

# City of Charlotte

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



## Meeting Agenda

**Monday, February 25, 2019**

**Council Chambers**

### **City Council Business Meeting**

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

**5:00 P.M. ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, ROOM 267****1. Mayor and Council Consent Item Questions****Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

**2. Agenda Overview****Staff Resource(s):**

Marcus Jones, City Manager

**3. Housing Trust Fund Support Request for Sharon Oaks Apartments****Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

**Time:** 15 minutes

**Explanation**

- An overview of the Sharon Oaks Apartments proposed funding request and outline acquisition and improvements recommended to Sharon Oaks Apartments.
- On February 20, 2019 the Housing and Neighborhood Development Committee voted unanimously to advance the policy updates to full Council (Mayfield and Egleston were absent).

**Future Action**

City Council will consider adoption of acquisition and improvements to Sharon Oaks Apartments at the February 25, 2019 Council Business Meeting.

[SharonOaksFundingRequest\\_02.25.19](#)

## 4. Transit Oriented Development Ordinance

**Staff Resource(s):**

Taiwo Jaiyeoba, Planning, Design, and Development  
Monica Holmes, Planning, Design, and Development

**Time:** 15 minutes

**Explanation**

- An overview of the Transit Oriented Development Zoning Ordinance will be provided prior to public comments on the text amendment.
- The proposed regulations will support implementation of Charlotte's adopted transit station area policies and area plans.

**Future Action**

The City Council will have a Public Hearing on March 18, 2019, at the City Council Zoning Meeting on the Transit Oriented Development Ordinance.

[CityCouncil\\_Feb25\\_TOD\\_Final](#)

## 5. One Stop Shop Customer Satisfaction Center

**Staff Resource(s):**

Taiwo Jaiyeoba, Planning, Design, and Development

**Time:** 15 minutes

**Explanation**

- An overview of Charlotte's Development Services Center ("One Stop Shop") and collaborative work space for city permitting functions.

**Future Action**

Construction contract for space renovations will be presented to City Council for approval at a future date.

[One Stop Shop Update 2019-02-22](#)

## 6. Answers to Mayor and Council Consent Item Questions

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

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

## 7. Closed Session (as necessary)

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

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## **PUBLIC FORUM**

### **8. Public Forum**

**9. Consent agenda items 29 through 73 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

- A. Items that have not been pulled, and
- B. Items with citizens signed up to speak to the item.

## **PUBLIC HEARING**

## 10. Public Hearing on AvidXchange, Inc. Business Investment Grant

### Action:

- A. **Conduct a public hearing regarding approval of a Business Investment Grant to AvidXchange, Inc., and**
  
- B. **Approve the City's share of a Business Investment Grant to AvidXchange, Inc. for a total estimated amount of \$1,237,682 over seven years.**

### **Staff Resource(s):**

Tracy Dodson, City Manager's Office  
Lori Lencheski, Economic Development

### **Explanation**

- On December 18, 2018, AvidXchange, Inc. announced its selection of Charlotte for a capital investment of \$42,000,000 to expand its headquarters in Charlotte.
- City Council is being asked to approve a Business Investment Grant estimated to be up to \$1,237,682 over seven years. Mecklenburg County's share is estimated at \$2,084,836.
  - On November 26, 2018, the City Council, in Closed Session, indicated its intent to approve a Business Investment Grant to AvidXchange, Inc., located in Council District 2.
  - On December 4, 2018, the Mecklenburg County Board of Commissioners, in Closed Session, indicated its intent to approve a Business Investment Grant to AvidXchange, Inc.
  - Total City/County combined grant is estimated to be \$3,322,518 over seven years.
  - In addition to the grant for the expansion, the State of North Carolina also approved a Job Development Investment Grant in the amount of \$19,614,000 and \$935,000 in community college training funds.
- In addition to the \$42,000,000 capital investment, AvidXchange, Inc. committed to:
  - 1,229 Net new jobs over four years (\$68,000 average wage), and
  - 887 Current employees in Charlotte to be retained for the term of the grant.
- An additional benefit includes workforce development partnerships and the relationship with the company can be utilized to connect talent to available positions.
- This project aligns with:
  - City Values and Winning Cities Characteristics
  - Letter to the Community (Good Paying Jobs)
  - Equitable Economic Development and Economic Opportunity
    - Diversity of jobs on proposed project
    - Job retention through corporate expansion
    - Growth industry with significant job and contracting opportunities

### **Background**

- AvidXchange, Inc. is a homegrown success.
- Currently headquartered in Charlotte, the company has three other locations throughout the U.S.
  - Houston, TX,
  - Salt Lake City, UT, and
  - Somerset, NJ.
- The company created a proprietary, web-based accounts payable solution.
- Under the current Business Investment Grant, the company created 173 percent more jobs than contractually required and retained 206 jobs.
- The company has generated over \$450,000 in incremental new taxes.

### **Business Investment Grant**

- This request meets the City Council approved criteria for a seven-year, 90 percent local business expansion grant.
- The general terms and conditions of this grant include:

- The company will be asked to coordinate job fairs and recruitment events for both temporary and permanent jobs with the City and County. Community organizations and residents will receive ample notice of these employment activities in addition to training opportunities with City job training and placement partnerships.
- Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
- Property taxes due from AvidXchange, Inc. must be paid before a grant payment is made.
- If AvidXchange, Inc. removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
- If AvidXchange, Inc. moves the investment from Charlotte within five years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
  - Within one year of the end of the BIP Term - 90 percent of grant payments,
  - Within two years of the end of the BIP Term - 75 percent of grant payments,
  - Within three years of the end of the BIP Term - 60 percent of grant payments,
  - Within four years of the end of the BIP Term - 45 percent of grant payments, or
  - Within five years of the end of the BIP Term - 30 percent of grant payments.

**Fiscal Note**

Funding: Business Investment Grant

## 11. Public Hearing on a Resolution to Close Cascade Circle

### Action:

- A. Conduct a public hearing to close Cascade Circle, and
- B. Adopt a resolution to close Cascade Circle.

### **Staff Resource(s):**

Liz Babson, Transportation  
Esteban Valverde, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- Cascade Circle is located in Council District 1.

### **Petitioners**

Ellington Street Partners, LLC - Andy Lucas

### **Right-of-Way to be Abandoned**

Cascade Circle is located south of Billingsley Road and north of Wendover Road.

### **Reason**

The abandonment of Cascade Circle will enable the petitioner to reassemble the property in order to create a more viable tract of land for future development.

### **Notification**

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s): None

Neighborhood/Business Association(s): None

Private Utility Companies: No objections

### City Departments

- Review by City departments identified no apparent reason this closing would:
  - Be contrary to the public interest,
  - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes, and
  - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

### **Attachment(s)**

Map  
Resolution

[CityCouncilROWAbandonmentMap\\_2018-11](#)

[Resolution to Close Cascade Circle](#)

## 12. Public Hearing on a Resolution to Close a Portion of Pinckney Avenue

### Action:

- A. Conduct a public hearing to close a portion of Pinckney Avenue, and
- B. Adopt a resolution to close a portion of Pinckney Avenue.

### **Staff Resource(s):**

Liz Babson, Transportation  
Esteban Valverde, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- Pinckney Avenue is located in Council District 1.

### **Petitioners**

William and Sardha Miller

### **Right-of-Way to be Abandoned**

Pinckney Avenue is located south of Matheson Avenue and north of Leigh Avenue.

### **Reason**

The abandonment of a portion of Pinckney Avenue will enable the petitioner to reassemble the property in order to create a more viable tract of land for future development.

### **Notification**

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s): None

Neighborhood/Business Association(s): None

Private Utility Companies: No objections

### City Departments

- Review by City departments identified no apparent reason this closing would:
  - Be contrary to the public interest,
  - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to this property as outlined in the statutes, and
  - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

### **Attachment(s)**

Map  
Resolution

[CityCouncilROWAbandonmentMap\\_2018-01](#)

[Resolution to Close a portion of Pinckney Avenue](#)

**POLICY**

**13. City Manager's Report**

## 14. Housing Trust Fund Support Request

### **Action:**

Approve one of the following option recommendations from Housing and Neighborhood Development Committee for acquisition and rehabilitation to the Sharon Oaks Apartments:

- **Option A: \$2,100,000 with a unit mix of:**
  - 20 units at 30 percent AMI (Area Median Income),
  - 10 units at 50 percent AMI,
  - 48 units at 60 percent AMI, and
  - 20 units unrestricted with current rents at 60 percent AMI, or
  
- **Option B: \$1,850,000 with a unit mix of:**
  - 20 units at 30 percent AMI,
  - 10 units at 50 percent AMI,
  - 24 units at 60 percent AMI,
  - 24 units at 80 percent AMI, and
  - 20 units unrestricted with current rents at 60 percent AMI.

### **Committee Chair:**

LaWana Mayfield, Housing and Neighborhood Development

### **Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

### **Explanation**

- In August 2018, City Council adopted the Housing Charlotte Framework which recommends:
  - Prioritizing large-scale Naturally Occurring Affordable Housing (NOAH) properties, and
  - Establishing a preservation fund to subsidize acquisition of NOAH properties, which is noted as a national best practice for preserving existing affordable and workforce housing, throughout the country.
- Ascent Real Estate Capital and Laurel Street Residential are requesting a Housing Trust Fund (HTF) allocation for acquisition and rehabilitation of the Sharon Oaks Apartments, located at 4701 Arching Oak Lane, in City Council District 5.
- The total development budget is \$9,400,000. The investment also includes a 15-year deed restriction for the preservation of units at two different proposed funding and unit mix options, which are:
  - Option A: \$2,100,000 (1:3 leverage ratio) with a unit mix of:
    - 20 units at 30 percent AMI,
    - 10 units at 50 percent AMI,
    - 48 units at 60 percent AMI, and
    - 20 units unrestricted.
  - Option B: \$1,850,000 (1:4 leverage ratio) with a unit mix of:
    - 20 units at 30 percent AMI,
    - 10 units at 50 percent AMI,
    - 24 units at 60 percent AMI,
    - 24 units at 80 percent AMI, and
    - 20 units unrestricted.
- Sharon Oaks meets the proposed NOAH criteria, which includes:
  - Older than 15 years,
  - Rents are in the AMI range that are at risk due to surrounding neighborhood dynamics,
  - Can be rehabilitated to maintain a good quality of life for residents for the next 15 years or more,
  - Located in an area with close proximity to quality jobs, schools, and transportation

- infrastructure,
- Located in an area experiencing transformative change and property appreciation, and
- Achieves the minimum public/private leverage ratio of 1:3.
- Additionally, a third party inspection has been performed on the property to determine the existing property conditions.
- The proposed rehab will consist of the following:
  - Roof replacement/repairs,
  - Siding/fascia/soffit replacement/repairs (to address rot and deterioration),
  - Balcony and railing replacement (to address rotting wood),
  - Masonry repairs (to address structural issues), and
  - Improvements to site drainage (to prevent flooding).

**Committee Discussion**

- On Wednesday, February 20, 2019, the Housing and Neighborhood Development Committee voted unanimously (Driggs, Harlow and Newton; Mayfield and Egleston were absent) to approve the HTF support request, allowing Council to vote on one of two options, consistent with the proposed NOAH guidelines.
- Additionally, Council unanimously agreed that this proposal is consistent with the proposed NOAH guidelines that were recommended for approval on February 20, 2019, and will be discussed with full Council during the March Strategy Session Meeting.

**Charlotte Business INclusion**

All HTF funded projects and their developers are subject to MWSBE goals determined based on the amount of the HTF allocations received.

**Fiscal Note**

Funding: Housing Trust Fund

## 15. School Zone Policy Revisions

### **Action:**

**Approve the Transportation and Planning Committee's recommendation to revise the School Zone Policy.**

### **Committee Chair:**

Julie Eiselt, Transportation and Planning

### **Staff Resource(s):**

Liz Babson, Transportation  
Charles Abel, Transportation

### **Current Policy**

- The current School Zone Policy was adopted in 2004.
- The existing policy has conditional requirements for high schools that preempt some schools from qualifying for the installation of school zones.
- School zones are only allowed on frontage streets.
- Qualifications for school zones are determined by a total number of student walkers.

### **Proposed Changes**

- Align the policy with the tenets of Vision Zero and ease the requirements on school eligibility.
- Remove conditional requirements on high schools for eligibility.
- Allow adjacent streets to be part of school zones in addition to frontage streets.
- Considers the school location on the High Injury Network corridor while factoring in traffic volumes and speeds.
- School speed zones should be established at 25 miles per hour citywide.
- The City will seek concurrence with the North Carolina Department of Transportation to establish school speed zones on state-maintained streets in accordance with this policy.

### **Committee Discussion**

- The Transportation and Planning Committee (Committee) received information and discussed the policy at the meetings on June 24, 2018, November 26, 2018, and January 14, 2019.
- On January 14, 2019, the Committee voted unanimously in favor of advancing the proposed School Zone Policy to full City Council (Eiselt, Phipps, Egleston, and Winston; Ajmera was absent).
- City Council received a presentation highlighting the current policy with proposed changes at the Action Review on February 11, 2019.

### **Attachment(s)**

Draft School Zone Policy

[SCHOOL\\_ZONE\\_POLICY\\_2019](#)

## 16. Guidelines for the Evaluation and Disposition of City-Owned Land for Affordable Housing

### **Action:**

**Approve the Housing and Neighborhood Development Committee's recommendation of the Guidelines for Evaluation and Disposition of City-Owned Land for Affordable Housing.**

### **Committee Chair:**

LaWana Mayfield, Housing and Neighborhood Development

### **Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

### **Explanation**

- The Housing Framework indicates that the use of publicly-owned land is a best practice used throughout the country to increase the supply of affordable housing. The City intends to prioritize the use of available City-owned land for development of affordable housing.
- To the extent possible, City-owned land will be used for affordable housing to:
  - Create mixed-income and inclusive neighborhoods,
  - Leverage, reduce, or eliminate Housing Trust Fund and other public funding requests, or
  - Increase the City's long-term deed-restricted affordable housing supply.
- The Guidelines for Evaluation and Disposition of City-Owned Land for Affordable Housing (Guidelines) are intended to:
  - Establish criteria, clarity, and reflect desired outcomes relative to the donation, sale, or long-term lease of City-owned land with the overall goal of expanding the supply of affordable and workforce housing,
  - Provide an orderly and uniform approach for the disposal of surplus property assets for the expansion of affordable housing,
  - Provide for fixed asset control documentation to account for any reuse or disposal of City-owned property, and
  - Prohibit disposition of City-owned property in a manner to avoid actual or perceived conflicts of interest.
- The Guidelines also require a periodic review of all City-owned land to evaluate opportunities for affordable housing. A review every five years will be done to determine fully utilized land and every year for land that is either underutilized, has an interim use, or is considered surplus.

### **Committee Discussion**

- On January 16, 2019, the Housing and Neighborhood Development Committee voted unanimously (Mayfield, Driggs, Harlow, and Newton; Egleston was absent) to approve the Guidelines.
- On February 11, 2019 Housing and Neighborhood Services presented to Council during Action Review on City-Owned Land Guidelines and Procedures.

### **Attachment(s)**

Guidelines for Evaluation and Disposition of City Owned Land for Affordable Housing

[City Owned Land Evaluation and Disposition for Affordable Housing Guidelines](#)

## BUSINESS

### 17. Knight Foundation Grant: Charlotte Future 2040

**Action:**

- A. Authorize the City Manager to accept a grant from the John S. and James L. Knight Foundation for the Charlotte Future 2040 Equitable Engagement Project, and**
- B. Adopt a budget ordinance appropriating \$250,000 from the Knight Foundation for the Charlotte Future 2040 Equitable Engagement Project.**

**Staff Resource(s):**

Taiwo Jaiyeoba, Planning, Design, and Development  
Garet Johnson, Planning, Design, and Development  
Rachel Stark, Planning, Design, and Development

**Explanation**

- In December 2018, The Knight Foundation awarded the City of Charlotte \$250,000 through its Community Grants Program to help fund equitable community engagement work for the Charlotte Future 2040 Comprehensive Plan.
- The Knight Foundation Communities Program focuses on building an equitable and inclusive city that attracts and retains diverse talent, promotes economic opportunity, and fosters a culture of civic engagement.
- The grant is intended to engage the residents in the Historic West End and West Charlotte communities contributing to Charlotte Future 2040 Comprehensive Plan Process through:
  - Promoting opportunity through targeted engagement and multimedia outreach to make it easy for West End residents to participate,
  - Engaging and supporting community influencers to identify, co-create, and implement meaningful projects during the process that build partnerships and foster equitable development in the West End, and
  - Aligning with the City’s Aging in Place and Placemaking programs to demonstrate the value of participation, planning, partnerships, and balanced growth.
- The project benefits the Historic West End and communities of West Charlotte directly but indirectly supports Charlotte through effective outreach and removing barriers to participation for the broader community.
- This supplements the City’s approved funding for the consulting team over three fiscal years for Charlotte Future 2040 work with more thorough outreach and engagement capabilities.

**Fiscal Note:**

General Grants and LTD Project Fund

**Attachment(s)**

Budget Ordinance

[Budget Ordinance Knight Foundation \\$250k](#)

## 18. Sale of City-Owned Property on Piaffe Avenue and Shady Oak Court

### Action:

- A. **Approve the sale of 3.3 acres of City-owned property located at 4125 Piaffe Avenue and 11915 Shady Oak Court (parcel identification numbers 195-056-48 and 195-181-99) to Daniel P. Vey for \$63,050, and**
- B. **Authorize the City Manager to negotiate and approve all documents necessary to complete the sale of the property.**

### **Staff Resource(s):**

Mike Davis, Engineering and Property Management  
Tony Korolos, Engineering and Property Management  
Angela Lee, Charlotte Water

### **Explanation**

- The City-owned property at 4125 Piaffe Avenue and 11915 Shady Oak Court in Mint Hill (adjacent to Council Districts 5 and 6) is 3.3 acres and zoned R (residential).
- The City acquired the property through purchase of a private water system and the parcels functioned as neighborhood well lots.
- The property is not developable per Town of Mint Hill Planning since it does not meet the required road frontage.
- After receiving an initial offer for \$60,000, the offer was advertised for upset bid.
- One upset bid was received from Mr. Vey, an individual, in the amount of \$63,050. The bid was advertised for upset bid, and no bids were received.
- The qualifying upset bid includes the following terms:
  - Purchase price of \$63,050 with a bid deposit of \$3,153, meeting or exceeding five percent,
  - Earnest money deposit of \$3,000,
  - No due diligence period, and
  - Closing to occur within 30 days.

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

### **Attachment(s)**

Map

[Location Map - Sale of City-Owned Property on Piaffe Avenue and Shady Oak Court](#)

## 19. Private Developer Funds Appropriation

### Action:

- A. Approve Developer Agreements with Broadstone Morehead, LLC, Laurel Street Residential, LLC, and CF Hippolyta Charlotte, LLC for traffic signal installations and improvements, and**
- B. Adopt a budget ordinance appropriating \$257,642 in private developer funds for traffic signal installations and improvements.**

### **Staff Resource(s):**

Liz Babson, Transportation  
Charles Abel, Transportation

### **Explanation**

- Private developer agreements and appropriations are needed when a developer is required through the City rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the City's initiation of work.
- The \$257,642 in private developer funding is for traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developers' projects. The funding is restricted to the projects noted below:
  - Broadstone Morehead, LLC contributed \$47,000 for traffic signal modifications at the intersection of South Tryon Street and West Morehead Street (Council Districts 1 and 2).
  - Laurel Street Residential, LLC contributed \$163,142 for traffic signal modifications at the intersection of Tyvola Road and City Park Drive (Council District 3).
  - CF Hippolyta Charlotte, LLC contributed \$47,500 for three signal modifications at Wilkinson Boulevard and I-485 Outer Ramps/Fieldridge Road (adjacent to Council District 3), Wilkinson Boulevard and I-485 Inner Ramps (adjacent to Council District 3), and Wilkinson Boulevard and Tuckaseegee Road (Council District 3).
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer(s) for a signal project that is unused by the City will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

### **Fiscal Note**

Funding: Private Developer Contributions

### **Attachment(s)**

Map  
Budget Ordinance

[Traffic Signal Improvements 012319](#)

[BO Developer Appropriations 2.25.2019](#)

## 20. Municipal Agreement for Relocation of Water and Sewer Infrastructure

### **Action:**

- A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for construction of water and sewer line relocations, adjustments, and improvements, and**
- B. Authorize the City Manager to approve the reimbursement request for the actual cost of the utility construction.**

### **Staff Resource(s):**

Angela Lee, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- This Municipal Agreement is for the relocation and replacement of 1,400 linear feet of water and sewer lines located within the North Carolina Department of Transportation's (NCDOT) highway improvements project (Project U-5804B), located on South Trade Street from Four Mile Creek to Weddington Road in the Town of Matthews (adjacent to Council District 7).
- As required by the NCDOT's encroachment agreements, the City is financially responsible for the cost to relocate City-owned water and sewer lines within the State maintained right-of-way.
- The City will reimburse the NCDOT for actual construction costs at the conclusion of the project.
- The format and cost-sharing philosophy of this Agreement is consistent with prior Municipal Agreements.
- The total estimated cost of this construction within the project is \$608,084.

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

### **Attachment(s)**

Map

Resolution

[Map-Municipal Agreement for Relocation of Water and Sewer Infrastructure](#)

[Resolution-Municipal Agreement for Relocation of Water and Sewer Infrastructure](#)

## 21. Nominations to the Business Advisory Committee

### **Action:**

**Nominate citizens to serve as specified.**

### **Staff Resource(s):**

Stephanie Kelly, City Clerk

### **Explanation**

- Two appointments for partial terms recommended by the Charlotte Regional Business Alliance beginning immediately and ending April 28, 2021.
  - Scott Campagna and Charles McShane did not meet attendance requirements.
  - The Charlotte Regional Business Alliance has recommended Lindsey Haaser-Braciale.
  - The Charlotte Regional Business Alliance has recommended Dana Lumsden.

### **Attachments**

Business Advisory Committee Applicants

## 22. Appointments to the Business Advisory Committee

**Action:**

**Vote on blue ballots and return to the Clerk at the Action Review meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk

**Explanation**

- One appointment for a partial term beginning immediately and ending April 28, 2019, and then continuing for a full three-year term beginning April 29, 2019 and ending April 28, 2022.
  - Antoine James, nominated by Council members Harlow and Winston.
  - Carol Phillips, nominated by Council members Ajmera, Mayfield, Newton, and Phipps.

**Attachments**

Business Advisory Committee Applicants

## 23. Appointments to the Charlotte Business Inclusion (CBI) Advisory Committee

**Action:**

**Vote on blue ballots and return to the Clerk at the Action Review meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term for an At-Large member beginning immediately and ending February 28, 2019 and then continuing for a full two-year term beginning March 1, 2019 and ending February 28, 2021.
  - Jamal Cook, nominated by Council members Harlow and Mayfield.

**Attachments**

Charlotte Business Inclusion (CBI) Advisory Committee Applicants

## 24. Appointments to the Charlotte International Cabinet

**Action:**

**Vote on blue ballots and return to the Clerk at the Action Review meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term for an At-Large member beginning immediately and ending June 30, 2021.
  - Paula Broadwell, nominated by Council members Driggs and Egleston.
  - Gina Esquivel, nominated by Council members Harlow and Mayfield.

**Attachments**

Charlotte International Cabinet Applicants

## 25. Appointments to the Citizens' Transit Advisory Group

**Action:**

**Vote on blue ballots and return to the Clerk at the Action Review meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk

**Explanation**

- One appointment for a partial term beginning immediately and ending June 30, 2020.
  - Michael Cataldo, nominated by Council members Driggs and Phipps.
  - Lisa Rudisill, nominated by Council members Mayfield and Newton.

**Attachments**

Citizens' Transit Advisory Group Applicants

## 26. Appointments to the Community Relations Committee

**Action:**

**Vote on blue ballots and return to the Clerk at the Action Review meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning immediately and ending June 30, 2019, and then continuing for a full three-year term from July 1, 2019, through June 30, 2022.
  - Wesley Farnam, nominated by Council members Driggs, Egleston, Harlow, Mitchell, and Newton.
  - Frederick Murphy, nominated by Council members Ajmera, Driggs, Egleston, Mitchell, and Newton.
- One appointment for a three-year term beginning March 9, 2019, and ending March 8, 2022.
  - Wesley Farnam, nominated by Council members Driggs, Egleston, Harlow, Mitchell, and Newton.
  - Frederick Murphy, nominated by Council members Ajmera, Driggs, Egleston, Mitchell, and Newton.

**Attachment(s)**

Community Relations Committee Applicants

## 27. Appointments to Keep Charlotte Beautiful

**Action:**

**Vote on blue ballots and return to the Clerk at the Action Review meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning immediately and ending June 30, 2020.
  - Casey Brewer, nominated by Council members Bokhari and Driggs.
  - Virgil Hughes, nominated by Council members Mayfield and Phipps.
  - Linh Quach, nominated by Council members Ajmera and Newton.
  - Wendy Sellers, nominated by Council members Driggs and Mayfield.

**Attachments**

Keep Charlotte Beautiful Applicants

## 28. Mayor and City Council Topics

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

## CONSENT

### 29. Louise Avenue Parking Lot Improvements

**Action:**

**Approve a contract in the amount of \$2,070,180.55 to the lowest responsive bidder Blythe Development Co. for the Louise Avenue parking lot improvements project.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
Chandler Crofts, Engineering and Property Management  
Chris Trull, Engineering and Property Management

**Explanation**

- This project is for the replacement of deteriorated asphalt at two City of Charlotte Fleet Management parking lots, 829 Louise Ave and 1132 Otts Street, both located in Council District 1.
- Both locations service heavy equipment vehicles and project completion will greatly enhance daily operations.
- Proposed improvements include concrete and asphalt pavement, grading, milling, and pavement markings.
- On December 7, 2018, the City issued an Invitation to Bid; one bid was received.
  - G.S. 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The City may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On January 8, 2019, the City re-issued an Invitation to Bid; one bid was received.
- Blythe Development Co. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2019.

**Charlotte Business INclusion**

Established SBE Goal: 19.00%  
Committed SBE Goal: 24.43%

Blythe Development Company exceeded the established SBE subcontracting goal, and has committed 24.43% (\$505,800) of the total contract amount to the following certified SBE firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete (SBE, MBE) (\$505,800) (concrete)

Established MBE Goal: 9.00%  
Committed MBE Goal: 24.43%

Blythe Development Company exceeded the established MBE subcontracting goal, and has committed 24.43% (\$505,800) of the total contract amount to the following certified MBE firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete (SBE, MBE) (\$505,800) (concrete)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Louise Avenue Parking Lot Improvements](#)

## 30. Orr Road Extension/Elgywood Lane Project

### **Action:**

**Approve a contract in the amount of \$1,549,828.50 to the lowest responsive bidder Blythe Development Co. for the Orr Road Extension/Elgywood Lane project.**

### **Staff Resource(s):**

Mike Davis, Engineering and Property Management  
Tom Russell, Engineering and Property Management  
Len Chapman, Engineering and Property Management

### **Explanation**

- This project was identified in the Northeast Corridor Infrastructure Program (NECI) and will provide a new street connection extending Orr Road from North Tryon Street to Austin Drive, located in Council District 4. This new section of roadway will be called Elgywood Lane.
- NECI is a collection of projects selected to improve pedestrian, bicyclist, and motorist access to the LYNX Blue Line Extension.
- The project will include two travel lanes, bike lanes, curb, gutter, sidewalk, planting strip, and street trees.
- This project will restore left-turn access to and from North Tryon Street. Also, extending Orr Road adds another access point into the southern part of the Hidden Valley neighborhood, which helps alleviate potential congestion at Arrowhead Road.
- On January 15, 2019, the City issued an Invitation to Bid; six bids were received.
- Blythe Development Co. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2019.

### **Charlotte Business INclusion**

Established SBE Goal: 22.00%  
Committed SBE Goal: 22.65%

Blythe Development Co. exceeded the established SBE subcontracting goal, and has committed 22.65% (\$351,008) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Express Logistics Services, Inc. (SBE, MBE) (\$140,000) (hauling)
- On Time Construction, INC. (SBE) (\$138,365) (concrete)
- Maybury Fencing Inc. (SBE) (\$40,000) (handrails)
- Ground Effects, Inc. (SBE) (\$22,679) (pavement striping)
- P and T L, Inc. (SBE) (\$6,750) (erosion control)
- Martin Landscaping Co. (SBE) (\$3,214) (seeding)

Established SBE Goal: 9.00%  
Committed SBE Goal: 9.03%

Blythe Development Co. exceeded the established MBE subcontracting goal, and has committed 9.03% (\$140,000) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Express Logistics Services, Inc. (SBE, MBE) (\$140,000) (hauling)

### **Fiscal Note**

Funding: General Community Investment Plan

### **Attachment(s)**

Map

[Location Map - Orr Road Extension \(Elgywood Lane\) Project](#)

## 31. Sewer Cleaning and Closed-Circuit Television Inspection Services

### Action:

- A. **Approve unit price contracts with the following companies for sewer cleaning and closed-circuit television inspection services for an initial term of one year:**
- Hydrostructures, PA,
  - Pipe Pros, LLC, and
- B. **Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

### **Staff Resource(s):**

Angela Lee, Charlotte Water  
David Czerr, Charlotte Water

### **Explanation**

- These contracts will provide pipe cleaning and closed-circuit television video inspection services to assist in maintenance and operation of the sanitary sewer system.
- On October 5, 2018, the City issued a Request for Proposals (RFP); five proposals were received.
- The companies selected best meet the City's needs in terms of demonstrated competence and qualification of professional services in response to the RFP requirements.
- Annual expenditures for all contracts in aggregate are estimated to be \$1,650,000.

### **Charlotte Business INclusion**

Pipe Pros, LLC, a City SBE, is being awarded one of the services contracts.

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 32. Water and Sanitary Sewer Repairs

### **Action:**

**Approve a contract in the amount of \$3,236,895.44 to the lowest responsive bidder Fuller & Company Construction, LLC for water and sanitary sewer repairs.**

### **Staff Resource(s):**

Angela Lee, Charlotte Water  
Ron Hargrove, Charlotte Water  
Scott Clark, Charlotte Water

### **Explanation**

- This contract will be used for emergency repair services for water and sanitary sewer pipes that have been damaged, as well as to supplement Field Operation crews in performing routine repairs.
- Charlotte Water will seek reimbursement for this work from third parties who cause damage.
- On January 22, 2019, the City issued an Invitation to Bid (ITB); two bids were received.
  - G.S. 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The City may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On January 30, 2019, the ITB was re-issued; three bids were received.
- Fuller & Company Construction, LLC was selected as the lowest responsive, responsible bidder.
- The contract is anticipated to be complete by the first quarter of 2022.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

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

### 33. Engineering Services for the Pipeline Rehabilitation and Replacement Program

**Action:**

Approve a contract for up to \$1,900,000 with Gavel & Dorn Engineering, PLLC for engineering services for the Pipeline Rehabilitation and Replacement Program.

**Staff Resource(s):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

**Explanation:**

- This contract provides planning and design; construction drawings and specifications; and, as applicable, construction management for the Pipeline Rehabilitation and Replacement Program. This Program replaces and rehabilitates approximately 20 miles of water and sewer pipe annually.
- The contract enables Charlotte Water's effort to reduce sanitary sewer overflows, maintain good water quality, and provide sufficient fire hydrant flows throughout its service area.
- On October 10, 2018, the City issued a Request for Qualifications (RFQ); two proposals were received.
- Gavel & Dorn Engineering, PLLC is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

**Charlotte Business INclusion:**

The City negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Gavel & Dorn Engineering, PLLC, a City SBE, has committed 10.00% (\$190,000) to the following certified firms:

- Dicon Consulting (SBE) (\$85,000) (field inspection)
- Carolina Wetland Services, Inc. (SBE, WBE) (\$75,000) (environmental assessment)
- Hinde Engineering, Inc. (SBE) (\$15,000) (design services)
- Landtec Surveying, Inc. (SBE) (\$15,000) (surveying)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

## 34. Airport South Campus Fiber Installation

### **Action:**

**Approve a contract in the amount of \$1,571,200 with Brooks-Berry-Haynie & Associates, Inc. for South Campus Fiber Installation.**

### **Staff Resource(s):**

Brent Cagle, Aviation

Haley Gentry, Aviation

### **Explanation**

- This contract will provide installation of fiber-optic cabling to the new and existing pathways at various points on the Airport campus to include the new Air Traffic Control Tower.
- On October 23, 2018, the City issued a Request for Proposals (RFP); five proposals were received.
- Brooks-Berry-Haynie & Associates, Inc. best meets the City's needs in terms of experience, installation plan, staffing, compensation, and responsiveness to RFP requirements.
- This activity is occurring on airport property (Council District 3).

### **Charlotte Business INclusion**

The City negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Brooks-Berry-Haynie & Associates, Inc. has committed 4.21% (\$66,200) of the total contract amount to the following firms:

- Connectivity, LLC (SBE, WBE) (\$4,200) (supply material for termination and fiber optic cabling)
- Martin Landscaping, Inc. (SBE, WBE) (\$5,000) (landscaping and erosion control)
- SEPI Engineering & Construction, Inc. (WBE) (\$22,000) (GIS data development)
- Sweetwater Utility Exploration, LLC. (SBE) (\$5,000) (GIS data development)
- Tarpon Construction, Inc. (SBE) (\$30,000) (asphalt and hardscape repairs)

### **Fiscal Note**

Funding: Aviation Community Investment Plan

## 35. Airport Shuttle Bus Camera Systems

### **Action:**

- A. Approve the purchase of Airport Bus Camera Systems, as authorized by the sole source exemption, and**
- B. Approve a contract in the amount of \$166,322.25 with Carolina Thomas, LLC for the purchase of Airport bus camera systems.**

### **Staff Resource(s):**

Brent Cagle, Aviation  
Jack Christine, Aviation

### **Sole Source Exemption**

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

### **Explanation**

- Aviation owns and maintains 80 shuttle buses. Camera systems are needed to provide safety and security of passengers while riding these buses.
- Carolina Thomas, LLC is the distributor of the shuttle buses Aviation utilizes. The standard camera package offered on the El Dorado buses is sold through Carolina Thomas, LLC. The buses are pre-wired for this camera system and Carolina Thomas is the only experienced vendor able to complete this task.
- All new items and parts must be compatible with the existing hardware, bus, and cameras currently in operation.
- This contract will provide for the purchase and installation of 45 compatible camera systems.
- This activity is occurring on airport property (Council District 3).

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Aviation Operating Budget

## 36. Airport Entrance Monument

### **Action:**

**Approve a contract for \$539,000 with C Design Inc. for Professional Design Services associated with the Airport Entrance Monument project.**

### **Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- The Airport Entrance Monument project was recommended in the Wayfinding and Signage Master Plan Phase I Assessment to celebrate the airport entrance and the entry to the City of Charlotte.
- This contract will provide design professional services for the airport's entrance monument and landscape design at the intersection of Josh Birmingham Parkway and Wilkinson Boulevard.
- On March 23, 2017, the City issued a Request for Qualifications (RFQ); 16 proposals were received.
- C Design Inc. was selected as the best qualified firm to meet the City's needs based on demonstrated competence and qualification of professional services in response to the RFQ requirements and their experience in designing landscape and hardscape elements.
- This activity is occurring on airport property (Council District 3).

### **Charlotte Business INclusion**

The City negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). C Design Inc. has committed 10.25% (\$55,250) of the total contract amount to the following certified firm(s):

- AME Consulting Engineers (SBE) (\$20,250) (Engineering Services)
- Barry Lambert Engineering, PC (SBE) (\$10,000) (Engineering Services)
- Gavel & Dorn Engineering, PLLC (SBE) (\$5,000) (Engineering Services)
- Laurene, Rickher & Sorrell (SBE) (\$20,000) (Engineering Services)

### **Fiscal Note**

Funding: Aviation Community Investment Plan

## 37. Airport Romare Bearden Limited-Edition Lithographs

### Action:

- A. Approve the purchase of 15 limited-edition signed lithographs by artist Romare Bearden, by the sole source exemption, and
- B. Approve an agreement with the Arts and Science Council for the purchase of 15 limited-edition signed lithographs by artist Romare Bearden, in the amount of \$126,700, to add to the art collection for public display at the Airport.

### **Staff Resource(s):**

Brent Cagle, Aviation  
Haley Gentry, Aviation

### **Sole Source Exemption**

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

### **Explanation**

- The Arts and Science Council ASC of Charlotte (ASC) has recommended that the City purchase these prints to enhance the art collection at the Airport and to enhance the customer experience through showcasing the works of Romare Bearden.
- The City is purchasing these limited-edition, signed lithographs from a local collector - an independent appraiser established the purchase price for each of the lithographs and the ASC recommended the purchase based on the appraised value of the works.
- The purchase is a private sale and the owner will only receive the appraised value of the works with no commission or additional costs included in the sales price.
- Aviation is working with the ASC to identify display locations for these works within the main terminal building.
- This activity is occurring on airport property (Council District 3).

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Aviation Operating Budget

## 38. Financial Auditing Services

### Action:

- A. **Approve a contract with Cherry Bekaert, LLP, for financial auditing services for an initial term of one year, and**
- B. **Authorize the City Manager to renew the contract for up to four, one-year terms, with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

### **Staff Resource(s):**

Robert Campbell, Finance

Teresa Smith, Finance

### **Explanation**

- State law requires City Council to select a certified public accounting firm to audit the accounting records and annual financial report, and to evaluate internal controls at the end of each fiscal year.
- The audit includes financial and compliance examinations, as well as issuance of appropriate audit reports for the fiscal year ending June 30, 2019.
- The audited reports include the City's Comprehensive Annual Financial Report and the Single Audit for Federal and State funding sources.
- The contract also includes optional reports for CATS and the Charlotte Firefighters Retirement System which will be paid for by the respective entities, if utilized.
- The audit must be completed and the audit reports rendered no later than October 31, 2019.
- On August 11, 2018, the City issued a Request for Proposals (RFP); three proposals were received.
- Cherry Bekaert, LLP best meets the City's needs in terms of experience, qualifications, understanding of the work to be provided, and cost.
- Expenditures for the first year will be up to \$169,000. Audit fees for subsequent renewal terms will be negotiated each year. Annual increases will be limited to the Consumer Price Index, not to exceed five percent.

### **Charlotte Business INclusion**

No subcontracting goals were established because there are no subcontracting opportunities (Part C; Section 2.1(a) of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Various Department Operating Budgets.

## 39. Set Public Hearing for Convention Center Facilities and Refund of 2009 Certificates of Participation

### Action:

- A. **Adopt an initial findings resolution that makes certain findings for the proposed financing and calls for the execution of various documents necessary to complete the sale of Certificates of Participation (COPs), and**
  
- B. **Adopt a resolution setting a public hearing for March 25, 2019, for an installment financing contract not to exceed \$142,500,000 to finance the City's renovation of the Convention Center, construction of a Conference Center in partnership with the Foundation of the University of North Carolina at Charlotte, and refunding of 2009 Certificates of Participation.**

### **Staff Resource(s):**

Robert Campbell, Finance

Teresa Smith, Finance

Mike Davis, Engineering and Property Management

### **Explanation**

- The COPs, totaling \$142,500,000, will be used as follows:
  - \$110,000,000 of the proceeds will be used to complete the Phase I renovation of the Convention Center. On September 25, 2017, City Council approved the set-aside of \$110,000,000 of future debt capacity for this project. On November 26, 2018, City Council approved the Construction Manager at Risk contract for this project.
  - \$8,000,000 of the proceeds will be used to construct a Conference Center at UNC-Charlotte, which was previously approved by City Council on August 27, 2018.
  - \$24,500,000 of the proceeds will be used to refund outstanding 2009 Convention Center COPs, which allows the City to realize future debt service savings.

### **Public Hearing Date**

The resolution sets Monday, March 25, 2019, for the public hearing.

### **Fiscal Note**

Funding: Convention Center Tax Fund

### **Attachment(s)**

Resolution

[Resolution](#)

## 40. Set Public Hearing on Withrow Downs Phase 3 Voluntary Annexation

### **Action:**

**Adopt a resolution setting the public hearing for March 25, 2019, for the Withrow Downs Phase 3 voluntary annexation petition.**

### **Staff Resource(s):**

Taiwo Jaiyeoba, Planning, Design, and Development

Katrina Young, Planning, Design, and Development

### **Explanation**

- The City has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction, immediately adjacent to City Council District 2.
- Annexation of this area will allow for more orderly land development review, extension of City services, capital investments, and future annexation processes.
- The 19.5278-acre "Withrow Downs Phase 3" site is located northwest of Wednesbury Boulevard and Highway 29 between I-485 and Bruton Smith Parkway in Northeast Mecklenburg County.
  - The property is owned by 1152 Residential, LLC.
  - The property is currently vacant and is zoned Mixed Use 2 (MX-2).
  - The petitioned area consists of one parcel, parcel identification number 029-064-92.
  - The petitioner has plans to construct a 51-unit, single-family residential subdivision.

### **Consistent with City Council Policies**

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

### **Public Hearing Date**

The resolution sets Monday, March 25, 2019, for the public hearing.

[WithrowDownsPhase3AreaSurveyMap](#)

[Resolution to Set Public Hearing - Withrow Downs Phase 2](#)

## 41. Set Public Hearing on Lemmond Farms Voluntary Annexations

### **Action:**

**Adopt a resolution setting the public hearing for March 25, 2019, for the Lemmond Farms voluntary annexation petition.**

### **Staff Resource(s):**

Taiwo Jaiyeoba, Planning, Design, and Development  
Katrina Young, Planning, Design, and Development

### **Explanation**

- The City has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- Area proposed for annexation shares boundary with current city limits, and is immediately adjacent to Council District 5.
- Annexation of this area at this time will allow for more orderly land development review, extension of City services, capital investments, and future annexation processes.
- The 32.93-acre "Lemmond Farms" site is located at Albemarle Road in eastern Mecklenburg County.
  - The property is currently owned by J S Helms Family Properties, LLC.
  - The property is currently vacant with exception of a single-family home.
  - The property is zoned (NS) Neighborhood Services District.
  - Petitioned area consists of three parcels, parcel identification numbers 111-461-04, 111-461-05, and 111-461-09.
  - The petitioner has plans to construct a 350-unit, multi-family residential development on the site.

### **Consistency with City Council Policies**

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

### **Public Hearing Date**

The resolution sets Monday, March 25, 2019, for the public hearing.

### **Attachment(s)**

Map

Resolution

[LemmondFarmVoluntaryAnnexation.Map.10.29.2018](#)

[Resolution to set hearing - Lemmond Farms](#)

## 42. Set Public Hearing For Riverbend Phase 3 Voluntary Annexation

### **Action:**

**Adopt a resolution setting the public hearing for March 25, 2019, for the Riverbend Phase 3 area voluntary annexation petition.**

### **Staff Resource(s):**

Taiwo Jayiyeoba, Planning, Design, and Development

Katrina Young, Planning, Design, and Development

### **Explanation**

- The City has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- Area proposed for annexation shares boundary with current city limits, and is immediately adjacent to Council District 2.
- Annexation of the area at this time will allow for more orderly land development review, extension of City services, capital investments, and future annexation processes.
- The 18.136-acre "Riverbend Phase 3 area" site is located north of Mt-Holly Huntersville Road and west of Rozzelles-Ferry Road in west Mecklenburg County.
  - The property is owned by Riverbend Charlotte, LLC.
  - The property is currently vacant and is zoned Mixed Use 1 (MX-1).
  - The petitioned area consists of 21 parcels, parcel identification numbers 031-205-05, 031-205-06, 031-205-07, 031-205-08, 031-205-09, 031-205-10, 031-205-12, 031-205-13, 031-205-14, 031-205-15, 031-205-16, 031-201-30, 031-204-61, 031-204-62, 031-204-63, 031-204-64, 031-204-65, 031-205-01, 031-205-02, 031-205-03, and 031-205-04.
  - The petitioner has plans to construct 41-unit, single-family residential units.

### **Consistent with City Council Policies**

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

### **Public Hearing Date**

The resolution sets Monday, March 25, 2019, for the public hearing.

### **Attachment(s)**

Map

Resolution

[Riverbend Annexation.CorrectedPlat.01.24.2019](#)

[Resolution to set hearing - Riverbend Phase 3](#)

## 43. Set Public Hearing Date for Steele Creek Landing Voluntary Annexations

### **Action:**

**Adopt a resolution setting the public hearing for March 25, 2019, for the Steele Creek Landing voluntary annexation petition.**

### **Staff Resource(s):**

Taiwo Jaiyeoba, Planning, Design, and Development  
Katrina Young, Planning, Design, and Development

### **Explanation**

- The City has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- Area proposed for annexation shares boundary with current city limits, and is immediately adjacent to Council District 3.
- Annexation of this area at this time will allow for more orderly land development review, extension of City services, capital investments, and future annexation processes.
- The 15.481-acre "Steele Creek Landing" site is located at Outlet Boulevard and Trojan Drive in in western Mecklenburg County.
  - The property is owned by Steele-Trojan Properties, LLC and is currently vacant.
  - The property is zoned Neighborhood Services District (NS) and O-2 Office Conditional District (CD).
  - Petitioned area consists of 11 parcels, PID 199-591-09, 199-241-22, 199-241-23, 199-241-24, 199-241-25, 199-241-26, 199-243-01, 199-243-02, 199-243-06, 199-243-07, and 199-243-08.
  - The petitioner has plans to construct up to 35,000 square feet of gross floor area of retail, Eating, Drinking, and Entertainment Establishments (EDEE), a limited service restaurant, and general or medical offices uses on the portion of the development zoned NS together with permitted accessory uses. Additionally, on the portion of the development zoned O-2 (CD), a hotel, with up to 180 hotel rooms or up to 50,000 square feet of gross floor area of medical office uses as allowed in O-2 zoning districts along with permitted accessory uses.

### **Consistency with City Council Policies**

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

### **Public Hearing Date**

The resolution sets Monday, March 25, 2019, for the public hearing.

### **Attachment(s)**

Map  
Resolution

[Map.SteeleCreekLandingAnnexationArea.12.20.2018](#)

[Resolution to Set Public Hearing - Steele Creek Landing](#)

## 44. Set Public Hearing on Sutton Farm Phase 2 Voluntary Annexation

**Action:**

**Adopt a resolution setting the public hearing for March 25, 2019, for the Sutton Farm Phase 2 voluntary annexation petition.**

**Staff Resource(s):**

Taiwo Jaiyeoba, Planning, Design, and Development  
Katrina Young, Planning, Design, and Development

**Explanation**

- The City has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction, and is immediately adjacent to Council District 2.
- Annexation of this area will allow for more orderly land development review, extension of City services, capital investments, and future annexation processes.
- The 8.75-acre "Sutton Farms Phase 2" site is located south of Pleasant Grove Road and north of Old Plank Road in Northwest Mecklenburg County.
  - The property is owned by Pleasant Grove Presbyterian Church.
  - The property is currently vacant and is zoned R-3 Single Family Residential (R-3) at three units per acre.
  - The petitioned area consists of one parcel, parcel identification number 35-181-16.
  - The petitioner has plans to construct a 24-unit, single-family residential subdivision.

**Consistent with City Council Policies**

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

**Public Hearing Date**

The resolution sets Monday, March 25, 2019, for the public hearing.

[Map.Annexation.SuttonFarmsPhase 2](#)

[Resolution to set hearing -Sutton Farms Ph 2](#)

## 45. Meeting Minutes

**Action:**

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

- **January 28 - 30, 2019 Annual Strategy Meeting**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

### 46. Property Transactions - Chandworth Drainage Improvements, Parcel #12

**Action:** Approve the following Acquisition: Chandworth Drainage Improvements, Parcel #12

**Project:** Chandworth Drainage Improvements, Parcel #12

**Program:** Flood Control

**Owner(s):** David M. Feldser and Penelope P. Feldser

**Property Address:** 3914 Chandworth Road

**Total Parcel Area:** 13,214 sq. ft. (.303 ac.)

**Property to be acquired by Easements:** 2,221 sq. ft. (.051 ac.) in Storm Drainage Easement, plus 676 sq. ft. (.016 ac.) in Sanitary Sewer Easement, plus 985 sq. ft. (.023 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:** 179-097-34

**Purchase Price:** \$15,150

**Council District:** 6

[Location Map - Chandworth Drainage Improvements.P12.docx](#)

## 47. Property Transactions - Chandworth Drainage Improvements, Parcel #40

**Action:** Approve the following Acquisition: Chandworth Drainage Improvements, Parcel #40

**Project:** Chandworth Drainage Improvements, Parcel #40

**Program:** Flood Control

**Owner(s):** Michael T. Aylmore

**Property Address:** 3927 Chandworth Road

**Total Parcel Area:** 18,999 sq. ft. (.436 ac.)

**Property to be acquired by Easements:** 2,777 sq. ft. (.064 ac.) in Storm Drainage Easement, plus 2,010 sq. ft. (.046 ac.) in Sanitary Sewer Easement, plus 3,020 sq. ft. (.069 ac.) in Temporary Construction Easement, plus 179 sq. ft. (.004 ac.) in Existing Drainage Accepted as Storm Drainage Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-063-02

**Purchase Price:** \$19,175

**Council District:** 6

[Location Map - Chandworth Drainage Improvements.P40.docx](#)

## 48. Property Transactions - Five Points Plaza Improvements, Parcel #2

**Action:** Approve the following Acquisition: Five Points Plaza Improvements, Parcel #2

**Project:** Five Points Plaza Improvements, Parcel #2

**Owner(s):** Willie L. Starr

**Property Address:** 1800 Rozzelles Ferry Road

**Total Parcel Area:** 13,751 sq. ft. (.316 ac.)

**Property to be acquired by Fee:** 1,574 sq. ft. (.036 ac.) in Fee Simple

**Property to be acquired by Easements:** 267 sq. ft. (.006 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Tree

**Zoned:** B-1

**Use:** Commercial

**Tax Code:** 069-016-07

**Purchase Price:** \$147,725

**Council District:** 2

[Location Map - Five Points Plaza Improvements.P2.docx](#)

## 49. Property Transactions - Hinsdale - Tinkerbell Drainage Improvements, Parcel #54

**Action:** Approve the following Acquisition: Hinsdale - Tinkerbell Drainage Improvements, Parcel #54

**Project:** Hinsdale - Tinkerbell Drainage Improvements, Parcel #54

**Program:** Flood Control

**Owner(s):** Kevin L. Loftin and Karin W. Loftin

**Property Address:** 3416 Cotillion Avenue

**Total Parcel Area:** 18,703 sq. ft. (.429 ac.)

**Property to be acquired by Easements:** 981.67 sq. ft. (.023 ac.) in Storm Drainage Easement, plus 120.77 sq. ft. (.003 ac.) in Sanitary Sewer Easement, plus 1,094 sq. ft. (.025 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 209-072-03

**Purchase Price:** \$12,075

**Council District:** 6

[Location Map - Hinsdale - Tinkerbell Drainage Improvements.P54.docx](#)

**50. Property Transactions - Irvins Creek Trunk, Parcel #6**

**Action:** Approve the following Acquisition: Irvins Creek Trunk, Parcel #6

**Project:** Irvins Creek Trunk, Parcel #6

**Owner(s):** David Levi and Elaine Levi

**Property Address:** 11130 Lawyers Road

**Total Parcel Area:** 56,447 sq. ft. (1.296 ac.)

**Property to be acquired by Easements:** 3,933 sq. ft. (.09 ac.) in Sanitary Sewer Easement, plus 2,568 sq. ft. (.059 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R (Mint Hill)

**Use:** Single-family Residential

**Tax Code:** 135-381-58

**Purchase Price:** \$22,356

**Council District:** N/A (Mint Hill)

[Location Map - Irvins Creek Trunk.P6.docx](#)

## 51. Property Transactions - Irvins Creek Trunk, Parcel #7

**Action:** Approve the following Acquisition: Irvins Creek Trunk, Parcel #7

**Project:** Irvins Creek Trunk, Parcel #7

**Owner(s):** Robert L. Rowland and Brenda H. Rowland

**Property Address:** 11200 Lawyers Road

**Total Parcel Area:** 41,592 sq. ft. (.955 ac.)

**Property to be acquired by Easements:** 2,847 sq. ft. (.065 ac.) in Sanitary Sewer Easement, plus 1,898 sq. ft. (.044 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R (Mint Hill)

**Use:** Single-family Residential

**Tax Code:** 135-381-57

**Purchase Price:** \$17,326

**Council District:** N/A (Mint Hill)

[Location Map - Irvins Creek Trunk.P7.docx](#)

## 52. Property Transactions - Chandworth Drainage Improvements, Parcel #4

**Action:** Approve the following Condemnation: Chandworth Drainage Improvements, Parcel #4

**Project:** Chandworth Drainage Improvements, Parcel #4

**Program:** Flood Control

**Owner(s):** Elise B. Gillespie and John H. Gillespie

**Property Address:** 4019 Chandworth Road

**Total Parcel Area:** 17,738 sq. ft. (.407 ac.)

**Property to be acquired by Easements:** 106 sq. ft. (.002 ac.) in Sanitary Sewer Easement, plus 1,133 sq. ft. (.026 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-096-05

**Appraised Value:** \$4,475

**Property Owner's Concerns:** The property owner does not support the project and has become non-responsive.

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

**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

[Location Map - Chandworth Drainage Improvements.P4.docx](#)

## 53. Property Transactions - Chandworth Drainage Improvements, Parcel #6

**Action:** Approve the following Condemnation: Chandworth Drainage Improvements, Parcel #6

**Project:** Chandworth Drainage Improvements, Parcel #6

**Program:** Flood Control

**Owner(s):** Paul G. Durham and Brandi P. Durham

**Property Address:** 3814 Chandworth Road

**Total Parcel Area:** 18,652 sq. ft. (.428 ac.)

**Property to be acquired by Easements:** 516 sq. ft. (.012 ac.) in Sanitary Sewer Easement, plus 1,468 sq. ft. (.034 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-097-40

**Appraised Value:** \$6,025

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property during construction, future maintenance, and the amount of compensation being offered.

**City's Response to Property Owner's Concerns:** Staff addressed property owner's concerns, however, an agreement has not been reached. Staff also informed property owner they could obtain their own appraisal in order to justify a counter offer.

**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

[Location Map - Chandworth Drainage Improvements.P6.docx](#)

## 54. Property Transactions - Chandworth Drainage Improvements, Parcel #8

**Action:** Approve the following Condemnation: Chandworth Drainage Improvements, Parcel #8

**Project:** Chandworth Drainage Improvements, Parcel #8

**Program:** Flood Control

**Owner(s):** Michael A. Rosenberg and Susan Nicolson

**Property Address:** 3828 Chandworth Road

**Total Parcel Area:** 15,736 sq. ft. (.361 ac.)

**Property to be acquired by Easements:** 576 sq. ft. (.013 ac.) in Sanitary Sewer Easement, plus 585 sq. ft. (.013 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Shrubs and various plantings

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-097-38

**Appraised Value:** \$3,475

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property during construction, future maintenance, and the amount of compensation offered.

**City's Response to Property Owner's Concerns:** Staff addressed property owner's concerns, however, an agreement has not been reached. Staff also informed property owner they could obtain their own appraisal in order to justify a counter offer.

**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

[Location Map - Chandworth Drainage Improvements.P8.docx](#)

## 55. Property Transactions - Chandworth Drainage Improvements, Parcel #9

**Action:** Approve the following Condemnation: Chandworth Drainage Improvements, Parcel #9

**Project:** Chandworth Drainage Improvements, Parcel #9

**Program:** Flood Control

**Owner(s):** Julaine M. Untereker

**Property Address:** 3834 Chandworth Road

**Total Parcel Area:** 14,602 sq. ft. (.335 ac.)

**Property to be acquired by Easements:** 556 sq. ft. (.013 ac.) in Storm Drainage Easement, plus 644 sq. ft. (.015 ac.) in Sanitary Sewer Easement, plus 1,575 sq. ft. (.036 ac.) in Temporary Construction Easement, plus 3,324 sq. ft. (.076 ac.) in Existing Drainage Accepted as Storm Drainage Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-097-37

**Appraised Value:** \$14,525

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property during construction, future maintenance, and the amount of compensation being offered.

**City's Response to Property Owner's Concerns:** Staff addressed property owner's concerns, however, an agreement has not been reached. Staff also informed property owner they could obtain their own appraisal in order to justify a counter offer.

**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

[Location Map - Chandworth Drainage Improvements.P9.docx](#)

## 56. Property Transactions - Chandworth Drainage Improvements, Parcel #10

**Action:** Approve the following Condemnation: Chandworth Drainage Improvements, Parcel #10

**Project:** Chandworth Drainage Improvements, Parcel #10

**Program:** Flood Control

**Owner(s):** Nancy R. Sheedy and Raymond Sheedy

**Property Address:** 3900 Chandworth Road

**Total Parcel Area:** 13,904 sq. ft. (.319 ac.)

**Property to be acquired by Easements:** 1,099 sq. ft. (.025 ac.) in Storm Drainage Easement, plus 679 sq. ft. (.016 ac.) in Sanitary Sewer Easement, plus 1,217 sq. ft. (.028 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-097-36

**Appraised Value:** \$8,725

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property during construction and the amount of compensation offered.

**City's Response to Property Owner's Concerns:** Staff addressed property owner's concerns, however, an agreement has not been reached. Staff also informed property owner they could obtain their own appraisal in order to justify a counter offer.

**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

[Location Map - Chandworth Drainage Improvements.P10.docx](#)

## 57. Property Transactions - Chandworth Drainage Improvements, Parcel #11

**Action:** Approve the following Condemnation: Chandworth Drainage Improvements, Parcel #11

**Project:** Chandworth Drainage Improvements, Parcel #11

**Program:** Flood Control

**Owner(s):** Brian A. Winter

**Property Address:** 3908 Chandworth Road

**Total Parcel Area:** 13,952 sq. ft. (.320 ac.)

**Property to be acquired by Easements:** 674 sq. ft. (.015 ac.) in Sanitary Sewer Easement, plus 1,027 sq. ft. (.024 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-097-35

**Appraised Value:** \$6,600

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

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

**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

[Location Map - Chandworth Drainage Improvements.P11.docx](#)

## 58. Property Transactions - Chandworth Drainage Improvements, Parcel #13

**Action:** Approve the following Condemnation: Chandworth Drainage Improvements, Parcel #13

**Project:** Chandworth Drainage Improvements, Parcel #13

**Program:** Flood Control

**Owner(s):** Carol C. Soggs Living Trust dated July 8, 2011

**Property Address:** 3920 Chandworth Road

**Total Parcel Area:** 15,676 sq. ft. (.360 ac.)

**Property to be acquired by Easements:** 2,597 sq. ft. (.06 ac.) in Storm Drainage Easement, plus 1,297 sq. ft. (.03 ac.) in Sanitary Sewer Easement, plus 1,196 sq. ft. (.027 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-097-33

**Appraised Value:** \$13,475

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

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

**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

[Location Map - Chandworth Drainage Improvements.P13.docx](#)

## 59. Property Transactions - Chandworth Drainage Improvements, Parcel #17

**Action:** Approve the following Condemnation: Chandworth Drainage Improvements, Parcel #17

**Project:** Chandworth Drainage Improvements, Parcel #17

**Program:** Flood Control

**Owner(s):** Elizabeth M. Doster and Simmons Penegar Doster

**Property Address:** 4026 Chandworth Road

**Total Parcel Area:** 15,306 sq. ft. (.351 ac.)

**Property to be acquired by Easements:** 1,283 sq. ft. (.029 ac.) in Storm Drainage Easement, plus 4,871 sq. ft. (.112 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees, bushes and various plantings

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-097-29

**Appraised Value:** \$15,625

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property during construction, future maintenance, and the amount of compensation offered.

**City's Response to Property Owner's Concerns:** Staff addressed property owner's concerns, however, an agreement has not been reached. Staff also informed property owner they could obtain their own appraisal in order to justify a counter offer.

**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

[Location Map - Chandworth Drainage Improvements.P17.docx](#)

## 60. Property Transactions - Chandworth Drainage Improvements, Parcel #41

**Action:** Approve the following Condemnation: Chandworth Drainage Improvements, Parcel #41

**Project:** Chandworth Drainage Improvements, Parcel #41

**Program:** Flood Control

**Owner(s):** Matthew Papandrea and Meredith Papandrea

**Property Address:** 3819 Chandworth Road

**Total Parcel Area:** 23,187 sq. ft. (.532 ac.)

**Property to be acquired by Easements:** 710 sq. ft. (.016 ac.) in Storm Drainage Easement, plus 1,118 sq. ft. (.026 ac.) in Sanitary Sewer Easement, plus 3,391 sq. ft. (.078 ac.) in Temporary Construction Easement, plus 179 sq. ft. (.004 ac.) in Existing Drainage Accepted as Storm Drainage Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-063-01

**Appraised Value:** \$14,450

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property during construction, future maintenance, and the amount of compensation being offered.

**City's Response to Property Owner's Concerns:** Staff addressed property owner's concerns, but no agreement was reached.

**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

[Location Map - Chandworth Drainage Improvements.P41.docx](#)

## 61. Property Transactions - Chandworth Drainage Improvements, Parcel #42

**Action:** Approve the following Condemnation: Chandworth Drainage Improvements, Parcel #42

**Project:** Chandworth Drainage Improvements, Parcel #42

**Program:** Flood Control

**Owner(s):** Deborah Stoudenmire

**Property Address:** 4020 Sussex Avenue

**Total Parcel Area:** 14,680 sq. ft. (.337 ac.)

**Property to be acquired by Easements:** 1,866 sq. ft. (.043 ac.) in Storm Drainage Easement, plus 351 sq. ft. (.008 ac.) in Temporary Construction Easement, plus 946 sq. ft. (.022 ac.) in Existing Drainage Accepted as Storm Drainage Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-063-03

**Appraised Value:** \$16,875

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property during and after construction, and the amount of compensation offered.

**City's Response to Property Owner's Concerns:** Staff addressed property owner's concerns, however, an agreement has not been reached. Staff also informed property owner they could obtain their own appraisal in order to justify a counter offer.

**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

[Location Map - Chandworth Drainage Improvements.P42.docx](#)

## 62. Property Transactions - Five Points Plaza Improvements, Parcel #1

**Action:** Approve the following Condemnation: Five Points Plaza Improvements, Parcel #1

**Project:** Five Points Plaza Improvements, Parcel #1

**Owner(s):** Mechanics and Farmers Bank

**Property Address:** 101 Beatties Ford Road

**Total Parcel Area:** 16,500 sq. ft. (.379 ac.)

**Property to be acquired by Fee:** 1,204 sq. ft. (.028 ac.) in Fee Simple

**Property to be acquired by Easements:** 408 sq. ft. (.009 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** Fence and gate

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** O-2

**Tax Code:** 069-012-33

**Appraised Value:** \$69,725

**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

[Location Map - Five Points Plaza Improvements.P1.docx](#)

### 63. Property Transactions - Five Points Plaza Improvements, Parcel #3

**Action:** Approve the following Condemnation: Five Points Plaza Improvements, Parcel #3

**Project:** Five Points Plaza Improvements, Parcel #3

**Owner(s):** Charlotte-Mecklenburg Hospital Authority

**Property Address:** 1801 Rozzelles Ferry Road

**Total Parcel Area:** 24,490 sq. ft. (.562 ac.)

**Property to be acquired by Fee:** 2,169 sq. ft. (.05 ac.) in Fee Simple

**Property to be acquired by Easements:** 880 sq. ft. (.02 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and Shrubs

**Zoned:** NS

**Use:** Commercial

**Tax Code:** 071-106-03

**Appraised Value:** \$110,325

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

**Council District:** 2

[Location Map - Five Points Plaza Improvements.P3.docx](#)

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

- Action:** **Approve the following Acquisition:** Little Sugar Creek Tributary Trunk Sewer to North Tryon Street Parcels #4, 9, 10, 12, 13, and 14
- Project:** Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcels #4, 9, 10, 12, 13, and 14
- Owner(s):** Thomas R. Hunter, Carroll E. Hunter and Hunter Auto and Wrecker Services, Inc.
- Property Address:** 1107 and 1114 North Davidson Street
- Total Parcel Area:** 176,383 sq. ft. (4.049 ac.)
- Property to be acquired by Easements:** 17,050 sq. ft. (.391 ac.) in Sewer Easement, plus 13,249 sq. ft. (.304 ac.) in Temporary Construction Easement
- Structures/Improvements to be impacted:** Fence
- Landscaping to be impacted:** None
- Zoned:** I-2
- Use:** Industrial
- Tax Code:** 081-065-07, 081-093-03, 081-093-04, 081-093-08, 081-093-09 and 081-093-11
- Purchase Price:** \$208,925 and all relocation benefits in compliance with Federal, State or Local regulations
- Council District:** 1

## 65. Property Transactions - Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcel #6

**Action:** Approve the following Condemnation: Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcel #6

**Project:** Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcel #6

**Owner(s):** Don R. Reid and Lisa P. Reid

**Property Address:** 200 Wadsworth Place

**Total Parcel Area:** 220,297 sq. ft. (5.057 ac.)

**Property to be acquired by Easements:** 16,882 sq. ft. (.388 ac.) in Storm Drainage Easement, plus 15,661 sq. ft. (.36 ac.) in Sanitary Sewer Easement, plus 36,052 sq. ft. (.828 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 081-021-03

**Appraised Value:** \$275,500

**Property Owner's Counteroffer:** \$610,000

**Property Owner's Concerns:** The property owner does not agree with amount of compensation offered.

**City's Response to Property Owner's Concerns:** Staff informed property owner they could obtain their own appraisal in order to justify their counter offer.

**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

[Location Map - Little Sugar Creek Tributary Trunk Sewer to North Tryon Street.P6.docx](#)

## 66. Property Transactions - NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcels #1 and 2

**Action:** Approve the following Condemnation: NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcels #1 and 2

**Project:** NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcels #1 and 2

**Owner(s):** Fairfield Reafield Village, LLC

**Property Address:** 6609 Reafield Drive

**Total Parcel Area:** 1,304,668 sq. ft. (29.951 ac.)

**Property to be acquired by Easements:** 788 sq. ft. (.018 ac.) in Storm Drainage Easement, plus 2,909 sq. ft. (.067 ac.) in Sidewalk and Utility Easement, plus 12,546 sq. ft. (.288 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** R-15

**Use:** Multi-family

**Tax Code:** 211-212-18 and 211-212-11

**Appraised Value:** \$29,550

**Property Owner's Concerns:** The property owner requested a section of sidewalk outside of easement be repaired during site visit.

**City's Response to Property Owner's Concerns:** City staff agreed to the property owners' request.

**Outstanding Concerns:** The property is under sales contract with a new buyer so the current owner is unwilling to sign the easements.

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

**Council District:** 7

[Location Map - NC51 Sidewalk - McAlpine Creek to Ridgeloach Place.P1,P2.docx](#)

## 67. Property Transactions - NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcel #16

**Action:** Approve the following Condemnation: NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcel #16

**Project:** NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcel #16

**Owner(s):** Gregory B. Kay and Sarah F. Kay

**Property Address:** 4607 Nora's Path Road

**Total Parcel Area:** 20,141 sq. ft. (.462 ac.)

**Property to be acquired by Easements:** 1,151 sq. ft. (.026 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 211-252-73

**Appraised Value:** \$3,800

**Property Owner's Counteroffer:** \$6,800

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property during construction, future maintenance, and the amount of compensation offered.

**City's Response to Property Owner's Concerns:** Staff addressed property owner's concerns, however, an agreement has not been reached. Staff also informed property owner they could obtain their own appraisal in order to justify a counter offer.

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

**Council District:** 7

[Location Map - NC51 Sidewalk - McAlpine Creek to Ridgeloach Place.P16.docx](#)

## 68. Property Transactions - NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcel #17

**Action:** Approve the following Condemnation: NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcel #17

**Project:** NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcel #17

**Owner(s):** Matthew D. Pikel and Michelle M. Pikel

**Property Address:** 4601 Nora's Path Road

**Total Parcel Area:** 19,951 sq. ft. (.458 ac.)

**Property to be acquired by Easements:** 1,188 sq. ft. (.027 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 211-252-72

**Appraised Value:** \$4,325

**Property Owner's Counteroffer:** \$8,138

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property during construction, future maintenance, and the amount of compensation offered.

**City's Response to Property Owner's Concerns:** Staff addressed property owner's concerns, however, an agreement has not been reached. Staff also informed property owner they could obtain their own appraisal in order to justify a counter offer.

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

**Council District:** 7

[Location Map - NC51 Sidewalk - McAlpine Creek to Ridgeloach Place.P17.docx](#)

## 69. Property Transactions - NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcel #25

**Action:** Approve the following Condemnation: NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcel #25

**Project:** NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcel #25

**Owner(s):** C & J Enterprises, Inc.

**Property Address:** 4100 Pineville-Matthews Road

**Total Parcel Area:** 6,259,954 sq. ft. (143.708 ac.)

**Property to be acquired by Easements:** 29,561 sq. ft. (.679 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees, shrubs and various plantings

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 211-264-26

**Appraised Value:** \$96,075

**Property Owner's Counteroffer:** \$133,803

**Property Owner's Concerns:** The property owner is concerned about the compensation and the loss of tree buffer along the property.

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

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

**Council District:** 7

[Location Map - NC51 Sidewalk - McAlpine Creek to Ridgeloach Place.P25.docx](#)

## 70. Property Transactions - NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcel #26

**Action:** Approve the following Condemnation: NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcel #26

**Project:** NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcel #26

**Owner(s):** Crown Atlantic Company, LLC

**Property Address:** 3618 Pineville-Matthews Road

**Total Parcel Area:** 30,192 sq. ft. (.693 ac.)

**Property to be acquired by Easements:** 4,418 sq. ft. (.101 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 211-264-25

**Appraised Value:** \$5,975

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

**Council District:** 7

[Location Map - NC51 Sidewalk - McAlpine Creek to Ridgeloach Place.P26.docx](#)

## 71. Property Transactions - NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcels #8, 9 and 10

**Action:** Approve the following Condemnation: NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcels #8, 9 and 10

**Project:** NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcels #8, 9 and 10

**Owner(s):** Challis Farm Homeowners Association, Inc.

**Property Address:** Pineville-Matthews Road

**Total Parcel Area:** 172,055 sq. ft. (3.950 ac.)

**Property to be acquired by Easements:** 6,105 sq. ft. (.14 ac.) in Sidewalk and Utility Easement, plus 12,807 sq. ft. (.294 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** R-15

**Use:** Single-family Residential

**Tax Code:** 211-622-01, 211-582-99 and 211-581-95

**Appraised Value:** \$48,775

**Property Owner's Concerns:** The property owners requested design changes to protect landscaping.

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

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

**Council District:** 7

[Location Map - NC51 Sidewalk - McAlpine Creek to Ridgeloach Place.P8.P9.P10.docx](#)

## 72. Property Transactions - Rozzelles Ferry PedScape, Parcel #3

**Action:** Approve the following Condemnation: Rozzelles Ferry PedScape, Parcel #3

**Project:** Rozzelles Ferry PedScape, Parcel #3

**Owner(s):** Heather J. Hagan

**Property Address:** 2434 Rozzelles Ferry Road

**Total Parcel Area:** 9,109 sq. ft. (.209 ac.)

**Property to be acquired by Easements:** 570 sq. ft. (.013 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** R-8

**Use:** Single-family Residential

**Tax Code:** 069-028-03

**Appraised Value:** \$2,025

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property during construction, future maintenance, and the amount of compensation being offered.

**City's Response to Property Owner's Concerns:** Staff addressed property owner's concerns, however, an agreement has not been reached. Staff also informed property owner they could obtain their own appraisal in order to justify a counter offer.

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

**Council District:** 2

[Location Map - Rozzelles Ferry PedScape.P3.docx](#)

## 73. Property Transactions - State Street Pedestrian Improvement, Parcel #19

**Action:** Approve the following Condemnation: State Street Pedestrian Improvement, Parcel #19

**Project:** State Street Pedestrian Improvement, Parcel #19

**Owner(s):** KB Holdings, LLC, Patrick Deely and Bradlee Johnson

**Property Address:** 401 State Street

**Total Parcel Area:** 7,193 sq. ft. (.165 ac.)

**Property to be acquired by Easements:** 272 sq. ft. (.006 ac.) in Sidewalk and Utility Easement, plus 34 sq. ft. (.001 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** R-8

**Use:** Single-family Residential

**Tax Code:** 071-072-01

**Appraised Value:** \$3,025

**Outstanding Concerns:** Property owner has become unresponsive.

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

**Council District:** 2

[Location Map - State Street Pedestrian Improvement.P19.docx](#)

## Adjournment

## REFERENCES

## 74. Reference - Charlotte Business INClusion Policy

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

### **Part A: Administration and Enforcement**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Part B: Construction and Commodities Contracts**

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

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

## **Part C: Service Contracts**

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

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

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

## **Part D: Post Contract Award Requirements**

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

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

**Part G: Alternative Construction Agreements**

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

## 75. Reference - Property Acquisitions and Condemnations

- The City has negotiated in good faith to acquire the properties set forth below
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
  - Sending introductory letters via regular and certified mail,
  - Making several site visits,
  - Leaving door hangers and business cards,
  - Seeking information from neighbors,
  - Searching the internet,
  - Obtaining title abstracts, and
  - Leaving voice messages.
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If the City Council approves the resolutions, the City Attorney's office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to a trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross," such as public utility easement.
- The term "fee simple" is a synonym for ownership and is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited.

## 76. Reference - Property Transaction Process

### Property Transaction Process Following City Council Approval for Condemnation

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

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

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