Drive to drive.
• Preserves the existing CATS bus stop on South Kings Drive.
• Specifies that tree grates, seat walls, planters and other pedestrian amenities and features may be provided in the setback along the site’s frontage on South Kings Drive.
• Provides 15,858 square feet of open space.
• Provides building perspectives, elevations, and site cross sections.
• Provides commitments for the screen wall along Cecil Street and increased glazing along Baxter Street to address blank walls.
• Limits height of freestanding lighting to 20 feet.
• Requests the following optional provisions:
  1. Allow the maximum height of the building located in Development Area A to be increased from 69 feet to 119 feet. The plan recommends a height plane of one foot of building height increase per ten feet of distance from single family residential zoning. This option represents about a 50-foot increase in the allowed height nearest to the single family zoning.
  2. Allow the maximum height of the structured parking facility to range from 64 feet to 81 feet. The plan recommends a height plane of one foot of building height increase per ten feet of distance from the single family zoning on the parcel to the south and one foot of height per ten feet of distance from the building setback along Cherry Street. This optional request represents a 24-foot increase in the allowed height along Cherry Street and a ten-foot increase at the single family zoning boundary to the south.
  3. Allow the single family attached dwelling units to have a maximum height of 48 feet. This optional request represents an eight-foot increase in the allowed height along Cherry Street.
  4. Eliminate the requirement for on-street parking along South Kings Drive as recommended by the plan. This is needed to accommodate the existing bus stop on Kings Drive.
  5. Allow a 24-foot setback along South Kings Drive for the first floor of the proposed building in Development Area A and a 16-foot setback for all other floors of the building. The plan recommends a building setback of 24 feet along South Kings Drive.
  6. Allow structural support columns for buildings in Area A to be located within the setback; however, they must be a minimum of 16 feet from the back of the existing curb.
  7. Allow a 22-foot setback along South Kings Drive for the proposed structured parking facility in Development Area B. The plan recommends a building setback of 24 feet along South Kings Drive.
  8. Allow the setback, planting strip and sidewalk along the site’s frontage on Luther Street as depicted on the rezoning plan on sheet RZ1.1. The rezoning plan shows a 16-foot setback near the intersection of Luther Street and Cherry Street that increases in width towards South Kings Drive and a six-foot sidewalk and eight-foot planting strip with a one foot utility zone near the intersection of Luther Street and Cherry Street that increases in width towards South Kings Drive. The plan recommends a building setback of 16 feet with an eight-foot planting strip, six-foot sidewalk, and two-foot utility zone.
  9. Allow the setback, planting strip and sidewalk located along the site’s frontage on Cecil Street as depicted on the rezoning plan. The rezoning plan shows a six-foot walk and eight-foot planting strip for a portion of the frontage and an eight-foot, six-inch back of curb sidewalk along the building edge.
  10. Allow an eight-foot planting strip and an eight-foot sidewalk along the site’s frontage on Baxter Street rather than an eight-foot planting strip, six-foot sidewalk and two-foot utility zone.
  11. Reduce the off-street parking requirement for eating/drinking/entertainment establishments (Type 1 and Type 2) from one space per 125 square feet of area to one space per 600 square feet of area.
  12. Allow surface parking and vehicular maneuvering areas to be permitted between the building in Development Area A and Cecil Street and Baxter Street as depicted on the rezoning plan.
  13. Eliminate the requirement for roof line variation every 30 feet for the structured parking facility to be located in Development Area B, and a roof line variation every 30 feet for the single family attached dwelling units to be located in Development Area C.
  14. Allow tree grates, seat walls, planters and other pedestrian amenities and features to be provided in the setback along the site’s frontage on South Kings Drive.
  15. Eliminate the ten-foot buffer required along the relevant portions of the site’s southern boundary.
  16. Eliminate the side and rear yard requirements along the site’s southern boundary line.

• **Public Plans and Policies**
  • The *Midtown Morehead Cherry Area Plan* (2012) recommends a mixture of residential, office and retail for the majority of the site along South Kings Drive, Baxter Street, Cecil Street, Luther Street and Cherry Street north of the intersection with Main Street. The plan...
The area plan recommends that as areas redevelop on the east side of South Kings Drive, a pedestrian-friendly environment with activation of buildings at street level should be provided.

The site plan diverges from the recommendations of the Midtown Morehead Cherry Area Plan and pedestrian overlay standards in regards to building heights, setbacks, streetscapes, and residential density along Cherry Street south of Main Street. Additionally, the parking structure encroaches into a portion of the area recommended for residential use.

The petition is inconsistent with the adopted plan design recommendations for the following items:
- The proposed building height for Area A is, at one point, a 50-foot increase above the height recommended by the plan.
- The proposed building height for Area B is a 24-foot increase above the allowed height along Cherry Street and a ten-foot increase at the single family zoning boundary to the south.
- The plan recommends a 24-foot setback along South Kings Drive. The petition is proposing a setback of 24 feet at the ground floor, reduced to 16 feet for upper floors for Development Area A and a 22-foot setback for Development Area B.
- The plan recommends recessed on-street parking, an eight-foot curbed planter, and an eight-foot sidewalk along South Kings Drive. The rezoning proposes no on-street parking, an eight-foot planting strip, and a 20-foot sidewalk for Development Area A and an eight-foot planting strip and a 14-foot sidewalk for Development Area B. The sidewalk and planting strip along Kings Drive vary for Development Area B.
- The plan recommends an eight-foot planting strip and a six-foot sidewalk with a two-foot utility zone along Baxter Street. The petition proposed an eight-foot planting strip and an eight-foot sidewalk.
- The plan recommends setbacks along Cherry Street outside of the pedestrian overlay to comply with the Zoning Ordinance. The Zoning Ordinance requires a setback of 32 feet, which is greater than setbacks of the nearby homes on the street. The petition proposes a voluntary expansion of the pedestrian overlay and provides a setback of 16 feet along Cherry Street as recommend in the plan for cross streets.

DEPARTMENT COMMENTS (see full department reports online)
- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Transportation: No issues.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: No comments received.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte Water: No issues.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.
- Urban Forestry: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)
- Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  - Facilitates the use of alternative modes of transportation by preserving an existing CATS bus stop, and providing an improved pedestrian experience through the site and along South Kings Drive with the provision of wide sidewalks.

OUTSTANDING ISSUES
- No issues.
Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** John Kinley  (704) 336-8311
REQUEST

Current Zoning: UR-C(CD) (PED) (urban residential - commercial, conditional, pedestrian overlay), B-1 (PED) (neighborhood business, pedestrian overlay) and R-8 (single family residential)

Proposed Zoning: B-2 (PED-O) (general business, pedestrian overlay, optional), UR-C (PED-O) (urban residential – commercial, pedestrian overlay, optional) and R-8MF (PED-O) (multi-family residential, pedestrian overlay, optional) with five-year vested rights

LOCATION

Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street. (Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes to allow a mixed use development including a 270,000-square foot building, a 187,450-square foot parking structure with up to 4,600 square feet of commercial uses on the street level, and up to eight single family attached dwelling units.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues. The majority of the site is consistent with the Midtown Morehead Cherry Area Plan land use recommendations; however, the proposed development is inconsistent with the plan recommendation for a portion of the building height and some of the proposed streetscapes. The land use for the 0.207 acre portion of the property, which is zoned R-8 (single family residential), is inconsistent with both the land use recommendations and the density recommended by the Midtown Morehead Cherry Area Plan.

Although some elements of the proposal are inconsistent with the recommendations of the Midtown Morehead Area Plan, overall the proposal is consistent with the intent of the plan to promote a mixed use, pedestrian-friendly environment facing the Metropolitan development, while providing a height transition to the Cherry neighborhood.

The tallest building in this new development will be located along Kings Drive, and will have nonresidential uses with primary street level access to such uses along the entire Kings Drive frontage. This building, which exceeds the plan height recommendation, is located approximately 230 feet from Cherry Street and is separated from the Cherry neighborhood by an office use. The topography of the site slopes down from Cherry Street to South Kings Drive by approximately 20 feet and the increase in building height is located on the lower portion of the site. The separation from the neighborhood and the topography minimizes the impact on the neighborhood.

Townhomes units along Cherry Street are used to screen the proposed parking structure from the homes in the Cherry neighborhood as another means of providing a transition between the commercial development along Kings Drive and the Cherry neighborhood.

PROPERTY OWNER

Midtown Area Partners II, LLC and Stonehunt, LLC

PETITIONER

Midtown Area Partners II, LLC

AGENT/REPRESENTATIVE

John Carmichael, Robinson Bradshaw & Hinson, P.A.

COMMUNITY MEETING

Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6
PLANNING STAFF REVIEW

Background
- Petition 2005-060 rezoned the portion of the site located between South Kings Drive and Cecil Street from B-1 (neighborhood business) to UR-C(CD) (urban residential, conditional) to allow up to 12,000 square feet of retail and restaurant uses and associated surface and structural parking as part of the Metropolitan development plan.
- Petition 2012-050 established PED (pedestrian overlay district) zoning over a majority of the site excluding a 0.207 acre portion facing Cherry Street south of the intersection of Cherry Street and Main Street.

Proposed Request Details
The site plan accompanying this petition contains the following provisions:
- Divides the site into three development areas (A, B, and C).
- Establishes the pedestrian overlay on the portion of the site currently zoned R-8 (single family).
- Permitted uses, except as noted below, include single family attached dwelling units, multi-family dwellings, planned multi-family dwelling units, dwellings mixed use, eating/drinking/entertainment establishments Type 1 and 2, hotels, art galleries, colleges/universities/commercial/trade schools, business and general offices, retail sales, service uses, private postal services, studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths and jewelry designers.
- Development Area A – proposed zoning to B-2 (PED-O) (general business, pedestrian overlay, optional):
  - Allows a maximum of 275,000 square feet of building area.
  - Maximum building height of 119 feet.
  - Multi-family residential limited to 300 units.
  - Maximum of 225 hotel rooms.
  - Requires ground floor uses located in the building to be devoted to non-residential uses with primary street level access.
  - Prohibits single family attached dwelling units.
- Development Area B – proposed zoning to UR-C (PED-O) (urban residential - commercial, pedestrian overlay, optional):
  - Allows a 221,000-square foot structured parking facility and up to 7,000 square feet of ground floor nonresidential uses facing South Kings Drive.
  - Maximum building height of 81 feet along South Kings Drive and 64 feet adjacent to single family zoning.
  - Prohibits residential dwellings, hotels, colleges/universities/commercial and trade schools, and private postal services.
  - Uses on the ground floor or street level of the structured parking facility may only be devoted to nonresidential uses with primary street level access to such uses. The remaining portions may only be devoted to the structured parking facility.
- Development Area C – proposed zoning to R-8MF(PED-O) (multi-family residential, pedestrian overlay, optional):
  - Allows up to eight single family attached dwelling units and associated accessory uses.
  - Requires the dwelling units to be constructed prior to the issuance of a Certificate of Occupancy for the parking structure.
  - Dwelling units are required to be constructed along the frontage on Cherry Street adjacent to the structured parking facility, in order to provide a residential edge.
  - Dwelling units will only have pedestrian access to Cherry Street. No vehicular access to Cherry Street.
  - Provides conceptual site plan and elevations for the proposed dwelling units.
  - Maximum height of the single family attached dwelling units is limited to 40 feet along Cherry Street.
- Abandonment of Cecil Street right-of-way after the decision, which would be converted into a private drive providing access to adjacent parcels and the parking structure.
- Direct vehicular access between Baxter Street and Luther Street via the proposed private drive (formerly Cecil Street) through the parking structure on Development Area B.
- Vehicular access (ingress/egress) to site via Luther Street.
- Pedestrian stair access from South Kings Drive to private drive.
- Preserves the existing CATS bus stop on South Kings Drive.
- Specifies that tree grates, seat walls and other pedestrian amenities and features may be provided in the setback along the site’s frontage on South Kings Drive.
- Provides building perspectives, elevations, and site cross sections.
• Limits height of freestanding lighting to 20 feet.
• Requests the following optional provisions:
  1. Allow the maximum height of the building located in Development Area A to be increased from 69 feet to 119 feet. The plan recommends a height plane of one foot of building height increase per ten feet of distance from single family residential zoning. This option represents about a 50-foot increase in the allowed height nearest to the single family zoning.
  2. Allow the maximum height of the structured parking facility to range from 64 feet to 81 feet. The plan recommends a height plane of one foot of building height increase per ten feet of distance from the single family zoning on the parcel to the south and one foot of height per ten feet of distance from the building setback along Cherry Street. This optional request represents a 24-foot increase in the allowed height along Cherry Street and a ten-foot increase at the single family zoning boundary to the south.
  3. Eliminate the requirement for on-street parking along South Kings Drive as recommended by the plan. This is needed to accommodate the existing bus stop on Kings Drive.
  4. Allow a 24-foot setback along South Kings Drive for the first floor of the proposed building in Development Area A and a 16-foot setback for all other floors of the building. The plan recommends a building setback of 24 feet along South Kings Drive.
  5. Allow structural support columns for buildings in Area A to be located within the setback; however, they must be a minimum of 16 feet from the back of the existing curb.
  6. Allow a 22-foot setback along South Kings Drive for the proposed structured parking facility in Development Area B. The plan recommends a building setback of 24 feet along South Kings Drive.
  7. Allow the setback, planting strip and sidewalk along the site’s frontage on Luther Street as depicted on the rezoning plan on sheet RZ1.1. The rezoning plan shows a 16-foot setback near the intersection of Luther Street and Cherry Street that increases in width towards South Kings Drive and a six-foot sidewalk and eight-foot planting strip with a one foot utility zone near the intersection of Luther Street and Cherry Street that increases in width towards South Kings Drive. The plan recommends a building setback of 16 feet with an eight-foot planting strip, six-foot sidewalk, and two-foot utility zone.
  8. Allow a setback, planting strip and sidewalk located along the site’s frontage on Cecil Street as depicted on the rezoning plan. The rezoning plan shows a six-foot walk and eight-foot planting strip for a portion of the frontage and an eight-foot, six-inch back of curb sidewalk along the building edge.
  9. Allow an eight-foot planting strip and an eight-foot sidewalk along the site’s frontage on Baxter Street rather than an eight-foot planting strip, six-foot sidewalk and two-foot utility zone.
  10. Reduce the off-street parking requirement for eating/drinking/entertainment establishments (Type 1 and Type 2) from one space per 125 square feet of area to one space per 600 square feet of area.
  11. Allow surface parking and vehicular maneuvering areas to be permitted between the building in Development Area A and Cecil Street and Baxter Street as depicted on the rezoning plan.
  12. Eliminate the requirement for roof line variation every 30 feet for the structured parking facility to be located on Development Area B, and a roof line variation every 30 feet for the single family attached dwelling units to be located on Development Area C.
  13. Allow tree grates, seat walls and other pedestrian amenities and features to be provided in the setback along the site’s frontage on South Kings Drive.

• Existing Zoning and Land Use
  • The majority of the site is used for surface parking and a portion of the site contains two single family homes.
  • The property surrounding the site is zoned a mixture of B-1 (PED) (neighborhood business, pedestrian overlay), R-22MF (multi-family residential), R-8 (single family residential), O-2(CD) (PED) (office, conditional, pedestrian overlay), UR-C(CD) (PED) (urban residential – commercial, conditional, pedestrian overlay) and MUDD-O (mixed use development, optional) and is used for a mixture of single family residential, multi-family residential, commercial, office and institutional uses.

• Rezoning History in Area
  • A number of rezonings have taken place in the surrounding area to accommodate infill development and redevelopment for commercial and residential uses.

• Public Plans and Policies
  • The Midtown Morehead Cherry Area Plan (2012) recommends a mixture of residential, office and retail for the majority of the site along South Kings Drive, Baxter Street, Cecil Street, Luther Street and Cherry Street north of the intersection with Main Street. The plan recommends
residential uses at eight units per acre for the portion of the site fronting Cherry Street south of Main Street.

- The area plan recommends that as areas redevelop on the east side of South Kings Drive, a pedestrian-friendly environment with activation of buildings at street level should be provided.
- The site plan diverges from the recommendations of the *Midtown Morehead Cherry Area Plan* and pedestrian overlay standards in regards to building heights, setbacks, streetscapes, and residential density along Cherry Street south of Main Street. Additionally, the parking structure encroaches into a portion of the area recommended for residential use.
- The petition is inconsistent with the adopted plan design recommendations for the following items:
  - The proposed building height for Area A is, at one point, a 50-foot increase above the height recommended by the plan.
  - The proposed building height for Area B is a 24-foot increase above the allowed height along Cherry Street and a ten-foot increase at the single family zoning boundary to the south.
  - The plan recommends a 24-foot setback along South Kings Drive. The petition is proposing a setback of 24 feet at the ground floor, reduced to 16 feet for upper floors for Development Area A and a 22-foot setback for Development Area B.
  - The plan recommends recessed on-street parking, an eight-foot curbed planter, and an eight-foot sidewalk along South Kings Drive. The rezoning proposes no on-street parking, an eight-foot planting strip, and a 20-foot sidewalk for Development Area A and an eight-foot planting strip and a 14-foot sidewalk for Development Area B. The sidewalk and planting strip along Kings Drive varies for Development Area B.
  - The plan recommends an eight-foot planting strip and a six-foot sidewalk with a two-foot utility zone along Baxter Street. The petition proposed an eight-foot planting strip and an eight-foot sidewalk.
  - The plan recommends setbacks along Cherry Street outside of the pedestrian overlay to comply with the Zoning Ordinance. The Zoning Ordinance requires a setback of 32 feet, which is greater than setbacks of the nearby homes on the street. The petition proposes a voluntary expansion of the pedestrian overlay and provides a setback of 16 feet along Cherry Street as recommend in the plan for cross streets.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
  - **Vehicle Trip Generation:**
    - Current Zoning: 1,900 trips per day.
    - Proposed Zoning: 3,000 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - Facilitates the use of alternative modes of transportation by preserving an existing CATS bus stop, and providing an improved pedestrian experience through the site and along South Kings Drive with the provision of wide sidewalks.

*Agenda Packet Page 54 of 301*
- Minimizes impacts to the natural environment by building on an infill lot.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Amend the graphics on sheet RZ1.7 for Section B to accurately reflect the pedestrian overlay height planes as required by the Zoning Ordinance and amend all the graphics on sheet RZ1.7 so that they are to scale.
  2. Amend the street wall elevations on sheet RZ1.8 to accurately reflect the Area C conceptual site plan.
  3. Provide metes and bounds of the proposed zoning boundaries.
  4. Eliminate Optional Provision H if Cecil Street is converted to a private street not required by the Subdivision Ordinance.
  5. Amend Optional Provision K to replace Cecil Street with Baxter Street if Cecil Street is converted to a private street not required by the Subdivision Ordinance.
  6. Clarify the width of the sidewalk along Kings Drive in front of Development Area B.
  7. Specify that primary entrances will be oriented to and at street grade along South Kings Drive for uses along the street level of Areas A and B.
  8. Remove existing zoning boundaries within the project area on sheet RZ 1.1.
  9. Highlight the rezoning site boundary on Sheet RZ1.1.
  10. Label the zoning boundary lines on Sheet RZ1.1.
  11. Provide a note or information in the development data table related to the percentage of open space provided.
  12. Show the ten-foot buffer to be provided along a portion of the southern boundary of the site according to Setback and yards/streetscape/buffer Note D.
  13. Specify architectural details for the screen wall along Cecil Street.
  14. Provide more detailed commitments for the treatment of blank walls above the minimum PED (pedestrian overlay) requirements.
  15. Clarify the height for Development Area C in Architectural Standards and Design Note C. Adjust the graphics on sheets RZ1.7 and 1.8 to match and accurately represent the proposed height.

**Attachments Online at** [www.rezoning.org](http://www.rezoning.org)

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** John Kinley  (704) 336-8311
Petition #: 2014-109

Acreage & Location: Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street.

Vicinity Map

Agenda Packet Page 56 of 301

November 3, 2014
Petition #: 2014-109
Petitioner: Midtown Area Partners II, LLC

Zoning Classification (Existing): R-8, UR-C(CD)(PED), & B-1(PED)
(Single Family, Residential; Urban Residential, Commercial, Conditional, Pedestrian Overlay District; and Neighborhood Business, Pedestrian Overlay District)

Zoning Classification (Requested): B-2(PED-O), UR-C(PED-O), & R-8MF(PED-O) All with 5-Year Vested Rights
(General Business, Pedestrian Overlay District, Optional, Five Year Vested Rights; Urban Residential, Commercial, Pedestrian Overlay District, Optional, Five Year Vested Rights; and Multi-Family, Residential, Pedestrian Overlay District, Optional, Five Year Vested Rights)

Acreage & Location: Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street.

Map Produced by the Charlotte-Mecklenburg Planning Department, 3-4-2015.
KINGS DRIVE MIXED USE PROJECT

22 MAY 2015

GOODE PROPERTIES

SITE PLAN

1. Setback to Back of Arcade
2. Setback to Drip Line
3. Setback to Parking Deck
4. Setback to Baxter Street
5. Setback to Luther Street
6. Setback to Cherry Street
7. Conversion of Cecil Street

Section A

Site Data Table

Tax Parcel Nos.: 125-228-01, 125-221-02, 125-221-03 and 125-221-99

Site Area: Approximately 1.99 acres

Existing Zoning: UR-C (CD)(PED), B-1 (PED) and R-8

Proposed Zoning: B-2 (PED-O), UR-C (PED-O) and R-8 MF (PED-O)

Existing Uses: Parking and single family residential

Proposed Uses: A mixed use development that could contain office, retail, hotel and residential uses

Proposed Floor Area Ratio: 0.709

Maximum Building Height: See the Development Standards

Parking: Per the Ordinance (Subject to Optional Provision)

REQUIRED OPEN SPACE: 3,000 SF

PROVIDED OPEN SPACE: 15,858 SF

Section B

Section C

40' PED HEIGHT RESTRICTION

Development Areas

Development Area A

Development Area B

Development Area C

LEGEND

Development Area

Proposed Zoning

Existing Zoning

R-8

Development Area C

TOWNHOUSE

Development Area A

EXISTING ZONING: UR-C (PED) PROPOSED ZONING: R-BMF (PED-O)

EXISTING ZONING: UR-C (PED) PROPOSED ZONING: R-22 MF (PED-O)

EXISTING ZONING: UR-C (PED) PROPOSED ZONING: B-2 (PED-O)

EXISTING ZONING: UR-C (PED) PROPOSED ZONING: UR-C (PED-O)

BAXTER STREET

LUTHER STREET

CHERRY STREET

CECEL STREET

O-2 (CD)

R-8

R-22 MF

Development Area B

EXISTING ZONING: B-1 (PED) PROPOSED ZONING: UR-C (PED-O)

Development Area A

EXISTING ZONING: UR-C (CD)(PED) PROPOSED ZONING: B-2 (PED-O)

SECTION A

SECTION B

SECTION C
That portion of the Site designated as Development Area C on the Rezoning Plan may be
used only for the uses and purposes set out below (including any combination thereof) and no other uses shall be permitted.

F. Pursuant to Section 1.10 of the Ordinance and Section 10.812(5) of the North Carolina General Statutes, the Rezoning Plan, approved, shall be treated as an express waiver of any setback requirement with respect to the exterior boundary of the Site.

E. The development of the Site will be governed by the Rezoning Plan, these Development Standards, the City of Charlotte Land Use Regulations and the applicable provisions of the City of Charlotte Zoning Ordinance (the “Ordinance”). Subject to the optional provisions set out below, the regulations and restrictions established by the Rezoning Plan will govern the Site development.

D. Within the context of the Rezoning Plan, the terms “Petitioner”, “City” and “City of Charlotte” shall be deemed to refer to the City of Charlotte, North Carolina, and any authorized city officials, boards, commissions, or employees of the City and not necessarily to the City of Charlotte, North Carolina.

C. Development of the Site shall comply with the City of Charlotte Tree Ordinance.

B. The building/structured parking facility to be located on that portion of the Site designated as Development Area A may be modified to accommodate the various uses that are intended to depict the general conceptual architectural style, character and quality. Notwithstanding the foregoing, changes and modifications to the architectural style, character and quality shall be consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

A. Subject to the optional provisions set out above, the development of the Site shall comply with the City of Charlotte Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the “Ordinance”). Subject to the optional provisions set out below, the regulations and restrictions established by the Ordinance will govern the Site development.

F. Attached to the Rezoning Plan are conceptual, schematic images of the various exterior components and elements of the single family attached dwelling units to be constructed on Development Area C that are intended to depict the general conceptual architectural style, character and quality of the single family attached dwelling units to be constructed on Development Area C and such images shall be consistent with the conceptual architectural style, character and quality of the single family attached dwelling units to be constructed on Development Area C and to the extent that any architectural style, character and quality depicted on any future development thereof.

E. The site plan of the single family attached dwelling units to be constructed on Development Area C (except for the detached garage) shall be designed and constructed so that the exterior components and elements thereof are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

D. In addition to the design flexibility provided in paragraph (c), the site plans and site plans and site plans and development shall provide for the construction of a detached garage for each attached dwelling unit which shall be designed and constructed so that the exterior components and elements of the detached garage are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

C. The site plan of the single family attached dwelling units to be constructed on Development Area C shall not be required to include a detached garage unless the Petitioner demonstrates that such a detached garage would be required in order to provide a residential edge to the parking area.

B. The site plan of the single family attached dwelling units to be constructed on Development Area C shall be designed and constructed so that the exterior components and elements thereof are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

A. The site plan of the single family attached dwelling units to be constructed on Development Area C shall be designed and constructed so that the exterior components and elements thereof are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

F. No landscaping or decorative lighting that may be installed along the driveways, sidewalks and parking areas shall be permitted.

E. All site plans shall be reviewed and approved by the Building Official prior to the issuance of any building permit.

D. Notwithstanding the foregoing, the landscaping shall be designed so as to provide a residential edge to this portion of the Site.

C. The building/structured parking facility to be constructed on Development Area B shall be designed and constructed so that the exterior components and elements thereof are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

B. The building/structured parking facility to be located on Development Area B shall be designed and constructed so that the exterior components and elements thereof are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

A. The building/structured parking facility to be located on Development Area B shall be designed and constructed so that the exterior components and elements thereof are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

F. Pursuant to Section 1.10 of the Ordinance and Section 10.812(5) of the North Carolina General Statutes, the Rezoning Plan, approved, shall be treated as an express waiver of any setback requirement with respect to the exterior boundary of the Site.

E. The development of the Site will be governed by the Rezoning Plan, these Development Standards, the City of Charlotte Land Use Regulations and the applicable provisions of the City of Charlotte Zoning Ordinance (the “Ordinance”). Subject to the optional provisions set out below, the regulations and restrictions established by the Ordinance will govern the Site development.

D. Within the context of the Rezoning Plan, the terms “Petitioner”, “City” and “City of Charlotte” shall be deemed to refer to the City of Charlotte, North Carolina, and any authorized city officials, boards, commissions, or employees of the City and not necessarily to the City of Charlotte, North Carolina.

C. Development of the Site shall comply with the City of Charlotte Tree Ordinance.

B. The building/structured parking facility to be located on that portion of the Site designated as Development Area A shall have a maximum height ranging from 64 feet to 81 feet as depicted on the Rezoning Plan.

A. The building/structured parking facility to be located on Development Area A shall have a maximum height ranging from 64 feet to 81 feet as depicted on the Rezoning Plan.

F. Attached to the Rezoning Plan are conceptual, schematic images of the various exterior components and elements of the single family attached dwelling units to be constructed on Development Area C that are intended to depict the general conceptual architectural style, character and quality of the single family attached dwelling units to be constructed on Development Area C and such images shall be consistent with the conceptual architectural style, character and quality of the single family attached dwelling units to be constructed on Development Area C and to the extent that any architectural style, character and quality depicted on any future development thereof.

E. The site plan of the single family attached dwelling units to be constructed on Development Area C (except for the detached garage) shall be designed and constructed so that the exterior components and elements thereof are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

D. In addition to the design flexibility provided in paragraph (c), the site plans and site plans and site plans and development shall provide for the construction of a detached garage for each attached dwelling unit which shall be designed and constructed so that the exterior components and elements of the detached garage are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

C. The site plan of the single family attached dwelling units to be constructed on Development Area C shall not be required to include a detached garage unless the Petitioner demonstrates that such a detached garage would be required in order to provide a residential edge to the parking area.

B. The site plan of the single family attached dwelling units to be constructed on Development Area C shall be designed and constructed so that the exterior components and elements thereof are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

A. The site plan of the single family attached dwelling units to be constructed on Development Area C shall be designed and constructed so that the exterior components and elements thereof are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

F. No landscaping or decorative lighting that may be installed along the driveways, sidewalks and parking areas shall be permitted.

E. All site plans shall be reviewed and approved by the Building Official prior to the issuance of any building permit.

D. Notwithstanding the foregoing, the landscaping shall be designed so as to provide a residential edge to this portion of the Site.

C. The building/structured parking facility to be constructed on Development Area B shall be designed and constructed so that the exterior components and elements thereof are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

B. The building/structured parking facility to be located on Development Area B shall be designed and constructed so that the exterior components and elements thereof are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

A. The building/structured parking facility to be located on Development Area B shall have a maximum height ranging from 64 feet to 81 feet as depicted on the Rezoning Plan.

F. Pursuant to Section 1.10 of the Ordinance and Section 10.812(5) of the North Carolina General Statutes, the Rezoning Plan, approved, shall be treated as an express waiver of any setback requirement with respect to the exterior boundary of the Site.

E. The development of the Site will be governed by the Rezoning Plan, these Development Standards, the City of Charlotte Land Use Regulations and the applicable provisions of the City of Charlotte Zoning Ordinance (the “Ordinance”). Subject to the optional provisions set out below, the regulations and restrictions established by the Ordinance will govern the Site development.

D. Within the context of the Rezoning Plan, the terms “Petitioner”, “City” and “City of Charlotte” shall be deemed to refer to the City of Charlotte, North Carolina, and any authorized city officials, boards, commissions, or employees of the City and not necessarily to the City of Charlotte, North Carolina.

C. Development of the Site shall comply with the City of Charlotte Tree Ordinance.

B. The building/structured parking facility to be located on that portion of the Site designated as Development Area A shall have a maximum height ranging from 64 feet to 81 feet as depicted on the Rezoning Plan.

A. The building/structured parking facility to be located on Development Area A shall have a maximum height ranging from 64 feet to 81 feet as depicted on the Rezoning Plan.

F. Attached to the Rezoning Plan are conceptual, schematic images of the various exterior components and elements of the single family attached dwelling units to be constructed on Development Area C that are intended to depict the general conceptual architectural style, character and quality of the single family attached dwelling units to be constructed on Development Area C and such images shall be consistent with the conceptual architectural style, character and quality of the single family attached dwelling units to be constructed on Development Area C and to the extent that any architectural style, character and quality depicted on any future development thereof.

E. The site plan of the single family attached dwelling units to be constructed on Development Area C (except for the detached garage) shall be designed and constructed so that the exterior components and elements thereof are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

D. In addition to the design flexibility provided in paragraph (c), the site plans and site plans and site plans and development shall provide for the construction of a detached garage for each attached dwelling unit which shall be designed and constructed so that the exterior components and elements of the detached garage are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

C. The site plan of the single family attached dwelling units to be constructed on Development Area C shall not be required to include a detached garage unless the Petitioner demonstrates that such a detached garage would be required in order to provide a residential edge to the parking area.

B. The site plan of the single family attached dwelling units to be constructed on Development Area C shall be designed and constructed so that the exterior components and elements thereof are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.

A. The site plan of the single family attached dwelling units to be constructed on Development Area C shall be designed and constructed so that the exterior components and elements thereof are consistent with the conceptual architectural style, character and quality depicted on the Rezoning Plan.
KINGS DRIVE MIXED USE PROJECT

BUILDING BASE
ARTICULATED BY
PEDESTRIAN COLONNADE.

BELT COURSES ARTICULATE EACH LEVEL.
HEIGHT AND DEPTH OF COLUMNS RECEDES INWARD TO DISSOLVE BUILDING PROFILE AGAINST SKY.

BUILDING CORNICE DENOTES TOP OF BUILDING.

PARKING DECK
KINGS DRIVE RETAIL AT BASE
RETAIL - OFFICE - HOTEL - RESIDENTIAL
FIRST LEVEL RETAIL & KINGS DRIVE COLONNADE

GOODE PROPERTIES
BELT COURSES AND MOLDING ARTICULATE EACH LEVEL OF BUILDING HEIGHT.

FURTHER DIFFERENTIATION OF STRING-COURSE HEIGHT AND COLUMN FORM DENSELY PACKED AS DISCRETE PARTS OF BUILDING FORM.

1.5 STORY BUILDING BASE SCALED TO PEDESTRIAN STREET ACTIVITY.

PEDESTRIAN ARCADE (10’ DEEP) GIVES PEDESTRIAN SPACE THAT EXCEEDS MINIMUM SETBACK REQUIREMENTS AND ORDINANCE RECOMMENDATIONS.

ARCHITECTURAL CANOPY ACCENTS 'CEILING' OF PEDESTRIAN SPACE.

3. PEDESTRIAN RETAIL ARCADE FOUNDATION SURFACES TO BE CLAD IN STONE WITH FOLIAGE TO COVER ACCENT WALL TO CONCEAL SHORT TERM PARKING.
South Kings Drive
Mixed Use Project
Supplemental Document

- Retail setback under pedestrian arcade
- Covered outdoor space for cafe/restaurant seating
- Grated trees in planting strip
- Benches integrated into planters
- Fixed landscaping planters

Kings Drive Plan
Kings Drive Elevation
Kings Drive Section

Ground Plan Enlargement

- Potential pedestrian crosswalk at Kings Drive
- Size and direction of pavement to respond to pedestrian traffic
- Pedestrian stair through site

Baxter Street Plan

- Increased glazing along Baxter elevation
- Raised planters with integrated benches to provide pedestrian comfort and amenities

Baxter Street Elevation
Baxter Street Section

Cecil Street Elevation
Cecil Street Plan

- Potential surface location for public art
- Increased glazing at street level

South Kings Drive
Mixed Use Project
Supplemental Document

- Privacy wall clad in stone
- Vine foliage cover
- Stone cladding at base

Kings Drive Elevation

- Screening near corner
- Stone cladding at base
- Drop-off lane
- Office entry canopy

Cecil Street Section
Cecil Street Elevation

- Screen wall elevation
- Decorative CMU wall covered with ornamental vine
- Cast with architectural pre-cast concrete top

South Kings Drive
Mixed Use Project
Supplemental Document
The illustrative elevations are provided to reflect the architectural style and quality of the building that may be constructed, and the actual building on the site may vary from the architectural concept illustrations as long as the general architectural concepts and intent illustrated are maintained. The development depicted in the site and building plans is schematic in nature, intended to describe the general layout and arrangement of the building and may be altered or modified during design development and construction phases subject to local area zoning requirements. The design of certain features may vary depending on final drawings and on environmental and regulatory matters.
City of Charlotte

Agenda Date: 9/28/2015

**Agenda #:** 16  **File #:** 15-1468  **Type:** Policy Item

**City Manager’s Report**
Charlotte Regional Workforce Development Consortium Agreement

Action: Approve the Economic Development & Global Competitiveness Committee’s recommendation to adopt a resolution approving an amended and restated Charlotte Regional Workforce Consortium Agreement.

Committee Chair: Michael Barnes

Staff Resource(s):
Bill Cronin, Neighborhood & Business Services
Anna Schleunes, City Attorney’s Office

Explanation
- In 1999, the City of Charlotte and Mecklenburg County entered into the Charlotte Regional Workforce Consortium Agreement (Agreement) that established a consortium to act jointly as a local workforce development board pursuant to the 1982 Job Training Partnership Act, the Social Security Act, the North Carolina Employment and Training Grant Program, and the 1998 Workforce Investment Act.
- CharlotteWorks, formerly Charlotte-Mecklenburg Workforce Development Board, is named in the Agreement as the local workforce development board for the City of Charlotte and Mecklenburg County.
- The recently federally-adopted Workforce Innovation and Opportunity Act (WIOA) is a replacement to the former Workforce Investment Act of 1999. It will require a few minor modifications to the Agreement (e.g. updating date references, adding provisions required by the new act, etc.).
- A 25-member board of directors, representing various industries and organizations in Charlotte-Mecklenburg, governs the activities of CharlotteWorks.
- Although the WIOA allows for the joint appointment of board members by the City and Mecklenburg County, currently, the City appoints all 25 members of the board.
- Mecklenburg County recently expressed an interest in having an opportunity to appoint members of the CharlotteWorks board.
- CharlotteWorks is requesting approval of an amended and restated Agreement that includes the necessary WIOA modifications and allocates 20% of board appointments to Mecklenburg County.
- Under this new arrangement, the City will retain 20 board members, appointed by the Mayor as it is in the current structure, and Mecklenburg County will appoint five board members, all of which are to be appointed by the Mecklenburg County Commission Chair. Mecklenburg County’s appointments will begin in Fiscal Year 2017.
- The Mecklenburg County Board of Commissioners will be asked to approve this item at their meeting on October 6, 2015.

Economic Development & Global Competitiveness Committee Discussion
- On September 17, 2015, the Economic Development & Global Competitiveness Committee (Committee) voted unanimously (Barnes, Lyles, and Austin) to adopt a resolution to approve an
amended and restated Agreement.

- Additionally, the Committee requested CharlotteWorks complete a skills gap analysis to engage the chronically-unemployed population.

**Attachment**
CharlotteWorks Board of Directors 2015
Amended and Restated Charlotte Regional Workforce Consortium Agreement
Resolution
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Organization</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Dan Roselli</td>
<td>Packard Place</td>
<td>Business</td>
</tr>
<tr>
<td>2</td>
<td>Toya Allen</td>
<td>Cornerstone OnDemand</td>
<td>Business</td>
</tr>
<tr>
<td>3</td>
<td>Jerome Fest</td>
<td>Wells Fargo</td>
<td>Business</td>
</tr>
<tr>
<td>4</td>
<td>Doug Rowe</td>
<td>Lend Lease</td>
<td>Business</td>
</tr>
<tr>
<td>5</td>
<td>Larry Wilson</td>
<td>Carolinas Healthcare</td>
<td>Business</td>
</tr>
<tr>
<td>6</td>
<td>Robin Strayhorn</td>
<td>PNC Bank</td>
<td>Business</td>
</tr>
<tr>
<td>7</td>
<td>Karin Davies</td>
<td>Peak 10</td>
<td>Business</td>
</tr>
<tr>
<td>8</td>
<td>Robert Fish</td>
<td>InsightCXO</td>
<td>Business</td>
</tr>
<tr>
<td>9</td>
<td>Brian McMurray</td>
<td>American Airlines</td>
<td>Business</td>
</tr>
<tr>
<td>10</td>
<td>Robin Thornton</td>
<td>Great Wolf Lodge</td>
<td>Business</td>
</tr>
<tr>
<td>11</td>
<td>Roger Collins</td>
<td>Siemens</td>
<td>Business</td>
</tr>
<tr>
<td>12</td>
<td>Jess George</td>
<td>Google</td>
<td>Business</td>
</tr>
<tr>
<td>13</td>
<td>Michael Elder</td>
<td>Goodwill</td>
<td>Business</td>
</tr>
<tr>
<td>16</td>
<td>Patrick Graham</td>
<td>Urban League</td>
<td>Community Based Organization</td>
</tr>
<tr>
<td>17</td>
<td>Karen Brackett-Browning</td>
<td>Charlotte Area Fund</td>
<td>Community Based Organization</td>
</tr>
<tr>
<td>18</td>
<td>Dennis Marstall</td>
<td>United Way</td>
<td>Community Based Organization</td>
</tr>
<tr>
<td>19</td>
<td>Marcus Bass</td>
<td>NC Association of Educators</td>
<td>Organized Labor</td>
</tr>
<tr>
<td>20</td>
<td>Scott Thower</td>
<td>Southern Piedmont Central Labor Council</td>
<td>Organized Labor</td>
</tr>
<tr>
<td>21</td>
<td>Carol Morris</td>
<td>Foundation for the Carolinas</td>
<td>Private Foundation</td>
</tr>
<tr>
<td>22</td>
<td>Katie Hynes</td>
<td>Charlotte Chamber</td>
<td>Economic Development Organization</td>
</tr>
<tr>
<td>23</td>
<td>Kathi McLendon</td>
<td>CPCC</td>
<td>Provider of Adult Education/Literacy</td>
</tr>
<tr>
<td>24</td>
<td>Georgia Gulledge</td>
<td>Department of Vocational Rehabilitation</td>
<td>Vocational Rehabilitation</td>
</tr>
<tr>
<td>25</td>
<td>Tim Mayes</td>
<td>Department of Commerce</td>
<td>Employment Services</td>
</tr>
<tr>
<td>26</td>
<td>Betty Doster</td>
<td>UNC Charlotte</td>
<td>Higher Education</td>
</tr>
<tr>
<td>27</td>
<td>Akeshia Craven-Howell</td>
<td>CMS</td>
<td>Education (K-12)</td>
</tr>
</tbody>
</table>
ARTICLE I. TITLE AND PURPOSE

The contiguous units of local government listed below agree to establish a consortium to act jointly as a local Workforce Development Area under the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128 as enacted July 22, 2014. This consortium shall be known as the Charlotte Regional Workforce Consortium.

ARTICLE II. MEMBERSHIP

The Consortium shall be composed of the following independent and contiguous units of general purpose local government:

City of Charlotte
Mecklenburg County

ARTICLE III. CERTIFICATION AND AUTHORITY

1. AUTHORITY UNDER STATE AND LOCAL LAW

The member units of government certify that they possess full legal authority, as provided by state and local law, to enter into this agreement and to fulfill the legal and financial requirements of operating as a local Workforce Development Area under the WIOA for the entire geographic area covered by this agreement.

2. SPECIFIC RESOLUTIONS TO ENTER INTO AGREEMENT

A copy of each resolution giving the City and County specific authority to enter into this consortium agreement is attached to this document.

3. DESIGNATION OF CHIEF ELECTED OFFICIALS FROM EACH MEMBER UNIT OF GOVERNMENT

The Mayor of the City of Charlotte and the Mecklenburg County Commission Chair shall be designated as the Chief Local Elected Officials (CLEOs) for the Charlotte Regional Workforce Area for purposes of the WIOA and upon whose representation the State, the workforce development board and the other member unit may rely. All actions of the CLEOs authorized or required by the WIOA shall be exercised jointly by them and such persons shall be the signatories of this agreement and shall be authorized to execute such other agreements as are necessary for the WIOA.

4. DESIGNATION OF CHIEF ELECTED OFFICIAL FOR LOCAL WORKFORCE DEVELOPMENT AREA

In accordance with N.C.G.S. 160A-463(b), and except as set forth herein, the member units provide that the Mayor of the City of Charlotte shall be authorized to exercise the functions of the local area chief elected official which are required under the Workforce Innovation and Opportunity Act.
ARTICLE IV. DURATION

This agreement will become effective on July 1, 2015 or the date of the last chief elected official’s signature (whichever is the later date) and shall continue in effect until the local Workforce Development Area is re-designated by the Governor of North Carolina or by termination of this Agreement by a member unit of government as provided for in Article XI.

ARTICLE V. ASSURANCES AND CERTIFICATIONS

The member units will comply with the requirements of the WIOA, and regulations promulgated thereunder, all other applicable federal regulations, the statutes of the State of North Carolina, and, written directives and instructions relevant to local workforce development area operation from the Governor of North Carolina or his/her designee.

ARTICLE VI. FINANCING

1. It is anticipated that funding necessary to implement this agreement will be derived from federal grant funds received through the State of North Carolina.

2. The units of local government acknowledge that they are jointly and severally accountable for liabilities arising out of activities under the WIOA, and all funds received by the local workforce development area pursuant to WIOA. Liability includes, but is not limited to, responsibility for prompt repayment from non-program funds of any disallowed costs by the administrative entity of the local workforce development area, or any of its sub-recipients or contractors, or the Workforce Development Board.

3. Any entity or joint agency created or designated by this local workforce development area, including the Workforce Development Board, and Administrative Entity, shall be considered a public agency for the purposes of the Local Government Budget and Fiscal Control Act.

ARTICLE VII. ESTABLISHMENT OF A WORKFORCE DEVELOPMENT BOARD

1. The member units of government agree that the Workforce Development Board has been established in accordance with Section 107 of the Workforce Innovation and Opportunity Act and applicable State of North Carolina laws.

2. Pursuant to Section 107(a) of the WIOA, Charlotte Works is designated to be the Local Workforce Development Board (Local Board) for the local area. Pursuant to Section 107(c)(2) of WIOA, the Local Board will be certified by the Governor every two years. Pursuant to Section 107(b) of the WIOA, the Mayor and the Commission Chair shall jointly appoint members to the Local Board and forward those appointments to the Governor of the State of North Carolina for certification.

3. In accordance with the WIOA, the Mayor and Commission Chair shall each appoint members to the Local Board who meet the composition requirements of Section 107(b)(2) of the WIOA. The actual Local Board appointments by the City and County shall approximate the population ratio of the City and County. Using U.S. Census projections, the current Local Board appointment breakdown shall be as follows:
80% City of Charlotte  
20% Mecklenburg County

4. Members of the Local Board may be removed in accordance with the Local Board’s adopted bylaws.

5. The Local Board, CLEO and the Governor shall negotiate local performance accountability measures pursuant to Section 107(d)(9) of the WIOA and any amendment thereto.

6. The Local Board shall conduct program oversight of local youth workforce investment activities, local employment and training activities and the one-stop delivery system in the Local Area, all as authorized and required by the WIOA.

7. The Local Board shall provide oversight of workforce development activities to ensure appropriate use, management and investment of funds to maximize performance outcomes.

ARTICLE VIII. DESIGNATION OF LOCAL GRANT SUBRECIPIENT AND LOCAL FISCAL AGENT

In accordance with Section 107(d)(12)(B) of the WIOA, the City of Charlotte will be designated as the local fiscal agent. The fiscal agent will disburse all funds for workforce investment activities at the discretion of the Local Board, in accordance with requirements of the WIOA.

ARTICLE IX. DISTRIBUTION OF FINANCIAL LIABILITY FOR DISALLOWED COSTS

The CLEOs shall be liable for misuse of grant funds allocated to the Local Area, pursuant to Section 107(d)(12)(B)(i)(l) of the WIOA. Designation of a local fiscal agent does not diminish such liability. In the event that any expenditure of funds is disallowed by the U.S. Department of Labor or the State of North Carolina, repayment of such funds shall occur in the following priority:

a. The Local Board or its designee shall take all reasonable steps, including the institution of suit, to recover such funds from the agency or individual creating the misuse.

b. The Local Board or its designee shall take all reasonable steps, including the institution of suit, to recover such funds from any applicable insurance carrier or bond issuer.

c. The CLEOs, with the assistance and cooperation of the Local Board, will seek a waiver of liability pursuant to the WIOA.

d. The funds may be recouped in one or more future program years, as permitted by law.
The City and the County will repay such funds in amounts equal to the percentage of board appointments allotted to each CLEO.

ARTICLE X. AMENDMENTS

The agreement may be amended at any time upon the consent of all of the parties as evidenced by resolution of the governing bodies of each member government and as approved by the State.

ARTICLE XI. TERMINATION

The parties to this agreement may request termination at any time upon six months prior written notice, such termination to be effective when the Governor considers local Workforce Development Area re-designations or at the end of the then current grant administration agreement program year.

__________________________________________
Daniel Clodfelter
Mayor,
City of Charlotte

______________________________
(Signature) Date

Trevor Fuller
Chairman,
Mecklenburg County Board of Commissioners

______________________________
(Signature) Date

ATTEST

ATTEST
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
APPROVING AN AMENDED AND RESTATED CHARLOTTE REGIONAL
WORKFORCE CONSORTIUM AGREEMENT

WHEREAS, in 1985, the City of Charlotte and Mecklenburg County entered into an agreement allowing the City to act as administrative and fiscal agent for the Job Training Partnership Act; and

WHEREAS, on August 7, 1998, the Workforce Investment Act (WIA) replaced the Job Training Partnership Act; and

WHEREAS, on April 12, 1999, the Charlotte City Council approved the Charlotte-Mecklenburg Workforce Investment Consortium Agreement with Mecklenburg County as a replacement for the December 1985 Charlotte Mecklenburg Job Training Consortium Agreement and authorized the Mayor to execute the new agreement.

WHEREAS, the goal of the Charlotte-Mecklenburg Workforce Investment Consortium Agreement is to establish a comprehensive service delivery system for various job training and job placement programs thereby eliminating or reducing the possibility of duplicating services between the City of Charlotte and Mecklenburg County; and

WHEREAS, the WIA and WIOA require local elected officials to appoint a Workforce Investment Board to govern the local program; and

WHEREAS, the City and Mecklenburg County desire to amend and restate the 1999 Consortium Agreement to reflect recently enacted federal legislation titled the “Workforce Innovation and Opportunity Act” and to revise a provision regarding the appointment of members to the local workforce development board to grant twenty percent (20%) of such appointments to Mecklenburg County; and

WHEREAS, a copy of the Amended and Restated Charlotte Regional Workforce Consortium Agreement is attached.

NOW, THEREFORE, be it resolved by the City Council of the City of Charlotte, in regular session duly assembled, that the Amended and Restated Charlotte Regional Workforce Consortium Agreement hereafter entered into between the City of Charlotte and Mecklenburg County is hereby approved and ratified and the Mayor is authorized to execute same.
Agenda #: 18. File #: 15-1112 Type: Business Item

Business Investment Grant for Royal Appliance Mfg. Co. d/b/a TTI Floor Care

Action: Approve the City’s share of a Business Investment Grant to Royal Appliance Mfg. Co. d/b/a TTI Floor Care for a total estimated amount of $57,947 over three years (Total City/County grant estimated at $156,687).

Staff Resource(s): Bill Cronin, Neighborhood & Business Services

Explanation

- Royal Appliance Mfg. Co. d/b/a TTI Floor Care (Company) is headquartered in Glenwillow, Ohio and is a wholly owned subsidiary of Techtronic Industries Co. Ltd., based in Hong Kong. The Company’s principle areas of business are power tools, outdoor power equipment, floor care products, solar lighting, and electronic measuring products. Their best known product lines are Dirt Devil, Oreck, Royal, Milwaukee, AEG, Ryobi, Homelite, and Hoover.
- The Company’s global servicing network extends throughout North America, Europe, and Australia, and the Company currently employs more than 20,000 people. The Company operates four distribution centers and an e-commerce center in the United States.
- On August 25, 2015, the Company announced its decision to locate a North American Transformative Market of Excellence operation in Charlotte, supporting logistics and recruitment of top talent employees for marketing positions and production operations in existing locations, and the company’s clients. The operation will be located in an existing 65,903 square foot multi-tenant building on IBM Drive.
- The Company received a competitive offer from York County, South Carolina.
- The project will include the following:
  - $5 million in capital investment (up-fitting offices, office furniture, and computers)
  - 200 new jobs over two years (82% locally hired and 18% relocated) with an average annual wage of $90,748 (188% of the regional average wage)
  - New jobs will be in the areas of customer service, finance, legal, human resources, business development, logistics, marketing, and executive leadership.

Business Investment Grant

- The project meets each of the City Council-approved criteria for a three-year, 90% Standard Grant.
- On June 27, 2015, the City Council, in a closed session, indicated its intent to approve a Business Investment Grant to the Company.
- On August 4, 2015, the Mecklenburg County Board of Commissioners, in a closed session, indicated its intent to approve a Business Investment Grant to the Company, and will vote in public session on October 6, 2015.
- The state of North Carolina has awarded a $3.7 million Job Development Investment Grant and a $230,000 Customized Training Grant.
- The general terms and conditions of this grant include:
A portion of the grant must be repaid if the company moves this investment from Charlotte within three years of the end of the grant term.

- Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
- All property taxes due from the company must be paid before a grant payment is made.

**Fiscal Note**
Funding: Business Investment Grant

**Attachment**
Business Investment Grant Analysis
## Business Investment Grant Project Analysis - TTI Floor Care

<table>
<thead>
<tr>
<th>Year</th>
<th>Estimated Business Investment Grant Paid</th>
<th>Estimated City Taxes Paid</th>
<th>Net Revenue to City</th>
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</thead>
<tbody>
<tr>
<td>Year 1</td>
<td>$20,357</td>
<td>$22,619</td>
<td>$2,262</td>
</tr>
<tr>
<td>Year 2</td>
<td>$19,280</td>
<td>$21,422</td>
<td>$2,142</td>
</tr>
<tr>
<td>Year 3</td>
<td>$18,310</td>
<td>$20,345</td>
<td>$2,035</td>
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<tr>
<td>Year 4</td>
<td>$19,387</td>
<td>$19,387</td>
<td>$19,387</td>
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<tr>
<td>Year 5</td>
<td>$18,550</td>
<td>$18,550</td>
<td>$18,550</td>
</tr>
<tr>
<td>Year 6</td>
<td>$17,832</td>
<td>$17,832</td>
<td>$17,832</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$57,947</strong></td>
<td><strong>$120,155</strong></td>
<td><strong>$62,208</strong></td>
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Agenda #: 19. File #: 15-1317 Type: Appointment

Appointments to the Civil Service Board

Action: Vote on blue paper ballots and return to Clerk at dinner.

Staff Resource(s):
Stephanie Kelly, City Clerk

Explanation
- Two appointments for three-year terms ending May 15, 2018.
  - Madeline DeGrace by Council member Phipps.
  - Antonio Gaither by Council member Lyles.
  - Brenda Johnson by Council members Fallon and Kinsey.
  - Constance Green-Johnson by Council members Austin, Barnes, and Mayfield.
  - Bev Merritt by Council members Barnes, Howard, Kinsey, Lyles, and Phipps.
  - James Rorie by Council member Howard.
  - Deborah Stevenson by Council members Driggs and Fallon.
  - Nicholas Wind-McJetters by Council member Autry.

Attachment
Civil Service Board Applicants
MEMBERSHIP BREAKDOWN
3 by Mayor; 6 by City Council

MEETING INFORMATION
Meeting Day - 1st Tuesday monthly
Meeting Time - 4:00 p.m.
Meeting Location - Government Center Building
Time Commitment - 1 hour monthly; 2 to 5 hearings per year which can last from 1 to 3 days

ENACTING RESOLUTION

ENACTING RESOLUTION WEBSITE

ADDITIONAL INFORMATION

Membership - Appointments are for three-year terms and appointees must be electors of Mecklenburg County. Per Council’s policy, effective February 10, 1997, a background check will be conducted on all nominees to this committee. On July 18, 2006, following a request from City Council, the City Charter was amended by Senate Bill 1841, General Assembly Session 2005. The amendment deleted the alternate number designation while preserving a quorum as three members.

On May 21, 2015, the General Assembly Session 2015 ratified Session Law 2015-33 House Bill 143 to increase the number of members from 7 to 9 (3 by the Mayor and 6 by the City Council) and that 5 members constitute a quorum.

Responsibilities - Principal functions are to establish requirements for applicants for positions in the Police and Fire Departments; to give competitive examinations to such applicants, subject to reasonable limitations as to physical qualifications and moral character to maintain a register of applicants passing such examinations, to hold hearings of an employee against whom charges have been brought by the Police or Fire Chief, and to pass on all promotions and demotions within the departments.
# BOARD ROSTER

<table>
<thead>
<tr>
<th>Name</th>
<th>Term Start - Term End</th>
<th>Position</th>
<th>Category</th>
<th>Appointed By</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLEMENT L ABERNETHY III</td>
<td>May 16, 2014 - May 15, 2017</td>
<td>Board Member</td>
<td>None</td>
<td>Mayor</td>
</tr>
<tr>
<td>KAREN BURKE</td>
<td>May 16, 2013 - May 15, 2016</td>
<td>Vice Chair</td>
<td>None</td>
<td>City Council</td>
</tr>
<tr>
<td>LISA CRAWFORD</td>
<td>Jul 20, 2012 - May 15, 2015</td>
<td>Board Member</td>
<td>None</td>
<td>Mayor</td>
</tr>
<tr>
<td>GERMAN DE CASTRO</td>
<td>May 16, 2013 - May 15, 2016</td>
<td>Board Member</td>
<td>None</td>
<td>Mayor</td>
</tr>
<tr>
<td>NORMAN GARNES</td>
<td>May 16, 2015 - May 15, 2018</td>
<td>Board Member</td>
<td>None</td>
<td>City Council</td>
</tr>
<tr>
<td>ASHLEY HEWITT</td>
<td>May 16, 2015 - May 15, 2018</td>
<td>Board Member</td>
<td>None</td>
<td>City Council</td>
</tr>
<tr>
<td>JASON A MCGRATH</td>
<td>May 16, 2014 - May 15, 2017</td>
<td>Chairman</td>
<td>None</td>
<td>City Council</td>
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<tr>
<td>VACANCY</td>
<td></td>
<td>Board Member</td>
<td></td>
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<tr>
<td>VACANCY</td>
<td></td>
<td>Board Member</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Profile

Madeleine DeGrace
First Name Middle Name Last Name
mdegrace@uncg.edu Email Address
6419 Harburn Forest Drive Street Address
Charlotte City
NC State 28269 Postal Code
Mobile: (704) 877-9199 Primary Phone Alternate Phone
District 4 City Council District
Caucasian/Non-Hispanic Ethnicity
Democrat Political Party
Female Gender
03/25/1995 Date of Birth
Are you a registered voter?
- Yes - No

List any boards you have served on in the past:

Which Boards would you like to apply for?
Civil Service Board (B/O), Community Relations Committee (O), Tree Advisory Commission

Why are you interested in serving on these boards/committees?
I have lived in Charlotte since I was 2 years old. I consider this my only home and because of this I care deeply about the upkeep of the city. I would like a chance to give back to this community that has given me so much, including a wonderful place to grow up.

Please describe any background or abilities that qualify you to serve on these boards/committees.
I am a Junior currently studying Economics and Political Science at UNC Charlotte. I am hoping that my studies thus far have prepared me enough to sit on a board/committee. I also love being outdoors and as such very much care about the conservation of trees in the city.

Advent Lutheran Church Current Employer:

1 year Years in current position:

Administrative Assistant Job Title:

Brief description of duties:
Daily administrative tasks including scheduling, answering phone calls, and routine paperwork.
List any boards you have served on in the past:

Which Boards would you like to apply for?

Citizens Review Board (B/O), Civil Service Board (B/O), Passenger Vehicle For Hire (B/O), Transit Services Advisory Committee

Why are you interested in serving on these boards/ committees?

I would like to make a difference in the looking at the type of people we hire in these positions.

Please describe any background or abilities that qualify you to serve on these boards/ committees.

I retired from the U.S ARMY after serving this country for 28 years I retired as 1SG I had a staff six NCO's and I was over training and day to day operations for 265 soldiers I'm a two time War Vet union Steward for APWU MVS department.

USPS
Current Employer:

15
Years in current position:

MVS Driver
Job Title:

Brief description of duties:

Transport mail local from stations to main plant to be processed.
List any boards you have served on in the past:

Which Boards would you like to apply for?

Civil Service Board (B/O)

Why are you interested in serving on these boards/committees?

I served on this board for seven years and enjoyed it. Over the past twenty years, I have worked with the police and fire departments in Charlotte and Matthews. I know how time consuming it is to be a member of this board, and I realize that it takes commitment that not everyone can or is willing to make. Being retired, I have the time to commit fully to the responsibilities of the job.

Please describe any background or abilities that qualify you to serve on these boards/committees.

Previous board service. 80 hours toward degree in Criminal Justice. Attendance at CMPD, Matthews PD, and FBI/Citizens Academies. Volunteer work for CMPD and MPD. Trip to FBI HQ in Washington and Quantico. Ridealongs with CMPD, CFD, and MPD.

Retired - CMS Teacher and Administrator

Current Employer:

Years in current position:

Job Title:

Brief description of duties:

For 25 years taught English as a Second Language or was ESL Specialist for Charlotte-Mecklenburg Schools.
List any boards you have served on in the past:

Which Boards would you like to apply for?

Civil Service Board (B/O)

Why are you interested in serving on these boards/ committees?

I worked & retired from Civil Service via the Federal Govt. This board make decisions that effect people’
lives. The work place is a place that we need policies in place to help make employees more productive and
valued.

Please describe any background or abilities that qualify you to serve on these boards/ committees.

People person 7. Great Fund Raiser 8. View the glass as always half full 9. Person of reason

Retired

Current Employer:

31 years

Years in current position:

Nuclear Medicine Administrator and
Clinical Instructor

Job Title

Brief description of duties:

Managed a budget of about million half dollars, staff of 10 at the most and minimum of 6. Help set-up the
classes and taught the clinical aspect of Nuclear Medicine.
List any boards you have served on in the past:

Which Boards would you like to apply for?

Civil Service Board (B/O)

Why are you interested in serving on these boards/committees?

I have recently retired and have the time to serve on this committee. I have worked for the government for 40 years and would like to continue serving the citizens of this community.

Please describe any background or abilities that qualify you to serve on these boards/committees.

Having served as City Council's Boards/Commissions Clerk, I understand the process and the integrity the Civil Service Board requires. While working in the DA’s Office, I learned the process of the legal systems. I truly enjoy working with and serving the citizens of our community.

Retired from City + State

Total of 40 Years

Job Title:

Brief description of duties:

See resume
List any boards you have served on in the past:

Which Boards would you like to apply for?

Civil Service Board (B/O)

Why are you interested in serving on these boards/committees?

I feel at this time of my life I would like to serve my community and my city. I am interested in the governing bodies and those who are employed.

Please describe any background or abilities that qualify you to serve on these boards/committees.

I successfully ran a contracting business for many years. I employed many subcontractors and worked with many custom building clients. I know that is necessary to consider carefully the views of all concerned and make a prudent decision.

Retired

Current Employer:

Years in current position:

Job Title:

Brief description of duties:
List any boards you have served on in the past:

Which Boards would you like to apply for?

Citizens Review Board (B/O), Civil Service Board (B/O)

Why are you interested in serving on these boards/committees?

As a graduate of CMPD Citizens Academy & League of Women Voters Civics 101 program, I am volunteering to assist in the advisory process, particularly given my extensive experience during my almost 35-year career in the FBI. In assignments throughout the country, I encountered very diverse investigative, human resource, training & performance issues as a supervisor of law enforcement officers.

Please describe any background or abilities that qualify you to serve on these boards/committees.

As a Supervisory Special Agent, I inspected cases, including Civil Rights, to ensure compliance with laws & regulations. I evaluated recruits during legal, investigative, firearms & defensive tactics training. Through years of liaison with local, state & federal agencies and fire & public safety agencies, I am extremely familiar with accepted practices.

Retired from Federal Bureau of Investigation Headquarters

Are you a registered voter?

☐ Yes ☐ No

List any boards you are currently serving on:

Brief description of duties:

Investigative and supervisory assignments throughout the United States, including New Jersey-New York & Washington, DC, areas, as well as at the Legal Attaché Offices of American Embassies. Represented the FBI on task forces, interagency working groups & at conferences overseas.
City Of Charlotte Boards & Commissions
Submit Date: Jul 09, 2015
Status: submitted

Application Form

Profile

Nicholas X Wind-McJeters
First Name Middle Initial Last Name

nick@remote-learner.net
Email Address

7306 Lakeside Drive
Street Address Suite or Apt

Charlotte NC 28215
City State Postal Code

Mobile: (704) 606-9623 Business: (985) 606-9623
Primary Phone Alternate Phone

District 5
City Council District

African American
Ethnicity

Democrat
Political Party

Male
Gender

02/12/1995
Date of Birth

Are you a registered voter?

☐ Yes ☐ No

List any boards you have served on in the past:

List any boards you are currently serving on:

Which Boards would you like to apply for?

Citizens Review Board (B/O), Civil Service Board (B/O)

Why are you interested in serving on these boards/committees?

After living in the city for 20 years, I would like to serve, help and make a difference in my community and this is one of many ways I plan to participate.

Please describe any background or abilities that qualify you to serve on these boards/committees.

Completed CMPD Citizens Academy, Spring 2015.

Remote-Learner
Current Employer:

7
Years in current position:

Technical Account Manager
Job Title:

Brief description of duties:

Project manager assigned to high-value accounts to verify clients needs and expectations are met.
Appointments to the Transit Services Advisory Committee

Action: Vote on blue paper ballots and return to Clerk at dinner.

Staff Resource(s):
Stephanie Kelly, City Clerk

Explanation
- One appointment for a local/express service passenger for an unexpired term beginning immediately and ending January 31, 2017.
  - Joshua Niday by Council members Austin, Autry, Barnes, and Mayfield.
  - Brett Wallace by Council member Kinsey.
- One appointment for a van pool rider representative for an unexpired term beginning immediately and ending January 31, 2016, and then continuing for a full three-year term beginning February 1, 2016, and ending January 31, 2019.
  - Kalan Pegg by Council members Austin, Kinsey, Mayfield, and Phipps.
  - Stephen Rhodes by Council member Barnes.
  - *Casey Celli by Council member Driggs.
  - *Corine Mack by Council member Fallon.

Applicants with an asterisk (*) do not fall into requested category requirements.

Attachment
Transit Services Advisory Committee Applicants
MEMBERSHIP BREAKDOWN

2 by Mayor; 6 by City Council; 1 by County Commission; 6 by Mecklenburg County Towns

MEETING INFORMATION

Meeting Day

ENACTING RESOLUTION

ENACTING RESOLUTION

WEBSITE

ADDITIONAL INFORMATION

Membership - Council voted on September 10, 1990 to establish this committee. The first members were appointed on January 14, 1991, with staggered terms to begin on January 31, 1991. Future appointments will be made for three year terms. Council’s appointments are (1) one major suburban employer served by Charlotte Transit, (2) one neighborhood organization leader, (3) one local service passenger, (4) one express service passenger, and (5) either a local or express service passenger. The Mayor’s appointments are (1) one uptown employer served by Charlotte Transit, and (2) one disabled citizen who uses Charlotte Transit. There is no age requirement.

Responsibilities - This committee will serve as a forum for citizen suggestions and complaints concerning fares, routes, and schedules. It will serve as an advocacy group for public transportation services and review staff recommendations on service provision transit policies. The committee will review and make recommendations on minimum performance standards for the system. The committee will explore emerging issues in public transit and work with staff on solutions.

CONTACT

Duretta Weicken
(704) 336-3517
Dweicken@Ci.Charlotte.Nc.Us

OVERVIEW

SIZE 15 Seats
TERM LENGTH 3 Year
TERM LIMIT 2 Terms

CONTACT

Duretta Weicken
(704) 336-3517
Dweicken@Ci.Charlotte.Nc.Us

OVERVIEW

SIZE 15 Seats
TERM LENGTH 3 Year
TERM LIMIT 2 Terms

BOARD DETAILS
<table>
<thead>
<tr>
<th>Name</th>
<th>Term Start - Term End</th>
<th>Office</th>
<th>Position</th>
<th>Category</th>
<th>Appointed By</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHRISTINE BRYANT</td>
<td>Oct 04, 2010 - Oct 04, 2013</td>
<td>Government Center Building, 600 E. 4th Street</td>
<td>Board Member</td>
<td>None</td>
<td>Town of Huntersville</td>
</tr>
<tr>
<td>ROB CORNWELL</td>
<td>May 09, 2009 - May 11, 2015</td>
<td>Government Center Building, 600 E. 4th Street</td>
<td>Board Member</td>
<td>None</td>
<td>Town of Davidson</td>
</tr>
<tr>
<td>DEIDRE EVANS</td>
<td>Feb 01, 2014 - Jan 31, 2017</td>
<td>Government Center Building, 600 E. 4th Street</td>
<td>Board Member</td>
<td>None</td>
<td>Mayor</td>
</tr>
<tr>
<td>GREGORY HARDEE</td>
<td>Aug 10, 2015 - Jan 31, 2016</td>
<td>Government Center Building, 600 E. 4th Street</td>
<td>Board Member</td>
<td>Uptown Employer Served by Charlotte Transit</td>
<td>Mayor</td>
</tr>
<tr>
<td>JAMES HILSMAN</td>
<td>Jun 23, 2014 - Jan 31, 2017</td>
<td>Government Center Building, 600 E. 4th Street</td>
<td>Board Member</td>
<td>Express Service Passenger</td>
<td>City Council</td>
</tr>
<tr>
<td>WALTER HORSTMAN</td>
<td>N/A - Jan 31, 2014</td>
<td>Government Center Building, 600 E. 4th Street</td>
<td>Board Member</td>
<td>None</td>
<td>Town of Matthews</td>
</tr>
<tr>
<td>SCOTT JERNIGAN</td>
<td>Apr 02, 2013 - Feb 03, 2016</td>
<td>Government Center Building, 600 E. 4th Street</td>
<td>Chair</td>
<td>None</td>
<td>County Commission</td>
</tr>
<tr>
<td>GEORGE SCHAEFFER, III</td>
<td>Feb 01, 2011 - Jan 31, 2017</td>
<td>Government Center Building, 600 E. 4th Street</td>
<td>Board Member</td>
<td>Local Express Service Passenger</td>
<td>City Council</td>
</tr>
<tr>
<td>JEAN VEATCH</td>
<td></td>
<td>Government Center Building, 600 E. 4th Street</td>
<td>Board Member</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**LOCAL / EXPRESS SERVICE PASSENGER**

**City Of Charlotte Boards & Commissions**

**Application Form**

Submit Date: Jun 24, 2015  
Status: submitted

---

**Profile**

<table>
<thead>
<tr>
<th>First Name</th>
<th>Middle Name</th>
<th>Last Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joshua</td>
<td></td>
<td>Niday</td>
</tr>
</tbody>
</table>

**Email Address**

@day1g.uncc.edu

**Address**

6k61 vehlo Dr  
Suite or Apt: Suite  
Charlotte, NC 28212

**Phone Numbers**

Home: (304) 5k(3)  
Mobile: (304) - (57)(06)

**District 5**

City Council District  
Caucasian/Non-Hispanic  
Republican

**Gender**

Male

**Date of Birth**

04/19/19

**Are you a registered voter?**

Yes ✗ No

---

List any boards you have served on in the past:

---

Which Boards would you like to apply for?

Citizens Transit Advisory Group, Transit Services Advisory Committee

**Why are you interested in serving on these boards/committees?**

I am interested for the following reasons: I am a political science student and I have a passion for Government and politics. I want to serve the City, and I want to serve these two boards specifically, because I am a regular customer for CAveS. I have experienced both the good and bad, and I could speak from personal experiences in those meetings that could help improve our local transit system.

**Please describe any background or abilities that qualify you to serve on these boards/committees.**

I am currently enrolled in political science classes and I am enrolled in Students Government at my university. I have served on Student Government at my university, and I know basic protocol for how to conduct myself during meetings. I have also served on the City of Charlotte before, but I am confident that I can learn the policy and procedures that others may not have.

**Your Current Employment**

Current Employer:

less than 1 year in current position:

Clerk member

**Brief description of duties:**

Work with Tents, provide customer service, no skills and inflatables and ensure that customers are safe at all times.
List any boards you have served on in the past:

Which Boards would you like to apply for?

Transit Services Advisory Committee

Why are you interested in serving on these boards/committees?

I am a daily transit customer and truly believe in the importance of a strong transit system to improve the quality of life for all residents of the region. Professionally, I am a transit planner/engineer, and my duties center on improving transit connections as part of projects across the country. Serving on the TSAC would enable me to apply my skills to help enhance transit here at home.

Please describe any background or abilities that qualify you to serve on these boards/committees.

I have worked on many efforts to redesign or implement new transit services. I led the redesign of the entire bus network in Charleston, SC, resulting in annual ridership increasing from 2.9 million passenger trips in 2006 to nearly 5 million passenger trips today. I recently led the development of an operational plan for new DC Circulator bus service on the National Mall in Washington, DC.

Parsons Brinckerhoff
Current Employer:

2
Years in current position:

Senior Supervisor
Job Title:

Brief description of duties:

Managing and working on planning and engineering projects for all transit modes. Working with broad-based teams of technical specialists on multi-disciplinary projects.
List any boards you have served on in the past:

Which Boards would you like to apply for?

Transit Services Advisory Committee

Why are you interested in serving on these boards/committees?

I have been fortunate enough to call Charlotte my home for about 15 months now and plan reside here for much longer. I currently commute to work in Salisbury and have joined the CATs van pool system to help reduce the travel costs for myself. I believe the van pool program is fantastic but I find many of my coworkers, for various reasons, are skeptical of whether joining a van pool would be beneficial to them. I also have a good number of coworkers that were unaware that a van pool program exists. My goal would be to promote that van pool program and try to find ways to encourage more people to partake in this program and the public transportation that is offered as a whole. I would really appreciate the opportunity to give people a voice when it comes to public transportation, especially when it is something I have a vested interest in.

Please describe any background or abilities that qualify you to serve on these boards/committees.

I am an accountant by profession and have spent time working on budgets and cost analysis as well as researching production efficiencies in a processing plant setting. I believe this would help me analyze the current structure to be sure we are getting the most out of the resources available.
VAN POOL RIDER

City Of Charlotte Boards & Commissions

Submit Date: Jul 24, 2015
Status: submitted

Profile

SteHn A @nodes
First Name Middle Initial Last Name

steHn.hodesk0@es8 7mail.com
Email Address

454R Carin7ton Lane
Street Address

StatesHle NC 2( R25
City State Postal Code

Mobie: )k03- 62690666
Primary Phone Alternate Phone

District Y9 Mec/ lenbur7 County Toz rs
City Council District

Caucasian/Non/Hispanic
Ethnicity

Independent
Political Party

Male
Gender

Ok'01'16k5
Date of Birth

Are you a registered voter?

Yes ☐ No ☐

List any boards you have served on in the past:

Which Boards would you like to apply for?

Transit SerHces AdHsory Committee

Why are you interested in serving on these boards/ committees?

To learn more about the Transit system and its plans for the future and ensure that the publics interests are in line with the Transit plans 70als.

Please describe any background or abilities that qualify you to serve on these boards/ committees.

I haVe been a police officer since 166(, The eXperience I haVe 7ained throu7h laZ enforcement in traffic patterns and human behavior I ll be a hiluable asset to this committee.

Dul e Ener7y
Current Employer:

( Years in current position:

Nuclear Security Officer II
Job Title:

Brief description of duties:

Nuclear security.
City Of Charlotte Boards & Commissions
Submit Date: Jun 24, 2015
Status: submitted

Profile

Casey
First Name

Celi
Middle Initial

Last Name

Email Address: casey.celi@bankofamerica.com

3121 Indian Rock Rd
Street Address

Suite or Apt

Charlotte
City

NC
State

28270
Postal Code

Phone:

Mobile: (302) 562-6000
Primary Phone

Business: (980) 386-3380
Alternate Phone

District 7
City Council District

Caucasian/Non-Hispanic
Ethnicity

Republican
Political Party

Male
Gender

01/01/1977
Date of Birth

Are you a registered voter?

Yes ☐ No ☐

List any boards you have served on in the past:

- 

Which Boards would you like to apply for?

Bechtler Arts Foundation Board, Citizens' Transit Advisory Group, Transit Services Advisory Committee

Why are you interested in serving on these boards/committees?

My family and I moved to Charlotte in 2012. I have had the opportunity to grow and love Charlotte. I'm intimately involved with my neighborhood, my work community and with the Y-guides. I feel now that I have an opportunity to serve my community and help improve the quality of life for all Charlotte Residents. I am passionate about improving transit and making the arts accessible to all.

Please describe any background or abilities that qualify you to serve on these boards/committees.

I have been with Bank of America for 13 years, and currently lead a team responsible for "big data" analytics focused on satisfaction. In prior roles I have used behavioral customer data to improve marketing strategy and profitability. I'm happy to share my organizational leadership to support the services that Charlotte provides to all.

Bank of America
Current Employer:

3
Years in current position:

Senior Vice President, Customer Analytics
Job Title:

Brief description of duties:

Delivering analytic insights and strategy development to improve customer experience in the on-line and mobile environments.
City Of Charlotte Boards & Commissions  
Submit Date: Jun 24, 2015  
Status: submitted

**Profile**

<table>
<thead>
<tr>
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<th>MacH</th>
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</thead>
<tbody>
<tr>
<td>First Name</td>
<td>Middle Initial</td>
</tr>
</tbody>
</table>

Email Address: corinemacH0@. k yahoo.com

2817 Sonoma ( alley Dr) e  
Street Address  
Suite or Apt |

Charlotte  
City  
NC  
23214  
State  
Postal Code

- Home: 67049@0/075.  
Mobile: 8479. 38/02. 4  
Primary Phone  
Alternate Phone

District 2  
City Council District

African American  
Ethnicity

Democratic  
Political Party

Female  
Gender

08/7  
Date of Birth

Are you a registered voter?  
☐ Yes  ☐ No

List any boards you have served on in the past:

List any boards you are currently serving on:

Which Boards would you like to apply for?

Cities e)Ig Board, Ci)il Se)ice Board, zransit Se)ices Ad)isory Committee

Why are you interested in serving on these boards/ committees?

I am the NAACP Charlotte/ MecHenburV Branch President and belie)e I must be part of a collabora)e effort to effect charVeun my CityR

Please describe any background or abilities that qualify you to serve on these boards/ committees.

I gorHid on the Cv B in NYRam also a foundinV member of the Charlotte Cv B CoalitionR tam a retired ( P of a 40,000 member zransit x neionRhog orVani' inV, mobilii' inV, community buildinV, zransit systems, labor lag. QS- A standards, mediacion, Ci)il Se)ice policies and Vudelines, etcR

Center for Community ChariVe  
Current Employer:

4 years  
Years in current position:

OrVani' er' Consultant  
Job title

Brief description of duties:
City of Charlotte

Agenda Date: 9/28/2015

Agenda #: 21. File #: 15-1469 Type: Consent Item

Conclusion of Consent Agenda
Mayor and City Council Topics
The City Council members may share information and raise topics for discussion.
Agenda #: 23. File #: 15-1301 Type: Consent Item

Compressed Natural Gas Refuse Vehicles Grant Acceptance and Purchase

Action:
A. Authorize the City Manager to accept the 2015 Clean Fuel Advanced Technology Grant award of $169,008, and

B. Adopt a budget ordinance appropriating $169,008 from North Carolina State University’s North Carolina Clean Energy Technology Center.

Staff Resource(s):
Victoria Johnson, Solid Waste Services
Chris Trull, Management & Financial Services

Explanation
- The Clean Fuel Advanced Technology project is focused on reducing transportation related emissions in North Carolina counties that have air quality concerns. North Carolina State University’s North Carolina Clean Energy Technology Center is the facilitator for this project. The project is funded by the North Carolina Department of Transportation.
- The City was an initial recipient of this grant in November 2013. On August 21, 2015, Solid Waste Services was notified of an additional grant award of $169,008 and grant extension until March 31, 2016. Accepting the grant requires the City to match 20%, or $42,252.
- The grant and City matching funds will cover the incremental cost difference between five diesel and Compressed Natural Gas (CNG) cab/chassis. The current incremental difference is $42,252 per vehicle.
- The five CNG refuse truck cab/chassis are to be purchased through a cooperative purchasing contract with Chastang’s Bayou City Autocar approved by the City Council on July 27, 2015. The new annual contract expenditures are estimated to be $1,531,119.
- The additional CNG vehicles will not expand the overall Solid Waste Service fleet but will replace five diesel vehicles scheduled for replacement through the City’s approved Fiscal Year 2016 General Capital Equipment list.
- The five CNG fueled refuse trucks burn cleaner fuel, reduce carbon dioxide emissions, and provide fuel cost savings. Compressed natural gas is currently 25% less expensive than diesel fuel.
- The project supports the City’s commitment to sound environmental practices in City facilities and operations. The purchase of these five CNG vehicles will increase the CNG refuse truck fleet to 20.

Fiscal Note
Funding: 2015 Clean Fuel Advanced Technology Grant and General Capital Equipment Replacement Fund

Attachment
Budget Ordinance
ORDINANCE NO. 5949-X

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE, APPROPRIATING $169,008 TO ACCEPT THE CLEAN FUEL ADVANCED TECHNOLOGY GRANT AWARD FROM THE NORTH CAROLINA STATE UNIVERSITY NORTH CAROLINA CLEAN ENERGY TECHNOLOGY CENTER

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

Section 1. That the sum of $169,008 is hereby appropriated to the General Capital Equipment Replacement Fund 4500-50-5050-502000-000000-000-530170-

Section 2. That the sum of $169,008 is hereby appropriated to the General Capital Equipment Replacement Fund 4500-50-5050-502000-000000-000-530170-

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

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

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

__________________________________________

City Attorney
**City of Charlotte**

**Agenda Date:** 9/28/2015

---

**Agenda #:** 24.  **File #:** 15-1312  **Type:** Consent Item

---

**Sexual Assault Kit Backlog Elimination Grant Program**

**Action:**

A. Authorize the City Manager to accept a grant from the New York County District Attorney’s Office in the amount of $557,974 to test 885 unprocessed sexual assault kits,

B. Adopt a budget ordinance appropriating $557,974 from the New York County District Attorney’s Office,

C. Approve a contract with Bode Cellmark in the amount of $554,475 for the service of processing Charlotte-Mecklenburg Police Department backlogged sexual assault kits for the term of two years, and

D. Authorize the City Manager to renew the contract for up to two, one-year terms, and possible adjustments, if required.

**Staff Resource(s):**

Mike Smathers, Police  
Melanie Peacock, Police

**Explanation**

- As a result of New York City’s 1991 discovery of 17,000 untested sexual assault evidence kits in its storage facilities, District Attorney of New York County, Cy Vance, announced that his office would assist communities across the country by awarding $35 million to jurisdictions and states to eliminate their sexual assault kit backlogs.

- The Charlotte-Mecklenburg Police Department (CMPD) has been selected to receive funding through the Sexual Assault Kit Backlog Elimination Grant Program.

- Sexual assault kits (rape kits) include collections of evidence taken during an extensive and thorough examination conducted at a hospital or rape crisis center following a sexual assault.

- Currently, there are 885 unprocessed sexual assault kits stored at CMPD’s property and evidence room, including 471 that are no longer active or do not have proper evidence to move forward in the investigation process.

- North Carolina does not have a statute of limitation for prosecuting sexual assault cases.

- With the grant, all 885 kits will be fully processed and entered into national forensic databases, which may potentially produce a matching suspect.

- Bode Cellmark Forensics laboratory in Virginia, one of two private forensic laboratories secured through this grant program by the New York County District Attorney, will process CMPD’s backlogged sexual assault kits at a total cost of $554,475:
  - Sexual assault kits will be sent to the lab at $625 per kit, and
  - Total shipping costs of 885 kits is $1,350.

- The $557,974 grant also includes $3,499 for all travel and training expenses associated with CMPD staff attending the required two-day Bureau of Justice Assistance workshop in Washington, D.C.
The grant period is from October 1, 2015, through September 30, 2017.

This grant does not require City matching funds.

**Fiscal Note**
Funding: Sexual Assault Kit Backlog Elimination Grant

**Attachment**
Budget Ordinance
ORDINANCE NO. __________________________

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE APPROPRIATING $557,974 FROM THE NEW YORK DISTRICT ATTORNEY’S OFFICE. FOR THE PURCHASE OF SEXUAL ASSAULT KITS.

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

Section 1. That the sum of $557,974 is hereby estimated to be available from the New York District Attorney’s Office to assist communities across the country by providing funding to eliminate sexual assault test kit backlogs.

Section 2. That the sum of $557,974 is hereby appropriated to the General Grants and LTD Project Fund (2600), project 3040220003; GL 2600-30-30-0000-000000-000000-000-421101.

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney
2015 Justice Assistance Grant

Action:

A. Accept a grant from the U.S. Department of Justice in the amount of $441,241 from the Justice Assistance Grant Program, and

B. Adopt a budget ordinance appropriating $441,241 in grant funds from the U.S. Department of Justice.

Staff Resource(s):
Vicki Foster, Police  
Katrina Graue, Police  
Paul Paskoff, Police  
Rachel Vanhoy, Mecklenburg County Sheriff’s Office

Explanation

- Each year, the City of Charlotte receives funds from the Justice Assistance Grant Program administered by the U.S. Department of Justice. The grant funds must be used for law enforcement purposes.  
- The grant award amount is based on an index of reported violent crime rates. 
- The enabling legislation for the grant requires that the City share a portion of the funds with Mecklenburg County, since the County is responsible for the incarceration of offenders. The formula for distribution is 75/25, with the City of Charlotte receiving 75% of the funds and Mecklenburg County (Sheriff’s Office) receiving 25% of the awarded funds.  
- The City’s share of the funds will be $330,931; Mecklenburg County will receive $110,310.  
- The Charlotte-Mecklenburg Police Department will use the grant funds for three purposes:  
  - $155,915 will be used to cover overtime for patrol officers to address crime problems at the neighborhood level, including responding to emerging crime trends, identifying and targeting suspects, and working with partners to address crime.  
  - $20,000 will be used to cover overtime for Crime Lab employees to complete evidence analysis in priority cases and to address any backlogs in evidence analysis.  
  - $155,016 will be used to fund the Police Cadet Program, in which college students majoring in criminal justice gain exposure to police work while they perform tasks that do not require expertise of sworn police officers.  
- The grant does not require matching funds from the City.  
- The grant period runs from October 1, 2014, to September 30, 2018.

Fiscal Note
Funding: Justice Assistance Grant

Attachment
Budget Ordinance
ORDINANCE NO. ______________________

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE APPROPRIATING $441,241 FROM THE FEDERAL JUSTICE ASSISTANCE GRANT PROGRAM.

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

Section 1. That the sum of $441,241 is hereby estimated to be available from the US Department of Justice Justice Assistance Grant Program.

Section 2. That the sum of $441,241 is hereby appropriated to the General Grants and LTD Project Fund (2600), project 3050000086; GL 2600-30-30-0000-000000-000000-000-421101

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney
Evidence Lockers

Action:

A. Approve the purchase of evidence lockers, as authorized by the sole source exemption of G.S. 143-129 (e)(6),

B. Approve a contract with Connecting Elements for the purchase of evidence lockers for the term of three years and,

C. 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 City's business needs and the purpose for which the contract was approved.

Staff Resource(s): Brian Russell, Police
Greg Crystal, Police

Sole Source Exemption

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

Explanation

- The Charlotte-Mecklenburg Police Department has installed Connecting Elements evidence lockers at the Law Enforcement Center and five other divisions.
- Currently, all evidence from divisions without evidence lockers is taken to the Law Enforcement Center.
- Installing evidence lockers in the remaining seven divisions will eliminate the need for the officers to drive the property to the Law Enforcement Center, substantially increasing the time that the officer is available for service in their respective division.
- Purchasing lockers consistent with existing lockers installed at division offices will provide consistency throughout the department in how the officers use all evidence lockers.
- Future maintenance and warranty work will be better managed through one company.
- Annual expenditures for Fiscal Year 2016 are estimated to be $120,000 and will be $60,000 annually for the following two years.
- The evidence lockers are being sole sourced in order to maintain uniformity. Having uniform lockers accommodates the chain of custody transfer between the officer and the division evidence locker.
Charlotte Business INClusion
This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INClusion Policy).

Fiscal Note
Funding: Police Operating Budget and Asset Forfeiture Funds
Everbridge Emergency Mass Notification System

Action:

A. Authorize the City Manager to approve price adjustments and amend the contract with Everbridge for the Emergency Alert and Notification System consistent with the City’s business needs and the purpose for which the contract was awarded,

B. Authorize the City Manager to purchase maintenance and support for as long as the City uses the system, and

C. Authorize the City Manager to purchase such additional software licenses, services, and hardware as needed from time to time to optimize the City’s use of the system.

D. Adopt a budget ordinance appropriating $81,140 in system cost share contributions from Mecklenburg County and Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville.

Staff Resource(s):
Rich Granger, Fire

Explanation

- On September 13, 2013, the City Council authorized the City Manager to approve a three year contract and up to three, one-year renewal options for extended software maintenance and support for the Everbridge Notification System.

- To date, Everbridge remains the leader of Emergency Alert and Notification products due to its vision, leadership, and execution in emergency alerting and crisis/incident management integration.

- This is a hosted system that is used for unlimited emergency and non-emergency notifications to the public, to include missing persons, severe weather, evacuations, severe weather road conditions, infectious diseases, prescribed burns, live fire training, and rabies notifications.

- Residents and employees can be notified in minutes, with one notification, allowing management to focus on critical decisions. This system is used for the following:
  - Reverse 911 notifications to residents for emergency and non-emergency alerts;
  - Charlotte-Mecklenburg Police Department notifications to command staff about critical incidents;
  - Charlotte Fire Department for callbacks during emergency situations, such as multiple-alarm fires;
  - Mecklenburg County Sheriff’s Office for command staff incident notifications; and
  - City, County, and Town employee notification of government delays and closings.
Since the system was initially implemented, technology enhancements have become available that the City would like to provide to its residents.

As enhancements are made to the system, these additional services can easily be added to the contract, since the system is hosted, but may require an additional fee.

The Fire Department requests authorization to purchase additional services for the Everbridge system that will provide enhanced functionality to residents and increase the efficiency of disseminating important information to the community. For example, the mobile service will allow residents to receive notifications via a smartphone application that is compatible with both Android and iOS phones, which means that a person can receive notifications at any time of day, no matter their location.

The cost for this system will be shared among the City, the County, and the six Towns, based on population, as follows:

- Charlotte-$168,860
- Mecklenburg-$50,000
- Cornelius-$5,580
- Davidson-$2,420
- Huntersville-$10,540
- Matthews-$5,940
- Mint Hill-$5,000
- Pineville-$1,660

Expected annual maintenance is $250,000, including $30,000 for the new mobile service.

Charlotte Business INClusion

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

Fiscal Note
Funding: Fire Emergency Management Operating Budget, Mecklenburg County, and Towns (Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville)

Attachment
Budget Ordinance
ORDINANCE NO. ______________________

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF $81,140 FROM MECKLENBURG COUNTY AND THE TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, MATTHEWS, MINT HILL, AND PINEVILLE TO FUND THE EVERBRIDGE EMERGENCY MASS NOTIFICATION SYSTEM.

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

Section 1. That the sum of $81,140 is estimated to be available from the following sources:
   Mecklenburg County ($50,000), Town of Cornelius ($5,580),
   Town of Davidson ($2,420), Town of Huntersville ($10,540), Town of Matthews ($5,940),
   Town of Mint Hill ($5,000), and Town of Pineville ($1,660).

Section 2. That the sum of $81,140 is hereby appropriated to the following departmental account string:
   GL 1000-31-30-3140-000000-000000-000-522250

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective upon adoption.

Approved as to form:

____________________________________
City Attorney
North Church Street Closing at CSX Railroad Crossing

Action:

Award a contract in the amount of $618,240 to the lowest responsive bidder Blythe Development Company for the construction of the North Church Street Railroad Crossing project.

Staff Resource(s):
Alan Morrison, Engineering & Property Management
Felix Obregon, Transportation

Explanation

▪ In January 2007, the North Carolina Department of Transportation and Charlotte Department of Transportation signed a Memorandum of Understanding (MOU) outlining certain projects to improve safety of railroad crossings.
▪ The North Church Street Railroad Crossing project will address safety issues by closing North Church Street at the CSX Railroad crossing.
▪ To provide full access to all of the businesses along the corridor, the project will:
  ▪ Convert the 900 block of North Church Street to a two-way operation,
  ▪ Extend Wadsworth Place to North Church Street,
  ▪ Signalize North Tryon Street at Wadsworth Place, and
  ▪ Add turnaround areas at the ends of the closed section of North Church Street to allow large vehicles adequate ingress and egress.
▪ On April 28, 2015, the City advertised an Invitation to Bid; three bids were received from interested service providers. All bids received exceeded the estimate and all bids were rejected by the City Manager (with concurrence from the North Carolina Department of Transportation). A re-evaluation of the estimate was made and the project was re-advertised.
▪ On July 16, 2015, the project was re-advertised. Two bids were received from interested service providers and staff was able to accept the bids.
▪ Blythe Development Company was selected as the lowest responsive bidder.
▪ The total project cost is $1,815,000 and the project includes Federal Reimbursement in the amount of $975,000. The remaining balance of $221,760 will be used towards signalization and other project expenses.
▪ Construction is expected to be completed by third quarter 2016.

Disadvantaged Business Enterprise
Established DBE Goal: 5.00%
Committed DBE Goal: 5.83%
Blythe Development Co. exceeded the established DBE goal and has committed 5.83% ($36,048.50) of
the total contract amount to the following certified DBE firms:
  - Bullington Construction Inc. (DBE), state WBE ($36,048.50)(barricades and chain link)

**Fiscal Note**
Funding: Transportation Community Investment Plan and North Carolina Department of Transportation

**Attachment**
Map
Location Map: North Church Street Railroad Crossing (Council Districts 1 and 2)
CityLYNX Gold Line Phase 2 Real Estate Services

Action:

A. Award the following real estate related service firms for a five year term:

1. ROW Acquisition and Relocation Services
   a. THC, Inc ($225,000)

2. Appraisal Services
   a. Fortenberry Lambert, Inc. ($20,000)
   b. Integra Realty Resources ($70,000)
   c. T. B. Harris, Jr. & Assoc., Inc. ($50,000)

3. Appraisal Review Services
   a. The Hanes Group, Inc. ($20,000)
   b. William R. Morgan ($20,000)

Staff Resource(s):
Becky Insogna, Engineering & Property Management
Greg Crawford, Engineering & Property Management

Explanation

- Separate contracts are required to meet the guidelines of federal agencies, including Federal Transit Administration, Federal Highway Administration, Housing and Urban Development, and North Carolina Department of Transportation.

- City Council previously authorized $12 million to advance project development for the Small Starts Grant application process. To date, approximately $9 million has been encumbered or expended. The aforementioned contracts, totaling $405,000, are within the previously authorized $12 million.

- These contracts will allow appraisals and negotiations with critical property owners to begin. Appraisals are necessary to advance the cost estimate in order to finalize the Small Starts Grant Agreement with Federal Transit Administration.

- Based on the current project schedule and continued work with the Federal Transit Administration, it is anticipated that the Small Starts Grant Agreement will be awarded in the first quarter of 2016, contingent upon Congressional Appropriations.

- Although no streetcar construction work will begin until the Small Starts Grant Agreement is received, some critical property negotiations/acquisitions may need to be advanced prior to the grant approval to maintain the project schedule. In accordance with North Carolina General Statues, the City Charter and Council Resolution, any negotiations resulting in real estate acquisition will be brought to City Council for individual approval.

- The work is eligible for reimbursement upon execution of the Small Starts Grant Agreement.
Real Estate Acquisition and Relocation Services

- The contract will ensure that Federal Transit Administration guidelines for acquiring real property for use on federally funded projects are followed.
- Right-of-way acquisition and relocation services are required to obtain title to the property rights necessary for the construction and operation of the CityLYNX Gold Line Phase 2 Project and to relocate any persons displaced as a result of the project.
- The consultant will negotiate the acquisitions and provide relocation assistance, if needed, to all eligible persons displaced by the project.
- The City will issue work orders for the project to each contractor.
- In July 2015, a Request for Proposals for these services was advertised; seven firms submitted a proposal for acquisition and relocation services.
- THC, Inc was selected using the federal competitive proposal selection process. The criteria included previous experience on Federal Transit Administration projects, performance and pricing using the City Council-approved selection process.

Appraisal and Appraisal Review Services

- The contract will ensure that Federal Transit Administration guidelines for acquiring real property for use on federally funded projects are followed.
- Real estate appraisal and real estate review appraisal services are required during the real estate acquisition phase of public projects to determine impacts to real property.
- Certified independent real estate appraisers are required to have expertise in eminent domain appraisals and establishing fair and just compensation for property owners.
- Each property must have an appraisal before compensation can be established.
- In August 2015, a Request for Proposals for these services was advertised; nine firms submitted a proposal for appraisal and appraisal review services.
- The firms were selected using the federal competitive proposal selection process. The criteria included previous experience on Federal Transit Administration projects, performance and pricing using the City Council-approved selection process.

Background

- The CityLYNX Gold Line Phase 2 project extends the Phase 1 streetcar alignment by 2.5 miles on the east and west ends, creating a system that totals 4 miles.
- CityLYNX Gold Line Phase 2 will head west 2 miles from the Charlotte Transportation Center to French Street and east one-half mile along Hawthorne Lane from Novant Health to Sunnyside Avenue.
- Phase 2 will serve as an engine for economic growth by providing effective and efficient transit operations, connecting key neighborhoods and maximizing development opportunities.

Disadvantaged Business Enterprise

No subcontracting goals were established for these contracts because there are no opportunities.

Fiscal Note
Funding: General Community Investment Plan
Residential Relocation Payments

Action:  
Authorize the City Manager to approve Residential Relocation Payments associated with the Pawtuckett Neighborhood Improvement project.

Staff Resource(s):  
Becky Insogna, Engineering & Property Management  
David Meachum, Engineering & Property Management

Explanation

- Real estate acquisition for the Pawtuckett Neighborhood Improvement project will require the relocation of one residential owner-occupant located at 6746 Glenmoor Drive.
- The project required a storm drainage culvert to be enlarged on the property. After construction, it was apparent the physical and financial impacts to the property were greater than anticipated during design and easement acquisition.
- Staff reviewed several options with the owner and determined that the cost to redesign and construct an alternative drainage system would be greater than the cost to relocate the property owner.
- All residential relocations required for City community investment projects are completed in accordance with the Uniform Relocation Assistance (URA) and Real Property Acquisition Policies Act of 1970 as amended (Uniform Act), which allows for reimbursement of replacement housing payments, moving expenses, and the removal of barriers for persons with disabilities.
- The City follows the URA on all relocations in order to treat property owners fairly and consistently when they are displaced as a result of an improvement project.
- The relocation reimbursement for this owner-occupant, including modifications to the replacement dwelling, is estimated to exceed $100,000 and requires City Council approval.
- Staff anticipates the City selling the property at 6746 Glenmoor Drive to a buyer who will accept the property in its present condition at the approximate appraised value of $55,500. The property is for residential use.

Background

- The Uniform Act intends to ensure that owners of real property to be acquired and nonprofit businesses displaced as a direct result of improvement projects are treated fairly, consistently, and equitably.
- The Uniform Act also intends to ensure that the agencies acquiring property implement these regulations in a manner that is efficient and cost effective.
- Eligible relocation benefits for residential relocations are determined by the cost difference of the appraised value of the home being purchased and the value of an available decent, safe, and
sanitary comparable replacement.

- Relocation benefits for modifications to the replacement dwelling in order to be handicap accessible is determined by the lower of at least two bids from qualified contractors and are paid for actual expenses incurred.

**Fiscal Note**
Funding: Neighborhood Community Investment Plan

**Attachment**
Map
Location Map: Residential Relocation Payments (Council District 3)
Repairs to City Bridges

Action: Award a contract in the amount of $2,771,337.60 to the lowest responsive bidder Lee Construction Company of the Carolinas, Inc. for the Fiscal Year 2015 Bridge Structure Repairs project.

Staff Resource(s): Gus Jordi, Transportation

Explanation
- The Federal Highway Administration mandates that bridges and culverts be inspected every two years for structural adequacy, safety, and functionality.
- The City is responsible for the inspection and maintenance of 208 bridges within Charlotte’s city limits.
  - On March 24, 2014, City Council approved a contract to inspect City bridges and culverts.
  - On March 23, 2015, City Council approved a contract for repair design.
- The repair contract provides for routine construction and maintenance work to 96 bridges identified in the inspection process.
- Work includes but is not limited to:
  - Superstructure replacement;
  - Concrete pavement repairs;
  - Asphalt surface sealing, repair, or replacement;
  - Brush and tree control;
  - Debris removal;
  - Soil and erosion repairs;
  - Barrier rail, hand railing installation, and repairs;
  - Retaining wall repairs and replacement;
  - Culvert repairs;
  - Removal, containment and disposal of the existing materials;
  - Traffic control; and
  - Erosion and sediment control.
- On July 22, 2015, an Invitation to Bid was advertised for the Fiscal Year 2015 Bridge Structure Repairs project; three bids were received.
- Lee Construction Company of the Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- Bridge repair funding is provided through the 2014 Bond Referendum and it is included in the Transportation Community Investment Plan.

Charlotte Business INClusion
Established SBE Goal: 12.00%
Committed SBE Goal: 14.18%
Lee Construction Company of the Carolinas, Inc. exceeded the established SBE subcontracting goal, and has committed 14.18% ($392,970) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INClusion Policy):

- Oliver Paving Company, Inc. (SBE, WBE) ($335,000) (paving)
- Jones Grading & Fencing, Inc. (SBE, MBE) ($57,970) (hauling)

Established MBE Goal: 2.00%
Committed MBE Goal: 2.09%

Lee Construction Company of the Carolinas, Inc. exceeded the established MBE subcontracting goal, and has committed 2.09% ($57,970) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INClusion Policy):

- Jones Grading & Fencing, Inc. (SBE, MBE) ($57,970) (hauling)

**Fiscal Note**
Funding: Transportation Community Investment Plan

**Attachment**
Map
List of Bridges
### 2015 Repairs Contract Bridge List

<table>
<thead>
<tr>
<th>Structure Number</th>
<th>Facility Carried</th>
<th>Feature Intersected</th>
<th>City</th>
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<td>5/12/2014</td>
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<td>61</td>
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<tr>
<td>62</td>
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<td>63</td>
<td>WESTMONT DRIVE</td>
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<td>64</td>
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<td>66</td>
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<td>67</td>
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<td>69</td>
<td>TYVOLA ROAD</td>
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<td>70</td>
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<td>71</td>
<td>EAST HARRIS BLVD.</td>
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<td>SHARON VIEW RD.</td>
<td>SWAN RUN BRANCH</td>
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<td>74</td>
<td>E.WESTINGHOUSE BLV</td>
<td>KINGS BRANCH</td>
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<td>COLONY ROAD</td>
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<td>76</td>
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<td>Facility Carried</td>
<td>Feature Intersected</td>
<td>City</td>
<td>Last Inspection Date</td>
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<td>COC052 Fox Point Dr.</td>
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<td>Vehicle</td>
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Interstate-85 North Bridge Planning and Owner’s Advisor

Action: Approve a contract in the amount of $1,868,900 with HDR Engineering, Inc., of the Carolinas for planning and owner’s advisor services on the Interstate-85 North Bridge project.

Staff Resource(s):
Dan Leaver, Engineering & Property Management
Matt Magnasco, Transportation

Explanation
- The project will construct a bridge over Interstate-85 and provides a connection between the University Research Park and the LYNX JW Clay Station, Charlotte Research Institute, UNCC Campus and the shopping and services at University Place.
- The project is the City’s first transportation design-build project.
- The project scope includes:
  - Project planning,
  - Community engagement,
  - Assisting staff in developing and documenting the design-build process necessary for future transportation projects,
  - Design and construction support,
  - Technical review of structural and geotechnical submittals, and
  - Advising the City during the life of the design-build project.
- On January 14, 2015, the City issued a Request for Qualifications for the Interstate-85 North Bridge planning and owner’s advisor services; five proposals were received from interested service providers.
- The project team, consisting of staff from Engineering & Property Management, Charlotte Department of Transportation, Planning, and the North Carolina Department of Transportation evaluated the proposals, shortlisted to three firms, and conducted interviews.
- Staff determined that HDR Engineering, Inc., of the Carolinas best meets the City’s needs in terms of qualifications, experience, project approach, familiarity with local conditions, codes and practices, and responsiveness Request for Qualifications requirements.
- The project was included in the City’s General Community Investment Plan, with $3 million allocated in the 2014 Bond Referendum.

Charlotte Business INClusion
The City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1
(h) of the Charlotte Business INClusion Policy). For this contract, HDR Engineering, Inc. of the Carolinas has committed 10.87% ($203,200) of the total contract amount to the following certified firms:

- CMW Design Strategies, PLLC (SBE) ($98,600) (community engagement)
- Bloc Design, PLLC (SBE) ($44,800) (visualizations for community engagement)
- Carolina Wetland Services, Inc. (SBE, WBE) ($24,200) (environmental investigation)
- Soil Drilling Services, Inc. (SBE, WBE) ($20,200) (drilling services)
- Spot’ em, Inc. (SBE, MBE) ($8,800) (subsurface utility engineering)
- Mattson, Alexander & Associates, Inc. (SBE) ($6,600) (historical architectural resources survey)

**Fiscal Note**
Funding: Transportation Community Investment Plan

**Attachment**
Map
Interlocal Agreement with Mecklenburg County for Cross Charlotte Trail

Action:
A. Adopt a resolution to enter into an Interlocal Agreement between the City of Charlotte and Mecklenburg County establishing the Cross Charlotte Trail as a jointly-sponsored project of the City of Charlotte and Mecklenburg County, and

B. Authorize the City Manager to execute any and all documents necessary to comply with the terms of the Agreement.

Staff Resource(s):
Joe Frey, Engineering & Property Management

Explanation
- Creating the Cross Charlotte Trail is a joint goal of the City and County and is proposed to be a continuous multi-use trail that spans 26 miles across the City from Pineville to Cabarrus County.
- The agreement will establish the Cross Charlotte Trail as a jointly-sponsored project and outlines the general responsibilities of each entity for development, management, and maintenance of the Trail.
- Approximately 7.5 miles of the 26-mile alignment already exists as Mecklenburg County greenways located along Little Sugar Creek, Toby Creek, and Mallard Creek.
- Mecklenburg County intends to expand Little Sugar Creek Greenway and Toby Creek Greenway to add approximately 5.5 miles to the alignment for a total of approximately 13 miles.
- The City intends to design and build 13 miles of new trail by extending existing greenways and filling gaps between existing trail segments, to create a continuous 26-mile trail.
- Mecklenburg County will assume routine management and maintenance of each new trail segment upon completion and acceptance, except where the trail may cross a City road right-of-way.
- The agreement provides for non-routine maintenance, such as major repairs or reconstruction, which will be managed based on future agreements between City and Mecklenburg County when such need should occur.
- As deemed necessary or appropriate by staff and with the City Council and Board of County Commissioner approvals, additional agreements or amendments will be allowed and should be expected outlining more specific details of such items as:
  - Sharing of responsibilities on or between trail segments,
  - Public art installations, and
  - Signage and way finding systems.
- The Mecklenburg County Board of Commissioners will consider this agreement for approval on
October 6, 2015.

**Background**
- The Cross Charlotte Trail is a project in the City’s current General Community Investment Plan, with $5 million allocated from the 2014 Bond Referendum and an additional $30 million included in the proposed 2016 Bond Referendum.
- Once completed, residents will be able to travel seamlessly from one end of Charlotte to the other. Approximately 98,000 jobs and 80,000 residents will be within a half-mile of the proposed trail.

**Charlotte Business INClusion**
This is an Interlocal Agreement contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INClusion Policy).

**Fiscal Note**
Funding: Transportation Community Investment Plan

**Attachment**
Map
Interlocal Agreement
Resolution
Location Map: Cross Charlotte Trail (Council Districts 1, 4 and 6)
INTERLOCAL COOPERATION AGREEMENT
(Cross Charlotte Trail)

THIS INTERLOCAL COOPERATION AGREEMENT ("Agreement") made and entered as of the _____ day of __________ 2015, by and between the City of Charlotte, North Carolina, (hereinafter called "CITY") and Mecklenburg County (hereinafter called "COUNTY").

WITNESSETH:

WHEREAS, under Article 20 of Chapter 160A of the North Carolina General Statutes, as amended, cities and counties are authorized to enter into interlocal cooperation undertakings with each other for the contractual exercise by one unit of local government for the other unit of local government of any power, function, public enterprise, right, privilege, or immunity of local government; and

WHEREAS, CITY and COUNTY wish to develop as a jointly sponsored project consisting of paved paths, bridges, plazas, associated infrastructure amenities, and site furnishings, which project is referred to herein as the Cross Charlotte Trail ("TRAIL"); and

WHEREAS, TRAIL will be a public pathway for non-motorized transportation and recreational use that ultimately traverses Charlotte, North Carolina from Pineville to Cabarrus County by connecting existing COUNTY greenways with new greenways and urban trail segments. It will follow a route to be determined, but approximately as shown in EXHIBIT A attached hereto; and

WHEREAS, CITY and COUNTY desire by this Agreement to enter into an agreement with respect to development, maintenance, operation, and programming of new segments of the TRAIL.

AGREEMENT

NOW, THEREFORE in consideration of the foregoing recitals, which are incorporated herein, the mutual covenants and conditions hereinafter set forth, the parties hereto agree for themselves, their successors and assigns, as follows:

1. Purpose: The purpose of this Agreement is to define CITY and COUNTY duties pertaining to the development, maintenance, and operation of the TRAIL. "Development" for purposes of this Agreement includes planning, design, real estate acquisition, permitting, obtaining bids for construction in accordance with North Carolina law, contracting for construction, and construction administration.

2. Term of Agreement: The term of this Agreement with respect to Trail Development shall begin on the date it is entered into and end when the last
segment of the TRAIL that is to be constructed by the CITY has been completed and turned over to the COUNTY for maintenance. The term of this Agreement with respect to TRAIL maintenance by the COUNTY is to start at the time that each segment of the TRAIL is turned over to the COUNTY for maintenance, and will end at such time, if ever, that the CITY or COUNTY agree to close the TRAIL or segments of the TRAIL to the public.

3. CITY duties:

A. Trail Development
   i. CITY will take primary responsibility for Development of TRAIL segments indicated to be primary responsibility of CITY as shown on EXHIBIT A attached hereto.
   ii. CITY agrees that all segments of the TRAIL that it constructs or causes to be constructed (“CITY SEGMENTS”) will be developed to meet, at a minimum, the standards established by the COUNTY for COUNTY greenways at the time of design of the segment, including COUNTY specifications and warranty requirements, unless otherwise agreed to in writing by the COUNTY. CITY agrees that its contracts with design professionals and contractors for any CITY SEGMENTS built on property owned, leased or otherwise controlled by the COUNTY will require that the COUNTY be indemnified to the same extent as the CITY, and that the insurance to be provided by such third parties also name the COUNTY as an entity protected to the same extent that the CITY will be protected.
   iii. For CITY SEGMENTS, the City will provide preliminary alignment and construction documents to the COUNTY for staff review and comment at completion of 50% CD’s (design development) and at completion of 75% CD’s. The CITY will also provide the COUNTY with final Bid documents for COUNTY review and comment at the time of bidding, and any “As-Built Documents” at the time of construction completion.
   iv. The TRAIL segments shown on EXHIBIT A are not intended to show the precise locations where the CITY TRAIL segments are to be built or exactly where they connect to the COUNTY’s greenways. The COUNTY’s Park and Recreation Department Director and the Director of the CITY Department of Transportation are authorized to determine such locations and to agree to joint Development of some TRAIL segments so long as funds have been appropriated for development of such segments by the governing body of the entity that is to develop the TRAIL segment.
   v. CITY agrees to transfer to the COUNTY all warranties from its designers, contractors and other professionals who assist in CITY SEGMENT Development and agrees to assist the COUNTY in enforcement of such warranties.

B. Real Estate and Easement Acquisition
   i. CITY will take primary responsibility for acquisition of real estate and/or easements necessary for Development of CITY SEGMENTS.
ii. Any and all easements obtained by CITY for the TRAIL shall be joint easements granting full rights to both CITY and COUNTY for Development, operation, and maintenance of the TRAIL.

iii. The CITY agrees to reimburse the COUNTY for the purchase price of land and/or easements acquired by the COUNTY for segments that are necessary for the Development of CITY Segments within sixty (60) days after being invoiced by the COUNTY for such reimbursable expenses. These are for segments acquired after November 2, 2014.

C. Land Ownership and Right-of-Entry:
   
   i. CITY agrees to grant COUNTY all necessary Rights-of-Entry and permission to construct and maintain segments of the TRAIL on property owned, leased or otherwise controlled by the CITY which have been designated by the COUNTY’s Park and Recreation Department Director as segments to be constructed by the COUNTY, and which segments CITY agrees may be constructed by COUNTY on such property, and agrees to execute documents reasonably requested from time to time by the COUNTY to document such permission.

   ii. Should COUNTY need and request Rights-of-Entry for maintenance of the TRAIL built on property owned, leased or otherwise controlled by CITY, but not owned, leased or otherwise controlled by the CITY exclusively for TRAIL, CITY shall not withhold such Rights-of-Entry unless a compelling reason exists. Should the CITY withhold such Rights-of-Entry needed by the COUNTY to do maintenance on a segment of the TRAIL on CITY owned, leased or otherwise controlled property, the COUNTY shall be relieved of its responsibility under this Agreement to perform such maintenance on that segment of the TRAIL.

   iii. CITY agrees to allow staff and/or firms contracted by either party to obtain access through gates and entrance areas to the TRAIL on property owned, leased or otherwise controlled by the CITY for maintenance and repair related purposes.

D. Operations and Programming:

   i. CITY shall have no obligations related to the day-to-day operations of TRAIL except to pass along to COUNTY any citizen calls regarding operations or maintenance concerns specific to the TRAIL.

   ii. COUNTY agrees to cooperate with CITY if any programming is planned by the CITY for the TRAIL. Permission for programming shall not be unreasonably withheld.

E. Routine Maintenance:

   i. CITY hereby grants COUNTY all necessary Rights-of-Entry to maintain all segments of TRAIL constructed by the CITY on CITY owned property or on property on which the CITY has obtained an easement in accordance
with maintenance responsibilities of COUNTY as defined in this Agreement.

ii. CITY will have primary responsibility for daily routine maintenance of portions of TRAIL within or crossing CITY maintained roadways.

iii. CITY has the right, but not the duty, to supplement COUNTY maintenance of the TRAIL by providing COUNTY with thirty (30) days written notice of intent to do so, along with a list of maintenance items to be performed by CITY.

F. Improvements and Major Repairs:
   i. CITY will work with COUNTY to monitor condition of TRAIL to identify when major repairs are required and jointly plan an approach to making these repairs.
   ii. In the event of Force Majeure, as defined in this Agreement, resulting in significant damage to TRAIL, consistent with budgetary limitations of CITY, CITY will work with COUNTY to repair any major damage done to TRAIL.

G. Fees:
   CITY and COUNTY agree not to charge fees for daily use of the TRAIL. This would not apply to any Large Events planned by CITY or COUNTY staff. Fees from festivals and other events where fees are charged for use of the TRAIL will be collected by the COUNTY and retained by the COUNTY. The CITY will not have to pay any fees except for Large Events. “Large Events” are events expected to attract more than 100 people. Such fees shall be as set by the COUNTY.

H. Utilities:
   CITY agrees to pay for the installation of lights, maintenance of lights, and electricity, if desired for lighting of CITY developed TRAIL segments unless otherwise agreed by the Director of the COUNTY Park and Recreation Department that the COUNTY would be responsible for some or all of such expenses of maintenance and for payment for electricity. The Director of COUNTY Park and Recreation Department may not agree to assume such responsibilities unless the budgets adopted by the Mecklenburg County Board of Commissioners include funds for such expenses.

I. Security:
   CITY will provide primary security for the trail through the Charlotte-Mecklenburg Police Department with foot, bicycle and vehicle patrols. COUNTY will have Park Watch patrol the TRAIL on a regular basis, when available.
J. **Signage:**
CITY will work with COUNTY to incorporate branding and signage. CITY and COUNTY agree that such signage will need to recognize, at a minimum, the names of various individual greenways, individual segments of certain greenways, the Carolina Thread Trail (where applicable) as well as the CROSS CHARLOTTE TRAIL. The CITY and COUNTY agree to continue to utilize the existing established County Greenway Wayfinding System currently being used on COUNTY greenways as the primary identification and directional wayfinding program for the TRAIL. Any agreed upon CROSS CHARLOTTE TRAIL nomenclature and/or signage shall be incorporated or added into the existing County Greenway Wayfinding System.

K. **Public Art:**
CITY will coordinate all efforts with regard to public art programs and installations with COUNTY. CITY will obtain approval to install public art from COUNTY prior to such installation. In the event that public art installed by CITY needs repairs, CITY will coordinate repairs with COUNTY. CITY shall retain ownership of all public art installed by CITY.

4. **COUNTY duties:**

A. **Trail Development**
   i. COUNTY will take primary responsibility for funding and Development of TRAIL segments indicated to be primary responsibility of COUNTY as shown on EXHIBIT A attached hereto.
   ii. CITY and COUNTY staff will coordinate respective endpoints and connection between contiguous segments of TRAIL being developed separately by CITY and COUNTY.

B. **Real Estate and Easement Acquisition**
   i. COUNTY will take primary responsibility for acquisition of real estate and/or easements necessary for Development of segments of TRAIL for which COUNTY has primary responsibility as shown on EXHIBIT A.
   ii. Any and all easements obtained by COUNTY for CITY SEGMENTS shall be joint easements granting full rights to both CITY and COUNTY for Development, operation, and maintenance of TRAIL.
   iii. The COUNTY agrees to reimburse the CITY for the purchase price of land and/or easements acquired by the CITY for segments that are necessary for the Development of segments of TRAIL for which COUNTY has primary responsibility as shown on EXHIBIT A within sixty (60) days after being invoiced by the CITY for such reimbursable expenses.
C. Land Ownership and Right-of-Entry:
   i. COUNTY agrees to grant CITY all necessary Rights-of-Entry and permission to construct and maintain segments of the TRAIL on property owned, leased or otherwise controlled by the COUNTY which have been designated by the COUNTY’s Park and Recreation Department Director as segments to be constructed by the CITY, and agrees to execute any additional documents reasonably requested from time to time by the CITY to additionally document such permission.
   ii. COUNTY agrees to allow staff and/or firms contracted by either party to obtain access through gates, and entrance areas to the TRAIL located on property owned, leased or otherwise controlled by the COUNTY for maintenance/repair related purposes.

D. Operations and Programming:
   i. COUNTY staff will respond to citizen calls regarding operation and maintenance concerns specific to the TRAIL.
   ii. Issues raised will be communicated with the CITY as needed to insure appropriate responses.
   iii. The COUNTY will be responsible for maintenance and repairs as needed.
   iv. COUNTY agrees to manage programming of events on TRAIL in accordance with rules to be established by COUNTY staff.
   v. COUNTY agrees to coordinate with CITY any programming that is planned for CITY SEGMENTS.
   vi. COUNTY agrees to allow CITY to plan and carry out programming for the TRAIL in coordination with COUNTY and within parameters agreed to by staff. Permission for programming shall not be unreasonably withheld.

E. Routine Maintenance:
   i. Consistent with budgetary limitations, COUNTY will assume primary responsibility for maintenance, repair and upkeep of the TRAIL, including pavement, boardwalks, bridges, walls and other structural elements, amenities, signage, lighting (if accepted for maintenance by the COUNTY) and improved shoulder areas. These duties will include, but not be limited to, trash collection and removal, debris removal, regular safety inspections, mowing, seasonal pruning of overhanging trees and trailside vegetation and clean up after flood events. The COUNTY may contract this work at times.
   ii. COUNTY will assume maintenance on segments of CITY SEGMENTS, and each CITY SEGMENT shall officially become part of the TRAIL for all purposes covered by this Agreement, only after such CITY SEGMENTS have been completed and the Director of the COUNTY Park and Recreation Department and the Director of the Charlotte Department of Transportation have signed and added to this Agreement an EXHIBIT in the form attached hereto as EXHIBIT B,
with such executed EXHIBITS being numbered sequentially starting with EXHIBIT B-1.

iii. COUNTY agrees to be responsible for repairing/correcting any conditions, i.e., erosion, deterioration of the trail on CITY SEGMENTS that may occur after completion of construction of a CITY SEGMENT and any associated warranty period.

iv. COUNTY is not responsible for maintaining CITY-owned equipment or upgrading such equipment to meet local, State, and federal requirements.

v. COUNTY will conduct annual operations and maintenance inspections in coordination with CITY to determine if satisfactory operations and maintenance is occurring and to consider capital improvements.

F. Improvements and Major Repairs:
   i. COUNTY will work with CITY to monitor condition of TRAIL to identify when major repairs are required and jointly plan an approach to making these repairs.
   ii. In the event of Force Majeure, as defined in this Agreement, resulting in significant damage to TRAIL, consistent with budgetary limitations of COUNTY, COUNTY will work with CITY to repair any major damage done to TRAIL.

G. Security:
   COUNTY will support safety and security along TRAIL by using Park Watch staff to monitor it on a regular basis, when available

H. Signage:
   COUNTY will work with CITY to incorporate branding and signage as provided in Section 3.K.

I. Public Art:
   COUNTY will coordinate all efforts with regard to public art programs and installations with CITY. COUNTY shall retain ownership of all public art installed by COUNTY.

5. Meetings. COUNTY and CITY agree to take such other and further steps as reasonable to accomplish the purpose of this Agreement. The parties agree to conduct meetings as necessary to review each party’s performance under this Agreement and/or improve delivery of services.

6. Force Majeure. Neither party shall be deemed in default with respect to any of the terms, covenants and conditions of this Agreement if the party fails to perform and its failure is due in whole or in part to any strike, lockout, labor trouble (whether legal or illegal), except for such events which are caused by that party’s
own employees; civil disorder; inability to procure material; failure of power; restrictive governmental laws and regulations; riots, insurrections, war, or civil strife, fuel shortages, accidents, casualties; Acts of God; acts caused directly or indirectly by the other party (or the other party’s agents, employees or invitees); or any other cause beyond the commercially reasonable control of the non-performing party.

7. **CITY Indemnification.** To the extent permitted by law, CITY agrees to indemnify, defend and save harmless COUNTY, its agents, officers and employees from and against any and all liability, expense (including defense costs and legal fees) and claims for damages including, but not limited to bodily injury, death, personal injury, or property damage arising from or connected with CITY’s development, operations, installations, plantings, construction or its other services hereunder, including any Worker's Compensation suits, liability or expense, arising from or connected with services performed on behalf of CITY by any person pursuant to this Agreement. CITY’s duty to indemnify COUNTY shall survive the expiration or other termination of this Agreement.

8. **COUNTY Indemnification.** To the extent permitted by law, COUNTY agrees to indemnify, defend and save harmless CITY, its agents, officers and employees from and against any and all liability, expense (including defense costs and legal fees) and claims for damages including, but not limited to bodily injury, death, personal injury, or property damage arising from or connected with COUNTY’s development, operations, installations, plantings, construction or its other services hereunder, including any Worker’s Compensation suits, liability or expense, arising from or connected with services performed on behalf of COUNTY by any person pursuant to this Agreement. COUNTY’S duty to indemnify CITY shall survive the expiration or other termination of this Agreement.

9. **Methods of Amending or Terminating this Agreement.** This Agreement may be amended or terminated by written agreement authorized by the governing bodies of each party and signed by authorized representatives of both parties. This Agreement may also be terminated by court order upon the finding that there has been substantial breach of this Agreement by the non-complaining party so as to entitle the complaining party to be relieved of its obligations under this Agreement.

10. **Enforcement of Agreement.** The parties agree that the remedy of specific performance would be an appropriate remedy, among others, for the enforcement of this Agreement.

11. **Entire Agreement.** This Agreement contains the entire agreement between CITY and COUNTY concerning real estate acquisition, development, maintenance and operation of the TRAIL. There are no other agreements, either oral or written, respecting the subject matter of this Agreement, and this Agreement may not be altered, amended (except as provided herein by the
addition of EXHIBIT Bs), or terminated except by a writing signed by both parties hereto.

**IN WITNESS WHEREOF**, this Agreement has been duly executed as of the date set forth in the Preamble hereto.

**COUNTY:**

By: ______________________

**CITY:**

By: ______________________

APPROVED AS TO FORM

_______________________

County Attorney
Exhibit A

Cross Charlotte Trail – Breakdown of primary responsibility for development by segment between CITY and COUNTY

<table>
<thead>
<tr>
<th>Segment</th>
<th>Responsibility</th>
<th>Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Trail Miles</td>
<td></td>
<td>7.6</td>
</tr>
<tr>
<td>Trail Miles to be Completed by County</td>
<td></td>
<td>5.5</td>
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<tr>
<td>Trail Miles to be Completed by City</td>
<td></td>
<td>12.8</td>
</tr>
<tr>
<td>Total Miles</td>
<td></td>
<td>25.9</td>
</tr>
</tbody>
</table>
EXHIBIT B

(Form of EXHIBIT Bs to be added to the Agreement as segments of TRAIL constructed by CITY (CITY SEGMENTS) are completed and turned over to COUNTY for maintenance, starting with an EXHIBIT to be labeled EXHIBIT B-1)

EXHIBIT B - #

TRAIL SEGMENT NAME: ____________________________

The undersigned CITY official certifies that the segment of the CROSS CHARLOTTE TRAIL that was constructed by the CITY, or its contractors, and is shown and/or described in the attachment to this EXHIBIT, has been completed consistent with the plans approved by the COUNTY on or before the date shown beside his or her name.

The undersigned COUNTY official certifies that he/she has determined, based on such information that has been provided by the CITY, that the segment of the CROSS CHARLOTTE TRAIL that was constructed by the CITY, or its contractors, and is shown and/or described in the attachment to this EXHIBIT, is completed and is ready to be added to TRAIL segments to be maintained by the COUNTY as of the date shown beside his or her name.

CITY OF CHARLOTTE

By: ______________________   _____________________
       Director of Department of Transportation  (Date TRAIL segment completed)

__________________________
       (print name)

MECKLENBURG COUNTY

By: ______________________   ________________________
       Director of Park and Recreation Department  (Date TRAIL segment accepted for maintenance by COUNTY

__________________________
       (print name)
RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY

WHEREAS, in order to develop, as a joint undertaking, a project consisting of a continuous trail approximately 26-miles in length traversing the City of Charlotte consisting of paved pathways and greenways, bridges, plazas, associated infrastructure, amenities and site furnishings, referred to herein as the Cross Charlotte Trail ("TRAIL"), the City of Charlotte ("CITY") intends to enter into an interlocal agreement with Mecklenburg County ("COUNTY").

WHEREAS, the COUNTY has already constructed and maintains 7.6 total miles of TRAIL under its greenway program and is currently planning to construct approximately 5.5 additional miles of TRAIL, and recognizes the value to residents of connecting these greenways together to create one continuous pathway as TRAIL, and

WHEREAS, the CITY recognizes the value of TRAIL being a continuous pathway as an alternative transportation option in addition to providing recreational opportunities for its residents, and therefore desires to extend and connect segments of TRAIL developed by the COUNTY in order to complete the 26-mile continuous Trail traversing the CITY from Pineville to Cabarrus County, and

WHEREAS, the COUNTY intends to perform all routine maintenance on all existing and new segments of Trail after construction, including those segments developed by the CITY, and

WHEREAS, it is advantageous for CITY and COUNTY to work in joint cooperation to complete TRAIL, and allow one another to build segments of TRAIL on each other’s property as appropriate, and to acquire joint easements of new segments of trail where needed.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, pursuant to Section 8-124 of the City of Charlotte Charter, that it hereby authorizes CITY to enter into an interlocal agreement with the COUNTY as follows:

CITY and COUNTY will jointly develop the 26-mile Cross Charlotte Trail as a joint undertaking. The City Manager or said Designee is authorized to negotiate the terms and execute an interlocal agreement and any subsequent amendments necessary to complete the Cross Charlotte Trail as described in this resolution.

THIS THE 28TH DAY OF September, 2015.
Agenda #: 34. File #: 15-1274 Type: Consent Item

Little Sugar Creek Greenway/US 74 Connectivity Study

Action:
Approve a contract in the amount of $273,352 with Alta Engineering SE, LLC for the Little Sugar Creek Greenway/US 74 Connectivity Study.

Staff Resource(s):
Joe Frey, Engineering & Property Management

Explanation
- Little Sugar Creek Greenway is a popular greenway that runs north-south through the center of the City of Charlotte.
- When the Cross Charlotte Trail is completed, Little Sugar Creek Greenway will be part of it, comprising approximately one-third of the 26-mile trail system that spans the City.
- There is a 0.3 mile gap in the greenway at a critical location where it intersects the interchange of US 74 and Interstate 277 (between 7th Street and 10th Street). The highway interchange and resulting gap creates a significant barrier to connectivity, making it difficult for greenway users to access multiple destinations.
- The goal of this study is to identify and define interim and long-term improvements that if implemented would overcome that barrier providing for safe and comfortable connectivity.
- On April 10, 2015, the City issued a Request for Qualifications for Little Sugar Creek Greenway/US 74 Connectivity Study; seven firms submitted a proposal.
- Staff evaluated the proposals and selects Alta Engineering SE, LLC as best meeting the qualifications, experience, and approach needed for this study.

Background
- The Charlotte Regional Transportation Planning Organization has allocated $160,000 in The Unified Planning Work Program (UPWP) funds for this study with a required 25% local match. UPWP is adopted annually in accordance with joint Federal Highway Administration/Federal Transit Administration transportation planning guidelines.
- The remaining $103,352 will come from Community Investment Plan for the Cross Charlotte Trail, exceeding the required match in order to accomplish the desired scope of work.
- The Cross Charlotte Trail is a project in the City’s current General Community Investment Plan, with $5 million allocated from the 2014 Bond Referendum and an additional $30 million included in the proposed 2016 Bond Referendum.
- The Cross Charlotte Trail will connect existing greenways with new trail segments to create a seamless 26-mile trail system that will stretch from the city of Pineville, through Center City, and on to the UNC Charlotte campus and Cabarrus County line.
Once completed, residents will be able to travel seamlessly from one end of Charlotte to the other. Approximately 98,000 jobs and 80,000 residents will be within a half-mile of the proposed trail.

**Small Professional Services Firms Program**
For Federal Highway Administration (FHWA) funded projects, the North Carolina Department of Transportation does not mandate a goal however they encourage the use of Small Professional Service Firms (SPSF) on projects. For this contract, Alta Engineering SE, LLC has committed 4.30% ($11,760) of the total contract amount to the following certified firm:
- The Dodd Studio LLC (SPSF, SBE) ($11,760) (landscape architecture)

**Fiscal Note**
Funding: Transportation Community Investment Plan and Unified Planning Work Program Grant

**Attachment**
Map
Location Map: Little Sugar Creek Greenway/US 74 Connectivity Study
(Council District 1)
Developer Reimbursement Agreement with Pollack Shores Real Estate Group/Stratford Ventures, LLC

Action: Authorize the City Manager to negotiate and execute a developer reimbursement agreement with Pollack Shores Real Estate Group/Ventures, LLC to reimburse developer up to a maximum of $250,000 for construction of a segment of the Cross Charlotte Trail within and adjacent to the Stratford Apartment complex currently under construction on Park Road.

Staff Resource(s): Joe Frey, Engineering & Property Management

Explanation
- City staff has determined that a segment of the proposed Cross Charlotte Trail should be located along Little Sugar Creek, within and adjacent to an apartment complex currently under construction by Pollack Shores Real Estate Group/Stratford Ventures Apartments, LLC (the Developer) on Park Road just north of Selwyn Avenue.
- It will be impracticable to build the trail segment after the apartment complex has been constructed due to difficult access and the disruption construction would cause to the apartment community.
- The Developer is interested in building the trail during construction of the apartments to avoid later disruption to the community and to provide an amenity for tenants. The Developer is willing to construct improvements at least to the amount they can be reimbursed.
- As designed, improvements to complete this segment of trail would include approximately 1200 linear feet of 12-foot-wide paved trail along with retaining walls, drainage structures, and other associated infrastructure and work, such as clearing and grading.
- North Carolina General Statute 160A-309 authorizes the City to contract with a developer or property owner for public improvements that are adjacent or ancillary to a private land development project when the City's Engineering & Property Management Department determines that coordination of separately constructed public improvements would be impracticable. It further allows the City to reimburse said developer for those improvements up to $250,000 exempt from the public bid requirements providing the public cost will not exceed the estimated cost if it were bid and constructed by the City.
- Estimated cost to complete all improvements associated with this segment as designed is $460,000.
- City staff therefore recommends entering into a developer reimbursement agreement, whereby the City will reimburse the developer up to the maximum allowed of $250,000 in order for the developer to complete construction of all the improvements or portions of the improvements deemed most advantageous by City staff.
- If the developer is not willing to build the entire trail beyond the $250,000, the City will negotiate the appropriate improvements or portions thereof for them to construct, leaving the remaining improvements to be completed by the City at a later date. For example, developer does grading and retaining walls, and the City will come in and do paving later (less disruptive to the community
and still beneficial to both parties).

- Construction is estimated to be complete by May 2016.
- The Cross Charlotte Trail is a project in the City’s current General Community Investment Plan, with $5 million allocated from the 2014 Bond Referendum and an additional $30 million earmarked in the proposed 2016 Bond Referendum.

**Fiscal Note**

Funding: Transportation Community Investment Plan

**Attachment**
Cost Estimate
Map
# Cross Charlotte Trail
## Brandywine Road to Tyvola Road
### Stratford Apartments
#### CITY OF CHARLOTTE, NC

**CLIENT:** City of Charlotte  
**KHA JOB NUMBER:** 015016166  
**PREPARED BY:** GABE DOBBS, PE - KIMLEY-HORN  
**DATE:** 7/30/2015

---

### CONCEPTUAL OPINION OF PROBABLE COST OF CONSTRUCTION

<table>
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<tr>
<th>Line Item</th>
<th>Standard Item</th>
<th>NCDOT Spec. Section</th>
<th>Unit</th>
<th># of Units</th>
<th>Unit Price</th>
<th>Total Cost</th>
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<tr>
<td>1</td>
<td>Mobilization [10%]</td>
<td>800 LS 1</td>
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<td>$34,110.00</td>
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<tr>
<td>2</td>
<td>Construction Surveying [2.5%]</td>
<td>801 LS 1</td>
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<td>3</td>
<td>Erosion Control [12%]</td>
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<td>$40,932.00</td>
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<td>Clearing and Grubbing</td>
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<td>8</td>
<td>Aggregate Base Course (Main Line)</td>
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<td>$5,000.00</td>
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</table>

**Subtotal:** $458,780.00  
**Construction Cost:** SAY $460,000.00

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**Notes:**

1. Cost opinion does not include costs for easement or ROW acquisition.
2. Cost opinion does not include contingency, engineering, geotech, design survey, or construction administration.
3. Unit costs used in this cost opinion are representative of typical market costs as best known to the Consultant as of the date of this estimate, and do not account for inflationary cost escalation.
4. Quantities used in this cost opinion are approximations based on conceptual layout by KHA dated 07/30/2015 and are subject to revision upon completion of conceptual layout and hydraulics.
5. Cost opinion does not include costs for utility relocation or adjustments.
6. The Engineer has no control over the cost of labor, materials, or equipment, or over the Contractor’s methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs, as provided here, are made on the basis of the Engineer’s experience and qualifications and represent the Engineer’s judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from opinions of probable cost prepared for the Owner.
7. FFE includes, but is not limited to, signage, benches, trash cans, bike racks, water fountains.
Location Map: Developer Reimbursement Agreement with Pollack Shores Real Estate Group/Stratford Ventures, LLC (Council District 6)
Mallard Creek Road Realignment Traffic Signal Work

Action:

A. Adopt a resolution in the amount of $718,325, authorizing the City Manager to execute a Supplemental Agreement with the North Carolina Department of Transportation, and

B. Adopt a budget ordinance appropriating $718,325 from the North Carolina Department of Transportation for performing traffic signal and Intelligent Transportation System work in conjunction with the widening and realignment of Mallard Creek Road between Graham Street and Harris Boulevard.

Staff Resource(s):
Charles Abel, Transportation

Explanation

- On November 25, 2013, the City Council approved a Municipal Agreement with the North Carolina Department of Transportation in the amount of $396,000 for a portion of the Mallard Creek Road realignment traffic signal work.
- The Supplemental Agreement resolution, in the amount of $718,325, is needed to ensure the City is fully reimbursed for the work it performs, includes signals, modifications to signals, and an Intelligent Transportation System phase.
- An Intelligent Transportation System consists of Fiber optic cabling combined with traffic management cameras, dynamic message signs, highway advisory radio, and other traffic information devices that provide the ability to remotely adjust traffic signals to instantly improve traffic flow in response to changing traffic volumes during normal and emergency conditions.

Fiscal Note
Funding: Transportation Community Investment Plan and North Carolina Department of Transportation

Attachment
Map
Budget Ordinance
Resolution
ORDINANCE NO. ________________________

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF $718,325 FOR TRAFFIC SIGNAL AND INTELLIGENT TRANSPORTATION SYSTEM IMPROVEMENTS WITH THE WIDENING OF MALLARD CREEK ROAD

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

Section 1. That the sum of $718,325 hereby estimated to be available from the North Carolina Department of Transportation

Section 2. That the sum of $718,325 is hereby appropriated in the General Capital Investment Fund (4001) into the project 4292000044

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

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

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

______________________________
City Attorney
RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON SEPTEMBER 28, 2015

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

WHEREAS, A Supplemental Agreement to an existing Municipal Agreement between the City and the North Carolina Department of Transportation (NCDOT) will allow the City to be reimbursed for additional traffic signal and intelligent transportation systems work on the widening and realignment of Mallard Creek Rd; and,

WHEREAS, the Supplemental Agreement provides for reimbursement not to exceed $718,325.00 of the total cost of the project; and,

WHEREAS, the format and cost sharing philosophy is consistent with past Municipal Agreements: and,

NOW, THEREFORE, BE IT RESOLVED that this resolution authorizing the City Manager to execute a supplemental agreement with the NCDOT for NCDOT to reimburse the City up to $718,325.00, in addition to, $396,000.00 of the original Municipal Agreement for a total of $1,114,325.00 for the traffic signal and intelligent transportation systems work associated with this project is hereby formally approved by the City Council of the City of Charlotte and the City Manager and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the aforementioned groups.
City of Charlotte

Agenda Date: 9/28/2015

Agenda #: 37. File #: 15-1260 Type: Consent Item

Upgrade Communications Equipment for School Zone Flashers

Action:

A. Approve the purchase of RTC flashing equipment, as authorized by the sole source exemption of G.S. 143-129 (e)(6),

B. Approve a contract with Temple, Inc. for the purchase of RTC flashing equipment for the term of three years, and

C. Authorize the City Manager to renew the contract for two additional, one-year renewal options with possible price adjustments and to amend the contract consistent with the City’s business needs and the purpose for which the contract was approved.

Staff Resource(s):
Charles Abel, Transportation

Sole Source Exemption

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available;
  - A needed product is available from only one source or supply; or
  - Standardization or compatibility is the overriding consideration.

- Sole sourcing is necessary for this contract because there is only one supply source and to resolve compatibility issues.

- The City Council must approve purchases made under the sole source exception.

Explanation

- The contract will update communications to 144 school zone flashers using cell modem technology, allowing the City to leverage existing equipment.

- Total expenditures under the contract are estimated to be $400,000.
  - The first year expenditures are estimated at $300,000 to upgrade existing equipment and services, and $100,000 for new flasher equipment purchases for new school zones over the remainder of the contract.

Charlotte Business INClusion

This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INClusion Policy).
Agenda #: 37. File #: 15-1260 Type: Consent Item

Fiscal Note
Funding: Transportation Community Investment Plan
Agenda #: 38 File #: 15-1272 Type: Consent Item

Rea Road Improvements - Phase 3 Landscaping

Action: Award a contract in the amount of $164,450 to the lowest responsive bidder Champion Landscapes, Inc. for landscape installation on the Rea Road Improvement project.

Staff Resource(s):
Imad Fakhreddin, Engineering & Property Management

Explanation
- The work will include the installation of large and small trees, shrubs and ground cover plants, and reforestation of designated areas behind the sidewalk.
- The project limits are between Carmel Estates Road and Colony Road and is the final phase of Rea Road landscaping.
- Phases 1 and 2 were completed in the first quarter 2015, and included the section between Highway 51 and Carmel Estates Road.
- On August 11, 2015, Engineering & Property Management issued an Invitation to Bid; four bids were received from interested service providers.
- Champion Landscapes Inc. was selected as the lowest responsive bidder.
- Installation is expected to be completed by first quarter 2016.

Charlotte Business INClusion
Construction contracts estimated to be less than $300,000 are informal and are exempt from the goal setting process (Part A: Section 3.1 of the Charlotte Business INClusion Policy).

Fiscal Note
Funding: Transportation Community Investment Plan
Attachment
Map
Location Map: Rea Road Improvements, Landscaping Phase III (Council District 6)
Consulting Services for Charlotte-Mecklenburg Government Center Exterior Re-caulking

Action: Approve a contract in the amount of $143,500 with SKA Consulting Engineers, Inc. for consulting services for Charlotte-Mecklenburg Government Center exterior re-caulking.

Staff Resource(s): William Haas, Engineering & Property Management

Explanation
- The Charlotte-Mecklenburg Government Center (CMGC) was completed in 1988. The existing exterior caulking (around all the windows and stone panels) is original to the building construction and is at the end of its useful life.
- Caulking is a waterproof barrier that keeps moisture from entering into the building.
- Moisture can cause deterioration, create an environment for mold growth, and cause the HVAC system to be less efficient.
- As part of the Fiscal 2015 budget, the City Council approved $1 million in capital funding for the replacement of the exterior caulking.
- The CMGC Agreement between the City and Mecklenburg County requires the County to reimburse the City approximately 20% of the cost of this project.
- The contract with SKA Consulting Engineers, Inc. will include:
  - A thorough exterior review of the building,
  - Inspection of the stone panels,
  - A final report summarizing existing conditions,
  - Comprehensive plans and specifications for re-caulking the building exterior, and
  - Bid phase services and construction administration services.
- On May 29, 2015, a Request for Qualifications was advertised; four firms submitted qualification packages.
- Staff evaluated the packages and selected the SKA Consulting Engineers, Inc. based on qualifications and experience; project understanding and methodology; and familiarity with local conditions, codes, and practices.

Charlotte Business INClusion
No subcontracting goal was established because there are no subcontracting opportunities (Part C:
Agenda #: 39. File #: 15-1268 Type: Consent Item

Section 2.1 (a) of the Charlotte Business INClusion Policy).

Fiscal Note
Funding: General Facilities Community Investment Plan
Telecommunications Ground Lease Extension

Action:

Approve an amendment to American Tower's ground lease at 12300 Pump Station Road, extending the term of the lease for six additional, five-year terms, through February 28, 2055.

Staff Resource(s):
Tony Korolos, Engineering & Property Management

Explanation

- The City owns an approximately 81-acre property at 12300 Pump Station Road (parcel identification number 023-171-02) used for a Charlotte Water pump station facility and buffer area.
- On March 1, 1995, the City entered into a ground lease with American Tower to install a cell tower with an initial term of five years and five additional, five-year terms, through February 28, 2025.
- At the request of American Tower, the City proposes to amend American Tower’s lease to extend the term through February 28, 2055, with six additional, five-year terms.
- Charlotte Water will continue to receive the lease revenue generated by this agreement.
- Contingent upon City Council approval and effective as of the amendment date, the base monthly rent will increase from the current rate of $1,672.96 per month to a rate of $1,950 per month, subject to escalation by 15% at the beginning of each subsequent five-year term.
- American Tower will also pay a flat fee of $550 per month for each subtenant added after the amendment approval.
- The terms and fees are consistent with other telecommunications ground leases managed by the City.

Fiscal Note
Funding: Not Applicable

Attachment
Map
Location Map: Telecommunications Ground Lease Extension (Council District 2)
City of Charlotte

Agenda Date: 9/28/2015

Agenda #: 41. File #: 15-981 Type: Consent Item

City Vehicle Purchases

Action:

A. Award unit price contracts to the following lowest responsive bidders for the purchase of vehicles for one year:
   - Benson Ford,
   - Earl Tindol Ford, Inc., and
   - P&G Chevrolet d/b/a Parks Chevrolet, and

B. Authorize the City Manager to renew the contracts for up to four, one-year terms with possible price adjustments and to amend the contracts consistent with the City’s business needs and the purpose for which the contracts were approved.

Staff Resource(s):
Robert Campbell, Management & Financial Services

Explanation

- The City’s annual budget includes funding to replace or add vehicles to the City’s fleet based on an assessment of vehicles and equipment conducted by Management & Financial Services to determine replacement needs using a rating of vehicle usage, age, maintenance costs, and condition.
- On July 23, 2015, Management & Financial Services issued an Invitation to Bid on behalf of the Charlotte Cooperative Purchasing Alliance (CCPA); six bids were received from interested bidders.
- Benson Ford, Inc., Earl Tindol Ford, Inc., and P&G Chevrolet d/b/a Parks Chevrolet were selected as the lowest responsive, responsible bidders for specified make and models that meet the established criteria.
- The companies will be paid the unit prices set forth in the contracts, which are available upon request.
- The Fiscal Year 2016 expenditures for all contracts are estimated to be $2,820,745, including:
  - $2,211,000 to purchase 71 marked patrol and unmarked patrol vehicles to include, but not limited to sedans, sport utility vehicles, and vans;
  - $363,744 for the purchase of 13 passenger vans for CATS; and
  - $246,000 for the purchase of six sport utility vehicles for Fire.
- The total expenditures beyond Fiscal Year 2016 will depend on the approved budget for capital
outlay in each subsequent fiscal year.

- The City anticipates renewing the contracts for up to four additional, one-year terms at prices to be determined based on model year changes and market conditions.

**Background**

- The CCPA is a cooperative purchasing program within Management & Financial Services with the specific purpose of reducing procurement costs by leveraging aggregate purchasing volume to receive better pricing.

- Vehicles are a common item needed by entities of all sizes; offering competitively-priced vehicles through CCPA benefits entities nationwide.

- CCPA contracts are available for the use and to the benefit of all entities that must comply with state purchasing laws (cities, counties, public and private schools, colleges and universities, non-profits, and all governmental entities).

**Charlotte Business INClusion**

No subcontracting goal was established because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INClusion Policy). One of the selected firms (Earl Tindol Ford, Inc.) is a WBE.

**Fiscal Note**

Funding: Various General and Enterprise Capital Equipment Replacement Funds
Johnston Street Sweeper and Swenson Spreader Parts and Services

Action:

A. Approve the purchase of Johnston Street Sweeper and Swenson Spreader Parts and Service, as authorized by the sole source exemption of G.S. 143-129 (e)(6),

B. Approve a contract with Carolina Industrial Equipment for the purchase of Johnston Street Sweeper and Swenson Spreader Parts and Services for the term of three years, and

C. Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the City’s business needs and the purpose for which the contract was approved.

Staff Resource(s):
Chris Trull, Management & Financial Services

Sole Source Exemption

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

Explanation

- The City currently operates multiple Johnston Street Sweepers for the Special Services Division of Solid Waste Services.
- Carolina Industrial Equipment is the sole factory authorized dealer and distributor of Johnston Street Sweeper and Swenson Spreader. In addition, the company covers the warranty and non-warranty repair and replacement of original equipment manufacturer parts as well as provides service for the Charlotte area.
- Johnston Street Sweeper and Swenson Spreader dealers and distributors are required by the manufacturer to maintain existing warranties, parts standardization, reliable supply chains, factory support, service methods, and training.
- The company will be paid at the unit prices set forth in the contract, which are available upon request.
- Annual expenditures under the contract are estimated to be $150,000.
Agenda #: 42. File #: 15-1189 Type: Consent Item

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

Fiscal Note
Funding: Management & Financial Services Operating Budget
Citywide Information Technology Contract Professional Services

Action:

A. Authorize the City Manager to negotiate and approve contracts for Citywide information technology contract professional services for an initial term of three years, with a combined estimated annual expenditure of $2,000,000 with the following Service Providers:
   - BCForward,
   - Cabling Solutions, Inc.,
   - Creelman, Inc.,
   - Experis, A Manpower Company, Inc.,
   - INT Technologies,
   - IPSA International Services, Inc.,
   - JCMR Technology, Inc.,
   - Milestone Utility Services, Inc.,
   - Modis,
   - Principle Solutions Group, LLC,
   - Randstad Technologies,
   - ServiceTec International, Inc.,
   - SystemTec, Inc.,
   - Tahill, Inc.,
   - Tailwind Associates,
   - Team Technology Holdings, LLC,
   - TECHEAD, and
   - Universal Voice/Data, and

B. Authorize the City Manager to renew the contracts for up to two additional, one-year terms with possible price adjustments and to amend the contracts consistent with the City’s business needs and the purpose for which the contracts were approved.

Staff Resource(s):
Robert Campbell, Management & Financial Services
Explanation

- The City currently uses a pool of contracted vendors to obtain information technology contract professional services.
- The City has ongoing needs for highly skilled technical staff to support various information technology projects and various Citywide/departmental initiatives and projects throughout the fiscal year, including infrastructure planning/management and technology customer service support.
- These vendors are used on a relatively short-term basis and provide technology expertise where it would be inefficient for the City to hire full-time staff due to the specific skill sets required and/or the sporadic nature of the work. This contract is generally not intended for long-term projects which would be handled by a separate competitive process and then submitted to Council for approval, or potentially by pursuing temporary City positions.
- In order to meet the needs of diverse projects and initiatives, Management & Financial Services partners met with various City Departments to establish contracts that allow for the recruitment and placement of highly skilled technical contractors in an efficient, timely, and cost-effective manner as the support need arises.
- The categories of positions filled through these contracts include; business analyst, project manager, application specialist, testing specialist, technical writer, training specialist, network engineer, system administrator, database administrator, security engineer, technician, and other.
- Pricing is structured based on job categories and level of expertise, per each company’s hourly rates, mark up percentage(s), and bill rates. Copies of the Companies’ respective pricing are available upon request.
- On June 10, 2015, the City issued a Request for Proposal information technology contract professional services on behalf of the Charlotte Cooperative Purchasing Alliance (CCPA); 64 proposals were received from interested service providers.
- The Project Team, consisting of staff from Management & Financial Services, Innovation & Technology, the Charlotte-Mecklenburg Police Department, Charlotte Water, and Aviation evaluated the proposals and recommends awarding contracts to the Service Providers detailed in Action Item A, as best meeting the City’s needs in terms of qualifications, experience, proposed solution, cost, and acceptance of the terms of the contract.
- The contracts give the City the option to renew for two additional, one-year fixed terms at fixed markup percentages, hourly rates, and billing rates to be negotiated based on market conditions.
- The Project Team is recommending multiple awards to ensure alternative solutions, flexibility, and availability in the provision of services to best fit the particular needs of each department.
- The selected Service Providers also include firms who can provide specialized technical services and some statement of work based services, as well as information technology temporary staff-type services.
- Estimated contract expenditures are $2,000,000 annually in the aggregate across all contracts.

Background

- The CCPA is a cooperative purchasing program within Management & Financial Services with the specific purpose of leveraging economies of scale to include volume and uniform pricing, decreased administrative burden and overhead, increased ability to capture usage data and expenditures, and improved service levels.
- Professional Services are commonly needed by entities of all sizes; offering competitively-priced hourly rates through CCPA benefits entities nationwide.
Agenda #: 43. File #: 15-1302 Type: Consent Item

- CCPA contracts are available for the use and to the benefit of all entities that must comply with state purchasing laws (cities, counties, public and private schools, colleges and universities, non-profits, and all governmental entities).

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). One of the selected firms (JCMR Technology, Inc.) is a City certified SBE; and another (TECHEAD) is a State WBE. Several other selected firms may be eligible and have been encouraged to register with the CBI Office.

Fiscal Note
Funding: Various Departments’ Operating Budgets
Citywide Background Investigation Services

Action:

A. Approve contracts with the following companies for background investigation services for an initial term of three years:
   - Castle Branch Inc., and
   - US ISS Agency, LLC, and

B. Authorize the City Manager to renew the contracts for up to two additional, one-year terms with possible price adjustments and to amend the contracts consistent with the City’s business needs and the purpose for which the contracts were approved.

Staff Resource(s):
Robert Campbell, Management & Financial Services

Explanation

- In accordance with City policy, background investigation checks will be conducted on all final internal and external candidates applying for any position with the City.
- Background checks must be in compliance with all federal and state statutes, such as the Fair Credit Reporting Act and the Municipal Records Retention Schedule.
- The type of information collected as part of the background investigation check includes, but is not limited to: reference checks, social security verifications, education verifications, criminal conviction record checks, and, if applicable, credit history checks, sex offender registry, and motor vehicle records checks.
- The scale of the background check ranges from local to regional and/or national depending on the level of the position being applied for and the entity requesting the background check.
- The company will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- On June 9, 2015, the City issued a Request for Proposals for background investigation services; 18 proposals were received from interested service providers.
- The Project Team, consisting of staff from Human Resources, Charlotte Water, Engineering & Property Management, and Management & Financial Services evaluated the proposals and determined that Castle Branch Inc. and US ISS Agency, LLC best meet the City’s needs in terms of qualifications, experience, cost, and responsiveness.
- Total expenditures across all contracts are estimated to be $109,000 in the aggregate annually.
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: Various Departments’ Operating Budgets
Intensive Use Chairs

Action:

A. Award a unit price contract to the lowest responsive bidder, Evans Consoles, Inc. for the purchase of Intensive Use Chairs for three years, and

B. Authorize the City Manager to renew the contract for up to two additional, one year terms with possible price adjustments and to amend the contract consistent with the City’s business needs and as allowed by the terms of the contract.

Staff Resource(s):
Robert Campbell, Management & Financial Services

Explanation
- City departments purchase intensive use chairs for a variety of environments, including call centers, control rooms, and dispatch centers. The intensive use chairs are able to withstand the rigors of continuous use in a 24/7 multi-shift environment, and provide a wide range of ergonomic adjustments.
- On August 3, 2015, Management & Financial Services issued an Invitation to Bid for intensive use chairs. In response to the bid, three responsive bids and one non-response bid were received from interested service providers.
- The Evaluation Team with representatives from Charlotte-Mecklenburg Police Department and Management & Financial Services selected Evans Consoles as best meeting the City’s needs.
- The unit prices set forth in the proposed contract are available upon request.
- The combined annual expenditures for Fiscal Year 2016 are estimated to be $88,000. Expenditures for additional terms will be based on actual need at the unit prices specified in the contract.

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

Fiscal Note
Funding: Various Departments’ Operating Budgets
CATS Special Transportation Services Bus Maintenance Parts

Action:

A. Award a unit price contract to the lowest responsive bidder, Cummins Atlantic LLC, for the purchase of maintenance filters for a three-year term,

B. Award a unit price contract to the lowest responsive bidder, Capital Ford of Charlotte, for the purchase of Ford powertrain equipment parts for a three-year term,

C. Award a unit price contract to the lowest responsive bidder, Hendrick City Chevrolet, for the purchase of General Motors powertrain equipment parts for a three-year term,

D. Award a unit price contract to the lowest responsive bidder Auto Supply Company for the purchase of brake and suspension equipment, electrical charging equipment, and air-conditioning and heating equipment parts for a three-year term, and

E. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the City’s business needs and the purpose for which the contracts were approved.

Staff Resource(s):
Larry Kopf, CATS
Edward Pullan, CATS

Explanation
- Various parts are required for the ongoing maintenance and repair of the CATS Special Transportation Service bus fleet.
- On July 23, 2015, CATS issued an Invitation to Bid; seven bids were received from interested providers.
- Multiple contracts allow for award based on the lowest responsive bidder per product line.
- Bus parts will be purchased on an as needed basis under the contract terms. The unit prices are set forth in the proposed contracts and are available upon request.
- Staff anticipates renewing the contracts for up to two additional, one-year terms at prices to be negotiated based on market conditions.
- Annual expenditures for all four contracts are estimated to be $210,000.

Charlotte Business INClusion
No subcontracting goals were established because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INClusion Policy).

Fiscal Note
Funding: CATS Operating Budget
LYNX Blue Line Extension Sugar Creek Parking Garage

Staff Resource(s):
John Lewis, CATS
Danny Rogers, CATS

Explanation
A write-up for this item will be included in the Council-Manager Memo on Friday, September 25, 2015.
City of Charlotte

Agenda Date: 9/28/2015

Agenda #: 48. File #: 15-1267 Type: Consent Item

LYNX Blue Line Extension Connecting Bus Service Study

Action:

A. Authorize the City Manager to negotiate and execute a contract with Nelson Nygaard in an amount up to $120,000 for planning services related to recommended bus services connecting people to the LYNX Blue Line Extension, and

B. Authorize the City Manager to exercise an option within the Nelson Nygaard contract in the amount of $20,300 for the “After” portion of the Before/After study required by the Federal Transit Administration.

Staff Resource(s):
Danny Rogers, CATS
Lawrence Kopf, CATS

Explanation

- Ridership models indicate that at least 20% of those who ride the Blue Line Extension (BLE) will connect to the light rail system via the bus system. By realigning the bus system to maximize this potential, CATS will enhance mobility options for the community in the BLE corridor.
- On June 16, 2015, CATS advertised a Request for Proposals for qualified firms to submit proposals to provide planning services related to the redesign of bus services connecting to the BLE; five firms submitted a proposal.
- The Evaluation Committee selected Nelson Nygaard as the company meeting the City’s needs in providing the best value.
- The work will include:
  - Review and analysis of existing bus services,
  - Recommendations for route and service changes,
  - Completion of a service and fare equity analysis,
  - Assistance with CATS public engagement process, and
  - Development of a final report.
- The optional portion of this agreement will assist CATS in meeting the Federal Transit Administration requirements that systems involved in New Starts projects conduct a Before/After Study related to the effect of new infrastructure projects on the community.
- CATS concluded the “before” portion of this study, and will be required to conclude the “after” portion of this study approximately 18 months after system opening.

Disadvantaged Business Enterprise
Established DBE Goal: 10.0%
Committed DBE Goal: 10.10%
Nelson Nygaard met the established DBE goal and has committed 10.10% ($12,124) of the total contract amount to the following certified firm.

- Quest Corporation of America, Inc (DBE) ($12,124) (Public/Stakeholder Engagement)
Agenda #: 48. File #: 15-1267 Type: Consent Item

Fiscal Note
Funding: CATS Community Investment Plan
Exchange of Right-of-Way along the LYNX Light Rail Corridor with MPV 2400 South Boulevard Investors LLC

Action:

A. Adopt a resolution authorizing an exchange of right-of-way between the City of Charlotte and MPV 2400 South Boulevard Investors LLC or its successors and assigns ("Property Owner") involving Tax Identification #12104116, and

B. Authorize the City Manager to execute all necessary documents to complete the exchange of right-of-way between the City of Charlotte and Property Owner.

Staff Resource(s):

Tina M Votaw, CATS
Tim O’Brien, Engineering & Property Management

Explanation

- MPV 2400 South Boulevard Investors LLC ("Property Owner") proposes to build a medical office and retail building (totaling approximately 36,000 square feet) in the South End on a vacant parcel that is located between the East/West Light Rail Station and the New Bern Light Rail Station.

- In order to construct the building, the Property Owner requires use of some of the City’s unused “excess” rail right-of-way.

- The right-of-way in this particular section of the rail corridor is approximately 130 feet wide, which is wider than necessary for rail purposes. Therefore, the City issued an Administrative Policy, which states that the City will generally retain approximately 70 feet in width for rail purposes while allowing the excess right-of-way of approximately 30 feet in width on either side to be used by the adjacent Property Owner. Alternatively, the excess right-of-way may be retained by the City as buffer if needed.

- Due to redevelopment of the site, property tax revenues to the City will increase from approximately $7,500/year to approximately $77,000/year.

- Consistent with previous City Council actions, the City may release the excess right-of-way to facilitate transit supportive redevelopment.

- The Property Owner will exchange property rights with the City for full and fair consideration as required by law. Fair consideration can be any combination of cash, real, or personal property and other benefits.

- The methodology for valuing the excess right-of-way was established by the City’s appraisal staff and is based on the price that the Property Owner paid for their site.

- The City will receive approximately $77,060 in property and improvements including:
  - Deed to approximately 9,020 square feet, valued at approximately $27,060.
Agenda #: 49  File #: 15-1200  Type: Consent Item

- Improvements of approximately $15,000 consisting of ballast rail curb adjacent to the northbound light rail track.
- The Property Owner will be required to construct and maintain new streetscape improvements including the multi-use sidewalk along the rail corridor to facilitate access to the light rail stations and further complete the Rail Trail adjacent to the rail corridor. Cost to maintain the improvements are estimated at approximately $7,500/annually or $35,000 over 5 years.

  ▪ Property Owner will receive from the City:
    - A deed to approximately 4,010 square feet of excess right-of-way, valued at approximately $60,150, and
    - A License Agreement that will require the Property Owner to construct as well as maintain the new streetscape improvements as described above.

Background
The Transit Station Area Plans approved by the City Council define development standards for property adjacent to the rail corridor and envision that excess right-of-way will be incorporated into adjacent transit supportive development.

Attachment
Resolution
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
ADOPTING AND APPROVING THE EXCHANGE OF LAND RIGHTS IN THE
LYNX RAIL CORRIDOR WITH MPV 2400 South Boulevard Investors, LLC (OR
ITS SUCCESSORS AND ASSIGNS).

WHEREAS, the City of Charlotte (the “City”) purchased the 130 foot wide
Charter Right-of-Way, formerly owned by the Norfolk Southern Railroad; and

WHEREAS, in 2008, the City, through the action of its Council, adopted the New
Bern Transit Station Area Plan to guide the development along the buffer area of the
Right of Way; and

WHEREAS, the Staff is working with MPV 2400 South Boulevard Investors,
LLC (the “Property Owner”) regarding property adjacent to the Right of Way having tax
I. D. number 12104116; and

WHEREAS, the buffer area in the Right of Way in which the Property Owner is
interested lies outside of that portion of the Right of Way used for public transit; and

WHEREAS, in order to proceed with the development of the for mentioned
property, the City of Charlotte agrees to exchange property rights for a full and fair
compensation, as provided by the North Carolina General Statutes; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of
Charlotte, in its regular session duly assembled, as follows:

A. The City shall receive from the Property Owner (or its successors and assigns),
the following, which is a full and fair compensation for the exchange of property
rights:

1. Deed to approx. 9,020 square feet of underlying fee simple interest
that will remain in use as part of the rail corridor.

2. Installation of ballast rail curb.

3. Maintenance of the streetscape improvements.

B. The City shall release its charter (i.e. easement) rights to approx. 4,010 square feet
for use by the Property Owner (or its successors and assigns) and shall grant a license
agreement to the Property Owner (or its successors and assigns) in order to construct
and maintain the streetscape improvements.

FURTHER RESOLVED, that the City Council for the City of Charlotte
authorizes the City Manager (or his designee) to execute the necessary legal documents
to complete the exchange of the land rights between the City and the Developer, or its
successors and assigns,
ADOPTED this _____ day of __________, 2015.

CERTIFICATION

I, ______________________, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the ____ day of ________, 2015, and the reference having been made in Minute Book _____, Page _____, and recorded in full in Resolutions Book _____, Page _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____ day of ________, 2015.

________________________________
Agenda #: 50. File #: 15-1199 Type: Consent Item

Bus Air-Conditioning and Heating Parts (Thermo-King)

Action:
A. Award a unit price contract to the lowest responsive bidder Thermo King Central Carolinas LLC for the purchase of bus air-conditioning and heating systems parts for a three-year term, 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 City’s business needs and the purpose for which the contract was approved.

Staff Resource(s):
Larry Kopf, CATS
Edward Pullan, CATS

Explanation
- Various parts are required for the on-going maintenance and repair of the CATS bus fleet air-conditioning and heating systems on the Gillig and Trolley bus types.
- On July 24, 2015, CATS issued an Invitation to Bid; one bid was received from an interested service provider.
- Air-Conditioning and heating system parts will be purchased on an as needed basis under the contract terms. The unit prices are set forth in the proposed contracts and are available upon request.
- Staff anticipates renewing the contracts for up to two additional, one-year terms at prices negotiated based on market conditions.
- Annual expenditures for the contract are estimated to be $60,000.

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

Fiscal Note
Funding: CATS Operating Budget
Bus Air-Conditioning and Heating Parts

Action:

A. Award a unit price contract to the lowest responsive bidder Carolina Thomas LLC for the purchase of bus air-conditioning and heating system parts for a three-year term, 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 City’s business needs and the purpose for which the contract was approved.

Staff Resource(s):
Larry Kopf, CATS
Edward Pullan, CATS

Explanation

- Various parts are required for the on-going maintenance and repair of the CATS bus fleet air-conditioning and heating systems on the NOVA and MCI made buses.
- On July 24, 2015, CATS issued an Invitation to Bid; two bids were received from interested providers.
- Air-conditioning and heating system parts will be purchased on an as needed basis under the contract terms. The unit prices are set forth in the proposed contracts and are available upon request.
- Staff anticipates renewing the contracts for up to two additional, one-year terms at prices to be negotiated based on market conditions.
- Annual expenditures for the contract are estimated to be $30,000.

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

Fiscal Note
Funding: CATS Operating Budget
Agenda #: 52. File #: 15-1193 Type: Consent Item

Airport Telecommunications Antenna Site Lease Extension

Action: Approve lease amendment #5 with New Cingular Wireless PCS, LLC for a five-year lease for a telecommunications antenna on the Airport’s Rotating Beacon.

Staff Resource(s): Brent Cagle, Aviation

Explanation
- The Airport has leased space on the rotating beacon since it was constructed in 1999. It is designed to accommodate up to four telecommunication antennae systems.
- On May 12, 2004, the City Council approved a five-year lease with AT&T Wireless Services.
- On June 12, 2006, the City Council approved a five-year lease for the successor to AT&T Wireless, which was New Cingular Wireless PCS, LLC.
- On February 1, 2011, the City Council approved a lease amendment for a five-year term extension.
- The 2nd, 3rd, and 4th amendments were related to equipment changes.
- The current lease expiration date is October 31, 2016.
- The amendment will extend the lease term five years, beginning November 1, 2016. Annual escalations are 3%.
- Total value of this amendment is $311,922.

Fiscal Note
Funding: Revenue from this lease will be deposited in the Aviation Operating Fund.
Airport Warehouse Lease Amendment

Action: Approve a one-year lease amendment with DirectLink Logistics, Inc. for warehouse space in the amount of $182,079.96.

Staff Resource(s):
Brent Cagle, Aviation

Explanation
- On December 8, 2014, the City Council approved a one-year lease with Direct Link Logistics, Inc. for a 20,340 square foot warehouse on West Boulevard.
- DirectLink Logistics, Inc. desires to extend the term of its lease one year to December 31, 2016.
- The lease includes a month-to-month renewal option at the end of the term.
- The value of this lease amendment is $182,079.96.

Fiscal Note
Funding: Revenue from this lease will be deposited in the Aviation Operating Fund.
Airport Gate Resource Management System Contract Amendment #1

Action:

A. Approve contract amendment #1 with Air-Transport IT Services, Inc. for the provision of additional software, hardware, and implementation services for a gate resource management system,

B. Authorize the City Manager to approve price adjustments and amend the contract consistent with the City’s business needs and the purpose for which the contract was awarded,

C. Authorize the City Manager to purchase maintenance and support for software and hardware for as long as the City uses the system,

D. Authorize the City Manager to purchase such additional software licenses, hardware, and associated services as needed from time to time to optimize the City’s use of the system, and

E. Adopt a budget ordinance appropriating $232,772.99 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):
Brent Cagle, Aviation

Explanation

- On January 12, 2015, the City Council approved the purchase of an Air IT Airport Gate Resources Management System under the sole source exemption of G.S. 143-129 in an amount not to exceed $550,000.
- The System is designed for the efficient scheduling of the airport’s resources, and it allows airlines to share gates and ticket counters using the same equipment.
- The original contract included hardware for six gates and integration for use by five airlines.
- The amendment includes additional hardware to equip more gates and ticket counters as well as an expansion of software to add additional airlines to the system pending the renegotiation of the airline leases.
- Additional resources are also required to accommodate the system expansion, including new operational database software and integration with the vendor that provides the equipment to display the real time flight data.
- The estimated amount of the current expenditure on the additional software licenses, hardware,
Agenda #: 54. File #: 15-1257 Type: Consent Item

- Ongoing maintenance and support, as authorized for purchase by the City Manager for as long as the City uses the software, will have an annual estimated cost of $6,000.
- The formal Request for Proposal process requirement for the new operational database software and vendor integration has been waived due to compatibility and standardization with existing system requirements. This solution also provides the most economical approach as well as mitigates risk to operational readiness and technical efficiency.
- The new estimated total contract value is $782,772.99.

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

Fiscal Note
Funding: Aviation Community Investment Plan

Attachment
Budget Ordinance
ORDINANCE NO. ________________________

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF $232,772.99 FOR CONTRACT AMENDMENT #1 WITH AIR-TRANSPORT IT SERVICES, INC. FOR THE GATE RESOURCE MANAGEMENT SYSTEM

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

Section 1. That the sum of $232,772.99 is hereby appropriated from the Aviation Discretionary Fund for contract amendment for Air-Transport IT Services, Inc.

Section 2. That the sum of $232,772.99 is hereby appropriated in the Aviation Community Investment Plan Fund

<table>
<thead>
<tr>
<th>Fund</th>
<th>6064</th>
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<tbody>
<tr>
<td>Project</td>
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<td>Source</td>
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<td>Type</td>
<td>60006001</td>
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Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.

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

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

______________________________________________
City Attorney
Airport Escalator and Elevator Maintenance Services Contract Amendment

Action:

A. Approve contract amendment #5 for $1,187,695 to Schindler Elevator Corporation for a major modernization project of two moving walkways in the Airport Atrium, and

B. Adopt a budget ordinance appropriating $1,187,695 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):
Jack Christine, Aviation

Explanation

- On June 6, 2013, the City Council approved a five-year maintenance service contract with Schindler Elevator Corporation for $561,480 annually to cover the maintenance of 75 people moving units (elevators, escalators, and moving walks) throughout the Airport terminal. During the first year and a half, the total spend was $842,220.
- Since that time, the Aviation Department has begun a multi-year program of asset preservation, which includes the refurbishment of people moving units throughout the terminal.
- In October 2013, the City Manager approved amendment #1, which was an administrative change to allow for quarterly billing.
- In January 2014, the City Manager approved contract amendment #2 in the amount of $91,152.83 for the procurement of an inventory of spare handrails to expedite the repairs on escalators and moving walks.
- On May 27, 2014, the City Council approved contract amendment #3 in the amount of $404,041 to provide funding for the complete mechanical and electrical refurbishment of two escalator units in the main terminal.
- On January 26, 2015, the City Council approved contract amendment #4 in the total amount of $6,964,885.78 to provide additional funding to maintain a total of 17 new elevators and escalators being placed into service. Contract amendment #4 also provided for major infrastructure modernization, which included three elevators, two moving walks, and two escalators.
- Contract amendment #5 in the amount of $1,187,695 will provide for parts and labor to perform a complete modernization and electronic upgrades on the two moving walkways located in the terminal main Atrium.
  - These moving walks have been in operation for 23 years and have exceeded their useful life cycle.
  - The airport Atrium area is the central intersection of the five concourses - the reliability of these moving walks are essential to maintaining seamless movement of passengers through this area.
- The total value of this contract, including amendments, is $9,489,994.61.
Charlotte Business INClusion
No subcontracting goal was established for this contract amendment because there are no subcontracting opportunities (Part D: Section 6 of the SBO Policy).

Fiscal Note
Funding: Aviation Community Investment Plan

Attachment
Budget Ordinance
ORDINANCE NO. ______________________

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE PROVIDING
AN APPROPRIATION OF $1,187,695 FOR CONTRACT AMENDMENT #5 TO SCHINDLER ELEVATOR CORPORATION
FOR THE MODERNIZATION PROJECT IN THE AIRPORT ATRIUM

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

Section 1. That the sum of $1,187,695 is hereby appropriated from the Aviation Discretionary Fund for
contract amendment to Schindler Elevator Corporation

Section 2. That the sum of $1,187,695 is hereby appropriated in the Aviation Community Investment Plan Fund
Fund 6064
Project 4020901610
Source 6000
Type 60006001
Year 0000

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

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

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

____________________________
City Attorney
Airport Concourse A North Expansion Phase I Design Services

Action:

A. Approve a contract in the amount of $7,835,982 to Perkins+Will North Carolina, Inc. for design services for the Concourse A North Expansion Phase I, and

B. Adopt a budget ordinance appropriating $7,835,982 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):
Jack Christine, Aviation

Explanation

- Many of the airlines currently operating at the Airport have requested additional passenger gates. In April 2015, the Airport relocated the Rental Car Companies from their current facilities to a new facility on Wilkinson Boulevard and the new Hourly Parking Deck. The relocation of these facilities makes room for a future concourse expansion.

- On April 13, 2015, the City Council approved a contract with Perkins+Will North Carolina, Inc. in the amount of $559,860 for conceptual studies and an architectural report for the Concourse A North Expansion. The contract in the amount of $7,835,982 will complete the full design of Concourse A North Expansion Phase I.

- Phase I of Concourse A North will encompass 211,000 square feet and include nine additional gates, a connector to the existing A concourse, concession space, and office space.

- On December 12, 2014, the Aviation Department issued a Request for Qualifications for architectural and engineering design services for the Concourse A North Expansion; eight firms responded with a proposal.

- Perkins+Will North Carolina, Inc. was selected based on their related concourse design experience.

- The project will be funded with Aviation discretionary funds, which will be reimbursed in part with Passenger Facility Charge revenues.

Charlotte Business INClusion

The City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INClusion Policy). For this contract, Perkins+Will North Carolina, Inc. has committed 27.28% ($2,137,711) of the total contract amount to the following certified firm:

- C Design Inc. (SBE) ($2,137,711) (architectural services)

Fiscal Note
Agenda #: 56. File #: 15-1249 Type: Consent Item

Funding: Aviation Community Investment Plan

Attachment
Aerial Map
Rendering
Budget Ordinance
ORDINANCE NO. ________________________

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF $7,835,982 FOR THE CONTRACT TO PERKINS+WILL NORTH CAROLINA, INC. FOR DESIGN SERVICES FOR THE CONCOURSE A NORTH EXPANSION

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

Section 1. That the sum of $7,835,982 is hereby appropriated from the Aviation Discretionary Fund for contract with Perkins+Will North Carolina, Inc.

Section 2. That the sum of $7,835,982 is hereby appropriated in the Aviation Community Investment Plan Fund

<table>
<thead>
<tr>
<th>Fund</th>
<th>6064</th>
</tr>
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<tbody>
<tr>
<td>Project</td>
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<tr>
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</tbody>
</table>

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

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

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

_____________________________________
City Attorney
Airport Technical Consultant for Passenger Boarding Bridge Design

Action:

A. Approve a contract with DK Consultants, LLC in the amount of $663,090 for the development of technical specifications for the purchase and installation of passenger boarding bridges, and

B. Adopt a budget ordinance appropriating $663,090 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):
Jack Christine, Aviation

Explanation

- The Aviation Department will be installing 60 (both new and replacement) passenger boarding bridges and ancillary equipment on all concourses over the next three to four years.
- On July 16, 2015, the Aviation Department issued a Request for Qualifications for the development of technical specifications and factory and on-site commissioning of the passenger boarding bridges.
- On July 27, 2015, three companies submitted qualifications. Aviation department staff selected DK Consultants, LLC because of their extensive experience with design, fabrication, and installation of passenger board bridges as well as their knowledge and familiarity of the Charlotte-Douglas Airport.
- DK Consultants, LLC will prepare several bid specification packages, attend factory acceptance testing, and perform on-site commissioning of the passenger boarding bridges during each project phase.

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

Attachment

Budget Ordinance
AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE PROVIDING
AN APPROPRIATION OF $663,090 FOR THE DEVELOPMENT OF TECHNICAL SPECIFICATIONS
FOR THE PURCHASE AND INSTALLATION OF PASSENGER BOARDING BRIDGES

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

Section 1. That the sum of $663,090 is hereby appropriated from the Aviation Discretionary Fund
for the contract with DK Consultants, LLC

Section 2. That the sum of $663,090 is hereby appropriated in the Aviation Community Investment Plan Fund (6064)
to the following projects:

| Amount     | $210,755 |
| Fund       | 6064     |
| Project    | 4020901604 |
| Source     | 6000     |
| Type       | 60006001 |
| Year       | 0000     |

| Amount     | $142,535 |
| Fund       | 6064     |
| Project    | 4020901546 |
| Source     | 6000     |
| Type       | 60006001 |
| Year       | 0000     |

| Amount     | $54,490  |
| Fund       | 6064     |
| Project    | 4020901539 |
| Source     | 6000     |
| Type       | 60006001 |
| Year       | 0000     |

| Amount     | $114,315 |
| Fund       | 6064     |
| Project    | 4020901609 |
| Source     | 6000     |
| Type       | 60006001 |
| Year       | 0000     |

| Amount     | $140,995 |
| Fund       | 6064     |
| Project    | 4020901612 |
| Source     | 6000     |
| Type       | 60006001 |
| Year       | 0000     |

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

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

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney
Airport Painting Contract

Action:

A. Approve a contract with Armen Construction for painting services for an initial term of three years, and

B. Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the City’s business needs and the purpose for which the contract was approved.

Staff Resource(s):
Jack Christine, Aviation

Explanation

- The contract provides a minimum of five trained, qualified, and experienced personnel five days a week, eight hours a day to assist Airport maintenance crews in painting upkeep for the 1.9 million square foot terminal and additional Airport-owned buildings.

- On August 11, 2015, the City issued a Request for Proposal for airport painting services; four proposals were received from interested service providers.

- Aviation Department staff evaluated the proposals and determined that Armen Construction best meets the needs City’s needs in terms of qualifications, experience, cost, and responsiveness.

- The contract gives the City the option to renew for two additional, one-year terms with prices to be negotiated based on market conditions.

- The estimated contract expenditures are $300,000 annually, based on the level of service above and the unit prices set forth in the contract, a copy of which is available upon request.

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). Armen Construction is a certified SBE and MBE.

Fiscal Note
Funding: Aviation Operating Budget
Airport Passenger Satisfaction Survey Services

A. Approve a three-year contract with Phoenix Marketing International to provide comprehensive passenger satisfaction survey services, and

B. Authorize the City Manager to extend the contract for two additional, one-year terms as stipulated by the contract at the time of renewal.

Staff Resource(s):
Brent Cagle, Aviation

Explanation
- Phoenix Marketing International (PMI) is a part of the Travel Research Group and serves as an industry leader in understanding the air traveler's experience. PMI has conducted online survey research at over 150 airports and currently provides onsite intercept research at 40 airports.
- In 2008, PMI began working with the Airport to create a customized, face-to-face surveys for passengers in the terminal facility.
- PMI provides a comprehensive analysis of the data collected from these surveys including passenger satisfaction, satisfaction by item, and results by concourse. The contract will provide additional services - facilitating focus groups and posing deeper-dive questions during passenger surveys.
- The intent of the analysis is to provide airport managers and stakeholders with useful performance data that can be used as a way to identify problems, anticipate shortcomings, and as a way to plan for future revenue investments.
- Under this agreement, the Airport will maintain a cohesive, historical passenger response analysis.
- The estimated total value of this contract is $400,000.

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 Operating Budget
Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of $15,849.90.

Staff Resource(s): Robert Campbell, Management & Financial Services

Explanation
Notification of Property Tax refunds due to clerical or assessor error are provided to the City by Mecklenburg County.

Pearson Review Update
- In accordance with the ordinance approved by the City Council on August 25, 2014, and North Carolina law, a list of refunds, which have been paid since the last City Council Business Meeting as a result of the Pearson Review, is available at the City Clerk’s Office upon request.
- The amount of Pearson Review refunds paid since the last City Council Business Agenda Meeting on August 24, 2015, totaled $16,591,187.26.

Fiscal Note
Funding: Not Applicable

Attachment
List of Property Tax Refunds and Resolution
### Property Tax Refund Requests

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<tr>
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**Total: $15,849.90**
A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY TAXES

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

1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.

2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.

3. The amounts listed on the schedule were collected through either a clerical or assessor error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 28th day of September 2015 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.
Resolution of Intent to Abandon an Unopened Portion of Whitten Street

Action:

A. Adopt a Resolution of Intent to abandon an unopened portion of Whitten Street, and

B. Set a public hearing for October 26, 2015.

Staff Resource(s):
Jeff Boenisch, Transportation

Explanation
The unopened portion of Whitten Street is located in Council District 1.

Attachment
Map
Resolution
CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION
Development Services Division

Right-of-Way Abandonment Petition 2015-07

Right-of-Way Abandonment Area
An unopened portion of Whitten Street
RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE an unopened portion of Whitten Street in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, the Charlotte-Mecklenburg Housing Partnership has filed a petition to close an unopened portion of Whitten Street in the City of Charlotte; and

Whereas, an unopened portion of Whitten Street is a 40-foot wide right-of-way that begins at its intersecting point with Woodward Avenue and continues north for approximately 240 feet to its terminus at an intersecting point with Carter Avenue, and consists of 9,311 square feet, as shown in the maps marked “Exhibit A” and is more particularly described by metes and bounds in the document marked “Exhibit B” all of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina; and

Whereas, the procedure for closing streets and alleys as outlined in North Carolina General Statutes, Section 160A-299, requires that City Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for two successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley.

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of September 28, 2015, that it intends to close an unopened portion of Whitten Street and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 26th day of October 2015, in CMGC meeting chamber, 600 East 4th Street, Charlotte, North Carolina.

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.
RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE an unopened portion of Whitten Street in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, the Charlotte-Mecklenburg Housing Partnership has filed a petition to close an unopened portion of Whitten Street in the City of Charlotte; and

Whereas, an unopened portion of Whitten Street is a 40-foot wide right-of-way that begins at its intersecting point with Woodward Avenue and continues north for approximately 240 feet to its terminus at an intersecting point with Carter Avenue, and consists of 9,311 square feet, as shown in the maps marked “Exhibit A” and is more particularly described by metes and bounds in the document marked “Exhibit B” all of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina; and

Whereas, the procedure for closing streets and alleys as outlined in North Carolina General Statutes, Section 160A-299, requires that City Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for two successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley.

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of September 28, 2015, that it intends to close an unopened portion of Whitten Street and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 26th day of October 2015, in CMGC meeting chamber, 600 East 4th Street, Charlotte, North Carolina.

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.
Right of Way Abandonment Survey for Whitten Street

Total Area in R/W
9311.35 sf
0.214 AC

Easement shall be granted in favor of Charlotte-Meck and all other owners of existing underground utilities and facilities, upon, under and across the entire property described herein for access to and for the installation, maintenance, replacement and repair of water lines, sanitary sewer, conduit and related equipment.

Charlotte-Meck, Housing Partnership, Inc.
Deed Bk. 28965, Pg. 660
Parcel #07904305
Mecklenburg Co. Registry

NOTES:
- Deed Reference - Deed Bk. 28965, Pg. 660
- Map Reference - Map Bk. 5, Pg. 332
- Performed by H.L. Thomas, Engineer
- Property subject to recording and unrecorded rights of way

The survey was made under my supervision from an actual survey made under my supervision (deed description recorded in Book 28965, page 660, etc.): that the boundaries not surveyed are clearly indicated as drawn from information found in Bock n/a, page n/a; that the ratio of precision as calculated exceeds 1:10,000; and that this map meets the requirements for the Standards of Practice for Land Surveying in North Carolina (21 NCAC 56. 1600). Witness my original signature, registration number and seal this 1st day of September, A.D. 2015.

R. Scott Dyer

Prepared for:
Charlotte-Mecklenburg Housing Partnership, Inc.

City of Charlotte
Mecklenburg County, NC
EXHIBIT B

Beginning at ½" rebar, said rebar being located on the southern right-of-way of Carter Avenue (40’ Public R/W) and the eastern right-of-way of Whitten Street (40’ Public R/W); thence with the eastern right-of-way of Whitten Street, S 01°58’51” E 239.43 feet to a ½” pipe located on the northern right-of-way of Woodward Avenue (50’ Public R/W); thence with the right-of-way of Woodward Avenue (50’ Public R/W) S 88°02’45” W 39.14 feet to a ½” rebar on the northern right-of-way of said Woodward Avenue, said point also being located N 88°02’45” E 138.15 feet from a ½” rebar on the northern right-of-way of said Woodward Avenue; thence with the western right-of-way of said Whitten Street, N 01°53’24” W 238.98 feet to a ½” rebar on the southern right-of-way of abandoned Carter Avenue (Petition #02-17); thence with the southern right-of-way of said abandoned Carter Avenue the following two (2) calls: (1) N 88°15’28” E 18.31 feet to a calculated point; (2) N 86°34’57” E 20.46 feet to the POINT AND PLACE OF BEGINNING and containing 0.214 AC.
Meeting Minutes

Action:

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

- July 20, 2015: Zoning Meeting
- July 27, 2015: Business Meeting
- August 24, 2015: Business Meeting

Staff Resource(s):
Bianca Payne, City Clerk’s Office
Extend Closing Date for Sale of Parcel 1, Interstate-277 Surplus Land


Staff Resource(s):
Ron Kimble, City Manager’s Office
Tony Korolos, Engineering & Property Management
Catherine Cooper, City Attorney’s Office

Explanation
• On March 23, 2015, the City Council approved the private sale of Interstate-277 Parcel 1 to Crescent Acquisitions for $10,300,000 subject to a development program and schedule.
• Crescent Acquisitions now desires to modify its existing contract with the City to extend the closing date from October 31, 2015, to November 13, 2015, for an additional non-refundable payment of $21,667, which would not apply to the purchase price.
• The non-refundable deposit of $515,000 has been paid and continues to be non-refundable.
• Crescent Acquisitions has exercised all seven options to extend the closing date and paid $350,000, which payments are non-refundable and non-applicable to the purchase price; and Crescent shall pay monetary penalties should it fail to meet certain project deadlines.
• The proposed development will conform to and support the City’s 2020 Center City Vision Plan adopted in September 2011 by stimulating redevelopment of Second Ward, providing key connections between Midtown, South End, and Uptown, increasing neighborhood amenities and services in support of uptown residential development, and by expanding hospitality destinations in the vicinity of the Convention Center.
• Terms of contract include:
  - $515,000 deposit fully non-refundable.
  - Crescent Acquisitions has the ability to extend the closing date up to seven months through October 31, 2015, upon payment of $50,000 per month with the payment being non-refundable and non-applicable to the purchase price.
  - Commitment to develop 400 apartments and 40,000 square feet of retail space by November 1, 2016; 150 hotel rooms and 15,000 square feet of retail space by November 1, 2017; and 150 hotel rooms by November 1, 2019. Delay fees are due if deadlines are not met.

Attachment
Location Map
Location Map - Extend Closing Date for Sale of Parcel 1, Interstate-277 Surplus Land (Council District 1)
Waverly Sanitary Sewer Trunk, Parcel #1

Action:

A. Approve the acquisition of sanitary sewer and temporary construction easements on a portion of Tax Parcel 231-131-11 located on Providence Road, using developer funds, serving a private development project, and

B. Adopt a budget ordinance appropriating $212,500 from Developer Contribution to the Waverly Sanitary Sewer Trunk Project.

Staff Resource(s):
Charles Anzalone, Engineering & Property Management
Mike Garbark, Charlotte Water
Yulonda Moore, Engineering & Property Management

Explanation
- Developer Providence Road Farms, LLC has been in negotiation with owners Shiloh I, LLC to acquire permanent sewer and temporary construction easements for development of an adjacent planned community known as Waverly.
- The Developer made a good faith effort to acquire the necessary easement interests from the owners, but all efforts to reach settlement have been unsuccessful.
- The Developer entered into a Developer Acquisition Services Agreement with the City to request the City’s assistance in acquiring the property interests for construction, and to assume all authority in making decisions with regards to negotiations with the property owners, up to and including condemnation if necessary.
- The easement areas to be acquired include 28,635 square feet of permanent sewer easement and 47,768 square feet of temporary construction easement.
- The Developer submitted cash in the amount of $212,500 to cover administrative expenses incurred by the City (agent fees, legal fees, title abstracts, appraisals, etc.) and to cover the value associated with acquiring the easements. The developer will be responsible for any and all additional costs that may arise.
- Staff was able to reach a negotiated agreement with the owners for $198,937.50 in compensation for the acquired easements. The balance will be used to cover the agreed upon administrative costs incurred by the City.
- The Developer will be responsible for the construction of the sewer line and rights to the permanent sewer easement will be retained by the City.

Fiscal Note
Funding: General Community Investment Plan

Attachment
Map
Budget Ordinance
Location Map: Waverly Sanitary Sewer Trunk, Parcel #1 (Council District 7)
ORDINANCE NO. ____________________

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE PROVIDING AN APPROPRIATION FOR ACQUISITION OF SANITARY SEWER AND TEMPORARY CONSTRUCTION EASEMENTS FOR WAVERLY SANITARY SEWER TRUNK

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

Section 1. That the sum of $212,500 is hereby estimated to be available from the following private developer sources: Providence Road Farms, LLC

Section 2. That the sum of $212,500 is hereby appropriated in the General Capital Investment Fund (4001) DW Homes-Waverly CW Project (8020100001-2000000000)

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

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

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

_____________________________________________________

City Attorney
Agenda #: 65. File #: 15-1214 Type: Consent Item

Aviation Property Transaction - 8025 Douglas Drive

Action: Approve the following property acquisition.

   Project: Aviation Land Acquisition
   Owner(s): Marguerite Aycoth
   Property Address: 8025 Douglas Drive
   Total Parcel Area: .941 acres
   Property to be acquired in Fee: .941 acres
   Property to be acquired by Easements: N/A
   Structures/Improvements to be impacted: Single-family Home
   Landscaping to be impacted: Trees and shrubs
   Zoned: R-3
   Use: Single-family Residential
   Tax Code: 141-092-05
   Purchase Price: $157,000
   Council District: 3
Agenda #: 66. File #: 15-1215 Type: Consent Item

Aviation Property Transaction - 8706 Douglas Drive

Action: Approve the following property acquisition.

**Project:** Aviation Land Acquisition  
**Owner(s):** Polk Estate by Clyde William Polk Jr (Executor)  
**Property Address:** 8706 Douglas Drive  
**Total Parcel Area:** .769 acres  
**Property to be acquired in Fee:** .769 acres  
**Property to be acquired by Easements:** N/A  
**Structures/Improvements to be impacted:** Single-family Home  
**Landscaping to be impacted:** Trees and shrubs  
**Zoned:** R-3  
**Use:** Single-family Residential  
**Tax Code:** 141-211-24  
**Purchase Price:** $169,700  
**Council District:** 3
Aviation Property Transaction - 9401 Snow Ridge Lane

Action: Approve the following property acquisition.

Project: Aviation Land Acquisition
Owner(s): Ronald J. Williams
Property Address: 9104 Snow Ridge Lane
Total Parcel Area: .471 acres
Property to be acquired in Fee: .471 acres
Property to be acquired by Easements: N/A
Structures/Improvements to be impacted: Single-family Home
Landscaping to be impacted: Trees and shrubs
Zoned: R-3
Use: Single-family Residential
Tax Code: 141-111-35
Purchase Price: $140,000
Council District: N/A
Aviation Property Transaction - End of Snow Ridge Lane

Action: Approve the following property acquisition.

- **Project:** Aviation Land Acquisition
- **Owner(s):** Jose Zelaya
- **Property Address:** Snow Ridge Lane
- **Total Parcel Area:** 25.214 acres
- **Property to be acquired in Fee:** 25.214 acres
- **Property to be acquired by Easements:** N/A
- **Structures/Improvements to be impacted:** N/A
- **Landscaping to be impacted:** Trees and shrubs
- **Zoned:** R-3
- **Use:** Vacant
- **Tax Code:** 141-111-02
- **Purchase Price:** $493,000
- **Council District:** N/A
Agenda Date: 9/28/2015

Agenda #: 69. File #: 15-1221 Type: Consent Item

Property Transactions - Baucom Road Connector, Parcel #4

Action:

Approve the following Acquisition: Baucom Road Connector, Parcel #4

Project: Baucom Road Connector, Parcel #4
Owner(s): Mallard Creek Medical Park Condominium Association, Inc.
Property Address: 3014 Baucom Road
Total Parcel Area: 124,058 sq. ft.

Property to be acquired by Easements: 477 sq. ft. (.011 ac.) in Storm Drainage Easement, plus 217 sq. ft. (.005 ac.) in Sidewalk and Utility Easement, plus 6,257 sq. ft. (.144 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees
Zoned: O-1(CD)
Use: Medical Condominium
Tax Code: 027-031-16
Purchase Price: $13,500
Council District: 2
Property Transactions - Lyon Court Storm Drainage Improvement Project, Parcel #36

Action:

Approve the following Acquisition: Lyon Court Storm Drainage Improvement project, Parcel #36

Project: Lyon Court Storm Drainage Improvement project, Parcel #36  
Program: Flood Control  
Owner(s): Radha Kreeshna, LLC  
Property Address: 2408 Central Avenue  
Total Parcel Area: 25,518 sq. ft.  
Property to be acquired by Easements: 4,861 sq. ft. (.112 ac.) in Storm Drainage Easement, plus 3,452 sq. ft. (.079 ac.) in Temporary Construction Easement  
Structures/Improvements to be impacted: None  
Landscaping to be impacted: Trees and various plantings  
Zoned: B-1  
Use: Commercial  
Tax Code: 129-022-38  
Purchase Price: $115,000  
Council District: 1
Property Transactions - Pawtuckett Neighborhood Improvement Project, Parcel #128.1

Action:
Approve the following Acquisition: Pawtuckett Neighborhood Improvement project, Parcel #128.1.

Project: Pawtuckett Neighborhood Improvement Project, Parcel #128.1
Owner(s): Kay Temple Switzer
Property Address: 6746 Glenmoor Drive
Total Parcel Area: 16,833 sq. ft.
Property to be acquired by Fee: 16,833 sq. ft. (.386 ac.) in Fee Simple (TOTAL TAKE)
Structures/Improvements to be impacted: Single-family Dwelling
Landscaping to be impacted: None
Zoned: R-4
Use: Single-family Residential
Tax Code: 055-155-47
Purchase Price: $70,450
Council District: 3
City of Charlotte

Agenda Date: 9/28/2015

Agenda #: 72. File #: 15-1222 Type: Consent Item

Property Transactions - Torrence Creek Tributary Trunk Sewer, Parcel #7

Action:
Approve the following Acquisition: Torrence Creek Tributary Trunk Sewer, Parcel #7

Project: Torrence Creek Tributary Trunk Sewer, Parcel #7
Owner(s): Susan Annette Moretz, Karen Denise Lewis and Brenda Ellen Moore
Property Address: 10701 Hambright Road
Total Parcel Area: 1,045,440 sq. ft.
Property to be acquired by Easements: 13,976 sq. ft. (.321 ac.) in Sanitary Sewer Easement, plus 24,459 sq. ft. (.562 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: CB
Use: Use Value Homesite
Tax Code: 017-401-04
Purchase Price: $15,000
Council District: N/A (Huntersville)
Property Transactions - Blue Line Extension, Parcel #1286

Action: Approve the following Condemnation: Blue Line Extension, Parcel #1286

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

- **Project:** Blue Line Extension, Parcel #1286
- **Owner(s):** Sterling Development Company and any other parties of interest
- **Property Address:** 3827/3811 North Davidson Street
- **Total Parcel Area:** 92,283 sq. ft.
- **Property to be acquired by easements:** 2,240 sq. ft. (.051 ac.) in Storm Drainage Easement
- **Structures/Improvements to be impacted:** Fencing and gravel surface
- **Landscaping to be impacted:** Trees and various plantings
- **Zoned:** I-2
- **Use:** Industrial
- **Tax Code:** 091-067-08
- **Appraised Value:** $5,500
- **Property Owner’s Counteroffer:** None
- **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:** 1
Property Transactions - Blue Line Extension, Parcel #1289

Action: Approve the following Condemnation: Blue Line Extension, Parcel #1289

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

Project: Blue Line Extension, Parcel #1289
Owner(s): Charlotte And Nicolette, Inc. and any other parties of interest
Property Address: 724 East Sugar Creek Road
Total Parcel Area: 13,453 sq. ft.
Property to be acquired in Fee: 13,453 sq. ft. (.309 ac.) in Fee Simple (TOTAL TAKE)
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: I-2
Use: Commercial
Tax Code: 091-067-09
Appraised Value: $10,750
Property Owner’s Counteroffer: None
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: 1
Property Transactions - Lilly Mill Drainage Improvements, Parcel #1

Action:

Approve the following Condemnation: Lilly Mill Drainage Improvements, Parcel #1.

Project: Lilly Mill Drainage Improvements, Parcel #1
Program: Flood Control
Owner(s): Quail Hollow Homeowners Association #4, Inc. and any other parties of interest
Property Address: Covey Chase Drive
Total Parcel Area: 515,078 sq. ft.
Property to be acquired by Easements: 51,672 sq. ft. (1.186 acres) in Storm Drainage Easement, plus 7,004 sq. ft. (.161 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees and various plantings
Zoned: R-4
Use: Single-family Residential - Common
Tax Code: 173-325-11
Appraised Value: $8,075
Property Owner’s Counteroffer: None
Recommendation: To obtain clear title and avoid delay in the project schedule, staff recommends proceeding to condemnation.
Council District: 6
Property Transactions - Lilly Mill Drainage Improvements, Parcel #51

Action: Approve the following Condemnation: Lilly Mill Drainage Improvements, Parcel #51

Project: Lilly Mill Drainage Improvements, Parcel #51
Program: Flood Control
Owner(s): Steven J. Richards and any other parties of interest
Property Address: 2830 Huntingtowne Farms Lane
Total Parcel Area: 17,547 sq. ft.
Property to be acquired by Easements: 4,485 sq. ft. (.103 ac.) in Storm Drainage Easement, plus 3,107 sq. ft. (.071 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: 173-221-95
Appraised Value: $10,675
Property Owner’s Counteroffer: $18,368.75
Property Owner’s Concerns: The property owner is concerned with the loss of trees and vegetation that creates screening at the back of the house. The owner is also concerned with the design of the project and the compensation amount.
City’s Response to Property Owner’s Concerns: City staff researched the possibility of shifting the easement lines. The research found that the costs associated with the alignment change and the addition of a retaining wall would not be a cost effective option.
Outstanding Concerns: The property owner still disagrees with the impacts and compensation.
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: 6
City of Charlotte

Agenda Date: 9/28/2015

Agenda #: 77. File #: 15-1231 Type: Consent Item

Property Transactions - Lyon Court Storm Drainage Improvement Project, Parcel #33 and #37

Action:

Approve the following Condemnation: Lyon Court Storm Drainage Improvement project, Parcel #33 and #37.

Project: Lyon Court Storm Drainage Improvement project, Parcel #33 and #37
Program: Flood Control
Owner(s): Ussam M. Jamil and Stacy Jamil and any other parties of interest
Property Address: 2400 Central Avenue and 1520 Iris Drive
Total Parcel Area: 44,096 sq. ft.
Property to be acquired by Easements: 8,092 sq. ft. (.186 ac.) in Storm Drainage Easement, plus 5,321 sq. ft. (.122 ac.) in Temporary Construction Easement, plus 16 sq. ft. in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: B-1
Use: Commercial
Tax Code: 129-022-02 and 129-022-01
Appraised Value: $43,250
Property Owner’s Counteroffer: $164,116
Property Owner’s Concerns: The property owner’s representative disagrees with the compensation amount and the design of the project.
City’s Response to Property Owner’s Concerns: Staff explained that the appraised value was determined by an independent MAI appraiser. Staff was able to reduce the impacts of the project by reducing the temporary construction easement area.
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: 1
Agenda #: 78. File #: 15-1232 Type: Consent Item

Property Transactions - Lyon Court Storm Drainage Improvement Project, Parcel #110

Action:

Approve the following Condemnation: Lyon Court Storm Drainage Improvement project, Parcel #110.

Project: Lyon Court Storm Drainage Improvement project, Parcel #110
Program: Flood Control
Owner(s): Hamorton Place One, LLC and any other parties of interest
Property Address: 2012 Hamorton Place
Total Parcel Area: 33,758 sq. ft.
Property to be acquired by Easements: 274 sq. ft. (.006 ac.) in Temporary Construction Easement, plus 3,175 sq. ft. (.073 ac.) in Right of Way Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R-22MF
Use: Multi-family
Tax Code: 095-077-30
Appraised Value: $1,075
Property Owner’s Counteroffer: None
Property Owner’s Concerns: The property owner was concerned with the location of the storm drainage improvements.
City’s Response to Property Owner’s Concerns: Staff worked with the property owner to reposition the storm drainage improvements along the street.
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: 1
Agenda #: 79. File #: 15-1233 Type: Consent Item

Property Transactions - Lyon Court Storm Drainage Improvement Project, Parcel #117

Action:

Approve the following Condemnation: Lyon Court Storm Drainage Improvement project, Parcel #117.

Project: Lyon Court Storm Drainage Improvement project, Parcel #117
Program: Flood Control
Owner(s): Hamorton Place Two, LLC and any other parties of interest
Property Address: 1927 Hamorton Place
Total Parcel Area: 34,033 sq. ft.
Property to be acquired by Easements: 170 sq. ft. (.004 ac.) in Storm Drainage Easement, plus 532 sq. ft. (.012 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Tree
Zoned: R-22MF
Use: Multi-family
Tax Code: 095-074-05
Appraised Value: $2,675
Property Owner’s Counteroffer: None
Property Owner’s Concerns: The property owner was concerned with the location of the storm drainage improvements.
City’s Response to Property Owner’s Concerns: Staff worked with the property owner to reposition the storm drainage improvements along the street.
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: 1
Property Transactions - Lyon Court Storm Drainage Improvement Project, Parcel #129

Action:

Approve the following Condemnation: Lyon Court Storm Drainage Improvement project, Parcel #129.

Project: Lyon Court Storm Drainage Improvement project, Parcel #129
Program: Flood Control
Owner(s): Jeanette V. Bambauer and any other parties of interest
Property Address: 1611 Tippah Avenue
Total Parcel Area: 5,817 sq. ft.
Property to be acquired by Easements: 3,257 sq. ft. (.075 ac.) in Storm Drainage Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees and various plantings
Zoned: R-5
Use: Single-family Residential
Tax Code: 095-073-07
Appraised Value: $65,675
Property Owner’s Counteroffer: $100,000

Property Owner’s Concerns: The property owner’s representative disagrees with the compensation amount and felt there should be damages associated with the location of the easements.

City’s Response to Property Owner’s Concerns: Staff explained that the appraised value was determined by an independent MAI appraiser.

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: 1
Agenda #: 81. File #: 15-1226 Type: Consent Item

Property Transactions - Nevin/Gibbon Road Sidewalk, Parcel #27

Action: Approve the following Condemnation: Nevin/Gibbon Road Sidewalk, Parcel #27

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: Nevin/Gibbon Road Sidewalk, Parcel #27
Owner(s): Ralph E. Harris, Kevin Harris, Phil P. Harris and Firehouse Productions LLC and any other parties of interest
Property Address: 6216 Hunter Avenue
Total Parcel Area: 25,347 sq. ft.
Property to be acquired in Fee: 2,950 sq. ft. (.068 ac.) in Fee Simple
Property to be acquired by Easements: 406 sq. ft. (.009 ac.) in Sidewalk and Utility Easement, plus 367 sq. ft. (.008 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: B-1
Use: Commercial
Tax Code: 045-134-01
Appraised Value: $25,250
Property Owner’s Counteroffer: $33,300
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: 4
Property Transactions - Nevin/Gibbon Road Sidewalk, Parcel #31

Action:

Approve the following Condemnation: Nevin/Gibbon Road Sidewalk, Parcel #31

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:** Nevin/Gibbon Road Sidewalk, Parcel #31  
**Owner(s):** BP Products North America, Inc. and any other parties of interest  
**Property Address:** 6130 Bisaner Street  
**Total Parcel Area:** 494,256 sq. ft.  
**Property to be acquired by Easements:** 146 sq. ft. (.003 ac.) in Sidewalk and Utility Easement, plus 687 sq. ft. (.016 ac.) in Temporary Construction Easement  
**Structures/Improvements to be impacted:** None  
**Landscaping to be impacted:** None  
**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 047-041-13  
**Appraised Value:** $475  
**Property Owner’s Counteroffer:** None  
**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:** 2
In Rem Remedy:  304 Keswick Avenue

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

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

Policy:
- Housing & Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:
1. Public Safety - Police and/or Fire Dept.
2. Complaint - petition by citizens, tenant complaint or public agency referral
3. Field Observation - concentrated code enforcement program

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

Complaint:  304 Keswick Avenue

Action:
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 304 Keswick Avenue (Neighborhood Profile Area 157).

Attachment
ORDINANCE


WHEREAS, the dwelling located at 304 Keswick Avenue in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 304 Keswick Avenue in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Senior Assistant City Attorney
### GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>304 Keswick Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood</td>
<td>Neighborhood Profile Area 157</td>
</tr>
<tr>
<td>Council District</td>
<td>#1</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Known &amp; Unknown Heirs of Sarah Turman Hoover</td>
</tr>
<tr>
<td>Owner(s) Address</td>
<td>304 Keswick Avenue Charlotte, NC 28206</td>
</tr>
</tbody>
</table>

### KEY FACTS

| Focus Area | Housing & Neighborhood Development & Community Safety Plan |

### CODE ENFORCEMENT INFORMATION

- Reason for Inspection: Petition
- Date of the Inspection: 3/4/2015
- Owner(s) notified of Complaint and Notice of Hearing by advertisement and certified mail by: 3/10/2015
- Title report received: 3/24/2015
- Held hearings for owner(s) by: 4/7/2015
- Owner(s) attend hearing: Yes, (heir)
- Owner(s) ordered to demolish structure by: 5/11/2015
- Filed Lis Pendens: 6/5/2015
- Owner(s) have not repaired, or complied with order to demolish.
- Structure occupied: No
- Demolition cost: $7,215
- Lien will be placed on the property for the cost of Demolition.
NOTIFICATION TO OWNER

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

OPTIONS

<table>
<thead>
<tr>
<th>IN-REM REPAIR</th>
<th>REHAB TO CITY STANDARD</th>
<th>REPLACEMENT HOUSING</th>
<th>DEMOLITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated In-Rem Repair Cost: $52,049</td>
<td>Acquisition &amp; Rehabilitation Cost</td>
<td>New Replacement Structure Cost</td>
<td>Demolition Cost</td>
</tr>
<tr>
<td>(Existing structure: 1,349 sq. ft. total)</td>
<td>(Structure: 1,349 sq. ft. total)</td>
<td>(Structure: 1,349 sq. ft. total)</td>
<td>$7,215</td>
</tr>
<tr>
<td>Economic Life: 15-20 years</td>
<td>Economic Life: 50 years</td>
<td>Economic Life: 50 years</td>
<td>Estimated cost-$163,215</td>
</tr>
<tr>
<td>Estimated cost-$163,215</td>
<td></td>
<td>Estimated cost-$196,061</td>
<td></td>
</tr>
</tbody>
</table>

In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.

<table>
<thead>
<tr>
<th>Acquisition: Tax values:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Structure: $61,500</td>
</tr>
<tr>
<td>- Deck: $500</td>
</tr>
<tr>
<td>- Land: $25,500</td>
</tr>
<tr>
<td>Total Acquisition: $87,500</td>
</tr>
</tbody>
</table>

Estimated Rehabilitation Cost: $67,450
Outstanding Loans: $0
Property Taxes owed: $6,117
Interest on Taxes owed: $2,148
Total: $75,715

Acquisition: Tax values:
- Structure: $61,500
- Deck: $500
- Land: $25,500
Total Acquisition: $87,500

New structure: $93,081
Demolition: $7,215
Outstanding Loans: $0
Property Taxes owed: $6,117
Interest on Taxes owed: $2,148
Total: $108,561

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:
- Estimated In-Rem Repair cost of: $52,049 ($38.58 /sq. ft.), which is 84.632% of the structure tax value, which is $61,500.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- The building is 68 years old and consists of 1,349 square feet total.
- A new 1,349sq. ft. structure can be built for $93,081.
304 Keswick Avenue
City of Charlotte

Agenda Date: 9/28/2015

Agenda #: 84. File #: 15-1283 Type: Consent Item

In Rem Remedy: 515 W. 28th Street

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

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

Policy:
- Housing & Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:
1. Public Safety - Police and/or Fire Dept.
2. Complaint - petition by citizens, tenant complaint or public agency referral
3. Field Observation - concentrated code enforcement program

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

Public Safety: 515 W. 28th Street

Action:
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 515 W. 28th Street (Neighborhood Profile Area 369).

Attachment
ORDINANCE


WHEREAS, the dwelling located at 515 W. 28th Street in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 515 W.28th Street in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

_________________________
Senior Assistant City Attorney
<table>
<thead>
<tr>
<th>GENERAL INFORMATION</th>
<th>515 W. 28th Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Address</td>
<td>Neighborhood Profile Area</td>
</tr>
<tr>
<td>Neighborhood</td>
<td>369</td>
</tr>
<tr>
<td>Council District</td>
<td>#1</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Gloria Dean Davis</td>
</tr>
<tr>
<td>Owner(s) Address</td>
<td>515 Moretz Avenue</td>
</tr>
<tr>
<td></td>
<td>Charlotte, NC 28206</td>
</tr>
</tbody>
</table>

| KEY FACTS                                               | Housing & Neighborhood      |
|---------------------------------------------------------| Development & Community     |
| Focus Area                                              | Safety Plan                 |

<table>
<thead>
<tr>
<th>CODE ENFORCEMENT INFORMATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>♦ Reason for Inspection:</td>
<td>Public Agency (Court</td>
</tr>
<tr>
<td></td>
<td>Magistrate)</td>
</tr>
<tr>
<td>♦ Date of the Inspection:</td>
<td>4/7/2015</td>
</tr>
<tr>
<td>♦ Title report received, revealing parties in interest:</td>
<td>4/9/2015</td>
</tr>
<tr>
<td>♦ Owner(s) and parties in interest notified of Complaint</td>
<td>5/29/2015</td>
</tr>
<tr>
<td>and Notice of Hearing by advertisement and certified</td>
<td></td>
</tr>
<tr>
<td>mail by:</td>
<td></td>
</tr>
<tr>
<td>♦ Held hearings for owner(s) and parties in interest by:</td>
<td>6/15/2015</td>
</tr>
<tr>
<td>♦ Owner(s) and parties in interest attend hearing:</td>
<td>No</td>
</tr>
<tr>
<td>♦ Owner(s) and parties in interest ordered to demolish</td>
<td>7/15/2015</td>
</tr>
<tr>
<td>structure by:</td>
<td></td>
</tr>
<tr>
<td>♦ Filed Lis Pendens:</td>
<td>7/23/2015</td>
</tr>
<tr>
<td>♦ Owner(s) have not repaired, or complied with order to</td>
<td></td>
</tr>
<tr>
<td>demolish.</td>
<td></td>
</tr>
<tr>
<td>♦ Structure occupied:</td>
<td>No</td>
</tr>
<tr>
<td>♦ Demolition cost:</td>
<td>$5,060</td>
</tr>
<tr>
<td>♦ Lien will be placed on the property for the cost of</td>
<td></td>
</tr>
<tr>
<td>Demolition.</td>
<td></td>
</tr>
</tbody>
</table>
NOTIFICATION TO OWNER

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

OPTIONS

<table>
<thead>
<tr>
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<th>DEMOLITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated In-Rem Repair Cost: $40,055</td>
<td>Acquisition &amp; Rehabilitation Cost (Existing structure: 918 sq.ft. total; Economic Life: 15-20 years; Estimated cost-$147,299)</td>
<td>New Replacement Structure Cost (Structure: 1,000 sq.ft. total; Economic Life: 50 years; Estimated cost-$175,459)</td>
<td>Demolition Cost $5,060</td>
</tr>
<tr>
<td>In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.</td>
<td>Acquisition: Tax values: - Structure: $48,500 - Terrace/Patio: $0 - Land: $18,000 Total Acquisition: $66,500</td>
<td>Acquisition: Tax values: - Structure: $48,500 - Terrace/Patio: $0 - Land: $18,000 Total Acquisition: $66,500</td>
<td></td>
</tr>
<tr>
<td>Estimated Rehabilitation Cost: $45,900</td>
<td>New structure: $69,000 Demolition: $5,060</td>
<td>New structure: $69,000 Demolition: $5,060</td>
<td></td>
</tr>
<tr>
<td>Outstanding Loans: $30,836</td>
<td>Outstanding Loans: $30,836</td>
<td>Outstanding Loans: $30,836</td>
<td></td>
</tr>
<tr>
<td>Property Taxes owed: $3,348</td>
<td>Property Taxes owed: $3,348</td>
<td>Property Taxes owed: $3,348</td>
<td></td>
</tr>
<tr>
<td>Interest on Taxes owed: $715</td>
<td>Interest on Taxes owed: $715</td>
<td>Interest on Taxes owed: $715</td>
<td></td>
</tr>
<tr>
<td>Total: $80,799</td>
<td>Total: $108,959</td>
<td>Total: $108,959</td>
<td></td>
</tr>
</tbody>
</table>

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:
- Estimated In-Rem Repair cost of: $40,055 ($43.63 /sq. ft.) which is 82.587% of the structure tax value, which is $48,500.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- Violations include: Structural, Heating and Plumbing: roof covering rafters and sheathing decayed, holes in walls, inoperable windows, inoperable exterior doors, missing soffit and fascia. Missing plumbing fixtures. Missing heating equipment and water heater.
- The building is 66 years old and consists of 918 square feet total.
- A new 1,000 sq. ft. structure can be built for $69,000.
In Rem Remedy: 816-4 Prince Street

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

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

Policy:
- Housing & Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:
1. Public Safety - Police and/or Fire Dept.
2. Complaint - petition by citizens, tenant complaint or public agency referral
3. Field Observation - concentrated code enforcement program

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

Public Safety: 816-4 Prince Street

Action:
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 816-4 Prince Street (Neighborhood Profile Area 292).

Attachment
ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 816-4 PRINCE STREET PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF RCD PROPERTIES, LLC 169 FERN AVENUE SW CONCORD, NC 28205

WHEREAS, the dwelling located at 816-4 Prince Street in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 816-4 Prince Street in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

_________________________
Senior Assistant City Attorney
## GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>816-4 Prince Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood</td>
<td>Neighborhood Profile Area 292</td>
</tr>
<tr>
<td>Council District</td>
<td>#2</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>RCD Properties, LLC</td>
</tr>
<tr>
<td>Owner(s) Address</td>
<td>169 Fern Avenue SW Concord, NC 28205</td>
</tr>
</tbody>
</table>

## KEY FACTS

<table>
<thead>
<tr>
<th>Focus Area</th>
<th>Housing &amp; Neighborhood Development &amp; Community Safety Plan</th>
</tr>
</thead>
</table>

## CODE ENFORCEMENT INFORMATION

| ♦ Reason for Inspection:                             | Public Agency (Charlotte Fire Department) |
|♦ Date of the Inspection:                            | 4/8/2015 |
|♦ Title report received, revealing party in interest: | 5/11/2015 |
|♦ Owner(s) and party in interest notified of Complaint and Notice of Hearing by advertisement and certified mail by: | 5/22/2015 |
|♦ Held hearings for owner(s) and party in interest by: | 6/17/2015 |
|♦ Owner(s) and party in interest attend hearing:      | Yes(owner) |
|♦ Filed Lis Pendens:                                  | 7/1/2015 |
|♦ Owner(s) and party in interest ordered to demolish structure by: | 7/20/2015 |
|♦ Owner(s) have not repaired, or complied with order to demolish. | |
|♦ Structure occupied:                                | No |
|♦ Demolition cost:                                   | $4,080 |
|♦ Lien will be placed on the property for the cost of Demolition. | |
NOTIFICATION TO OWNER

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

OPTIONS

<table>
<thead>
<tr>
<th>IN-REM REPAIR</th>
<th>REHAB TO CITY STANDARD</th>
<th>REPLACEMENT HOUSING</th>
<th>DEMOLITION</th>
</tr>
</thead>
</table>
| Estimated In-Rem Repair Cost: $23,465 | Acquisition & Rehabilitation Cost (Existing structure: 722 sq. ft. total)  
  Economic Life: 15-20 years  
  Estimated cost-$96,833 | New Replacement Structure Cost (Structure: 1,000 sq. ft. total)  
  Economic Life: 50 years  
  Estimated cost-$133,813 | Demolition Cost $4,080 |

In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.

Acquisition:  
- Tax values:  
  - Structure: $33,800  
  - Deck/Terrace: $0  
  - Land: $2,467*  
  Total Acquisition: $36,267

Estimated Rehabilitation Cost: $36,100

Outstanding Loans: $22,800*

Property Taxes owed: $1,576*

Interest on Taxes owed: $90*

Total: $60,566

Acquisition:  
- Tax values:  
  - Structure: $33,800  
  - Deck/Terrace: $0  
  - Land: $2,467*  
  Total Acquisition: $36,267

New structure: $69,000

Demolition: $4,080

Outstanding Loans: $22,800*

Property Taxes owed: $1,576*

Interest on Taxes owed: $90*

Total: $97,546

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:
- Estimated In-Rem Repair cost of: $23,465 ($32.50 /sq. ft.), which is 69.423% of the structure tax value, which is $33,800.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- The building is 51 years old and consists of 722 square feet total.
- A new 1,000sq. ft. structure can be built for $69,000.
- * There are 9 buildings on this one parcel; therefore, the amount of land value, outstanding loan and taxes have been calculated using one-ninth (1/9) of the total for the parcel.
 Agenda #: 86.File #: 15-1289 Type: Consent Item

In Rem Remedy: 816-5 Prince Street

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

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

Policy:
- Housing & Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:
1. Public Safety - Police and/or Fire Dept.
2. Complaint - petition by citizens, tenant complaint or public agency referral
3. Field Observation - concentrated code enforcement program

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

Field Observation: 816-5 Prince Street

Action:
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 816-5 Prince Street (Neighborhood Profile Area 292).

Attachment
ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 816-5 PRINCE STREET PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF RCD PROPERTIES, LLC 169 FERN AVENUE SW CONCORD, NC 28205

WHEREAS, the dwelling located at 816-5 Prince Street in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 816-5 Prince Street in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

_________________________
Senior Assistant City Attorney
## GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>816-5 Prince Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood</td>
<td>Neighborhood Profile Area 292</td>
</tr>
<tr>
<td>Council District</td>
<td>#2</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>RCD Properties, LLC</td>
</tr>
<tr>
<td>Owner(s) Address</td>
<td>169 Fern Avenue SW Concord, NC 28205</td>
</tr>
</tbody>
</table>

## KEY FACTS

| Focus Area | Housing & Neighborhood Development & Community Safety Plan |

## CODE ENFORCEMENT INFORMATION

<table>
<thead>
<tr>
<th>Reason for Inspection</th>
<th>Field Observation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of the Inspection</td>
<td>4/8/2015</td>
</tr>
<tr>
<td>Title report received, revealing party in interest</td>
<td>5/11/2015</td>
</tr>
<tr>
<td>Owner(s) and party in interest notified of Complaint and Notice of Hearing by advertisement and certified mail by</td>
<td>5/22/2015</td>
</tr>
<tr>
<td>Held hearings for owner(s) and party interest by</td>
<td>6/17/2015</td>
</tr>
<tr>
<td>Owner(s) and party in interest attend hearing</td>
<td>Yes(owner)</td>
</tr>
<tr>
<td>Filed Lis Pendens</td>
<td>7/1/2015</td>
</tr>
<tr>
<td>Owner(s) and party in interest ordered to demolish structure by</td>
<td>7/20/2015</td>
</tr>
<tr>
<td>Owner(s) have not repaired, or complied with order to demolish</td>
<td></td>
</tr>
<tr>
<td>Structure occupied</td>
<td>No</td>
</tr>
<tr>
<td>Demolition cost</td>
<td>$4,080</td>
</tr>
<tr>
<td>Lien will be placed on the property for the cost of Demolition</td>
<td></td>
</tr>
</tbody>
</table>
NOTIFICATION TO OWNER

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

OPTIONS

<table>
<thead>
<tr>
<th>IN-REM REPAIR</th>
<th>REHAB TO CITY STANDARD</th>
<th>REPLACEMENT HOUSING</th>
<th>DEMOLITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated In-Rem Repair Cost: $25,525</td>
<td>Acquisition &amp; Rehabilitation Cost (Existing structure: 722 sq. ft. total) Economic Life: 15-20 years Estimated cost-$99,233</td>
<td>New Replacement Structure Cost (Structure: 1,000 sq. ft. total) Economic Life: 50 years Estimated cost-$136,213</td>
<td>Demolition Cost $4,080</td>
</tr>
</tbody>
</table>

In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.

<table>
<thead>
<tr>
<th></th>
<th>Acquisition:</th>
<th>Acquisition:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax values:</td>
<td>Tax values:</td>
<td></td>
</tr>
<tr>
<td>- Structure: $36,200</td>
<td>- Structure: $36,200</td>
<td></td>
</tr>
<tr>
<td>- Deck/Terrace: $0</td>
<td>- Deck/Terrace: $0</td>
<td></td>
</tr>
<tr>
<td>- Land: $2,467*</td>
<td>- Land: $2,467*</td>
<td></td>
</tr>
<tr>
<td>Total Acquisition: $38,667</td>
<td>Total Acquisition: $38,667</td>
<td></td>
</tr>
</tbody>
</table>

Estimated Rehabilitation Cost: $36,100
Outstanding Loans: $22,800*
Property Taxes owed: $1,576*
Interest on Taxes owed: $90*
Total: $60,566

Acquisition: Tax values:
- Structure: $36,200
- Deck/Terrace: $0
- Land: $2,467*
Total Acquisition: $38,667

New structure: $69,000
Demolition: $4,080
Outstanding Loans: $22,800*
Property Taxes owed: $1,576*
Interest on Taxes owed: $90*
Total: $97,546

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:
- Estimated In-Rem Repair cost of: $25,525 ($35.35 /sq. ft.), which is 70.511% of the structure tax value, which is $36,200.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- The building is 51 years old and consists of 722 square feet total.
- A new 1,000sq. ft. structure can be built for $69,000.
- There are 9 buildings on this one parcel; therefore, the amount of land value, outstanding loan and taxes have been calculated using one-ninth (1/9) of the total for the parcel.
In Rem Remedy: 2505 Rachel Street

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

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

Policy:
- Housing & Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:
1. Public Safety - Police and/or Fire Dept.
2. Complaint - petition by citizens, tenant complaint or public agency referral
3. Field Observation - concentrated code enforcement program

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

Public Safety: 2505 Rachel Street

Action:
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2505 Rachel Street (Neighborhood Profile Area 363).

Attachment
ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 2505 RACHEL STREET PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF PAULETTE VAUGHN AND PERDENSAL SPRINGS 2735 GRIMES STREET CHARLOTTE, NC 28206

WHEREAS, the dwelling located at 2505 Rachel Street in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 2505 Rachel Street in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

_________________________
Senior Assistant City Attorney
### GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>2505 Rachel Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood</td>
<td>Neighborhood Profile Area 363</td>
</tr>
<tr>
<td>Council District</td>
<td>#1</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Paulette Vaughn, Perdensal Springs</td>
</tr>
<tr>
<td>Owner(s) Address</td>
<td>2735 Grimes Street Charlotte, NC 28206</td>
</tr>
</tbody>
</table>

### KEY FACTS

| Focus Area             | Housing & Neighborhood Development & Community Safety Plan |

### CODE ENFORCEMENT INFORMATION

- **Reason for Inspection:** Public Agency (Charlotte-Mecklenburg Police Department)
- **Date of the Inspection:** 3/16/2015
- **Title report received, revealing parties in interest:** 4/9/2015
- **Owner(s) and parties in interest notified of Complaint and Notice of Hearing by advertisement and certified mail by:** 5/15/2015
- **Held hearings for owner(s) and parties in interest by:** 6/1/2015
- **Owner(s) and parties in interest attend hearing:** Yes (owner)
- **Owner(s) and parties in interest ordered to demolish structure by:** 7/1/2015
- **Filed Lis Pendens:** 7/17/2015
- **Owner(s) has not repaired, or complied with order to demolish.**
- **Structure occupied:** No
- **Demolition cost:** $5,780
- **Lien will be placed on the property for the cost of Demolition.**
NOTIFICATION TO OWNER

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

OPTIONS

<table>
<thead>
<tr>
<th>IN-REM REPAIR</th>
<th>REHAB TO CITY STANDARD</th>
<th>REPLACEMENT HOUSING</th>
<th>DEMOLITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated In-Rem Repair Cost: $18,720</td>
<td>Acquisition &amp; Rehabilitation Cost (Existing structure: 1,062 sq. ft. total) Economic Life: 15-20 years Estimated cost-$153,342</td>
<td>New Replacement Structure Cost (Structure: 1,062 sq. ft. total) Economic Life: 50 years Estimated cost-$179,300</td>
<td>Demolition Cost $5,780</td>
</tr>
</tbody>
</table>

In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.

In-Rem Repair:
- Acquisition:
  - Tax values: $26,500
  - Terrace/Carport: $400
  - Land: $7,000
  - Total Acquisition: $33,900
- Estimated Rehabilitation Cost: $53,100
- Outstanding Loans: $64,704
- Property Taxes owed: $1,513
- Interest on Taxes owed: $125
- Total: $119,442

For New Rehabilitation:
- Tax values: $26,500
- Terrace/Carport: $400
- Land: $7,000
- Total Acquisition: $33,900
- New structure: $73,278
- Outstanding Loans: $64,704
- Property Taxes owed: $1,513
- Interest on Taxes owed: $125
- Total: $145,400

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:
- Estimated In-Rem Repair cost of: $18,270 ($17.62 /sq. ft.), which is 70.641% of the structure tax value, which is $26,500.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- The building is 61 years old and consists of 1,062 square feet total.
- A new 1,062 sq. ft. structure can be built for $73,278.
In Rem Remedy: 5203 Elcar Drive

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

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

Policy:
- Housing & Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:
1. Public Safety - Police and/or Fire Dept.
2. Complaint - petition by citizens, tenant complaint or public agency referral
3. Field Observation - concentrated code enforcement program

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

Public Safety: 5203 Elcar Drive

Action:
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5203 Elcar Drive (Neighborhood Profile Area 83).

Attachment
ORDINANCE


WHEREAS, the dwelling located at 5203 Elcar Drive in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 5203 Elcar Drive in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Senior Assistant City Attorney
<table>
<thead>
<tr>
<th><strong>GENERAL INFORMATION</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Address</td>
<td>5203 Elcar Drive</td>
</tr>
<tr>
<td>Neighborhood</td>
<td>Neighborhood Profile Area 83</td>
</tr>
<tr>
<td>Council District</td>
<td>Mecklenburg County / Unincorporated</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Linda M. Miller, Debra M. Pena, John M. Miller, Tammy M. Barnes, Gary M. Miller</td>
</tr>
<tr>
<td>Owner(s) Address</td>
<td>329 Maupin Avenue Salisbury, NC 28144</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>KEY FACTS</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Focus Area</td>
<td>Housing &amp; Neighborhood Development &amp; Community Safety Plan</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>CODE ENFORCEMENT INFORMATION</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>♦ Reason for Inspection:</td>
<td>Public Agency Referral from Charlotte-Mecklenburg Police</td>
</tr>
<tr>
<td>♦ Title report received:</td>
<td>9/25/2014</td>
</tr>
<tr>
<td>♦ Date of the Inspection:</td>
<td>11/5/2014</td>
</tr>
<tr>
<td>♦ Owner(s) notified of Complaint and Notice of Hearing by advertisement and certified mail by:</td>
<td>12/19/2014</td>
</tr>
<tr>
<td>♦ Held hearings for owner(s) by:</td>
<td>1/13/2015</td>
</tr>
<tr>
<td>♦ Owner(s) attend hearing:</td>
<td>No</td>
</tr>
<tr>
<td>♦ Owner(s) ordered to demolish structure by:</td>
<td>2/26/2015</td>
</tr>
<tr>
<td>♦ Filed Lis Pendens:</td>
<td>4/17/2015</td>
</tr>
<tr>
<td>♦ Owner have not repaired, or complied with order to demolish.</td>
<td></td>
</tr>
<tr>
<td>♦ Structure occupied:</td>
<td>No</td>
</tr>
<tr>
<td>♦ Demolition cost:</td>
<td>$7,300</td>
</tr>
<tr>
<td>♦ Lien will be placed on the property for the cost of Demolition.</td>
<td></td>
</tr>
</tbody>
</table>
**NOTIFICATION TO OWNER**

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

**OPTIONS**

<table>
<thead>
<tr>
<th>IN-REM REPAIR</th>
<th>REHAB TO CITY STANDARD</th>
<th>REPLACEMENT HOUSING</th>
<th>DEMOLITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated In-Rem Repair Cost: $14,040</td>
<td>Acquisition &amp; Rehabilitation Cost</td>
<td>New Replacement Structure Cost</td>
<td>Demolition Cost $7,300</td>
</tr>
<tr>
<td>In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.</td>
<td>Acquisition and rehabilitation are not applicable, because this is a manufactured home.</td>
<td>Replacement housing is not applicable, because this structure is manufactured home.</td>
<td></td>
</tr>
</tbody>
</table>

**RECOMMENDATION FOR DEMOLITION**

Demolition is recommended because:
- Estimated In-Rem Repair cost of: $14,040 which is 1,170% of the structure tax value, which is $1,200.
- City rehab costs analysis is not applicable.
- New construction analysis is not applicable.
- The age of the manufactured home is unknown.
- The manufactured home was damaged by fire after the initial inspection.
Agenda #: 89. File #: 15-1290 Type: Consent Item

In Rem Remedy: 9003 Sharpes Circle

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

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

Policy:
- Housing & Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:
1. Public Safety - Police and/or Fire Dept.
2. Complaint - petition by citizens, tenant complaint or public agency referral
3. Field Observation - concentrated code enforcement program

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

Field Observation: 9003 Sharpes Circle

Action:
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9003 Sharpes Circle (Neighborhood Profile Area 34).

Attachment
ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 9003 SHARPE'S CIRCLE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF HOWARD CRAIG SHARPE, JR. 9325 PINTO CT. FORT MILL, SC 29715

WHEREAS, the dwelling located at 9003 Sharpe's Circle in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 9003 Sharpe's Circle in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Senior Assistant City Attorney
### GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>9003 Sharpes Circle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood</td>
<td>Neighborhood Profile Area 34</td>
</tr>
<tr>
<td>Council District</td>
<td>#3</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Howard Craig Sharpe, Jr.</td>
</tr>
<tr>
<td>Owner(s) Address</td>
<td>9325 Pinto Ct. Fort Mill, SC 29715</td>
</tr>
</tbody>
</table>

### KEY FACTS

| Focus Area                                    | Housing & Neighborhood Development & Community Safety Plan |

### CODE ENFORCEMENT INFORMATION

- Reason for Inspection: Field Observation
- Title report received: 8/26/2014
- Date of the Inspection: 9/19/2014
- Owner notified of Complaint and Notice of Hearing by advertisement and certified mail by: 2/2/2015
- Held hearing for owner by: 2/26/2015
- Owner attend hearing: No
- Filed Lis Pendens: 3/25/2015
- Owner ordered to demolish structure by: 4/10/2015
- Owner(s) have not repaired, or complied with order to demolish.
- Structure occupied: No
- Demolition cost: $5,300
- Lien will be placed on the property for the cost of Demolition.
NOTIFICATION TO OWNER

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

OPTIONS

<table>
<thead>
<tr>
<th>IN-REM REPAIR</th>
<th>REHAB TO CITY STANDARD</th>
<th>REPLACEMENT HOUSING</th>
<th>DEMOLITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated In-Rem Repair Cost: $24,595</td>
<td>Acquisition &amp; Rehabilitation Cost (Existing structure: 966 sq. ft. total) Economic Life: 15-20 years Estimated cost-$94,161</td>
<td>New Replacement Structure Cost (Structure: 1,000 sq. ft. total) Economic Life: 50 years Estimated cost-$120,161</td>
<td>Demolition Cost $5,300</td>
</tr>
</tbody>
</table>

In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.

<table>
<thead>
<tr>
<th>Acquisition:</th>
<th>Acquisition:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Structure:</td>
<td>- Structure:</td>
</tr>
<tr>
<td>$32,600</td>
<td>$32,600</td>
</tr>
<tr>
<td>- Garage/shed:</td>
<td>- Garage/shed:</td>
</tr>
<tr>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>- Land:</td>
<td>- Land:</td>
</tr>
<tr>
<td>$8,500*</td>
<td>$8,500*</td>
</tr>
<tr>
<td>Total Acquisition: $41,100</td>
<td>Total Acquisition: $41,100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estimated Rehabilitation Cost: $48,300</th>
<th>New structure: $69,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding Loans: $0</td>
<td>Demolition: $5,300</td>
</tr>
<tr>
<td>Property Taxes owed: $3,755*</td>
<td>Outstanding Loans: $0</td>
</tr>
<tr>
<td>Interest on Taxes owed: $1,006*</td>
<td>Property Taxes owed: $3,755*</td>
</tr>
<tr>
<td>Total: $53,061</td>
<td>Interest on Taxes owed: $1,006*</td>
</tr>
<tr>
<td>Total: $53,061</td>
<td>Total: $79,061</td>
</tr>
</tbody>
</table>

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:
- Estimated In-Rem Repair cost of: $24,595 ($25.46/sq. ft.), which is 75.444% of the structure tax value, which is $32,600.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- The building is 58 years old and consists of 966 square feet total.
- A new 1,000 sq. ft. structure can be built for $69,000.
- * There are 10 buildings on this one parcel; therefore, the amount of land value, taxes and interest have been calculated using one-tenth (1/10) of the total for the parcel.
In Rem Remedy: 9009 Sharpes Circle

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

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

Policy:
- Housing & Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:
1. Public Safety - Police and/or Fire Dept.
2. Complaint - petition by citizens, tenant complaint or public agency referral
3. Field Observation - concentrated code enforcement program

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

Field Observation: 9009 Sharpes Circle

Action:
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9009 Sharpes Circle (Neighborhood Profile Area 34).

Attachment
ORDINANCE


WHEREAS, the dwelling located at 9009 Sharpes Circle in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 9009 Sharpes Circle in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

_________________________
Senior Assistant City Attorney
<table>
<thead>
<tr>
<th>GENERAL INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Address</td>
</tr>
<tr>
<td>Neighborhood</td>
</tr>
<tr>
<td>Council District</td>
</tr>
<tr>
<td>Owner(s)</td>
</tr>
<tr>
<td>Owner(s) Address</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>KEY FACTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Focus Area</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CODE ENFORCEMENT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>♦ Reason for Inspection:</td>
</tr>
<tr>
<td>♦ Title report received:</td>
</tr>
<tr>
<td>♦ Date of the Inspection:</td>
</tr>
<tr>
<td>♦ Owner notified of Complaint and Notice of Hearing by advertisement and certified mail by:</td>
</tr>
<tr>
<td>♦ Held hearing for owner by:</td>
</tr>
<tr>
<td>♦ Owner attend hearing:</td>
</tr>
<tr>
<td>♦ Filed Lis Pendens:</td>
</tr>
<tr>
<td>♦ Owner ordered to demolish structure by:</td>
</tr>
<tr>
<td>♦ Owner(s) have not repaired, or complied with order to demolish.</td>
</tr>
<tr>
<td>♦ Structure occupied:</td>
</tr>
<tr>
<td>♦ Demolition cost:</td>
</tr>
<tr>
<td>♦ Lien will be placed on the property for the cost of Demolition.</td>
</tr>
</tbody>
</table>
NOTIFICATION TO OWNER

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

OPTIONS

<table>
<thead>
<tr>
<th>IN-REM REPAIR</th>
<th>REHAB TO CITY STANDARD</th>
<th>REPLACEMENT HOUSING</th>
<th>DEMOLITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated In-Rem Repair Cost: $24,595</td>
<td>Acquisition &amp; Rehabilitation Cost (Existing structure: 720 sq. ft. total) Economic Life: 15-20 years Estimated cost-$80,761</td>
<td>New Replacement Structure Cost (Structure: 1,000 sq. ft. total) Economic Life: 50 years Estimated cost-$117,831</td>
<td>Demolition Cost $4,070</td>
</tr>
<tr>
<td>In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.</td>
<td>Acquisition: Tax values: - Structure: $31,500 - Garage/shed: $0 - Land: $8,500* Total Acquisition: $40,000</td>
<td>Acquisition: Tax values: - Structure: $31,500 - Garage/shed: $0 - Land: $8,500* Total Acquisition: $40,000</td>
<td></td>
</tr>
<tr>
<td>Estimated Rehabilitation Cost: $36,000</td>
<td></td>
<td>New structure: $69,000</td>
<td></td>
</tr>
<tr>
<td>Outstanding Loans: $0</td>
<td></td>
<td>Demolition: $4,070</td>
<td></td>
</tr>
<tr>
<td>Property Taxes owed: $3,755*</td>
<td></td>
<td>Outstanding Loans: $0</td>
<td></td>
</tr>
<tr>
<td>Interest on Taxes owed: $1,006*</td>
<td></td>
<td>Property Taxes owed: $3,755*</td>
<td></td>
</tr>
<tr>
<td>Total: $40,761</td>
<td></td>
<td>Interest on Taxes owed: $1,006*</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total: $77,831</td>
<td></td>
</tr>
</tbody>
</table>

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:
- Estimated In-Rem Repair cost of: $24,595 ($34.15/sq. ft.), which is 78.079% of the structure tax value, which is $31,500.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- The building is 55 years old and consists of 720 square feet total.
- A new 1,000 sq. ft. structure can be built for $69,000.
- * There are 10 buildings on this one parcel; therefore, the amount of land value, taxes and interest have been calculated using one-tenth (1/10) of the total for the parcel.
In Rem Remedy: 11109 Deerparth Court

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

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

Policy:
- Housing & Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:
1. Public Safety - Police and/or Fire Dept.
2. Complaint - petition by citizens, tenant complaint or public agency referral
3. Field Observation - concentrated code enforcement program

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

Public Safety: 11109 Deerpath Court

Action:
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 11109 Deerpath Court (Neighborhood Profile Area 155).

Attachment
ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 11109 DEERPATH CT PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF JANET K. MURPHY 11109 DEERPATH CT CHARLOTTE, NC 28262

WHEREAS, the dwelling located at 11109 Deerpath Ct in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 11109 Deerpath Ct in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Senior Assistant City Attorney
### GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>11109 Deerpath Ct</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood</td>
<td>Neighborhood Profile Area 155</td>
</tr>
<tr>
<td>Council District</td>
<td>#4</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Janet K. Murphy</td>
</tr>
<tr>
<td>Owner(s) Address</td>
<td>11109 Deerpath Ct Charlotte, NC 28262</td>
</tr>
</tbody>
</table>

### KEY FACTS

| Focus Area | Housing & Neighborhood Development & Community Safety Plan |

### CODE ENFORCEMENT INFORMATION

- **Reason for Inspection:** Public Agency (Charlotte Fire Department)
- **Date of the Inspection:** 11/4/2014
- **Title report received, revealing parties in interest:** 11/13/2014
- **Owner(s) and parties in interest notified of Complaint and Notice of Hearing by advertisement and certified mail by:** 2/20/2015
- **Held hearings for owner(s) and parties in interest by:** 3/18/2015
- **Owner(s) and parties in interest attend hearing:** No
- **Owner(s) and parties in interest ordered to demolish structure by:** 4/27/2015
- **Filed Lis Pendens:** 6/12/2015
- **Owner(s) have not repaired, or complied with order to demolish.**
- **Structure occupied:** No
- **Demolition cost:** $12,820
- **Lien will be placed on the property for the cost of Demolition.**
NOTIFICATION TO OWNER

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

OPTIONS

<table>
<thead>
<tr>
<th>IN-REM REPAIR</th>
<th>REHAB TO CITY STANDARD</th>
<th>REPLACEMENT HOUSING</th>
<th>DEMOLITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated In-Rem Repair Cost: $70,140</td>
<td>Acquisition &amp; Rehabilitation Cost (Existing structure: 2,470 sq. ft. total)</td>
<td>New Replacement Structure Cost (Structure: 2,470 sq. ft. total)</td>
<td>Demolition Cost $12,820</td>
</tr>
<tr>
<td></td>
<td>Economic Life: 15-20 years</td>
<td>Economic Life: 50 years</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Estimated cost-$363,394</td>
<td>Estimated cost-$423,144</td>
<td></td>
</tr>
<tr>
<td>In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.</td>
<td>Acquisition:</td>
<td>Acquisition:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tax values:</td>
<td>Tax values:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Structure: $ 102,400</td>
<td>- Structure: $ 102,400</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Deck: $ 1,000</td>
<td>- Deck: $ 1,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Land: $ 21,000</td>
<td>- Land: $ 21,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Acquisition: $ 124,400</td>
<td>Total Acquisition: $ 124,400</td>
<td></td>
</tr>
<tr>
<td>Estimated Rehabilitation Cost: $ 123,500</td>
<td>New structure: $ 170,430</td>
<td>Demolition: $ 12,820</td>
<td></td>
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<tr>
<td>Outstanding Loans: $ 110,100</td>
<td>Outstanding Loans: $ 110,100</td>
<td>Property Taxes owed: $ 4,979</td>
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<td>Property Taxes owed: $ 4,979</td>
<td>Property Taxes owed: $ 4,979</td>
<td>Interest on Taxes owed: $ 415</td>
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<tr>
<td>Total: $ 238,994</td>
<td>Total: $ 298,744</td>
<td>Total: $ 238,994</td>
<td></td>
</tr>
</tbody>
</table>

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:

- Estimated In-Rem Repair cost of: $70,140 ($28.39 /sq. ft.), which is 68.496% of the structure tax value, which is $102,400.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- Violations include: Structural, heating and electrical violations: Walls and ceiling framing fire damaged. Exterior siding and trim fire damaged. Interior ceiling and wall covering fire damaged. Windows fire damaged. Roofing and sheathing fire damaged. Heating equipment fire damaged. Electrical wiring fire damaged.
- The building is 27 years old and consists of 2,470 square feet total.
- A new 2,470 sq. ft. structure can be built for $170,430.
Reference - Property Transaction Process

Property Transaction Process Following 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.
The City has negotiated in good faith to acquire the properties set forth below. For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates. In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review. Real Estate staff diligently attempts to contact all property owners by:
- Sending introductory letters via regular and certified mail;
- Making several site visits;
- Leaving door hangers and business cards;
- Seeking information from neighbors;
- Searching the internet
- Obtaining title abstracts, and
- Leave voice messages.

For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property. If the City Council approves the resolutions, the City Attorney’s office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney’s Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court. If a settlement cannot be reached, the case will proceed to a trial before a judge or jury to determine “just compensation.”

Full text of each resolution is on file with the City Clerk’s Office. The definition of easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or “in gross”, such as public utility easement. The definition of fee simple is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited, commonly, synonym for ownership.
Reference - Charlotte Business INClusion Policy

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

Part A: Administration & Enforcement

Appendix Section 20: Contract: For the purposes of establishing an MWSBE subcontracting goal on a Contract, the following are examples of contract types:

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

Appendix Section 27: Exempt Contracts: Contracts that fall within one or more of the following categories shall be “Exempt Contracts” from all aspects of the Charlotte Business INClusion Policy, unless the Department responsible for procuring the Contract decides otherwise:

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

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

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

**Federal Contracts Subject to DBE Requirements:** Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation shall be Exempt Contracts.

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

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

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

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

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

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

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

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

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

**Part B: Formal Construction Bidding**

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

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

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

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

**Part C: Section 2.1:** No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish an MWSBE Goal for Service Contracts where there are no MWSBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

**Part D: Post Contract Award Requirements**

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

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the City as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the City shall either:

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