

# City of Charlotte

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



## Meeting Agenda

**Monday, June 26, 2023**

**Council Chamber**

### **City Council Business Meeting**

*Mayor Vi Lyles*

*Mayor Pro Tem Braxton Winston II*

*Council Member Dimple Ajmera*

*Council Member Danté Anderson*

*Council Member Tariq Scott Bokhari*

*Council Member Ed Driggs*

*Council Member Malcolm Graham*

*Council Member Reneé Johnson*

*Council Member LaWana Mayfield*

*Council Member James Mitchell*

*Council Member Marjorie Molina*

*Council Member Victoria Watlington*

## **5:00 P.M. CITY COUNCIL BUSINESS MEETING, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, MEETING HOSTED FROM 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.

[2023-06-26 Council Agenda QA](#)

### **2. Consent agenda items 48 through 64 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

**Time:** 5 minutes

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.

## ZONING

*Rescheduled from canceled June 20, 2023 City Council Zoning Meeting*

### ***Deferrals/Withdrawals***

## ZONING CONSENT

### **3. Zoning consent agenda items 4 through 14 may be considered in one motion except for those items pulled by a Council member. Items are pulled by notifying the City Clerk.**

- A. Items included on the zoning consent agenda are rezoning petitions that meet the following criteria:
  - a. Had no public opposition at their public hearing
  - b. Received an approval recommendation from the Zoning Committee
  - c. Have no changes after Zoning Committee
  - d. Staff recommends approval

### **4. Rezoning Petition: 2021-120 by Maria Mergianos**

**Location:** Approximately 0.45 acres located on the east side of The Plaza, north of Mimosa Avenue, and south of Mecklenburg Avenue. (Council District 1 - Anderson)

**Current Zoning:** OFC (office flex campus) and CG (general commercial)

**Proposed Zoning:** NS (neighborhood services)

**Zoning Committee Recommendation:**

The Zoning Committee voted 5-1 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

[2021\\_120\\_ZCR](#)

[2021\\_120\\_FSA](#)

[2021\\_120\\_RevSitePlan\\_2023\\_05\\_18](#)

## 5. Rezoning Petition: 2022-084 by Mission Properties

**Location:** Approximately 20.85 acres located along the south side of Ridge Road and north side of the Interstate 485 interchange. (ETJ - BOCC: 1-Powell; Closest CC: 4-Johnson)

**Current Zoning:** N1-A (neighborhood 1 - A)

**Proposed Zoning:** R-17MF (CD) (multi-family residential, conditional)

**Zoning Committee Recommendation:**

The Zoning Committee voted 4-2 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

[2022-084\\_ZCR](#)

[2022\\_084\\_FSA](#)

[2022\\_084\\_RevSitePlan\\_2023\\_05\\_19](#)

## 6. Rezoning Petition: 2022-136 by Vision Ventures

**Location:** Approximately 1.64 acres located along the east side of Catalina Avenue, south of West 28th Street, and north of West 26th Street. (Council District 1 - Anderson)

**Current Zoning:** N1-C (neighborhood 1 - C)

**Proposed Zoning:** UR-2(CD) (urban residential, conditional)

**Zoning Committee Recommendation:**

The Zoning Committee voted 5-1 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

[2022\\_136\\_ZCR](#)

[2022\\_136\\_FSA](#)

[2022\\_136\\_RevSitePlan\\_2023\\_05\\_18](#)

## 7. Rezoning Petition: 2022-179 by Coral Reef Investment Properties, LLC

**Location:** Approximately 5.65 acres located along the east and west side of Charlotte Park Drive, south of Pressley Road, and west of Interstate 77. (Council District 3 - Watlington)

**Current Zoning:** CG (general commercial)

**Proposed Zoning:** MUDD(CD) (mixed use development, conditional)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

[2022\\_179\\_ZCR](#)

[2022\\_179\\_FSA](#)

[2022\\_179\\_RevSitePlan\\_2023\\_05\\_19](#)

## 8. Rezoning Petition: 2022-181 by AJ Klenk

**Location:** Approximately 0.22 acres located on the south side of North Davidson Street, north of Yadkin Avenue, and west of East 34th Street. (Council District 1 - Anderson)

**Current Zoning:** TOD-M(O) (transit oriented development - mixed use, optional)

**Proposed Zoning:** MUDD-O (mixed use development district, optional)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

[2022\\_181\\_ZCR](#)

[2022\\_181\\_FSA](#)

[2022\\_181\\_RevSitePlan\\_2023\\_06\\_06](#)

## 9. Rezoning Petition: 2022-184 by United Air Filter Company

**Location:** Approximately 2.13 acres located on the east side of West Palmer Street, south of West Morehead Street, and north of John Belk Freeway. (Council District 2 - Graham)

**Current Zoning:** ML-2 (manufacturing and logistics)

**Proposed Zoning:** UC (uptown core)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

[2022\\_184\\_ZCR](#)

[2022\\_184\\_FSA](#)

## 10. Rezoning Petition: 2022-185 by Morningstar Properties, LLC

**Location:** Approximately 6.01 acres located on the south side of David Cox Road, east of Old Statesville Road, and north of West W.T. Harris Boulevard. (Council District 2 - Graham)

**Current Zoning:** ML-1 (manufacturing and logistics)

**Proposed Zoning:** ML-2 (manufacturing and logistics)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

[2022\\_185\\_ZCR](#)

[2022\\_185\\_FSA](#)

## 11. Rezoning Petition: 2022-187 by Vista Residential Partners

**Location:** Approximately 14.8 acres located on the west side of Krefeld Drive, east of Monroe Road, and west of East Independence Boulevard. (Council District 6 - Bokhari)

**Current Zoning:** R-6MF (CD) (multi-family residential, conditional)

**Proposed Zoning:** R-22MF (CD) (multi-family residential, conditional)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

[2022\\_187\\_ZCR](#)

[2022\\_187\\_FSA](#)

[2022\\_187\\_siteplanRev\\_23\\_5\\_18](#)

## 12. Rezoning Petition: 2022-188 by Northbridge, LLC

**Location:** Approximately 6.25 acres located along the south and west side of Windsor Oak Court, west of England Street, and north of East Hebron Street. (Council District 3 - Watlington)

**Current Zoning:** OFC (office flex campus)

**Proposed Zoning:** ML-2 (manufacturing and logistics - 2)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

[2022\\_188\\_ZCR](#)

[2022\\_188\\_FSA](#)

### 13. Rezoning Petition: 2022-192 by Ascent Real Estate Capital, LLC

**Location:** Approximately 2 acres bound by the east side of Plymouth Avenue, south side of Dunloe Street, west side of Sylvania Avenue, and north side of North Tryon Street. (Council District 1 - Anderson)

**Current Zoning:** ML-2 (manufacturing and logistics)

**Proposed Zoning:** MUDD(CD) (mixed use development district, conditional)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

[2022\\_192\\_ZCR](#)

[2022\\_192\\_FSA](#)

[2022-192\\_SitePlanRev\\_2023\\_18\\_5](#)

### 14. Rezoning Petition: 2022-193 by Brown Group, Inc.

**Location:** Approximately 19.79 acres located on the east side of Legranger Road and west side of Interstate 85, south of West Mallard Creek Church Road. (Council District 4 - Johnson)

**Current Zoning:** RC (research campus) and N1-B (neighborhood 1 - B)

**Proposed Zoning:** RE-3(CD) (research, conditional)

**Zoning Committee Recommendation:**

The Zoning Committee voted 5-1 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

[2022\\_193\\_ZCR](#)

[2022\\_193\\_FSA](#)

[2022\\_193\\_RevSitePlan\\_2023\\_05\\_18](#)

## ZONING DECISIONS

### 15. Rezoning Petition: 2022-177 by Appaloosa Real Estate Partners

***Update: Petitioner has withdrawn this petition***

**Location:** Approximately 15.52 acres located at the southeast intersection of Mallard Creek Road and Galloway Road, west of Lexington Approach Drive. (Council District 4 - Johnson)

**Current Zoning:** R-3 (single family residential)

**Proposed Zoning:** UR-2(CD) (urban residential, conditional)

### 16. Rezoning Petition: 2022-134 by Muhsin Muhammad II

***Update: Petitioner is requesting deferral to July 17, 2023***

**Location:** Approximately 15.48 acres located along the northeast side of Trojan Drive and east side of Outlets Boulevard, west of Steele Creek Road. (Council District 3 - Watlington)

**Current Zoning:** O-2 (CD) LLWPA (office, conditional, Lower Lake Wylie Protected Area), NS LLWPA (neighborhood services, Lower Lake Wylie Protected Area)

**Proposed Zoning:** O-2 (CD) SPA LLWPA (office, conditional, site plan amendment, Lower Lake Wylie Protected Area), NS SPA LLWPA (neighborhood services, site plan amendment, Lower Lake Wylie Protected Area)

### 17. Rezoning Petition: 2022-147 by SouthPark Towers PropCo, LLC

***Update: Petitioner is requesting deferral to July 17, 2023***

**Location:** Approximately 9.94 acres bound by the south side of Fairview Road, east side of Piedmont Row Drive South, and the north and west side of Barclay Downs Drive. (Council District 6 - Bokhari)

**Current Zoning:** OFC (office flex campus)

**Proposed Zoning:** MUDD-O (mixed use development district, optional)

**18. Rezoning Petition: 2022-160 by Penler Development, LLC**

***Update: Petitioner is requesting deferral to July 17, 2023***

**Location:** Approximately 24.13 acres located along the south side of Mount Holly Road and east side of Creston Circle, west of Interstate 485. (ETJ-BOCC: 2-Leake; Closest CC: 2-Graham)

**Current Zoning:** ML-1 (manufacturing and logistics), CG (general commercial), N1-A (neighborhood 1 - A)

**Proposed Zoning:** R-12MF (CD) LWPA LWCA (multi-family residential, conditional, Lake Wylie Protected Area, Lake Wylie Critical Area)

**19. Rezoning Petition: 2021-213 by Goldberg Companies, Inc.**

**Location:** Approximately 42.85 acres located on the south side of Pineville-Matthews Road, east of Hugh Forest Road, and west of Reverdy Lane. (Council District 7 - Driggs)

**Current Zoning:** R-12 MF (CD) (multi-family residential, conditional)

**Proposed Zoning:** R-12 MF (CD) SPA (multi-family residential, conditional, site plan amendment)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

[2021 213 ZCR](#)

[2021 213 FSA](#)

[2021 213 siteplanRev 23 5 18](#)

## 20. Rezoning Petition: 2022-175 by Rocky River Holdings LLC

**Location:** Approximately 42.46 acres located along the north side of Rocky River Road, west of Back Creek Church Road, and southeast of John Russell Road. (ETJ-BOCC: 3-Dunlap; Closest CC: 4-Johnson)

**Current Zoning:** N1-A (neighborhood 1 - A)

**Proposed Zoning:** R-8MF (CD) (multi-family residential, conditional)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

[2022\\_175\\_ZCR](#)

[2022\\_175\\_FSA\\_DONE](#)

[2022\\_175\\_RevSitePlan\\_2023\\_06\\_14](#)

## 21. Rezoning Petition: 2022-190 by Charlotte Pipe and Foundry Company

**Location:** Approximately 1.08 acres located on the west side of Providence Road, north of Ardsley Road, and south of Moravian Lane. (Council District 6 - Bokhari)

**Current Zoning:** UR-C (CD) (urban residential - commercial, conditional)

**Proposed Zoning:** UR-C (CD) SPA (urban residential - commercial, conditional, site plan amendment)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

[2022\\_190\\_ZCR](#)

[2022\\_190\\_FSA](#)

[2022\\_190\\_RevSitePlan\\_2023\\_06\\_07](#)

## **22. Closed Session (as necessary)**

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

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## **PUBLIC FORUM**

### **23. Public Forum**

## **PUBLIC HEARING**

## 24. Public Hearing and Decision on Hamilton Woods Area Voluntary Annexation

### Action:

- A. Conduct a public hearing for Hamilton Woods voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of June 26, 2023, to extend the corporate limits to include this property and assign it to the adjacent City Council District 3.

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

Alyson Craig, Planning, Design, and Development

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 26.094-acre property located along the south side of Hamilton Road, west of Steele Creek Road in southwest Mecklenburg County.
- The property is owned by DR Horton Inc.
- The site has existing single family homes that will be removed prior to any redevelopment. The petitioned area is zoned R-3, which allows for single family residential uses up to three dwelling units per acre.
- The petitioned area consists of eleven parcels; parcel identification numbers: 219-091-30, 219-091-31, 219-091-32, 219-091-13, 219-091-33, 219-091-14, 219-091-15, 219-091-19, 219-091-12, 219-091-17, and 219-091-16.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits along parcel identification numbers: 219-091-30, and 219-091-12.
- The intent of the annexation is to enable the development of 119 single family detached homes on the site.

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

- The annexation is consistent with voluntary annexation policy approved by City Council on March 24, 2003; more specifically this annexation:
  - Will not adversely affect the city's ability to undertake future annexations; and
  - Will not have undue negative impact on city finances or services.
  - Per policy, voluntary annexations that encompass unincorporated areas by new city limits may be approved if the following conditions exist:
    - A petitioner for a voluntary annexation would experience a significant hardship if the annexation were not approved;
    - It is not feasible to annex the unincorporated parcels that may be surrounded by new city limits; or
    - Under the facts of a particular voluntary annexation petition, the city's interests are served by varying the application of one of more of these policies.
  - This voluntary annexation is being recommended because it will have a positive impact on city resources and aid the future development of the area.

### **Attachment(s)**

Map (GIS)

Map (Survey)

Annexation Ordinance

[Hamilton Woods Area Annexation Map](#)

[Hamilton Woods Area Annexation Survey 8.5 x 14](#)

[Ordinance Hamilton Woods Area Annexation](#)

## 25. Public Hearing and Decision on Northlake Town Center Area Voluntary Annexation

### **Action:**

- A. Conduct a public hearing for Northlake Town Center voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of June 26, 2023, to extend the corporate limits to include this property and assign it to the adjacent City Council District 4.

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

Alyson Craig, Planning, Design, and Development

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 22.02-acre property located south of Interstate 485, west of Interstate 77, and east of Northlake Centre Parkway in northern Mecklenburg County.
- The property is owned by Metrolina Properties Limited Partnership and MAGLC, LLC.
- The site is currently vacant and is zoned UR-2(CD) which allows for urban residential uses.
- The petitioned area consists of four parcels; parcel identification numbers: 025-081-12, 025-081-01, a portion of 025-081-30B, and 025-081-02.
- 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 312 multi-family units on the site.

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

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

### **Attachment(s)**

Map (GIS)

Map (Survey)

Annexation Ordinance

[Northlake Town Center Annexation Map](#)

[Northlake Town Center Area Annexation Survey 8.5 x 14](#)

[Ordinance Northlake Town Center Area Annexation](#)

## 26. Public Hearing and Decision on Oak Lake Area Voluntary Annexation

### **Action:**

- A. Conduct a public hearing for Oak Lake voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of June 26, 2023, to extend the corporate limits to include this property and assign it to the adjacent City Council District 4.**

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

Alyson Craig, Planning, Design, and Development

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 21.7621-acre property located along the east side of Mt. Holly Huntersville Road, west of I-485 in northwest Mecklenburg County.
- The property is owned by Oakdale Owner LP.
- The site is largely vacant, and the existing single-family home will be removed prior to any redevelopment. The petitioned area is zoned R-8MF (CD), which allows for multi-family residential uses up to eight dwelling units per acre and R-3, which allows for single family residential uses up to three dwelling units per acre.
- The petitioned area consists of four parcels; parcel identification numbers: 033-111-07, 033-111-16, 033-281-01, and 033-111-18.
- The property is located within Charlotte's extraterritorial jurisdiction and does not share boundaries with current city limits.
- The intent of the annexation is to enable the development of 140 single family attached units on the site.

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

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

### **Attachment(s)**

Map (GIS)

Map (Survey)

Annexation Ordinance

[Oak Lake Area Annexation Map](#)

[Oak Lake Area Annexation Survey 8.5 x 11](#)

[Ordinance Oak Lake Area Annexation](#)

## 27. Public Hearing for alpitronic Americas, LLC Business Investment Grant

### Action:

- A. **Conduct a public hearing regarding approval of a City of Charlotte Business Investment Grant to alpitronic Americas, LLC, and**
- B. **Approve the city's share of a Business Investment Grant to aplitronic Americas, LLC for a not to exceed amount of \$181,846 over seven years.**

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

Tracy Dodson, City Manager's Office

Alyssa Brown, Economic Development

### **Explanation**

- On May 23, 2023, alpitronic Americas announced it would locate its North American headquarters and technology center in Charlotte.
- This action is requesting a public hearing be conducted regarding City Council approval of a Business Investment Grant (BIG) of \$181,846 over seven years.
- On May 22, 2023, City Council, in closed session, indicated their intent to approve this BIG.
- alpitronic Americas has committed to a capital investment of \$9,300,000 and creation of 300 jobs to be hired with an average wage of \$90,158.
- In addition to the City of Charlotte Business Investment Grant, Mecklenburg County Board of County Commissioners approved a Business Investment Grant in the amount of \$145,265.
- In addition to the BIGs, the State of North Carolina approved a Jobs Development Investment Grant of up to \$2,327,250 for a term of twelve years and \$570,000 in community college training funds.

### **Background**

- alpitronic Americas is an Italian manufacturer of electric vehicle charging units.
- This will be the company's first operations in the United States.
- The company is purchasing a facility located at 5815 Westpark Drive in Charlotte and will begin hiring new staff upon completion of building renovations.
- In addition to the company's headquarters, this facility will house the technology center staffed by engineers and maintenance technicians.

### **Business Investment Grant**

- The general terms and conditions of this grant include:
  - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
  - Property taxes due from aplitronic Americas, LLC must be paid before a grant payment is made.
  - If aplitronic Americas, LLC removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
  - If aplitronic Americas, LLC moves the investment from Charlotte within seven years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
    - Within one year of the end of the BIP Term - 90 percent of grant payments
    - Within two years of the end of the BIP Term - 75 percent of grant payments
    - Within three years of the end of the BIP Term - 60 percent of grant payments
    - Within four years of the end of the BIP Term - 45 percent of grant payments
    - Within five years of the end of the BIP Term - 30 percent of grant payments
    - Within six years of the end of the BIP Term - 20 percent of grant payments
    - Within seven years of the end of the BIP Term - 10 percent of grant payments

**Fiscal Note**

Funding: Business Investment Grant

**POLICY**

**28. City Manager's Report**

## BUSINESS

### 29. Affordable Housing General Obligation Bonds

**Action:**

**Adopt the bond order and resolution to provide for the issuance of General Obligation Bonds for Affordable Housing not to exceed \$75,000,000.**

**Staff Resource(s):**

Teresa Smith, Finance

Matt Hastedt, Finance

Shawn Heath, Housing & Neighborhood Services

**Explanation**

- This action will authorize the issuance of affordable housing bonds approved by voters in 2020 and the remaining portion of the 2018 affordable housing bonds:
  - 2020: \$50,000,000
  - 2018: \$25,000,000
- This issuance will provide funding for previously authorized Housing Trust Fund projects as well as reimburse the city for funds spent on affordable housing developments.

**Fiscal Note**

Funding: Municipal Debt Service Fund

**Attachment(s)**

Resolution

[Bond Resolution - Charlotte 2023A Taxable Housing GOs](#)

### 30. Accept Grant for Charlotte Business INClusion Promotion

**Action:**

- A. **Accept a grant in the amount of \$15,000 from the National League of Cities for promotion of the Charlotte Business INClusion Program, and**
- B. **Adopt a budget ordinance appropriating \$15,000 from the National League of Cities to the General Capital Projects Fund.**

**Staff Resource(s):**

Reenie Askew, City Manager's Office  
Steven Coker, Charlotte Business INClusion

**Explanation**

- This grant will be used to promote the Charlotte Business INClusion (CBI) Office and amplify its presence in the local 13-county combined statistical area and across the state.
- The grant will focus implementation on recommendations from the disparity study that will take effect on July 1, 2023.
- The funds from the grant will be used to purchase promotional items for outreach purposes to promote CBI along with the programs that are offered.
- The funds must be spent by August 31, 2023, and a comprehensive plan must be provided to the National League of Cities on how the \$15,000 will be spent.
- There are no matching funds required by the City of Charlotte.

**Fiscal Note**

Funding: General Capital Investment Plan

**Attachment(s)**

Budget Ordinance

[Budget Ordinance](#)

## 31. Recommended Uses for American Rescue Plan Act Funds - Additional Small Business Ecosystem Partner Support

### Action:

- A. **Approve funding in the amount of \$237,500 from American Rescue Plan Act Funds to University City Partners to serve small businesses impacted by COVID-19 through the Small Business Ecosystem Partner Program, and**
- B. **Authorize the City Manager, or his designee, to negotiate and execute any necessary contracts and agreements related to these recommendations.**

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

Tracy Dodson, City Manager's Office

Christi Floyd, Economic Development

### **Explanation**

- In 2020, City Council awarded \$2 million in CARES Act funding for the Small Business Ecosystem Partner grant program that provided up to \$250,000 in grants to eligible partners supporting local small businesses. Applicants had to be nonprofit, chambers of commerce, government, or academic organizations.
- The 2020 Small Business Ecosystem Partner Program was a competitive grant process. A six-person team of city staff from various departments (excluding Economic Development) reviewed and scored the eligible applications.
- Twenty eligible organizations submitted applications and 12 received funding.
- Funding was distributed based on the review process. Applicants were ranked in order and provided with funding until the full \$2 million was distributed.
- Organizations receiving grant funds from this program in 2020 reported serving about 15,000 small, minority, and women-owned small businesses.
- Subsequent review of this program revealed a ranking error that reduced University City Partners' score. This error resulted in the organization not receiving funding to participate in the program.
- Despite this error, the intent and focus of the program were still achieved as the organizations that were funded provided assistance to minority-owned small businesses and supported local artists.
- To remedy the ranking error and to support small businesses in University City, the city would like to fund the original request of \$237,500 made by University City Partners.
- Funding for the additional \$237,500 would be allocated from unprogrammed ARPA (American Rescue Plan Act) funding since CARES Act funding has been expended.

### **Background**

- On March 11, 2021, in response to the COVID-19 public health emergency, President Biden signed the American Rescue Plan Act of 2021 (ARPA).
- ARPA included the Coronavirus State and Local Fiscal Recovery Fund (SLFRF), which provided \$130 billion in direct assistance for local governments to be used to mitigate the fiscal effects stemming from the COVID-19 public health emergency.
- The SLFRF provides direct payments to metropolitan cities and counties; Charlotte was one of the 990 cities across the nation that met the criteria.
- The U.S. Treasury Department is releasing SLFRF funding to local governments in two equal installments. Charlotte received its first installment of approximately \$71 million in May 2021 and the second installment in May 2022.
- Funds from the SLFRF may only be used to cover costs incurred by December 31, 2024, for the following purposes:
  - To respond to the COVID-19 public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
  - To respond to workers performing essential work during the COVID-19 public health

emergency by providing premium pay to eligible city employees who are performing such essential work or by providing grants to eligible employers that have eligible workers who perform essential work;

- For the provision of government services to the extent of the reduction in revenue in the city's budget due to the COVID-19 public health emergency relative to revenues collected in Fiscal Year 2019; and
- To make necessary investments in water, sewer, or broadband infrastructure.

**Fiscal Note**

Funding: American Rescue Plan Act (ARPA) Funds

**Attachment(s)**

Partner Grant Program Description

[Partner Grant Program Description 2020](#)

## NOMINATIONS

### 32. 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 Black Chamber of Commerce beginning upon beginning April 29, 2023, and ending April 28, 2026.
  - Steven Lewis did not meet attendance requirements.
- One appointment for a three-year term recommended by the Certified SBE-Hispanic Contractors Association beginning April 29, 2023, and ending April 28, 2026.
  - Domenico Santilli is eligible but not interested in reappointment.
- One appointment for a three-year term recommended by the Charlotte Regional Business Alliance beginning April 29, 2022, and ending April 28, 2025.
  - Tonia Woodbury did not meet attendance requirements and is ineligible for reappointment.
- One appointment for a three-year term recommended by the Latin American Chamber of Commerce beginning April 29, 2023, and ending April 28, 2026.
  - Richard Cuebas is eligible but not interested in reappointment.
- One appointment for a three-year term recommended by the LGBT+ Chamber of Commerce beginning July 1, 2023, and ending June 30, 2026.

**Attachment(s)**

Business Advisory Committee Applications

### 33. Nominations to the Charlotte Business INclusion Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a two-year term recommended by the Hispanic Contractors Association of the Carolinas beginning March 1, 2022, and ending February 28, 2024.
  - Sandra Velez did not meet attendance requirements and is ineligible for reappointment.
- One appointment for a two-year term recommended by the LGBT+ Chamber of Commerce beginning July 1, 2023, and ending June 30, 2025.

**Attachment(s)**

Charlotte Business INclusion Advisory Committee Applications

### **34. Nominations to the Charlotte Neighborhood Equity and Stabilization Commission**

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a For-Profit Affordable Housing Developer for a partial term beginning upon appointment and August 31, 2024.
  - Naiyar Ghaswala did not meet attendance requirements.

**Attachment(s)**

Charlotte Neighborhood Equity and Stabilization Commission Applications

### **35. Nominations to the Charlotte Regional Visitors Authority**

**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 Full Service Hotel category representative beginning July 1, 2023, and ending June 30, 2026.
  - Thomas Dolan is eligible and interested in reappointment.
- One appointment for a three-year term for a Restaurant category representative beginning July 1, 2023, and ending June 30, 2026.
  - Thomas Sasser has served two terms and is ineligible for reappointment.
- One appointment for a three-year term for a Mecklenburg County Towns Representative beginning July 1, 2023, and ending June 30, 2026.
  - Karen Bentley has served two terms and is ineligible for reappointment.
- Two appointments for a three-year term beginning July 1, 2023, and ending June 30, 2026.
  - Emma Allen is eligible and interested in reappointment.
  - Ervin Gourdine is eligible and interested in reappointment.

**Attachment(s)**

Charlotte Regional Visitors Authority Applications

## 36. Nominations to the Charlotte 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 Water/Sewer Contractor category representative beginning July 1, 2023, and ending June 30, 2026.
  - Bill Cornett is eligible and interested in reappointment.

**Attachment(s)**

Charlotte Water Advisory Committee Applications

## 37. Nominations to the Citizens Review Board

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Two appointments for a three-year term beginning August 1, 2023, and ending July 31, 2026.
  - La Becky Roe is eligible and interested in reappointment.
  - Brittenay Causieestko-Lee is eligible and interested in reappointment.

**Attachment(s)**

Citizens Review Board Applications

## 38. 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 two-year term beginning July 1, 2023, and ending June 30, 2026.
  - Michael Cataldo is eligible and interested in reappointment.

**Attachment(s)**

Citizens Transit Advisory Group Applications

## 39. 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 Hermitage Court beginning upon appointment and June 30, 2024.
  - James Jordan has resigned.

**Attachment(s)**

Historic District Commission Applications

## 40. Nominations to the Historic Landmarks Commission

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Two appointments for a three-year term beginning July 17, 2023, and ending July 16, 2026.
  - William Hughes is eligible and interested in reappointment.
  - Nadine Ford is eligible and interested in reappointment.

**Attachment(s)**

Historic Landmarks Commission Applications

## 41. Nominations to the Keep Charlotte Beautiful 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 June 30, 2025.
  - Christian Behrens did not meet attendance requirements.
- Three appointments for a three-year term beginning July 1, 2023, and ending July 30, 2026.
  - Martin Doss is eligible and interested in reappointment.
  - Mark Loflin is eligible and interested in reappointment.
  - Dale Stoller is eligible and interested in reappointment.

**Attachment(s)**

Keep Charlotte Beautiful Committee Applications

## 42. 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 partial term beginning upon appointment and ending June 30, 2024.
  - Shelia Etheridge-Boddie has served two terms and is ineligible for reappointment.

**Attachment(s)**

Passenger Vehicle for Hire Board Applications

## 43. Nominations to the Planning Commission

**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 July 1, 2023 and ending June 30, 2026.
  - Wil Russell is eligible and interested in reappointment.

**Attachment(s)**

Planning Commission Applications

## 44. Nominations to the Public Art Commission

**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 an Education category representative beginning July 1, 2023 and ending June 30, 2026.
  - Gaurav Gupte has served two terms and is ineligible for reappointment.

**Attachment(s)**

Public Art Commission Applications

## 45. 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 General Contractor category representative beginning July 1, 2022, and ending June 30, 2025.
  - Bill Cornett has served two terms and is ineligible for reappointment.

**Attachment(s)**

Storm Water Advisory Committee Applications

## 46. 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 three-year term for a Vanpool Rider category representative beginning February 1, 2022, and ending January 31, 2025.
  - Park Cains has resigned.

**Attachment(s)**

Transit Services Advisory Committee Applications

## 47. Nominations to the UDO Board of Adjustment

**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 July 1, 2023, and ending June 30, 2026.
  - Deborah Dryden is eligible and interested in reappointment.

**Attachment(s)**

UDO Board of Adjustment Applications

## CONSENT

## 48. Violence Interruption Services

### Action:

- A. **Approve a contract with Youth Advocate Programs, Inc. in the amount of \$897,537 for a one-year term for the provision of violence interruption services at two program sites,**
- B. **Approve a contract with Urban League of Central Carolinas, Inc. in the amount of \$450,000 for a one-year term for the provision of violence interruption services at one program site, and**
- C. **Authorize the City Manager to execute, amend, and renew the contracts for up to two additional one-year terms with possible price adjustments consistent with the purpose for which the contracts were approved.**

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

Shawn Heath, Housing and Neighborhood Services  
Julia Martin, City Manager's Office

### **Explanation**

- On February 7, 2023, the city issued a Request for Proposal to continue violence interruption services at the existing Beatties Ford Road area site and to add two expansion sites (West Boulevard/Remount Road, and Nations Ford Road/Arrowood Road). Four proposals were received.
- Youth Advocate Programs, Inc. has been selected to continue implementing violence interruption services at the Beatties Ford Road area site and the new West Boulevard/Remount Road site.
- Urban League of Central Carolinas, Inc. has been selected to implement violence interruption services at the new Nations Ford Road/Arrowood Road site.
- The violence interruption services focus on youth ages 14-25 that are at risk of perpetrating or becoming a victim of a violent incident.
- Program activities include:
  - identifying potential conflicts and individuals/groups at risk for violence,
  - mediating disputes between individuals,
  - interceding in group disputes to prevent acts of violence,
  - meeting with individuals/groups at risk for retaliation,
  - providing information regarding available resources (e.g., job trainings, education, substance abuse treatment, etc.), and
  - partnering with community groups to promote nonviolence and change community norms.

### **Background**

- In 2020, the city and Mecklenburg County endorsed an interdisciplinary public health approach to violence prevention, with an initial focus on the Beatties Ford Road corridor.
- On February 22, 2021, City Council ratified an interlocal agreement between the city and county in which the county provided a one-time payment of \$250,000 to the city to implement a violence interruption program.
- In May 2021, the city contracted with Youth Advocate Programs, Inc. to provide violence interruption services, modeled after Cure Violence Global's violence prevention public health methodology. Cure Violence Global is a 501(c)3 non-profit organization that uses a data-driven approach to help communities implement violence prevention programs guided by the understanding that violence is a health issue and that community partners and strategic partnerships are important keys to success.
- On August 9, 2021, City Council accepted a grant in the amount of \$1,200,000 from GreenLight Fund Charlotte to support the violence interruption services work.
- On September 12, 2022, City Council accepted a grant in the amount of \$1,000,000 from the United States Department of Justice to expand the implementation of the violence interruption services in Charlotte.
- On May 16, 2023, the Urban Institute at UNC Charlotte released the year one evaluation of the

violence interruption services program in the Beatties Ford Road area and found a statistically significant reduction in homicides with a firearm in the Beatties Ford Road area compared to similar neighborhoods, and that program participants gained knowledge and skills and have exhibited behaviors (e.g., higher academic achievement, educational aspirations) that protect youth from violence.

**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 opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scope of work that the city regards as realistic opportunities for subcontracting.

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

**Fiscal Note**

Funding: Neighborhood Development Grants Fund

## 49. Financial Modeling for Transit and Transportation

### **Action:**

- A. Authorize the City Manager to negotiate and execute a contract with InfraStrategies, LLC for funding and financial modeling for transportation services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for one, three-year term with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Liz Babson, City Manager's Office  
Brent Cagle, CATS

### **Explanation**

- As part of advancing the mobility priority, the City of Charlotte will continue to have a need to utilize strategic funding and financing modeling services.
- InfraStrategies LLC, has supported the city with strategic funding and financing modeling services since 2021.
- Their services include:
  - Updating capital and operating cost estimates for transit and/or transportation programs,
  - Testing various program definitions,
  - Testing and adjusting program scenarios, prioritization, and phasing,
  - Updating factors such as revenue growth rates, cost escalation, financing strategies, and
  - Incorporating new or adjusted federal financing mechanisms, updating funding formulas and other funding opportunities into mobility program assumptions.
- Additional work items under this contract may include supporting a Metropolitan Transportation Plan update and for future transit projects, with strategic modeling, related engagement, and financial planning, as well as other transit and transportation planning processes.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest.
- A waiver has been approved for these services based on continuity of service, unique experience and understanding of Federal Transit Administration requirements as well as the city organization, and the vendor's experience and understanding of the local funding context in the region.
- InfraStrategies, LLC is also well positioned to add immediate value with a unique understanding of the Federal Transit Administration and CATS, with the managing principal previously holding an executive leadership role in both organizations.
- Annual expenditures are estimated to be \$1,000,000.

### **Charlotte Business INclusion**

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

The specific tasks and subcontracting opportunities associated with this contract are undefined; however, InfraStrategies, LLC has identified certified firms to be utilized as the contract evolves and the scopes of work are defined:

- Amplify Consulting, LLC (SBE) (Community Engagement)

### **Fiscal Note**

Funding: CATS and CDOT Operating Budgets

## 50. On-Call Moving Services

### Action:

- A. Approve contracts with the following companies for on-call moving services for an initial term of three years:**
- **Armstrong Relocation Co., Inc.,**
  - **Cameron & Cameron Assembly, Moving & Storage, Inc.,**
  - **Suddath Relocation Systems of Charlotte, 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):**

Haley Gentry, Aviation

Jack Christine, Aviation

Phil Reiger, General Services

Marcy Mars, General Services

### **Explanation**

- These contracts will be used by various departments to provide the labor, materials, and equipment required to relocate furniture, equipment, and miscellaneous items on Airport property and other city properties.
- On January 17, 2023, the city issued a Request for Proposals (RFP); six responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual aggregate expenditures are estimated to be \$100,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Various departments' Capital Investment Plans and Operating Budgets

## 51. Charlotte Water Rate Model Financial Consulting Service

### **Action:**

- A. Approve a unit price contract with Raftelis Financial Consultants, Inc. for rate model financial consulting services for an initial term of three years, and**
  
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Angela Charles, Charlotte Water  
Shawn Coffman, Charlotte Water  
Melissa Westfall, Charlotte Water

### **Explanation**

- This contract will provide for rate consulting services to be used for annual projection of water consumption and application of the approved rate methodology.
- The rate consultant also assists in conducting sensitivity analysis to assure a high probability that the projected rates and fees will produce the amount of revenue needed.
- City Council approved the current Charlotte Water Revenue Manual on June 12, 2023.
- On March 3, 2023, the city issued a Request for Proposals (RFP); two responses were received.
- Raftelis Financial Consultants, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$100,000.

### **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 provisions of (a) - No subcontracting opportunities

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 52. Water and Sanitary Sewer Service Installations

### **Action:**

**Approve a contract in the amount of \$10,944,428.00 to the lowest responsive bidder B.R.S., Inc. for the water and sanitary sewer service installations project contract 1.**

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

David Czerr, Charlotte Water  
Jackie Jarrell, Charlotte Water  
Keri Cantrell, Charlotte Water

### **Explanation**

- This contract is for small diameter water and sanitary sewer service installations and service dismantlements.
- On March 24, 2023, the city issued an Invitation to Bid; three bids were received.
- B.R.S., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2025.

### **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 not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MBEs certified to perform the scope of work that the city regards as realistic opportunities for subcontracting.

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

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 53. Water and Wastewater Treatment Chemicals

### Action:

- A. Approve the purchase of magnesium hydroxide by the sole source exemption,
- B. Approve a contract with Premier Magnesia, LLC for the purchase of magnesium hydroxide for the term of one year,
- C. Reject the low bids submitted by the following companies for water and wastewater treatment chemicals:
  - JCI Jones Chemicals, Inc.,
  - Momar, Inc.,
- D. Approve unit price contracts for the purchase of water and wastewater treatment chemicals for one year to the following:
  - PVS Technologies, Inc.,
  - Brenntag Mid-South, Inc.,
  - Univar Solutions USA Inc. dba Univar USA Inc.,
  - Environmental Operating Solutions, Inc. dba EOSi, and
- E. Authorize the City Manager to renew the contract with Premier Magnesia, LLC 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

Ron Hargrove, 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 there is only one supply source
- City Council approval is required for any purchases made under the sole source exception.

### **Explanation**

- Charlotte Water uses a variety of chemicals in the water and wastewater treatment process, and each chemical plays an essential role to ensure the treated water is safe for customers and the environment and to eliminate odor and corrosion in the wastewater collection system.

### Action A, B, and E

- Premier Magnesia, LLC is the only source of supply for the required magnesium hydroxide.
- Annual expenditures are estimated to be \$4,475,000.

### Action C and D

- On April 24, 2023, the city issued an Invitation to Bid (ITB) for water and wastewater treatment chemicals; nine bids were received.
- The companies selected were the lowest responsive, responsible bidders.
- The low-bid submitted by JCI Jones Chemicals, Inc. was found not to be responsible for failing to meet the city's contract terms and conditions.
- The low-bid submitted by Momar, Inc. was found not to be responsible for failing to meet the established specifications and requirements outlined in the Invitation to Bid.

- Annual expenditures are estimated to be \$4,600,000.

**Charlotte Business INclusion**Action A, B, and E

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

Action C and D

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

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

**Fiscal Note**

Funding: Charlotte Water Operating Budget

## 54. Water Transmission Main Improvements and Repairs

### **Action:**

**Approve a guaranteed maximum price of \$11,581,852.00 to State Utility Contractors, Inc. for Design-Build construction services for the Water Transmission Main Improvements and Repairs project.**

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

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

### **Explanation**

- State Utility Contractors, Inc. developed a guaranteed maximum price (GMP) for construction of a 30-inch water transmission main between Interstate 77, through the Elmwood Cemetery, along Cedar Street to 5th Street (Council District 2).
- The GMP also includes an improved water main along Cates Avenue to connect to the proposed transmission main (Council District 2).
- On June 8, 2020, City Council approved a contract with State Utility Contractors, Inc. for Design-Build services.
- This project is anticipated to be complete by fourth quarter 2024.

### **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). State Utility Contractors, Inc. has committed \$1,240,378 or approximately 10.71% of the total contract for Design-Build construction services to the following certified firms:

- Trull Contracting, LLC (SBE, WBE) (\$482,000) (asphalt repair)
- Fuller & Co. Construction, LLC (SBE) (\$395,713) (trenchless crossing)
- Buffkin Trucking, Inc. (MBE, SBE) (\$208,000) (hauling)
- Pentacle, In. (SBE, WBE) (\$54,600) (fence repair)
- Froehling & Robertson, Inc. (MBE) (50,300) (soil testing)
- Stewart Engineering, Inc. (MBE) (\$49,765) (surveying)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment**

Map

[RCA June 2023 - Map - Water Transmission Main Improvements and Repairs.docx](#)

## 55. Airport Community Roundtable Technical Support Services

### **Action:**

- A. Approve a contract with Harris Miller Miller & Hanson Inc. for the Airport Community Roundtable Technical Services for an initial term of three years, and**
  
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Haley Gentry, Aviation

Ted Kaplan, Aviation

### **Explanation**

- The Airport is currently facilitating an Airport Community Roundtable (ACR), a group of community members working with the Federal Aviation Administration (FAA), the airlines, and the Airport on airport-related impacts.
- On April February 27, 2023, the city issued a Request for Proposals (RFP); one proposal was received.
- Harris Miller Miller & Hanson Inc. meets the city's need in terms of qualifications, experience, and responsiveness to RFP requirements as the facilitator for the ACR.
- Annual expenditures are estimated to be \$166,667.

### **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.

These contracts meet the provisions of (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: Aviation Operating Budget

## 56. Airport Construction Management Software

### Action:

- A. **Authorize the City Manager to negotiate and execute a contract with Trimble Inc. dba e-Builder, Inc. a Trimble Company to provide cloud-based construction project management software, for an initial term of five years, and**
  
- B. **Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the city uses the system.**

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

Haley Gentry, Aviation

Michael Hill, Aviation

Markell Storay, Innovation & Technology

### **Explanation**

- The Aviation Department requires construction management software to manage its large capacity capital and construction projects.
- In 2015, the Aviation Department commissioned an extensive review of construction management software applications. Based on the review, it was determined that the e-Builder construction program management tool would best meet Aviation needs.
- In 2016, Aviation entered into a contract with Trimble, Inc. for the e-builder construction management solution.
- The current contract with e-Builder includes licensing, custom development, integration, data warehouse services, and an extension of staff for a five-year period.
- Aviation is seeking to negotiate a new contract with Trimble, Inc. for the e-Builder construction management solution.
- A waiver has been approved for the e-Builder construction management tool based on the importance of maintaining the existing system and services.
- Annual expenditures are estimated to be \$732,000.

### **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.

These contracts meet the provisions of (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: Aviation Capital Investment Plan and Aviation Operating Budget

## 57. Airport Ramp Dual Taxilane Design Contract

### Action:

- A. **Approve a contract in the amount of \$1,306,818 to RS&H Architects-Engineers-Planners, Inc. for design services for the Airport West Ramp Dual Taxilane Project, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

Haley Gentry, Aviation  
Jack Christine, Aviation

### **Explanation**

- This project will provide the capacity to simultaneously taxi two aircraft around Concourse A to alleviate congestion of aircraft taxi operations.
- This contract will provide field survey, geotechnical investigation, engineering, design, and bidding services for the Ramp Dual Taxilane project.
- On January 25, 2023, the city issued a Request for Qualifications (RFQ); four responses were received.
- RS&H Architects-Engineers-Planners, Inc. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements for airfield design.
- Design is anticipated to be complete third quarter of fiscal year 2024.
- Aviation intends to return to City Council in the Summer of 2024 with a contract amendment to include Construction Administration Services.
- This activity is occurring on Airport property.

### **Disadvantaged Business Enterprise**

RS&H Architects-Engineers-Planners, Inc. has committed \$314,060 (24.03%) of this contract to the following DBE firms:

- Connico, LLC (DBE) (Cost Estimating) (\$55,800)
- CES Group Engineers, LLP (DBE) (Survey and Utility Locates) (\$223,760)
- On-Spec Engineering, PC (DBE) (Concrete and asphalt construction) (\$34,500)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 58. Airport Reimbursable Agreement for Technology Equipment

**Action:**

**Approve a Reimbursable Agreement with U.S. Customs and Border Protection for technology hardware and connectivity refresh.**

**Staff Resource(s):**

Haley Gentry, Aviation

Jack Christine, Aviation

**Explanation**

- The United States Customs and Border Protection (CBP) provides processing services to an average of 3,800 daily inbound international passengers.
- The agreement between CBP and the city requires the Airport to provide all facilities and equipment needed for international passenger processing.
- The technology hardware and connectivity equipment used by CBP has reached the end of its useful life and is due for replacement.
- Charlotte Douglas International Airport will reimburse CBP for the actual costs to procure, install, operate, and maintain this hardware.
- The estimated cost of procurement and installation is \$1,189,396.05.
- Estimated annual costs for operations and maintenance is \$44,944.
- These costs will be recovered through the Federal Inspection Service fee charged to the airlines for each international arriving passenger.

**Fiscal Note**

Funding: Aviation Capital Investment Plan and Operating Budget

## 59. Airport Visitor Information Center Management

### Action:

- A. **Approve a contract with the Charlotte Regional Visitors Authority for management and operation of the Airport Visitor Information Center for an initial term of three years, and**
  
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Haley Gentry, Aviation

Jerome Woodard, Aviation

### **Explanation**

- The primary function of the Airport Visitor Information Center is to provide airport customers with information relating to airport wayfinding, baggage claim, hotels and lodging, and ground transportation. The Airport Visitor Info Center also focuses heavily on promoting tourism in the Charlotte region.
- The Charlotte Regional Visitors Authority (CRVA) currently holds management contracts with the city for many other venues throughout the City of Charlotte.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on limited availability of vendors in the marketplace.
- Annual expenditures are estimated to be \$439,873.

### **Charlotte Business INclusion**

This is a contract with a waiver of solicitation for services and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Aviation Operating Budget

## PROPERTY TRANSACTIONS

### 60. Aviation Property Transactions - 7808 Cooper Lane

**Action:** Approve the following Acquisition: 7808 Cooper Lane

The property is acquired in accordance with Federal Regulations in 49 C.F.R. Part 24 that implement the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

**Project:** Aviation Master Plan

**Owner(s):** Andrew James Davis

**Property Address:** 7808 Cooper Lane

**Total Parcel Area:** 1.225 acres (53,361 sq ft)

**Property to be acquired by Easements:** None

**Structures/Improvements to be impacted:** Single-family home

**Landscaping to be impacted:** Grass and small shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Parcel Identification Number(s):** 141-104-05

<https://polaris3g.mecklenburgcountync.gov/#mat=194634&pid=14110405&qisid=14110405>

**Purchase Price:** \$319,000, and all relocation benefits in compliance with Federal, State or Local regulations.

**Council District:** 3

## 61. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #320

**Action:** Approve the following Property Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #320

**Project:** Little Hope Creek Sanitary Sewer Improvements, Parcel #320

**Owner(s):** Preston Flats Condominium Association, Inc.

**Property Address:** 1000 E. Woodlawn Road

**Total Parcel Area:** 217,681 sq. ft. (4.99 ac.)

**Property to be acquired by Easements:** 15,001 sq. ft. (0.34 ac.) in Permanent Easement and 1,138.00 sq. ft. (0.03 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Natural Growth

**Zoned:** R-17MF

**Use:** Multi Family Residential

**Parcel Identification Number:** 171-034-01

<https://polaris3g.mecklenburgcountync.gov/#mat=492437&pid=17103401&qisid=17103C99>

**Appraised Value:** \$111,400

**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:** 6

## 62. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #327

**Action:** Approve the following Property Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #327

**Project:** Little Hope Creek Sanitary Sewer Improvements, Parcel #327

**Owner(s):** HRTBH Timber Creek LLC

**Property Address:** 900-1232 Falls Creek Lane

**Total Parcel Area:** 1,617,520 sq. ft. (37.13 ac.)

**Property to be acquired by Easements:** 48,453 sq. ft. (1.11 ac.) in Permanent Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-12MF (CD)

**Use:** Multi Family Residential

**Parcel Identification Number:** 149-171-02

<https://polaris3g.mecklenburgcountync.gov/#mat=553896&pid=14917102&qisid=14917102>

**Appraised Value:** \$278,600

**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

## 63. Property Transactions - Shamrock Drive Improvements, Parcel # 2

**Action:** Approve the following Condemnation: Shamrock Drive Improvements, Parcel # 2

**Project:** Shamrock Drive Improvements, Parcel # 2

**Program:** Shamrock Drive Improvements

**Owner(s):** Shyam B. Patil and Roshni Dubey

**Property Address:** 1520 Shamrock Drive

**Total Parcel Area:** 8,585 sq. ft. (0.197 ac.)

**Property to be acquired by Easements:** 127 sq. ft. (0.003 ac.) Sidewalk Utility Easement and 1,258 sq. ft. (0.029 ac.) Temporary Construction Easement

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

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

**Zoned:** R-5

**Use:** Single-family Residential

**Parcel Identification Number:** 093-097-07

<https://polaris3g.mecklenburgcountync.gov/#mat=46555&pid=09309707&gisid=09309707>

**Appraised Value:** \$22,025

**Property Owner's Concerns:** The property owner is concerned about the design of the project.

**City's Response to Property Owner's Concerns:** City Staff has met with the Property Owner to discuss their concerns. Staff explained the rationale of the design and how it meets the objectives for the project. The city continues to negotiate with the property owner.

**Recommendation:** 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

## 64. Property Transactions - Shamrock Drive Improvements, Parcel # 58

**Action:** Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 58

**Project:** Shamrock Drive Improvements, Parcel # 58

**Program:** Shamrock Drive Improvements

**Owner(s):** Belinda McKinstry

**Property Address:** 2249 Shamrock Drive

**Total Parcel Area:** 14,362 sq. ft. (0.330 ac.)

**Property to be acquired by Fee Simple:** 10 sq. ft. (0.000 ac.) Fee Simple

**Property to be acquired by Easements:** 1,206 sq. ft. (0.028 ac.) Sidewalk Utility Easement, 241 sq. ft. (0.006 ac.) Storm Drainage Easement and 1,675 sq. ft. (0.038 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Tree

**Zoned:** R-4

**Use:** Single-family Residential

**Parcel Identification Number:** 093-073-10

<https://polaris3g.mecklenburgcountync.gov/#mat=78111&pid=09307310&gisid=09307310>

**Purchase Price:** \$28,004

**Council District:** 1

## Adjournment

## REFERENCES

## 65. 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.

## 66. 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.

## 67. 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.