

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, November 8, 2021**

**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 Malcolm Graham*

*Council Member Reneé Johnson*

*Council Member Greg Phipps*

*Council Member Matt Newton*

*Council Member Victoria Watlington*

*Council Member Braxton Winston II*

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

This meeting will also be accessible via the Government Channel, the City's Facebook page, and the City's YouTube channel.

### 1. Mayor and Council Consent Item Questions and Answers

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

[2021-11-08 Council Agenda QA](#)

### 2. Action Review Agenda Overview

**Staff Resource(s):**

Marcus Jones, City Manager

### 3. Centene Project Update

**Staff Resource(s):**

Tracy Dodson, City Manager's Office

**Time:** Presentation - 10 minutes; Discussion - 15 minutes

**Explanation**

- Provide a brief update on the progress of the Centene project.

[Centene Project Update](#)

### 4. Proposed 2022 State and Federal Legislative Agendas

**Staff Resource(s):**

Dana Fenton, City Manager's Office

**Time:** 10 minutes - Presentation; 20 minutes - Discussion

**Explanation**

- Provide an overview of the proposed 2022 State and Federal Legislative Agendas.

[Proposed 2022 Federal and State Legislative Agendas Presentation](#)

[Proposed 2022 federal legislative agenda](#)

[Proposed 2022 state legislative agenda](#)

## 5. Charlotte Future 2040 - Policy Map Update

**Staff Resource(s):**

Taiwo Jaiyeoba, City Manager's Office

**Time:** Presentation - 10 minutes; Discussion - 15 minutes

**Explanation**

- Provide a brief update on the Charlotte Future 2040 Policy Map.

[Charlotte Future 2040 - Policy Map Update](#)

## 6. Closed Session (as necessary)

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

This meeting will also be accessible via the Government Channel, the City's Facebook page, and the City's YouTube channel.

***Call to Order***

***Introductions***

***Invocation***

***Pledge of Allegiance***

## **CONSENT**

- 7. Consent agenda items 39 through 79 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

## **AWARDS AND RECOGNITIONS**

### **8. Officer Kevin Stuesse Day**

**Action:**

A proclamation will be read recognizing November 8, 2021, as Officer Kevin Stuesse Day.

### **9. World Day of Remembrance for Road Traffic Victims**

**Action:**

A proclamation will be read recognizing November 21, 2021, as World Day of Remembrance for Road Traffic Victims.

### **10. World Prematurity Day**

**Action:**

A proclamation will be read recognizing November 17, 2021, as World Prematurity Day.

## PUBLIC HEARING

### 11. Public Hearing and Decision on Parkside Crossing Area Voluntary Annexation

**Action:**

- A. Conduct a public hearing for the Parkside Crossing Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of November 8, 2021, to extend the corporate limits to include this property and assign it to the adjacent City Council District 3.

**Staff Resource(s):**

Taiwo Jaiyeoba, City Manager's Office  
Holly Cramer, Planning, Design, and Development

**Explanation**

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 241.089-acre property located along the south side of Sledge Road, the east side of Shopton Road West, and west of Steele Creek Road.
- The property is owned by Steele Creek (1997), LLC and Pulte Home Company, LLC.
- The property is currently vacant with some large lot residential uses. Most of the property is zoned MX-3, which allows for residential mixed use as well as commercial, institutional, and employment uses. A portion of the property is zoned UR-2(CD), which allows for residential uses of moderate density.
- The petitioned area consists of three parcels; parcel identification numbers: 199-071-09, 199-061-07, and 199-061-68.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of 550 single family units and 150 multi-family units in a continuing care retirement community on the subject site.

**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:
  - Is consistent with the policy to not adversely affect the City's ability to undertake future annexations;
  - Is consistent with the policy to not have undue negative impact on City finances or services; and
  - Is consistent with the policy to not create unincorporated areas will be encompassed by new City limits.

**Attachment(s)**

Map (GIS)  
Map (Survey)  
Annexation Ordinance

[Parkside Crossing Area Annexation Map](#)

[Parkside Crossing Area Annexation Survey](#)

[Ordinance - Parkside Crossing Area Annexation](#)

## 12. Public Hearing on a Resolution to Close a Portion of Kinghurst Drive

### Action:

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

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

Liz Babson, Transportation  
Krystal Bright, Transportation

### **Explanation**

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The road to be closed is located in Council District 2.

### **Petitioner**

Hole In One Homes, LLC

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

A portion of Kinghurst Drive

### **Reason**

Per the petition submitted by Hole In One Homes, LLC, the abandonment is a part of the development of Kinghurst Cove Subdivision. The City has no objections.

### **Notification**

As part of the City's notification process, and in compliance with NC General Statute Section 160A-299, CDOT submitted this abandonment petition for review by the public and City departments.

### Adjoining property owner(s)

Hole In One Homes, LLC - No objections  
Timothy and Karen Baynard - No objections  
Melinda S. Fair - No objections

### City departments

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

### **Attachment(s)**

Map  
Resolution

[2021-20A Portion of Kinghurst Dr Abandonment Map](#)

[2021-20A Resolution to Close 11.08.2021](#)

## 13. Public Hearing on a Resolution to Close Newell Farm Road

### Action:

- A. Conduct a public hearing to close Newell Farm Road, and
- B. Adopt a resolution and close Newell Farm Road.

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

Liz Babson, Transportation  
Krystal Bright, Transportation

### **Explanation**

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The road to be closed is located in Council District 4.

### **Petitioner**

Suncrest Real Estate & Land

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

Newell Farm Road

### **Reason**

Per the petition submitted by Suncrest Real Estate & Land, the abandonment is a part of the site re-development, which will provide new infrastructure for access to the adjacent properties. The City has no objections.

### **Notification**

As part of the City's notification process, and in compliance with NC General Statute Section 160A-299, CDOT submitted this abandonment petition for review by the public and City departments.

### Adjoining property owner(s)

Frank C. Newton, Jr. & Nancy Newton - No objections

### City departments

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

### **Attachment(s)**

Map  
Resolution

[2020-22A Newell Farm Rd Abandonment Map](#)

[2020-22A Resolution to Close 11.08.2021](#)

## 14. Public Hearing on a Resolution to Close the Grier Avenue Unopened Right-of-Way

### Action:

- A. Conduct a public hearing to close the Grier Avenue unopened right-of-way, and
- B. Adopt a resolution and close the Grier Avenue unopened right-of-way.

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

Liz Babson, Transportation  
Krystal Bright, Transportation

### **Explanation**

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The road to be closed is located in Council District 2.

### **Petitioner**

Lakeview Land Company, Inc

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

Grier Avenue unopened right-of-way

### **Reason**

Per the petition submitted by Lakeview Land Company, Inc, the entire unopened right-of-way will be added to tax parcel 075-079-06 to provide additional buildable area for this lot. The City has no objections.

### **Notification**

As part of the City's notification process, and in compliance with NC General Statute Section 160A-299, CDOT submitted this abandonment petition for review by the public and City departments.

### Adjoining property owner(s)

Lakeview Land Company, Inc - No objections

### City departments

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

### **Attachment(s)**

Map  
Resolution

[2021-12A Unopened ROW Grier Ave Abandonment Map](#)

[2021-12A Resolution to Close 11.08.2021](#)

## POLICY

### 15. City Manager's Report

[11.08.2021 City Manager's Memo](#)

### 16. Proposed Redistricting Draft Plan

**Action:**

**Consider and adopt the Redistricting Ad Hoc Committee's Proposed Redistricting Draft Plan.**

**Committee Chair:**

Malcolm Graham, Redistricting Ad Hoc Committee

**Staff Resource(s):**

Patrick Baker, City Attorney's Office

Lina James, City Attorney's Office

**Explanation**

- On October 18, 2021, as required by applicable law, Council held a public hearing to receive public input on redistricting.
- On October 20, 2021, the Redistricting Ad Hoc Committee voted unanimously (Council members Graham, Chair; Ajmera; Driggs; and Phipps) to recommend the proposed redistricting Draft Plan to the full Council for consideration.
- The proposed Draft Plan makes the following adjustments to district boundaries:
  - Moves precinct 1 from District 1 to District 6,
  - Moves precinct 5 from District 1 to District 5,
  - Moves precinct 8 from District 1 to District 6,
  - Moves precinct 18 from District 1 to District 6,
  - Moves precinct 23 from District 3 to District 2,
  - Moves precinct 24 from District 3 to District 2,
  - Moves precinct 26 from District 4 to District 1,
  - Moves precinct 35 from District 1 to District 6,
  - Moves precinct 37 from District 6 to District 1,
  - Moves precinct 42 from District 4 to District 1,
  - Moves precinct 45 from District 1 to District 5,
  - Moves precinct 54 from District 2 to District 1,
  - Moves precinct 81 from District 3 to District 2,
  - Moves precinct 82 from District 4 to District 1,
  - Moves precinct 205 from District 4 to District 5, and
  - Moves precinct 211 from District 2 to District 4.

**Attachment(s)**

Proposed 2021 Redistricting Draft Plan

Resolution

[Ex A - Proposed 2021 Redistricting Draft Plan B1.pdf](#)

[Resolution.pdf](#)

## **BUSINESS**

## 17. Naturally Occurring Affordable Housing Rental Subsidy Program

### **Action:**

**Approve the Guidelines for a city-wide Naturally Occurring Affordable Housing (NOAH) Rental Subsidy Program to expand opportunities for low-income households to live in high-quality NOAH developments through the creation of new long-term rental subsidies.**

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

Pamela Wideman, Housing and Neighborhood Services

### **Explanation**

- Most of Charlotte's existing affordable rental options, and particularly options for low- to moderate-income households, are Naturally Occurring Affordable Housing (NOAH) developments. The preservation of NOAH is noted as a national best practice for maintaining the supply of quality affordable housing and is identified as a key strategy in the Housing Charlotte Framework.
- Rental subsidies reduce housing instability for low-income families; improve outcomes for children; and help to reduce poverty, homelessness, and other hardships.
- The NOAH Rental Subsidy Program (Program) will work with mission-oriented developers and groups to expand opportunities for low-income households to live in high-quality NOAH developments located in the city by creating new long-term rent subsidies for households earning no more than 30 percent of the area median income (AMI) (currently \$25,250 for a family of four) who do not have existing vouchers or other rent subsidies.
- Owners of participating NOAH developments will:
  - Allocate a minimum of 80 percent of all units to residents earning 80 percent AMI (currently \$67,350/family of four) and below, with the majority of units set aside for 60 percent AMI and below (currently \$50,520/family of four), through long-term deed restrictions,
  - Set aside a minimum of 10 percent of the total units for participation in the Program, with a goal of 15 percent,
  - Distribute rental subsidies evenly across one-bedroom, two-bedroom, and three-bedroom units as applicable,
  - Secure a commitment from Mecklenburg County to participate with a County rental subsidy for the County's portion of the development's property tax, and
  - Commit to housing new residents who qualify for the rental subsidy as units come available through natural turnover to avoid displacement.
- The rental subsidies will pay the difference between what the resident household can afford (30 percent of their income) and the lesser of the property's asking rent or Fair Market Rent.
- For each NOAH development approved for participation in the Program, the City will commit annual funding for the length of the property's deed restriction at an amount not to exceed the property's City property tax bill.

### **Background**

- In August 2018, City Council adopted the Housing Charlotte Framework which recommends preserving NOAH properties and aligning local resources to support opportunities to use rental subsidies to support target populations, particularly in areas with strong pathways to opportunity.
- On March 25, 2019, City Council adopted Guidelines for Preserving Naturally Occurring Affordable Housing (guidelines). The goals of the guidelines include:
  - Limiting displacement of current residents by preserving existing affordability;
  - Preserving quality affordable and workforce housing by increasing the number of available deed-restricted units and the physical structure of the units;
  - Providing low-interest loans so that high-performing for-profit and non-profit owner operators can purchase and/or upfit NOAH properties and preserve them as affordable;
  - Allowing existing owners to participate in return for deed restrictions and demonstrated management and maintenance history; and

- Aligning guidelines with other city policies.
- On November 9, 2020, City Council approved a pilot NOAH Rental Subsidy Program at Lake Mist Apartments that created 22 new long-term rental subsidies for low-income residents. Nine households have been housed and full absorption is anticipated by September 2022 as units come available through natural turnover.

**Committee Discussion**

- On August 18, 2021, the Great Neighborhoods Committee reviewed the guidelines for a NOAH Rental Subsidy Program and unanimously agreed to recommend full Council consideration of the Program (Council members Graham, Bokhari, Eiselt and Watlington; Council member Winston was absent).

**Fiscal Note**

Funding: General Capital Investment Plan

**Attachment(s)**

Naturally Occurring Affordable Housing Rental Subsidy Program Guidelines

[NOAH Citywide Rent Subsidy Program Guidelines](#)

## 18. Municipal Agreement for a New Traffic Signal Installation at Mount Holly Road and Rhyne Road and Sonoma Valley Drive

### Action:

- A. Adopt a resolution authorizing the City Manager to negotiate and execute a Municipal Agreement with the North Carolina Department of Transportation in the amount of \$400,000, and**
- B. Adopt a budget ordinance appropriating \$950,000 for the installation of a traffic signal at Mount Holly Road and Rhyne Road and Sonoma Valley Drive in the General Capital Projects Fund.**

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

Liz Babson, Transportation

Nathan Conard, Transportation

### **Explanation**

- The North Carolina Department of Transportation (NCDOT) has authorized the installation of a new traffic signal at the intersection of Mount Holly Road and Rhyne Road and Sonoma Valley Drive (bordering Council Districts 2 and 3).
- The total estimated cost of the installation of the traffic signal is \$1,200,000.
- External funding sources include \$950,000 from the following:
  - NCDOT funds in the amount of \$400,000.
  - Private developer funds, in the amount of \$550,000, from the projects noted below:
    - 9900 Mount Holly Road, LLC contributed \$50,000 per rezoning case 2020-153 approved March 15, 2021,
    - Impact, LLC contributed \$200,000 per rezoning case 2020-134 approved April 19, 2021, and
    - Crosland, Inc contributed \$300,000 per rezoning case 2003-088 approved November 17, 2003.
- The City is responsible for the remaining \$250,000 of the total cost.
- This process is consistent with past municipal agreements between the City and NCDOT and with previous developer agreements.
- The Charlotte Department of Transportation will install and operate this signal as part of the existing signal systems in the area.

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

Resolution

Budget Ordinance

[Traffic Signal Improvements Map](#)

[Resolution for Mt Holly and Rhyne](#)

[Budget Ordinance MtHollySignal](#)

## 19. Metropolitan Planning Program Grant Municipal Agreement

### Action:

- A. Adopt a resolution authorizing the City Manager to negotiate and execute a Municipal Agreement with the North Carolina Department of Transportation to support transit-planning activities for the Charlotte Regional Transportation Planning Organization, and**
- B. Adopt a resolution authorizing the City Manager, or his designee, to execute Interlocal Agreements with Iredell County Area Transportation System and Union County Transportation to support transit planning activities for the Charlotte Regional Transportation Planning Organization.**

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

Taiwo Jaiyeoba, City Manager's Office  
Bob Cook, Planning, Design, and Development  
Liz Babson, Transportation  
John Lewis, CATS

### **Explanation**

- The Federal Transit Administration (FTA) awarded the Fiscal Year 2022 Metropolitan Planning Grant to the City of Charlotte in July 2021.
- The City receives this grant annually as the lead planning agency for the Charlotte Regional Transportation Planning Organization (CRTPO) and as the major fixed-route transit operator for the urban area.
- The North Carolina Department of Transportation requires grant recipients to enter into a new Municipal Agreement to receive the annual allocation.
- The Charlotte Department of Transportation; Planning, Design and Development; and the Charlotte Area Transit System are responsible for the deliverables outlined in this grant, including:
  - The federally compliant travel demand model required for transportation planning and air quality conformity, and
  - Updating the Transit Element of the Metropolitan Transportation Plan, developing transit travel demand forecasts, conducting ridership surveys, and monitoring and updating the Transportation Improvement Program, as necessary, to advance projects and ensure compliance with federal regulations.
- Funding was suballocated for local projects to Iredell County Area Transit System and Union County Transportation.
- The total FTA planning budget for the City is \$1,225,440 of which \$980,352 (80 percent) consists of federal funds, \$122,544 (10 percent) consists of state funds, and \$122,544 (10 percent) consists of CRTPO local funds.
  - Iredell County Area Transportation System will receive up to \$67,500 for transit planning activities, including public transportation.
  - Union County Transportation will receive up to \$49,150 for transit planning activities, including data and planning support, public participation, statewide and supplemental regional planning.
  - The local match will be shared by the City of Charlotte (\$109,583), the Iredell County Area Transit System (\$7,500) and Union County Transportation (\$5,461).

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: General Grants Fund

**Attachment(s)**

Action A Resolution

Action B Resolution

[FY22 5303 Municipal Agreement Resolution](#)[FY22 5303 Interlocal Agreement Resolution](#)

## 20. Appropriate Funds for the West Boulevard Extension Project

**Action:**

**Adopt a budget ordinance appropriating \$219,620 from Crescent Communities to reimburse the City for the purchase of mitigation credits for the West Boulevard Extension project in the General Capital Projects Fund.**

**Staff Resource(s):**

Phil Reiger, General Services

Jennifer Smith, General Services

Veronica Wallace, General Services

**Explanation**

- This action appropriates funds from Crescent Communities (the Developer) to reimburse the City for the purchase of mitigation credits in the amount of \$219,620 for the West Boulevard Extension project in Council District 3.
- On September 25, 2017, City Council authorized the City Manager to negotiate and execute an Infrastructure Reimbursement Agreement with the Developer in an amount not to exceed \$17.2 million for public infrastructure improvements for the River District development, including the extension of West Boulevard.
- On August 23, 2021, City Council approved an amendment to the Infrastructure Reimbursement Agreement in the amount of \$1,529,716 for additional roadway improvements to Garrison Road and Horton Road, improving connectivity to West Boulevard.
- The City operates a municipal stream and wetland umbrella mitigation bank, which restores degraded streams and wetlands to generate mitigation credits.
- The U.S. Army Corps of Engineers (USACE) requires mitigation credits to offset the negative impacts to surface water resources.
- The City will purchase 556 Stream Mitigation Units for proposed impacts to streams within the project area to satisfy the City's compensatory mitigation permit requirement.
- The City's mitigation bank is only used to offset impacts caused by City and County projects, and the credit proceeds help fund new City and County projects that generate new credits.
- These funds will be deposited into the project funding account.

**Fiscal Note**

Funding: General Capital Investment Plan

**Attachment(s)**

Budget Ordinance

Map

[Budget Ordinance](#)[Map Appropriate Funds for the West Boulevard Extension Project](#)

## 21. Acceptance of a Sponsorship for an Animal Adoption Day Event

### **Action:**

**Accept an exclusive sponsorship in the amount of up to \$2,000 from the Subaru Corporation to have the Animal Care and Control Division of the Charlotte-Mecklenburg Police Department attend the Charlotte International Auto Show and set up an animal adoption booth in November 2021.**

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

Johnny Jennings, Police  
Sherie Pearsall, Police  
Joshua Fisher, Police

### **Explanation**

- In the past 12 months, the Animal Care and Control Division (AC&C) has received over \$225,830 in donations, many of which were generated during or as a result of special events in partnership with outside agencies.
- These events and sponsorships are a large part of how AC&C can save animal lives in Charlotte's effort to be a "No Kill Community."
- AC&C events promote not only adoptions but also community resources, including free medical examinations and vaccinations, identification tags, and microchips for pets as well as free COVID-19 vaccinations for owners.
- The AC&C has been asked to partner with Subaru for a four-day event that includes a donation of up to \$2,000 to fund the event.
- AC&C and the community at large would benefit from the additional marketing resources added by the national marketing campaign Subaru Loves Pets is providing.
- City Council adopted a Sponsorship Policy in November 2009. This policy states that every approved sponsorship relationship shall be documented in a properly authorized Sponsorship Agreement. Sponsorship Agreements shall include provisions that:
  - identify the benefits to be given by the sponsor to the City,
  - identify the benefits to be given by the City to the sponsor,
  - state that the sponsorship is nonexclusive, and
  - establish the term or duration of the sponsorship relationship and grant the City and the sponsor the right to terminate the sponsorship relationship at any time, with or without cause.
- The Sponsorship Policy further provides that "a sponsorship may be exclusive if the City Council determines that there are compelling reasons for exclusivity."
- As this is a four-day event in which Subaru is funding the full cost, Subaru has asked to waive the non-exclusion clause and be the sole sponsor for this specific event.
- The proposed sponsorship will provide an additional targeted opportunity for increasing the adoption of animals from the shelter.
- The sponsorship is for a four-day term from November 18 through November 21, 2021, and does not require a local match.

### **Fiscal Note**

General Grants Fund

### **Attachment(s):**

Agreement

[City of Charlotte Sponsorship Agreement](#)

## 22. Nominations to the Arts and Science Council Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term for a District Six South and East Advisory Council Representative beginning upon appointment and ending June 30, 2022. (Nomination by Council member Tariq Bokhari)
  - Lawrence Shaheen has resigned.

**Attachment(s)**

Arts and Science Council Advisory Committee Applications

## 23. Nominations to the Bicycle Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Five appointments for three-year terms beginning January 1, 2022, and ending December 31, 2024.
  - James Lee is eligible and interested in reappointment.
  - Elizabeth Pratt is eligible and interested in reappointment.
  - David Raskoskie has resigned.
  - Eoin Sheil is eligible and interested in reappointment.
  - Angela Stoyanovitch is eligible and interested in reappointment.

**Attachment(s)**

Bicycle Advisory Committee Applications

## 24. Nominations to the Business Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term recommended by the Certified SBE-Hispanic Contractors Association beginning upon appointment and ending April 28, 2023.
  - Domenico Santilli is eligible but not interested in reappointment.

**Attachment(s)**

Business Advisory Committee Applications

## 25. Nominations to the Charlotte International Cabinet

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term for Charlotte Regional Business Alliance representative beginning upon appointment and ending June 30, 2022.
  - Sven Gerzer has resigned.

**Attachment(s)**

Charlotte International Cabinet Applications

## 26. Nominations to the Charlotte Mecklenburg Public Access Corporation

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending June 30, 2022.
  - Jaime Emmanuelli declined the appointment.

**Attachment(s)**

Charlotte Mecklenburg Public Access Corporation Applications

## 27. Nominations to the Charlotte Tree Advisory Commission

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Two appointments for three-year terms beginning December 14, 2021, and ending December 13, 2024.
  - Sara Gagne is eligible and interested in reappointment.
  - Scott Roberts is eligible and interested in reappointment.

**Attachment(s)**

Charlotte Tree Advisory Commission Applications

## 28. Nominations to the Citizens' Transit Advisory Group

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending July 31, 2022.
  - Noah Cartagena has resigned.

**Attachment(s)**

Citizens' Transit Advisory Group Applications

## 29. Nominations to the Community Relations Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending September 30, 2023.
  - Jonathan Barrio did not meet attendance requirements.

**Attachment(s)**

Community Relations Committee Applications

## 30. Nominations to the Domestic Violence Advisory Board

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term beginning September 22, 2021, and ending September 21, 2024.
  - Christine Hart is eligible and interested in reappointment.

**Attachment(s)**

Domestic Violence Advisory Board Applications

### 31. Nominations to the Historic District Commission

**Action:**

Nominate residents to serve as specified.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term for a Resident Owner of Heritage Court beginning upon appointment and ending December 31, 2023.
  - James Jordan has resigned.

**Attachment(s)**

Historic District Commission Applications

### 32. Nominations to the Housing Appeals Board

**Action:**

Nominate residents to serve as specified.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for an At-Large representative for a three-year term beginning January 1, 2022, and ending December 31, 2024.
  - Michael Bridges is eligible but not interested in reappointment.

**Attachment(s)**

Housing Appeals Board Applications

### 33. Nominations to INLIVIAN

**Action:**

Nominate residents to serve as specified.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for an Assisted Housing Resident category representative for a three-year term beginning December 18, 2021, and ending December 17, 2024.
  - Lucy Brown has served two terms and is ineligible for reappointment.
- Two appointments for a three-year term beginning December 18, 2021, and ending December 17, 2024.
  - Shirley Fulton has served two terms and is ineligible for reappointment.
  - Ray McKinnon is eligible and interested in reappointment.

**Attachment(s)**

INLIVIAN Applications

### 34. Nominations to the Passenger Vehicle for Hire Board

**Action:**

Nominate residents to serve as specified.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a Hospitality / Tourism Industry category representative for a three-year term beginning July 1, 2021, and ending June 30, 2024.
  - Sheila Etheridge-Boddie has served two terms and is ineligible for reappointment.

**Attachment(s)**

Passenger Vehicle for Hire Board Applications

### 35. Nominations to the Privatization / Competition Advisory Committee

**Action:**

Nominate residents to serve as specified.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending March 1, 2023.
  - Angela Shealy has resigned.

**Attachment(s)**

Privatization / Competition Advisory Committee Applications

[Privatization Competition Advisory Committee Applications - 11.08.2021](#)

### 36. Nominations to the Storm Water Advisory Committee

**Action:**

Nominate residents to serve as specified.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term for a Residential Neighborhood category representative beginning upon appointment and ending June 30, 2024.
  - Eugene O'Neil declined the appointment.

**Attachment(s)**

Storm Water Advisory Committee Applications

## 37. Nominations to the Transit Services Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term in the Vanpool Rider category beginning upon appointment and ending January 31, 2022, and for a three-year term beginning February 1, 2022, and ending January 31, 2025.
  - Parker Cains has resigned.

**Attachment(s)**

Transit Services Advisory Committee Applications

## 38. Nominations to the Zoning Board of Adjustment

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending January 31, 2024.
  - Mary Kelly declined the appointment.

**Attachment(s)**

Zoning Board of Adjustment Applications

## CONSENT

### 39. Police Protective Vests

**Action:**

- A. Approve unit price contracts for the purchase of body armor for an initial term of three years to the following:**
- Galls LLC.,
  - Lawmen’s Distribution 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):**

Johnny Jennings, Police  
Brian Foley, Police

**Explanation**

- The Charlotte-Mecklenburg Police Department annually purchases approximately 300 to 400 body armor vests for new recruits and to replace expired vests. An officer’s vest requires replacement every five years for optimal safety.
- On May 21, 2021, the City issued an Invitation to Bid on behalf of the Charlotte Cooperative Purchasing Alliance (CCPA); three bids were received.
- Galls LLC. and Lawmen’s Distribution LLC. were selected as the lowest responsive, responsible bidders.
- CCPA contracts are available for the use of and to benefit all entities that must comply with state purchasing laws.
- Annual expenditures are estimated to be \$526,550.

**Charlotte Business INCLUSION**

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

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

**Fiscal Note**

Funding: Police Operating Budget

## 40. Charlotte-Mecklenburg Police Department Security Guard Services

### Action:

- A. Authorize the City Manager to negotiate and execute a unit price contract with A&A Services Group for security guard services for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Johnny Jennings, Police

### **Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) requires a professional security guard service company to provide security services at the CMPD Headquarters facility. The company will enhance the security of the Headquarters building and its occupants while also delivering a high level of customer service to visitors.
- On June 9, 2021, the City issued a Request for Proposals (RFP); seven responses were received.
- A&A Services Group best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$525,000.

### **Charlotte Business INClusion**

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

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

### **Fiscal Note**

Funding: Police Operating Budget

## 41. US Department of Justice Fiscal Year 2021 Edward Byrne Memorial Justice Assistance Grant

### **Action:**

- A. Authorize the City Manager to accept an Edward Byrne Memorial Justice Assistance Grant in the amount of \$623,432 from the US Department of Justice, and**
- B. Adopt a resolution approving a memorandum of understanding with Mecklenburg County as a law enforcement partner.**

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

Johnny Jennings, Police  
Steven Brochu, Police  
Morgan Parks, Police

### **Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) often applies for grants to fund programs and expenses that support the approved operating budget.
- Each year, the City applies for and receives the Edward Byrne Memorial Justice Assistance Grant.
- According to grant parameters, the City must accept the grant award by November 26, 2021, to receive the funding.
- The grant project period lasts from October 1, 2020 until September 30, 2024.
- The funds were appropriated during the FY 2021 federal fiscal year. The JAG program back dates awards by one year to allow grantees the opportunity to recoup costs that were incurred while the application progressed through the review and approval process.
- The grant will fund overtime for neighborhood patrols and crime lab staff and the Police Cadet Program.
- The grant requires that Mecklenburg County receive 25 percent of the total award as a law enforcement partner.
- The City's share of the funding will be \$467,574; Mecklenburg County will receive \$155,858.
- No matching contribution from the City is required.

### **Fiscal Note**

Funding: General Grants Fund

### **Attachment(s)**

Resolution

[Resolution](#)

## 42. Fire Telecommunication Control Consoles

### **Action:**

- A. Approve the purchase of Telecommunication Consoles by the sole source exemption, and**
- B. Approve a contract with SBFI Group for the purchase of Telecommunication Consoles for the term of one year.**

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

Reginald T. Johnson, Fire  
Jerry Wrinkles, Fire  
Johnny Horn, Fire

### **Sole Source Exemption**

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

### **Explanation**

- The Charlotte Fire Department Communications Division is a 24-hour emergency communications center. The Telecommunications Center answers and dispatches emergency calls in support of the public, firefighters, law enforcement officers, and other public-safety workers in the field.
- This contract will provide for the purchase, delivery, and installation of custom telecommunications control consoles necessary to enable and support the Charlotte Fire Department's direct engagement with the public on emergency needs.
- SBFI Group is the sole vendor capable of accommodating the current raised platform configuration and design required within the Telecommunications Center.
- In addition, SBFI's design features housings to accommodate three to five computer towers without using cabinetry. The design saves significant space creating more spacing between stations, which is important in the current environment as it relates to COVID-19 and social distancing.
- Annual expenditures are estimated to be \$260,000.

### **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: General Capital Investment Plan

## 43. Construct Lakeview Road Improvements Project

### **Action:**

**Approve a contract in the amount of \$8,505,897.30 to the lowest responsive bidder Blythe Development Co. for the Lakeview Road Improvements project.**

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

Phil Reiger, General Services  
Jennifer Smith, General Services  
Veronica Wallace, General Services

### **Explanation**

- This project will add transportation capacity along Lakeview Road from Cushing Drive to Old Statesville Road (approximately 1.5 miles) in Council District 2.
- Improvements will include pavement upgrades, intersection modifications, additional through/turning lanes, drainage infrastructure, and pedestrian and bicycle facilities.
- This project is 100 percent funded by the Federal Surface Transportation Block Grant Program and Direct Attributable and State Bonus Allocation.
- On August 18, 2021, the City issued an Invitation to Bid; three bids were received.
- Blythe Development Co. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the end of fourth quarter 2024.

### **Disadvantage Business Enterprise**

Established DBE Goal: 14.00%

Committed DBE Goal: 14.46%

Blythe Development Co. exceeded the established subcontracting goal and has committed 14.46% (\$1,229,908) of the total contract amount to the following certified firm:

- RRC Concrete Inc. (DBE) (\$1,229,908) (concrete)

### **Fiscal Note**

General Capital Investment Plan

### **Attachment(s)**

Map

[Map Construct Lakeview Road Improvements](#)

## 44. Construct North Tryon Street and 36th Street Streetscape Project

### **Action:**

**Approve a contract in the amount of \$5,071,136.74 to the lowest responsive bidder Sealand Contractors Corp. for the North Tryon Street and 36th Street Streetscape project.**

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

Phil Reiger, General Services  
Jennifer Smith, General Services  
Veronica Wallace, General Services

### **Explanation**

- Identified in the Northeast Corridor Infrastructure Program, this project will include the construction of two travel lanes along 36th Street between North Tryon Street and Davidson Street (0.4 mile) in Council District 1.
- Improvements on North Tryon Street from the Mecklenburg County Alcoholic Beverage Control Board (3333 North Tryon Street) to Atando Avenue will also be included as part of this project.
- Work will include sidewalk, curb and gutter, milling, resurfacing, pedestrian refuge and signals, cross walks, planting strips, street trees, lighting, bicycle lanes, and on-street parking.
- The project will improve pedestrian connectivity and safety to the LYNX 36th Street station.
- On July 8, 2021, the City issued an Invitation to Bid; three bids were received.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2024.

### **Charlotte Business INclusion**

Established MBE Goal: 11.00%

Committed MBE Goal: 11.00%

Sealand Contractors Corp. met the established MBE subcontracting goal, and has committed 11.00% (\$557,830) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Streeter Trucking (MBE, SBE) (\$175,000) (hauling)
- Diamond Trucking of NC (MBE, SBE) (\$175,000) (hauling)
- Darnell Jones Trucking (MBE, SBE) (\$110,000) (hauling)
- Cesar A Leon (MBE, SBE) (\$97,830) (hauling)

Established SBE Goal: 21.00%

Committed SBE Goal: 12.33%

Sealand Contractors Corp. failed to meet the established subcontracting goal, but has earned the required Good Faith Efforts (Part C: Section 5 of the Charlotte Business INclusion Policy). Prime has committed 12.33% (\$625,022) of the total contract amount to the following certified firm(s):

- On Time Construction, Inc. (WBE, SBE) (\$83,870) (concrete, masonry)
- Erosion Defence (SBE) (\$14,175) (erosion control)
- Whitesell Trucking Inc (SBE) (\$84,350) (tree, shrub removal)
- Premiere Concrete Supply (WBE, SBE) (\$80,608) (concrete supply)
- Striping Concepts (SBE) (\$50,773) (pavement markings)
- Parkers Concrete Solutions LLC (SBE) (\$168,800) (concrete, masonry)
- Pentacle Inc. (WBE, SBE) (\$9,291) (fence installation)
- AMP Utility Distribution (WBE, SBE) (\$83,155) (utility material)
- Cochise Trucking (SBE) (\$50,000) (hauling)

### **Fiscal Note**

General Capital Investment Plan

**Attachment(s)**

Map

[Map Construct North Tryon Street and 36th Street Streetscape Project](#)

## 45. Construct Sandy Porter Road/South Tryon Street Intersection Improvement Project

**Action:**

**Approve a contract in the amount of \$989,793.75 to the lowest responsive bidder Nassiri Development, LLC for the Sandy Porter Road/South Tryon Street Intersection Improvement project.**

**Staff Resource(s):**

Phil Reiger, General Services

Jennifer Smith, General Services

Veronica Wallace, General Services

**Explanation**

- Identified in the Whitehall/Ayrslay Comprehensive Neighborhood Improvement Program, this project includes capacity improvements at the intersection of South Tryon Street and Sandy Porter Road (approximately 0.31 mile) in Council District 3.
- Work will include grading, storm drainage, curb and gutter, sidewalk, accessible ramps, milling and asphalt paving, and pavement markings.
- On September 2, 2021, the City issued an Invitation to Bid; five bids were received.
- Nassiri Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2023.

**Charlotte Business INclusion**

Established MBE Goal: 9.00%

Committed MBE Goal: 9.00%

Nassiri Development, LLC met the established MBE subcontracting goal and has committed 9.00% (\$89,100) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.W. Trucking, Inc. (MBE, SBE) (\$89,100) (concrete flatwork, hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.00%

Nassiri Development, LLC met the established SBE subcontracting goal, and has committed 19.00% (\$188,150) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete (MBE, SBE) (\$122,150) (concrete)
- AMP Utility (WBE, SBE) (\$40,000) (construction supplies)
- Striping Concepts (SBE) (\$18,000) (pavement markings)
- Mid Atlantic (MBE, SBE) (\$8,000) (erosion control)

**Fiscal Note**

General Capital Investment Plan

**Attachment(s)**

Map

[Map Construct Sandy Porter Road-South Tryon Street Intersection Improvement](#)

## 46. Tree Removal Arborist Services

### Action:

- A. Approve contracts with the following companies for tree removal arborist services for an initial term of three years:**
- **Cadieu Tree Experts, Inc.,**
  - **AAA Tree Experts, Inc.,**
  - **The Davey Tree Expert Co., and**
  - **Schneider Tree Care,**
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Phil Reiger, General Services  
David Wolfe, General Services  
Laurie Reid-Dukes, General Services

### **Explanation**

- These contracts will include certified arborists removing trees identified by the City as storm damaged, diseased/deteriorated, or that pose a safety hazard to the public.
- Services include but are not limited to:
  - Tree removal, stump grinding, debris removal and disposal; and
  - Seeding, mulching, and cleanup.
- Multiple crews can be retained for faster, ongoing removal services, as well as quick response to storm events.
- Tree removal services support focus areas and initiatives outlined in the City Council's Urban Forest Master Plan, adopted September 25, 2017.
- On July 30, 2021, the City issued a Request for Proposals (RFP); three proposals were received. On September 9, 2021, the City re-issued a Request for Proposals (RFP); six proposals were received.
- The firms selected best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$1,400,000.

### **Charlotte Business INclusion**

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

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

However, The Davey Tree Expert Company has committed to using the following certified firm to participate as work scopes are defined:

#### The Davey Tree Expert Company

- Southern Stump Removal (SBE) (stump grinding, stump removal)

### **Fiscal Note**

Funding: General Capital Investment Plan

## 47. Video Inspection and Pipe Cleaning Services

### **Action:**

- A. Approve contracts with the following companies for storm drainage video inspection and pipe cleaning services for an initial term of three years:**
- **Bio-Nomic Services, Inc.,**
  - **EnviroWaste Services Group, Inc.,**
  - **Hydrostructures, PA, 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):**

Phil Reiger, General Services

Kay Elmore, General Services

### **Explanation**

- These contracts will provide video inspection services for storm drainage systems to assess pipe condition and provide pipe cleaning services to assist in maintenance and operation of the storm drainage system.
- The City of Charlotte inspects newly constructed storm drainage pipes utilizing video inspection technologies to ensure storm drainage systems are built to contract specifications.
- On May 25, 2021, the City issued a Request for Proposals (RFP); four responses were received.
- The companies selected best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$400,000.

### **Charlotte Business INClusion**

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

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

### **Fiscal Note**

Funding: Various Departments' Operating Budgets

## 48. Sanitary Sewer Manhole Rehabilitation

### **Action:**

- A. Approve a unit price contract to the lowest responsive bidder DE Walker Construction Co. (SBE) for sanitary sewer manhole rehabilitation for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to three, 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):**

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Scott Clark, Charlotte Water

### **Explanation**

- This contract will provide services for the repair, replacement, and rehabilitation of sanitary sewer manholes, which are necessary to maintain the operational integrity of the sanitary sewer system and reduce sanitary sewer overflows.
- The contract provides unit prices for various types of sanitary sewer manhole repairs, including repairing manhole defects, replacing defective manhole sections, and installing corrosion resistant manhole coatings.
- On September 16, 2021, the City issued an Invitation to Bid (ITB); two bids were received.
  - NC General Statute Section 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 September 27, 2021, the ITB was re-issued; one bid was received.
- DE Walker Construction Co. was selected as the lowest responsive, responsible bidder.
- The renewals allow for possible price adjustments based on the Engineering News Record Construction Cost Index.
- Annual expenditures are estimated to be \$3,157,686.68.

### **Charlotte Business INclusion**

DE Walker Construction Co. is a city certified SBE.

Established MBE Goal: 2.00%

Committed MBE Goal: 2.53%

DE Walker Construction Co. exceeded the established MBE subcontracting goal and has committed \$80,000 or approximately 2.53% of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete, Inc. (MBE, SBE) (\$80,000) (concrete)

Established SBE Goal: 7.00%

Committed SBE Goal: 7.28%

DE Walker Construction Co. exceeded the established SBE subcontracting goal and has committed \$230,000 or approximately 7.28% of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distributions Services, LLC (WBE, SBE) (\$160,000) (material supplier)
- Express Logistics Services, Inc. (MBE, SBE) (\$70,000) (hauling)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 49. Seven Eagles Sanitary Sewer Construction

### **Action:**

**Approve a guaranteed maximum price of \$1,526,313.41 to Atlantic Coast Contractors, Inc. for Design-Build construction services for the McMullen Creek Tributary-Seven Eagles Segment Sanitary Sewer Replacement, Rehabilitation, and Repair project.**

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

Angela Charles, Charlotte Water  
David Czerr, Charlotte Water  
Carl Wilson, Charlotte Water

### **Explanation**

- Atlantic Coast Contractors, Inc. has developed a guaranteed maximum price (GMP) for the sanitary sewer replacement, rehabilitation, and repair of the McMullen Creek Tributary-Seven Eagles Segment project (Council District 6), including installation of a new 12-inch sanitary sewer segment adjacent to Gleneagles Road and sanitary sewer rehabilitation in the Seven Eagles neighborhood.
- On January 14, 2019, City Council approved a contract for \$965,275 with Atlantic Coast Contractors, Inc. for Design-Build design services.
- This third and final construction phase is anticipated to be complete by third quarter 2022.

### **Charlotte Business INclusion**

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). Atlantic Coast Contractors, Inc. has committed \$281,500 or approximately 18.44% of the total contract for Design-Build construction services to the following certified firms:

- Right of Way Contractors, LLC (MBE, SBE) (\$200,000) (utility)
- Hampton Environmental & Construction, LLC (SBE) (\$68,000) (utility)
- Pipe Pros, LLC (SBE) (\$10,000) (cctv inspection)
- Mid Atlantic Erosion Control, Inc. (\$3,500) (MBE, SBE) (erosion control)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[Map-Seven Eagles Sanitary Sewer Construction](#)

## 50. Upper Little Sugar Creek Sanitary Sewer Replacement and Storm Drainage Improvements

### **Action:**

**Approve a contract in the amount of \$5,366,128.76 to the lowest responsive bidder Dellinger, Inc. for the Upper Little Sugar Creek Sanitary Sewer Replacement project - Phase 2 and Phase 3 from Bilmark Avenue to Canterwood Drive and the 911 Georgetown Storm Drainage Improvement project.**

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

Angela Charles, Charlotte Water  
David Czerr, Charlotte Water  
Mike Davis, Storm Water Services

### **Explanation**

- This contract will install 6,410 linear feet of pipes ranging from eight to 18-inches in diameter from Bilmark Avenue to Canterwood Drive.
- The contract will also include installation of storm drainage, sidewalk, curb, gutter, and driveways to improve deteriorating pipe in the roadway and reduce flooding of properties and structures in the Upper Little Sugar Creek watershed. The storm drainage improvements will be completed in the area of Georgetown Drive and Spring Garden Lane.
- Combining the Charlotte Water (\$3,462,240.15) and storm water improvements (\$1,903,888.61) projects will ensure these locations are only impacted once by construction minimizing disruption to residents in the area (Council District 4).
- On August 26, 2021, the City issued an Invitation to Bid; three bids were received.
- Dellinger, Inc. was selected as the lowest responsive, responsible bidder.
- Phases 2 and 3 of the project, including storm drainage improvements, are anticipated to be complete by first quarter 2023.

### **Charlotte Business INclusion**

Established MBE Goal: 2.00%

Committed MBE Goal: 3.18%

Dellinger, Inc. exceeded the established MBE subcontracting goal and has committed \$170,700 or approximately 3.18% of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Diamond Trucking of NC, Inc. (MBE, SBE) (\$170,700) (hauling)

Established SBE Goal: 7.00%

Committed SBE Goal: 9.52%

Dellinger, Inc. exceeded the established SBE subcontracting goal and has committed \$510,700 or approximately 9.52% of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Trull Contracting, LLC (WBE, SBE) (\$295,000) (paving, concrete)
- Sanders Constructors, Inc. (SBE) (\$135,000) (clearing)
- Pentacle, Inc. (WBE, SBE) (\$56,000) (fencing)
- Pipe Pros, LLC (SBE) (\$24,700) (cctv)

### **Fiscal Note**

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

### **Attachment(s)**

Map

[Phase 2 and 3 RCA Map](#)

## 51. Water Treatment Flow Meters

### Action:

- A. **Approve the purchase of Venturi flow meters by the sole source exemption,**
- B. **Approve a contract with Primary Flow Signal, Inc. for the purchase of Venturi flow meters, accessories, and services for the term of five years, and**
- C. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

### **Sole Source Exemption**

- NC General Statute Section 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 the needed products are only available from one source.
- City Council approval is required for any purchases made under the sole source exception.

### **Explanation**

- This contract will provide meters to accurately measure water flow for the proper treatment of drinking water within the water treatment process.
- These meters are the only Venturi flow meters available which meet the required International Organization for Standardization (ISO) certifications and American Society of Mechanical Engineers (ASME) standards.
- Annual expenditures are estimated to be \$100,000.

### **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: Charlotte Water Capital Investment Plan

## 52. Set Public Hearing on the Hampton Woods Area Voluntary Annexation

### **Action:**

**Adopt a resolution setting the public hearing for December 13, 2021, for the Hampton Woods Area voluntary annexation petition.**

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

Taiwo Jaiyeoba, City Manager's Office

Holly Cramer, 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.
- The property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current City limits.
- Annexation of this area will allow for more orderly development review, extension of City services, capital investments, and future annexation processes.
- The 13.611-acre "Hampton Woods" site is located along the west side of Interstate 485, the north side of Rocky River Road, and southeast of Caldwell Road.
  - The property is currently vacant.
  - The petitioner has plans to develop 27 single-family residential units on the site.
  - The property is zoned R-3, which allows for single-family residential uses.
  - The property is located adjacent to Council District 4.
  - The petitioned area consists of a portion of one parcel; parcel identification number (PID): 105-381-02. Most of this parcel is already located within City Limits; this annexation area would bring the rest of the parcel into City limits.

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

- The annexation is consistent with the following City voluntary annexation policies approved by the City Council on March 24, 2003:
  - Is consistent with the policy to not adversely affect the City's ability to undertake future annexations;
  - Is consistent with the policy to not have undue negative impact on City finances or services; and
- The annexation is inconsistent with the policy to not create unincorporated areas will be encompassed by new City limits; however, the petitioner is unable to acquire PID 105-181-62, and the parcel is unable to be developed due to environmental constraints.
- This annexation petition is recommended for approval because despite encompassing PID 105-181-62 with new City limits, the proposed annexation will have a positive impact on City resources and aid the future development of the area.

### **Attachment(s)**

Map

Resolution

[Resolution for Hampton Woods Area Annexation](#)

[Hampton Woods Area Annexation Map](#)

## 53. Set Public Hearing on Hooks Landing Area Voluntary Annexation

### **Action:**

**Adopt a resolution setting the public hearing for December 13, 2021, for the Hooks Landing Area voluntary annexation petition.**

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

Taiwo Jaiyeoba, City Manager's Office

Holly Cramer, 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.
- The property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation does not share boundaries with current City limits.
- Annexation of this area will allow for more orderly development review, extension of City services, capital investments, and future annexation processes.
- The 10.97-acre "Hooks Landing" site is located along the east side of Interstate 485, the west side of Plaza Road Extension, and south of Rocky River Road.
  - The property currently has large lot residential, agriculture, single family, and utility uses.
  - The petitioner has plans to develop 66 multi-family, townhome-style units on the site.
  - The property is zoned R-8MF which allows for multi-family residential uses.
  - The property is located adjacent to City Council District 4.
  - The petitioned area consists of four parcels; parcel identification numbers: 105-201-08, 105-201-17, 105-201-07, and 105-201-30.

### **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:
  - Is consistent with the policy to not adversely affect the City's ability to undertake future annexations;
  - Is consistent with the policy to not have undue negative impact on City finances or services; and
  - Is consistent with the policy to not create unincorporated areas will be encompassed by new City limits.

### **Attachment(s)**

Map

Resolution

[Hooks Landing Area Annexation Map](#)

[Resolution for Hooks Landing Area Annexation](#)

## 54. Resolution of Intent to Abandon a Portion of West 27th Street at North Pine Street

### **Action:**

- A. Adopt a resolution of intent to abandon a portion of West 27th Street at North Pine Street, and**
- B. Set a public hearing for December 13, 2021.**

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

Liz Babson, Transportation  
Krystal Bright, Transportation

### **Explanation**

- NC General Statute Section 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 road is located in Council District 1.

### **Petitioners**

North Poplar Development Partners

### **Attachment(s)**

Map  
Resolution

[2021-02A Portion of W 27th Abandonment Map](#)

[2021-02A Resolution of Intent 11.08.2021](#)

## 55. Resolution of Intent to Abandon an Alleyway Off North Brevard Street Between Alpha Mill Lane and Belmont Avenue

### Action:

- A. **Adopt a resolution of intent to abandon an alleyway off North Brevard Street between Alpha Mill Lane and Belmont Avenue, and**
  
- B. **Set a public hearing for December 13, 2021.**

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

Liz Babson, Transportation

Krystal Bright, Transportation

### **Explanation**

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The alleyway is located in Council District 1.

### **Petitioners**

White Point Paces Partners, LLC

### **Attachment(s)**

Map

Resolution

[Alleyway off Brevard Abandonment Map](#)

[2021-01A Resolution of Intent 11.08.2021](#)

## **56. Resolution of Intent to Abandon Multiple Alleyways Bound by 6th Street, North Tryon Street, 7th Street, and North College Street**

### **Action:**

- A. Adopt a resolution of intent to abandon multiple alleyways bound by 6th Street, North Tryon Street, 7th Street, and North College Street, and**
- B. Set a public hearing for December 13, 2021.**

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

Liz Babson, Transportation  
Krystal Bright, Transportation

### **Explanation**

- NC General Statute Section 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 alleyways are located in Council District 1.

### **Petitioners**

Mecklenburg County  
Bank of America  
Inlivan (F/K/A Charlotte Housing Authority)

### **Attachment(s)**

Map  
Resolution

[Alleyways on 6th St, 7th St & Tryon Abandonment Map](#)

[2021-21A Resolution of Intent 11.08.2021](#)

## 57. Resolution of Intent to Abandon Old Nations Ford Road

**Action:**

- A. Adopt a resolution of intent to abandon Old Nations Ford Road, and
- B. Set a public hearing for December 13, 2021.

**Staff Resource(s):**

Liz Babson, Transportation  
Krystal Bright, Transportation

**Explanation**

- NC General Statute Section 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 road is located in Council District 3.

**Petitioners**

Vulcan Lands, Inc.

**Attachment(s)**

Map  
Resolution

[2020-14A Old Nations Ford Abandonment Map Revised 2](#)

[2020-14A Resolution of Intent 11.8.2021](#)

## 58. Resolution of Intent to Abandon South Tryon - College Connector Street

**Action:**

- A. Adopt a resolution of intent to abandon South Tryon - College Connector Street, and
- B. Set a public hearing for December 13, 2021.

**Staff Resource(s):**

Liz Babson, Transportation  
Krystal Bright, Transportation

**Explanation**

- NC General Statute Section 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 road is located in Council District 1.

**Petitioners**

Riverside Investment & Development Company

**Attachment(s)**

Map  
Resolution

[2021-22A S Tryon & College Connector Abandonment Map](#)

[2021-22A Resolution of Intent 11.08.2021](#)

## 59. Resolution of Intent to Abandon Unopened Right-of-Way off Liggett Street and Heywood Avenue

### **Action:**

- A. Adopt a resolution of intent to abandon unopened right-of-way off Liggett Street and Heywood Avenue, and**
- B. Set a public hearing for December 13, 2021.**

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

Liz Babson, Transportation  
Krystal Bright, Transportation

### **Explanation**

- NC General Statute Section 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 right-of-way is located in Council District 3.

### **Petitioners**

Robert Drakeford

### **Attachment(s)**

Map  
Resolution

[2021-19A Unopened ROW at Liggett & Heywood Abandonment Map Revised](#)

[2021-19A Resolution of Intent 11.08.2021](#)

## 60. Resolution of Intent to Abandon West Avenue Unopened Right-of-Way

**Action:**

- A. Adopt a resolution of intent to abandon West Avenue unopened right-of-way, and**
- B. Set a public hearing for December 13, 2021.**

**Staff Resource(s):**

Liz Babson, Transportation  
Krystal Bright, Transportation

**Explanation**

- NC General Statute Section 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 right-of-way is located in Council District 2.

**Petitioners**

Trucker Guys, LLC

**Attachment(s)**

Map  
Resolution

[2021-17A W Ave Unopened ROW Abandonment Map](#)

[2021-17A Resolution of Intent 11.08.2021](#)

## 61. Meeting Minutes

**Action:**

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

- **September 07, 2021 Strategy Meeting,**
- **September 13, 2021 Business Meeting,**
- **September 20, 2021 Zoning Meeting, and**
- **September 27, 2021 Business Meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- City Council meeting minutes can be accessed at <https://charlottenc.gov/CityClerk/Pages/Minutes.aspx>.

## PROPERTY TRANSACTIONS

### 62. In Rem Remedy 235 Oregon Street

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

**Public Purpose:**

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

**Policy:**

- Housing and Neighborhood Development and Community Safety

**In Rem Remedy items are initiated from three categories:**

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

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

**Public Safety: 235 Oregon Street, Council District 2**

**Action:**

**Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 235 Oregon Street Neighborhood Profile Area 88.**

**Attachment(s)**

In Rem Packet for 235 Oregon Street

[235 Oregon St](#)

## 63. Charlotte Water Property Transactions - North Tryon Pressure Zone Boundary Change and 960 Zone Parcel #1

**Action:** Approve the following Condemnation: North Tryon Pressure Zone Boundary Change and 960 Zone, Parcel #1

**Project:** North Tryon Pressure Zone Boundary Change and 960 Zone, Parcel #1

**Owner(s):** Eugene and Sonya Kim

**Property Address:** 9925 East W.T. Harris Blvd

**Total Parcel Area:** 55,979 sq. ft. (1.28 ac.)

**Property to be acquired by Easements:** 9,629 sq. ft. (0.22 ac.) in Permanent Utility Easement, plus 8,571 sq. ft. (0.19 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-4

**Use:** Single Family Residential

**Tax Code:** 135-051-01

<https://polaris3g.mecklenburgcountync.gov/#mat=226204&pid=13505101&qsid=13505101>

**Appraised Value:** \$43,475

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

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

**Recommendation:**

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

**Council District:** Council District 5

## 64. Property Transactions - Brown Grier Road Improvement Project, Parcel #33

**Action:** Approve the following Acquisition: Brown Grier Road Improvement Project, Parcel #33

**Project:** Brown Grier Road Improvement Project, Parcel #33

**Program:** Brown Grier Road Improvement Project

**Owner(s):** Charlotte Mecklenburg Board of Education

**Property Address:** 4301 Sandy Porter Road

**Total Parcel Area:** 2,805,614 sq. ft. (64.41 ac.)

**Property to be acquired by Easements:** 1,493 sq. ft. (0.034 ac.) Sidewalk Utility Easement, 20,516 sq. ft. (0.471 ac.) Temporary Construction Easement

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

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 201-081-05

<https://polaris3g.mecklenburgcountync.gov/#mat=482255&pid=20108105&gisid=20108105>

**Purchase Price:** \$40,209

**Council District:** 3

## 65. Property Transactions - DeArmon Road Improvements, Parcel #10

**Action:** Approve the following Condemnation: DeArmon Road Improvements, Parcel #10

**Project:** DeArmon Road Improvements, Parcel #10

**Program:** DeArmon Road Improvements

**Owner(s):** Derita Masonic Lodge #715 AF and AM

**Property Address:** 12100 DeArmon Road

**Total Parcel Area:** 189,830 sq. ft. (4.36 ac.)

**Property to be acquired by Fee:** 23,129 sq. ft. (0.53 ac.) Fee Simple

**Property to be acquired by Easements:** 2,480 sq. ft. (0.057 ac.) Utility Easement, 2,192 sq. ft. (0.05 ac.) Storm Drainage Easement, 7,719 sq. ft. (0.177 ac.) Sidewalk Utility Easement, 11,170 sq. ft. (0.256 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** INS T(CD)

**Use:** Institutional (Conditional Zoning)

**Tax Code:** 027-714-01

<https://polaris3g.mecklenburgcountync.gov/#pid=02771401&qisid=02771401>

**Appraised Value:** \$26,450

**Property Owner's Concerns:** None

**City's Response to Property Owner's Concerns:** N/A

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

**Council District:** 4

## 66. Property Transactions - DeArmon Road Improvements, Parcel #13

**Action:** Approve the following Condemnation: DeArmon Road Improvements, Parcel #13

**Project:** DeArmon Road Improvements, Parcel #13

**Program:** DeArmon Road Improvements

**Owner(s):** Tanegla C. Spellman

**Property Address:** 8408 Cavett Court

**Total Parcel Area:** 14,003 sq. ft. (0.33 ac.)

**Property to be acquired by Easements:** 1,264 sq. ft. (0.029 ac.) Utility Easement, 392 sq. ft. (0.009 ac.) Sidewalk Utility Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 027-106-05

<https://polaris3g.mecklenburgcountync.gov/#mat=350209&pid=02710605&qisid=02710605>

**Appraised Value:** \$4,225

**Property Owner's Concerns:** None

**City's Response to Property Owner's Concerns:** N/A

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

**Council District:** 4

## 67. Property Transactions - DeArmon Road Improvements, Parcel #19

**Action:** Approve the following Acquisition: DeArmon Road Improvements, Parcel #19

**Project:** DeArmon Road Improvements, Parcel #19

**Program:** DeArmon Road Improvements

**Owner(s):** Sihde Donyen Jackson and Karr M. Jackson

**Property Address:** 12315 Brianwood Court

**Total Parcel Area:** 11,213 sq. ft. (0.26 ac.)

**Property to be acquired by Fee:** 403 sq. ft. (0.009 ac.) Fee Simple

**Property to be acquired by Easements:** 325 sq. ft. (0.007 ac.) Utility Easement, 67 sq. ft. (0.002 ac.) Storm Drainage Easement, 535 sq. ft. (0.012 ac.) Slope Easement, 420 sq. ft. (0.01 ac.) Sidewalk Utility Easement, 189 sq. ft. (0.004 ac.) Temporary Construction Easement

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

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 027-062-21

<https://polaris3g.mecklenburgcountync.gov/#mat=344808&pid=02706221&qisid=02706221>

**Purchased Price:** \$13,900

**Council District:** 4

## 68. Property Transactions - DeArmon Road Improvements, Parcel #21

**Action:** Approve the following Condemnation: DeArmon Road Improvements, Parcel #21

**Project:** DeArmon Road Improvements, Parcel #21

**Program:** DeArmon Road Improvements

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

**Property Address:** 12430 DeArmon Road

**Total Parcel Area:** 574,380 sq. ft. (13.19 ac.)

**Property to be acquired by Fee:** 20,314 sq. ft. (0.47 ac.) Fee Simple

**Property to be acquired by Easements:** 1,016 sq. ft. (0.023 ac.) Utility Easement, 3,512 sq. ft. (0.081 ac.) Storm Drainage Easement, 1,325 sq. ft. (0.03 ac.) Slope Easement, 7,844 sq. ft. (0.18 ac.) Sidewalk Utility Easement, 6,617 sq. ft. (0.152 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** N/A

**Landscaping to be impacted:** N/A

**Zoned:** INS T(CD)

**Use:** Institutional (Conditional Zoning)

**Tax Code:** 027-062-04

<https://polaris3g.mecklenburgcountync.gov/#mat=26719&pid=02706204&qisid=02706204>

**Appraised Value:** \$32,650

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property.

**City's Response to Property Owner's Concerns:** The city was able to redesign to accommodate some of the property owner's design requests.

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

**Council District:** 4

## 69. Property Transactions - DeArmon Road Improvements, Parcel #23

**Action:** Approve the following Acquisition: DeArmon Road Improvements, Parcel #23

**Project:** DeArmon Road Improvements, Parcel #23

**Program:** DeArmon Road Improvements

**Owner(s):** Colson and Colson Construction Company

**Property Address:** 0 Prosperity Church Road

**Total Parcel Area:** 81,082 sq. ft. (1.86 ac.)

**Property to be acquired by Fee:** 690 sq. ft. (0.02 ac.) Fee Simple

**Property to be acquired by Easements:** 2,099 sq. ft. (0.048 ac.) Utility Easement, 2,220 sq. ft. (0.051 ac.) Sidewalk Utility Easement, 7 sq. ft. Temporary Construction Easement

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

**Landscaping to be impacted:** Tree

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 027-062-18

<https://polaris3g.mecklenburgcountync.gov/#pid=02706218&gisid=02706218>

**Purchased Price:** \$35,000

**Council District:** 4

## 70. Property Transactions - DeArmon Road Improvements, Parcel #24

**Action:** Approve the following Acquisition: DeArmon Road Improvements, Parcel #24

**Project:** DeArmon Road Improvements, Parcel #24

**Program:** DeArmon Road Improvements

**Owner(s):** SSR Estates LLC

**Property Address:** 12500 DeArmon Road

**Total Parcel Area:** 49,539 sq. ft. (1.01 ac.)

**Property to be acquired by Fee:** 7,190 sq. ft. (0.17 ac.) Fee Simple

**Property to be acquired by Easements:** 2,313 sq. ft. (0.053 ac.) Utility Easement, 3,166 sq. ft. (0.073 ac.) Sidewalk Utility Easement

**Structures/Improvements to be impacted:** N/A

**Landscaping to be impacted:** Tree

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 027-062-15

<https://polaris3g.mecklenburgcountync.gov/#mat=29345&pid=02706215&qisid=02706215>

**Purchased Price:** \$54,425

**Council District:** 4

## 71. Property Transactions - DeArmon Road Improvements, Parcel #26 and 27

**Action:** Approve the following Acquisition: DeArmon Road Improvements, Parcel #26 and 27

**Project:** DeArmon Road Improvements, Parcel #26 and #7

**Program:** DeArmon Road Improvements

**Owner(s):** David Lacy Graham Jr and Rebecca McConnell Graham

**Property Address:** 0 DeArmon Road

**Total Parcel Area:** 100,016 sq. ft. (2.10 ac.)

**Property to be acquired by Fee:** 2,333 sq. ft. (0.05 ac.) Fee Simple

**Property to be acquired by Easements:** 2,164 sq. ft. (0.05 ac.) Utility Easement, 1,238 sq. ft. (0.028 ac.) Storm Drainage Easement, 4,949 sq. ft. (0.114 ac.) Sidewalk Utility Easement, 4,440 sq. ft. (0.102 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** N/A

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 027-093-71, 027-093-57

<https://polaris3g.mecklenburgcountync.gov/#pid=02709371&qisid=02709371>  
<https://polaris3g.mecklenburgcountync.gov/#pid=02709357&qisid=02709357>

**Purchased Price:** \$14,000

**Council District:** 4

## 72. Property Transactions - DeArmon Road Improvements, Parcel #29, 30, and 31

**Action:** Approve the following Acquisition: DeArmon Road Improvements, Parcel #29, 30, and 31

**Project:** DeArmon Road Improvements, Parcel #29, 30, and 31

**Program:** DeArmon Road Improvements

**Owner(s):** Deborah M. Holsinger and Mark C. Holsinger

**Property Address:** 11915, 11925 and 11931 DeArmon Road

**Total Parcel Area:** 376,816 sq. ft. (8.92 ac.)

**Property to be acquired by Fee:** 17,285 sq. ft. (0.40 ac.) Fee Simple

**Property to be acquired by Easements:** 45 sq. ft. (0.001 ac.) Utility Easement, 5,211 sq. ft. (0.12 ac.) Sidewalk Utility Easement, 13,816 sq. ft. (0.317 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 027-093-60, 027-093-62, 027-093-63

<https://polaris3g.mecklenburgcountync.gov/#mat=538704&pid=02709360&qisid=02709360>

<https://polaris3g.mecklenburgcountync.gov/#mat=22205&pid=02709362&qisid=02709362>

<https://polaris3g.mecklenburgcountync.gov/#mat=22285&pid=02709363&qisid=02709363>

**Purchased Price:** \$38,550

**Council District:** 4

## 73. Property Transactions - DeArmon Road Improvements, Parcel #35

**Action:** Approve the following Condemnation: DeArmon Road Improvements, Parcel #35

**Project:** DeArmon Road Improvements, Parcel #35

**Program:** DeArmon Road Improvements

**Owner(s):** Andrew G. Croshaw and Karilee R. Croshaw

**Property Address:** 12215 DeArmon Road

**Total Parcel Area:** 202,629 sq. ft. (4.65 ac.)

**Property to be acquired by Fee:** 14,367 sq. ft. (0.33 ac.) Fee Simple

**Property to be acquired by Easements:** 44 sq. ft. (0.001 ac.) Utility Easement, 4,822 sq. ft. (0.111 ac.) Slope Easement, 6,841 sq. ft. (0.157 ac.) Sidewalk Utility Easement, 10,385 sq. ft. (0.238 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Gate, fence, and brick pillars

**Landscaping to be impacted:** Tree

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 027-093-67

<https://polaris3g.mecklenburgcountync.gov/#mat=26218&pid=02709367&gisid=02709367>

**Appraised Value:** \$51,675

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

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

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

**Council District:** 4

## 74. Property Transactions - Idlewild/Monroe Intersection - Phase I, Parcel #13

**Action:** Approve the following Condemnation: Idlewild/Monroe Intersection - Phase I, Parcel #13

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

**Project:** Idlewild/Monroe Intersection - Phase I, Parcel #13

**Program:** Idlewild/Monroe Intersection - Phase I

**Owner(s):** Trustees of the Providence Park Kingdom Hall of Jehovah's Witnesses

**Property Address:** 5980 Monroe Road

**Total Parcel Area:** 81,268 sq. ft. (1.87 ac.)

**Property to be acquired by Fee:** 2,472 sq. ft. (0.06 ac.) Fee Simple

**Property to be acquired by Easements:** 1,477 sq. ft. (0.034 ac.) Utility Easement, 545 sq. ft. (0.013 ac.) Retaining Wall Easement, 3,428 sq. ft. (0.079 ac.) Storm Drainage Easement, 1,680 sq. ft. (0.039 ac.) Sidewalk Utility Easement, 6,472 sq. ft. (0.15 ac.) Temporary Construction Easement, 1,680 sq. ft. (0.039 ac.) Waterline Easement

**Structures/Improvements to be impacted:** Parking spaces, sidewalk and light pole

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

**Zoned:** O-1

**Use:** Office District

**Tax Code:** 163-051-99

<https://polaris3g.mecklenburgcountync.gov/#mat=158519&pid=16305199&qsid=16305199>

**Appraised Value:** \$160,125

**Property Owner's Concerns:** The property owner is concerned about the design of the project and the potential impacts to the property

**City's Response to Property Owner's Concerns:** The city explained the rationale of the design and how it meets the objectives for the project.

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

**Council District:** 5

## 75. Property Transactions - Idlewild/Monroe Intersection - Phase II, Parcel #43

**Action:** Approve the following Condemnation: Idlewild and Monroe Intersection - Phase II, Parcel #43

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

**Project:** Idlewild and Monroe Intersection - Phase II, Parcel #43

**Program:** Idlewild and Monroe Intersection - Phase II

**Owner(s):** Trustees of the Providence Park Kingdom Hall of Jehovah's Witnesses

**Property Address:** 5922 Monroe Road

**Total Parcel Area:** 7,324 sq. ft. (0.17 ac.)

**Property to be acquired by Easements:** 291 sq. ft. (0.007 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** O-1

**Use:** Office District

**Tax Code:** 163-051-50

<https://polaris3g.mecklenburgcountync.gov/#pid=16305150&qisid=16305150>

**Appraised Value:** \$125

**Property Owner's Concerns:** None

**City's Response to Property Owner's Concerns:** N/A

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

**Council District:** 5

## 76. Property Transactions - McCullough Drive Streetscape, Parcel #10

**Action:** Approve the following Condemnation: McCullough Drive Streetscape, Parcel #10

**Project:** McCullough Drive Streetscape, Parcel #10

**Program:** McCullough Drive Streetscape

**Owner(s):** 1421 Baseline NC Owner LP

**Property Address:** 1418 Baseline Road

**Total Parcel Area:** 1,034,788 sq. ft. (23.755 ac.)

**Property to be acquired by Fee:** 10,014 sq. ft. (0.230 ac.) Fee Simple

**Property to be acquired by Easements:** 9,962 sq. ft. (0.229 ac.) Sidewalk Utility Easement, 4,389 sq. ft. (0.101 ac.) Temporary Construction Easement

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

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

**Zoned:** NS

**Use:** Neighborhood service district

**Tax Code:** 047-212-05

<https://polaris3g.mecklenburgcountync.gov/#mat=515868&pid=04721205&gisid=04721205>

**Appraised Value:** \$123,350

**Property Owner's Concerns:** None

**City's Response to Property Owner's Concerns:** N/A

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

**Council District:** 4

## 77. Property Transactions - Monroe Road Streetscape, Parcel #53

**Action:** Approve the following Acquisition: Monroe Road Streetscape, Parcel #53

**Project:** Monroe Road Streetscape, Parcel #53

**Program:** Monroe Road Streetscape

**Owner(s):** Renee's International Inc

**Property Address:** 4926 Monroe Road

**Total Parcel Area:** 12,883 sq. ft. (0.30 ac.)

**Property to be acquired by Easements:** 1,119 sq. ft. (0.026 ac.) Sidewalk Utility Easement, 1,032 sq. ft. (0.024 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** N/A

**Zoned:** O-2

**Use:** Office District

**Tax Code:** 161-081-18

<https://polaris3g.mecklenburgcountync.gov/#mat=139345&pid=16108118&qisid=16108118>

**Purchase Price:** \$11,380

**Council District:** 5

## 78. Property Transactions - The Plaza at Duncan Avenue Pedestrian Beacon, Parcel #5

**Action:** Approve the following Condemnation: The Plaza at Duncan Avenue Pedestrian Beacon, Parcel #5

**Project:** The Plaza at Duncan Avenue Pedestrian Beacon, Parcel #5

**Program:** The Plaza at Duncan Avenue Pedestrian Beacon

**Owner(s):** Sophia Shuler

**Property Address:** 1901 Stratford Avenue

**Total Parcel Area:** 10,717 sq. ft. (0.25 ac.)

**Property to be acquired by Easements:** 95 sq. ft. (0.002 ac.) Utility Easement, 913 sq. ft. (0.021 ac.) Sidewalk Utility Easement, 1,055 sq. ft. (0.024 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** N/A

**Landscaping to be impacted:** N/A

**Zoned:** B-1

**Use:** Business

**Tax Code:** 095-023-10

<https://polaris3g.mecklenburgcountync.gov/#mat=346203&pid=09502310&gisid=09502310>

**Appraised Value:** \$20,050

**Property Owner's Concerns:** None

**City's Response to Property Owner's Concerns:** N/A

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

**Council District:** 1

## 79. Property Transactions - West Boulevard Extension, Parcel #5

**Action:** Approve the following Condemnation: West Boulevard Extension, Parcel #5

**Project:** West Boulevard Extension, Parcel #5

**Program:** West Boulevard Extension

**Owner(s):** Ethel Torrence and The Estate of Charles Torrence

**Property Address:** 0 Garrison Road

**Total Parcel Area:** 216,062 sq. ft. (4.96 ac.)

**Property to be acquired by Fee:** 80,155 sq. ft. (1.84 ac.) Fee Simple

**Property to be acquired by Easements:** 4,983 sq. ft. (0.114 ac.) Utility Easement, 49,452 sq. ft. (1.135 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** N/A

**Landscaping to be impacted:** N/A

**Zoned:** MUDD-O

**Use:** Mixed Use Development District

**Tax Code:** 141-142-07

<https://polaris3g.mecklenburgcountync.gov/#pid=14114207&qsid=14114207>

**Appraised Value:** \$378,775

**Property Owner's Concerns:** None

**City's Response to Property Owner's Concerns:** N/A

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

**Council District:** Adjacent to Council District 3

## Adjournment

## REFERENCES

## 80. Reference - Charlotte Business INclusion Policy

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

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

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

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

**Part A: Section 3.1: Subcontracting Goals.** The City shall establish one or more Subcontracting Goals for all Construction Contracts of 200,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

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

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

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

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

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

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

**Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements:** Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation.

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

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

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

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

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

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

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

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

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

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

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

## **Part C: Service Contracts**

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

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

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

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

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

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

**Part F: Financial Partners**

**Part F: Section 4:** Financial Partners shall undertake the following outreach efforts with respect to MWBEs and SBEs:

- 4.1 Notify MWBEs and SBEs of any contracting or procurement opportunities that may exist in the Financial Partner's business for which there are MWBEs and SBEs listed in the City's database; and
- 4.2 Request advice and assistance from the CBI Office as to what additional SBE measures might be helpful if and when it becomes apparent that outreach alone will be insufficient to meet the Financial Partner's MWBE and SBE Goal; and
- 4.3 Follow such additional measures as the CBI Office reasonably recommends.

**Part G: Alternative Construction Agreements**

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

## 81. Reference - Property Acquisitions and Condemnations

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

## 82. Reference - Property Transaction Process

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

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

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

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