

# City of Charlotte

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



## Meeting Agenda

**Monday, May 11, 2020**

**Charlotte-Mecklenburg Government Center, CH 14  
(Virtual Meeting)**

### **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 James Mitchell*  
*Council Member Matt Newton*  
*Council Member Victoria Watlington*  
*Council Member Braxton Winston II*

**5:00 P.M. CITY COUNCIL BUSINESS MEETING,  
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, CH  
14**

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

**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.

**2. Agenda Overview**

**3. Closed Session (as necessary)**

**4. Consent agenda items 10 through 40 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.

## **PUBLIC HEARING**

## 5. Public Hearing on Proposed Fiscal Year 2021 Operating Budget and Fiscal Years 2021-2025 Capital Investment Plan

### Action:

Receive public comment on the City Manager's Proposed Budget.

### **Committee Chair:**

Ed Driggs, Budget and Effectiveness Committee

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

Marcus Jones, City Manager's Office

Ryan Bergman, Strategy and Budget

### **Explanation**

- On May 4, 2020, the City Manager presented the Proposed Fiscal Year (FY) 2021 Operating Budget and FY 2021-2025 Capital Investment Plan. The proposed budget represents the city's proposed operating and capital budgets for the fiscal year which begins July 1, 2020.
- State law requires the city to hold a public hearing following the presentation of the Manager's Proposed Budget and prior to the City Council adoption of the budget, currently scheduled for June 8, 2020.
- In light of the COVID-19 pandemic, Charlotte's Proposed FY 2021 Budget plan focuses on demonstrating our resilience as the city actively moves toward recovery and advancing Council's Strategic Priorities.

### **FY 2021 Operating and Capital Proposed Budgets Summary**

- The City Manager's Proposed FY 2021 Operating Budget and FY 2021-2025 Capital Investment Plan were developed consistent with the City Council's Strategic Priorities. These priorities served as the foundational elements against which all FY 2021 budget decisions were measured.
- The proposed budget includes a property tax rate of 34.81¢ per \$100 of assessed valuation, which is the same as in FY 2020.
- The proposed budget for the city consists of three major components supported by general tax revenues:
  - A General Fund budget of \$718.8 million for FY 2021, representing a decrease of 1.22 percent or \$8.8 million from FY 2020, to support initiatives that will continue to deliver exceptional government services to the community;
  - A \$147.9 million Municipal Debt Service Fund, decreasing 18.2 percent due to updates to the debt model and revenue losses due to COVID-19; and
  - A \$357.4 million five-year General Capital Investment Plan that invests in affordable housing, neighborhoods, streets, transportation, facilities, and technology.

### **FY 2021 Budget Highlights**

- Closes a \$21.8 million General Fund budget gap created by COVID-19 by reducing discretionary expenses, eliminating vacant positions, and shifting revenue sources to the General Fund.
- No proposed tax increase, and no city staff are being furloughed or laid off.
- Supports the city's Strategic Energy Action Plan by spending \$2 million on city building sustainability and by purchasing 20 electric vehicles (EV) and investing \$1 million in EV charging infrastructure at city-owned facilities.

### **Proposed Employee Compensation and Benefits**

- Annualizes costs for FY 2020 employee salary actions.
- Keeps employee healthcare premiums flat.
- 1.5 percent market increase and step increase (2.5 to five percent) for eligible public safety plan employees.

- 1.5 percent merit budget and 1.5 percent market adjustment for non-exempt/hourly employees.
- Three percent merit budget for all exempt/salaried general employees.
- Enhances public safety employee compensation beyond a typical salary increase:
  - Increases the top pay for all Police Officers and Police Sergeants by 5 percent, and
  - Increases the top pay for Firefighter II by 2.5 percent, Fire Engineer by five percent, and Fire Captain by 3.75 percent.
- 1.2 percentage point increase in the employer contribution rate to the North Carolina Local Governmental Employees' Retirement System.
- 1.4 percentage point increase in the employer contribution rate to the Charlotte Firefighter's Retirement System.
- Continues to offer the CATS All-Access Transit Pass to employees.

#### **Nongeneral Departments' Revenue Proposals**

- Charlotte Water: The FY 2021 Water and Sewer Fee is proposed to increase by 1.9 percent. The typical homeowner would experience a \$1.24 per month increase. This is the lowest rate increase in more than 10 years.
- Storm Water Services: For a second consecutive year, Storm Water fees remain unchanged. It will remain at the current monthly average of \$5.85.
- Aviation: Select non-regulatory fees were adjusted to increase or decrease based on Aviation's cost-recovery model.
- Charlotte Area Transit System (CATS): In FY 2021, CATS' fares will remain the same as in FY 2020. FY 2021 User Fees include the creation of three new regulatory fees related to land development reviews, rezoning petitions, and right-of-way/property agreement reviews.

#### **Proposed Financial Partners and Outside Agency Funding**

- Due to financial considerations, no new financial partners were accepted in FY 2021.
- Other than minor inflationary increases, all existing financial partners are proposed to receive same level of funding as FY 2020.
- Agencies that receive partial or full funding from federal grants are budgeted to receive the full eligible federal allocation.
- Agencies that receive only Pay-As-You-Go (PAYGO) funding are proposed to maintain their FY 2020 funding levels.
- The total proposed annual Out of School Time Partner funding is \$852,000.

#### **Proposed FY 2021-2025 Capital Investment Plan (CIP)**

- The five-year total Proposed FY 2021-2025 CIP is \$4.9 billion (this includes the total General CIP, as well as the five-year capital plan totals for nongeneral departments: Aviation, CATS, Charlotte Water, and Storm Water).
- The General CIP totals \$357.4 million (this includes general obligation debt, other debt, and PAYGO funds).
- The nongeneral departments' five-year capital plans total \$4.6 billion and are summarized below:
  - Aviation totals \$2.0 billion, a 1.6 percent decrease,
  - CATS totals \$149.1 million, a 7.1 percent increase,
  - Charlotte Water totals \$1.9 billion, an 18.8 percent increase, and
  - Storm Water totals \$518.5 million, a 14.8 percent increase.
- The Proposed FY 2021-2025 General CIP includes:
  - Completing "The Big Ideas" with the final street, neighborhood, and housing bond referendum in November 2020 for a total of \$197.2 million,
  - Proposing the second consecutive \$50.0 million housing bond to create and preserve affordable housing throughout Charlotte,
  - Implementing a new Corridors of Opportunity program that dedicates \$24.5 million to revitalizing six corridors, and
  - Investing \$47.3 million in transportation and mobility to build and repair sidewalks, advance the bicycle network, and improve traffic flow and mitigate congestion.

**Budget Process**

- The following is the proposed remaining budget meeting schedule:
  - May 11 - Budget public hearing,
  - May 20 - Budget adjustments,
  - May 27 - Straw votes, and
  - June 8 - Budget adoption.
- State law requires local governments to adopt a budget by July 1 of each year.
- A complete copy of the proposed budget is available at the City Clerk's Office or online at: [https://charlottenc.gov/budget/FY2021/FY2021Managers\\_Proposed\\_Budget-FinalA.pdf](https://charlottenc.gov/budget/FY2021/FY2021Managers_Proposed_Budget-FinalA.pdf)

**Attachment(s)**

City Manager's Transmittal Letter

Executive Summary for the Proposed FY 2021 Budget

[City Manager's Transmittal Letter](#)

[Executive Summary for the Proposed FY 2021 Budget](#)

## 6. Public Hearing for Stormwater Pollution Control Ordinance Revisions

**Action:**

**Conduct a public hearing on the proposed revisions to the Stormwater Pollution Control Ordinance.**

**Staff Resource(s):**

Phil Reiger, General Services

Mike Davis, General Services

Marc Recktenwald, General Services

**Explanation**

- The Stormwater Pollution Control Ordinance prohibits the illegal discharge of pollutants to the municipal stormwater system and surface waters and allows for enforcement against those who violate the ordinance. The ordinance was last revised in 2008.
- The proposed revisions will increase the city's ability to protect surface water quality and improve the clarity of the Stormwater Pollution Control Ordinance.
- Major changes to this ordinance include a prohibition on certain pavement sealants containing high amounts of polycyclic aromatic hydrocarbons (PAH) known to be harmful to surface water quality and aquatic life, an increase in the maximum fine for illegal discharge of pollutants from \$5,000 to \$10,000, and other enforcement provisions.
- The city has communicated and met with businesses that use, sell, and distribute high PAH sealants and has confirmed that low PAH sealants, which are safer for the environment, are widely available at comparable cost. No detrimental economic impacts are expected from this revision.
- The proposed revisions were sent for review and comment to 17 local and statewide trade organizations and 163 industrial facilities.
- The proposed revisions were presented to the Storm Water Advisory Committee, who endorsed the proposed amended language.
- City Council was provided with an overview of proposed revisions at the March 2, 2020 Council Strategy Session.

**Attachment(s)**

Chapter 18 Article III Stormwater Pollution Ordinance - Redlined

[Stormwater Pollution Control Ordinance - Proposed Revisions 2020 \[Mar 2020\] - Public Hearing Draft](#)



## 7. Public Hearing for Airport 2020 Bond Anticipation Note

### Action:

- A. Conduct a public hearing related to the issuance of a Revenue Bond Anticipation Note to provide short-term financing for Aviation projects, and
- B. Adopt a resolution authorizing and approving the issuance of up to \$300,000,000 in an Airport Revenue Bond Anticipation Note program and calling for the execution and delivery of various documents necessary to complete the financing.

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

Brent Cagle, Aviation  
Kelly Flannery, Finance

### **Explanation**

- On April 27, 2020, City Council authorized the application to the Local Government Commission for a debt issuance to fund projects in Aviation's Capital Investment Plan and set this public hearing.
- The 2020 Bond Anticipation Note will provide short-term financing for Aviation projects. It is expected that permanent financing for these projects will be secured in two or three years.
- The federal Internal Revenue Service Department requires a public hearing on new, tax-exempt, debt-funded projects.
- The short-term financing authorized by this action are secured by Airport revenue, and the Airport's signatory airlines have approved the projects.
- With City Council approval, it is anticipated that the Local Government Commission will approve this debt issuance at its June meeting.
- The current action will provide approval to the City Manager and the Authorized Officers named in the Resolution to take necessary actions to complete the financing and related documentation for the life of the debt.

### **Fiscal Note**

Funding: Airport Debt Service Fund

### **Attachment(s)**

Series Resolutions

[Combined resolution with Appendix A to Series Resolution - City of Charlotte NC Airport Revenue BAN](#)

## **POLICY**

### **8. City Manager's Report**

- COVID-19 Response Update
- Ballantyne Reimagined Update

**BUSINESS****9. U.S. Department of Housing and Urban Development  
Education and Outreach Grant****Action:**

- A. Accept a grant in the amount of \$17,500 from the U.S. Department of Housing and Urban Development for education and outreach, and**
- B. Adopt a budget ordinance appropriating \$17,500 in grant funds to the Fair Housing Assistance Program.**

**Staff Resource(s):**

Willie Ratchford, Community Relations  
Melissa Baker, Community Relations

**Explanation**

- The U.S. Department of Housing and Urban Development (HUD) recently notified the city of a supplemental award of \$17,500 to the fiscal year 2020 Fair Housing Assistance award.
- The supplemental funding is intended to provide education and outreach on fair housing practices and procedures to Mecklenburg County's immigrant and refugee population.
- Through partnerships with Norsan Media, Choice Translating Services, and Charlotte Communications, the following outreach is planned:
  - Run fair housing advertisements on Spanish radio stations,
  - Develop public service announcements to be shared on the city's social media,
  - Print fair housing brochures in English, Spanish, French, Vietnamese, Arabic, and Hmong,
  - Acquire fair housing promo items such as refrigerator magnets in English, Spanish, French, Vietnamese, Arabic, and Hmong, and
  - Staff informational tables at two festivals: the UNC Charlotte International Festival and the Asian Festival.
- This work is anticipated to be completed by January 31, 2021.
- There is no local match required.

**Fiscal Note**

Funding: HUD Grant

**Attachment(s)**

Budget Ordinance  
Education and Outreach Grant Statement of Work

[BO HUD Grant 5.11.2020](#)

[Statement of Work April](#)

## CONSENT

## 10. Land Acquisition for Charlotte-Mecklenburg Police Department Northwest Division Station

### Action:

- A. **Approve the purchase of a 7.75-acre parcel located at 1800 Mt. Holly-Huntersville Road (parcel identification number 031-112-35) in the amount of \$435,000 from Stanford and Connie Baker,**
- B. **Approve the purchase of a 1.62-acre parcel located at 1818 Mt. Holly-Huntersville Road (parcel identification number 031-112-34) in the amount of \$305,000 from Jose Ortuno-Zolorio and Aide Pineda, and**
- C. **Authorize the City Manager to negotiate and execute any documents necessary to complete these transactions.**

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

Phil Reiger, General Services  
Tony Korolos, General Services  
Kerr Putney, Police  
Estella Patterson, Police

### **Explanation**

- The two parcels have separate owners, total 9.365 acres, and are zoned R-3 (residential) located in Council District 2.
- These adjacent properties are well-situated to meet the objectives of the Charlotte-Mecklenburg Police Department (CMPD) to provide quality and efficient service and to be highly visible and accessible within the community.
- Staff and property owners came to the purchase price based on negotiated appraised value and list price.

### Action A

- The vacant property located at 1800 Mt. Holly-Huntersville Road (parcel identification number 031-112-35) is approximately 7.75 acres.
- The terms of the purchase are:
  - \$435,000 purchase price with a five percent earnest money deposit, and
  - 60-day due diligence period with 45 days to close.

### Action B

- The occupied property located at 1818 Mt. Holly-Huntersville Road (parcel identification number 031-112-34) is approximately 1.62 acres.
- The terms of the transaction are:
  - \$305,000 purchase price with a five percent earnest money deposit, and
  - 180-day due diligence period with 60 days to close.

### **Background**

- In February 2010, the CMPD adopted the Facilities Strategic Plan, which outlines facility goals through 2025 and prioritizes the transition from leased division offices to city-owned stations. The CMPD Northwest Division Station was identified as a priority in this plan.
- On January 21, 2020, the Charlotte-Mecklenburg Planning Commission recommended approval for the city to purchase the land through the mandatory referral process.

### **Fiscal Note**

Funding: General Capital Investment Plan

**Attachment(s)**

Map

[Map - Land Purchase for Charlotte-Mecklenburg Police Department Northwest Division Station.pdf](#)

## 11. Reuse Line Extension to University of North Carolina at Charlotte

**Action:**

- A. Reject the low-bid submitted by Paragon Site Solutions, LLC for the Reuse Line Extension to the University of North Carolina at Charlotte project, and**
- B. Approve a contract in the amount of \$3,045,628.75 to the lowest responsive bidder B.R.S., Inc. for the Reuse Line Extension to University of North Carolina at Charlotte project.**

**Staff Resource(s):**

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- This contract will provide for approximately 10,500 linear feet of pipeline to supply reuse water from the Mallard Creek Wastewater Treatment Plant to the University of North Carolina at Charlotte and the areas adjacent to the line in Council District 4.
- The State of North Carolina adopted a Water Reuse Policy that encourages the reuse of treated wastewater to replace potable water in non-potable applications to supplement existing surface and ground water supplies.
- On February 14, 2020, the city issued an Invitation to Bid; eight bids were received.
- B.R.S., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2021.
- The low-bid of \$3,013,500.00 submitted by Paragon Site Solutions, LLC was found to be not responsive for failing to submit the required Disadvantaged Business Enterprise documentation and Equipment Questionnaire at time of bid.

**Disadvantage Business Enterprise Opportunity**

This project is subject to the North Carolina Clean Water State Revolving Fund (CWSRF) loan program guidelines.

B.R.S., Inc. has committed \$118,500 or approximately 3.15% of the total contract to the following certified firms:

- Luvall Asphalt Services, Inc. (MBE, SBE) (\$72,000) (paving)
- Mid-Atlantic Erosion Control, Inc. (MBE, DBE, SBE) (\$24,000) (erosion control)
- Scott Trucking (DBE, SBE) (\$20,000) (hauling)
- King Engineering of Concord, Inc. (SBE) (\$2,500) (surveying)

**Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

**Attachment(s)**

Map

[UNCC Reuse Line Map](#)

## 12. Water and Sanitary Sewer Service Installations

### **Action:**

**Approve a contract in the amount of \$6,435,638 to the lowest responsive bidder B.R.S., Inc. for the water and sanitary sewer service installations project.**

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

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

### **Explanation**

- This contract is for water and sanitary sewer service installations throughout Charlotte Water's service area.
- New service installation includes connecting to the existing public main, which extends a small diameter line to the property, and includes a water meter box or sewer clean out.
- Customers pay connection fees for the installation service, which are based on costs incurred by Charlotte Water in these contracts.
- The work covered by this contract will provide approximately 800 total service connections annually for approximately two years.
- Charlotte Water outsources most new water and sanitary sewer service installations to ensure timely service.
- On March 6, 2020, the city issued an Invitation to Bid (ITB); two bids were received.
  - G.S. 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On April 9, 2020, the ITB was re-issued; two bids were received.
- B.R.S., Inc. was selected as the lowest responsive, responsible bidder.

### **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 MBEs 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 Capital Investment Plan

### 13. Bond Issuance Approval for Barrington Drive Apartments

**Action:**

**Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$18,800,000, to finance the development of an affordable housing development known as Barrington Drive Apartments.**

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

**Explanation**

- This action will not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986, which requires the issuance of housing bonds be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN (formerly the Charlotte Housing Authority) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Barrington Drive Apartments, a 168-unit new construction affordable housing development, to be developed, owned, and operated by Barrington Drive Apartments, LLC.
- The development will be located at 7105 Village Green Drive in Council District 5 and will serve households earning up to 60 percent of the Area Median Income.
- The INLIVIAN bonds, which are not to exceed \$18,800,000, will be used to finance land acquisition and construction of the development.
- There is no Housing Trust Fund allocation or other city financial support affiliated with this development or the approval of this bond issuance.

**Background**

- The developer applied for four percent low income housing tax credits and housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved the application pursuant to its Qualified Allocation Plan and awarded the requested four percent tax credits and bond allocation capacity totaling \$18,800,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have a direct interest.

**Attachment(s)**

City of Charlotte Resolution  
INLIVIAN Resolution

[City Resolution](#)

[INLIVIAN \(CHA\) Resolution](#)



## 14. Bond Reissuance Approval for Allen Street Residences

### **Action:**

**Adopt a resolution granting INLIVIAN's request to reissue multi-family housing revenue bonds, in an amount not to exceed \$8,000,000, to restructure the permanent financing of Allen Street Residences.**

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

Pamela Wideman, Housing and Neighborhood Services

### **Explanation**

- This action will not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986, which requires the issuance of housing bonds be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN is requesting the city to adopt a resolution authorizing the reissuance of multi-family housing revenue bonds for Allen Street Residences, a 112-unit affordable housing development community owned and operated by Allen Street Residential, LLC, an affiliate of Laurel Street Residential, LLC, in partnership with St. Paul Baptist Church.
- City Council originally approved this action on November 23, 2015. This subsequent action is necessary to enable the developer to convert their construction financing to permanent financing and is necessary to satisfy Section 147(f) of the IRS Code of 1986. The conversion is scheduled to occur on June 1, 2020.
- The development was completed and placed in service in 2017. The development is located at 1322 Allen Street in the Belmont community in Council District 1 and serves senior and family households earning up to 60 percent of the Area Median Income.
- The bonds are part of the developer's original financing plan that includes a \$4,350,000 Housing Trust Fund (HTF) allocation approved by City Council on April 27, 2015.

### **Background**

- In 2015, the developer applied for Housing Trust Fund support from the city, and four percent low income housing tax credits and a housing bond allocation from the North Carolina Housing Finance Agency (NCHFA), to finance the construction of the development. The NCHFA approved a four percent tax credit allocation and a bond allocation capacity totaling \$8,000,000.
- On November 23, 2015, City Council approved the original issuance of the \$8,000,000 housing bonds, which did not impact the city's Capital Investment Plan or Housing Trust Fund.
- INLIVIAN agreed to assist in financing the development by issuing the bonds; INLIVIAN has no further interest in the development beyond acting as the bond issuer.
- INLIVIAN, as a public housing authority, is duly authorized to issue/reissue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have a direct interest.

### **Attachment(s)**

2020 City of Charlotte Resolution to reissue housing bonds

2015 City of Charlotte Resolution to issue original housing bonds

INLIVIAN Resolution

[City Resolution 2020](#)

[City Resolution 2015](#)

[INLIVIAN \(CHA\) Resolution](#)

## 15. Resolution of Intent to Abandon a Portion of an Alleyway between Waverly Avenue, Pierce Street, and Kenilworth Avenue

### **Action:**

- A. **Adopt a Resolution of Intent to abandon a portion of an alleyway between Waverly Avenue, Pierce Street, and Kenilworth Avenue, and**
  
- B. **Set a Public Hearing for June 8, 2020.**

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

Liz Babson, Transportation  
Debbie Smith, Transportation  
Casey Mashburn, Transportation

### **Explanation**

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

### **Petitioners**

SunCap Property Group

### **Attachment(s)**

Map  
Resolution

[Waverly Pierce Kenilworth Abandonment Map](#)

[Resolution of Intent- Waverly, Pierce, Kenilworth](#)

## 16. Resolution of Intent to Abandon a Portion of Charles Avenue

### **Action:**

- A. Adopt a Resolution of Intent to abandon a portion of Charles Avenue, and**
- B. Set a Public Hearing for June 8, 2020.**

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

Liz Babson, Transportation

Casey Mashburn, Transportation

### **Explanation**

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

### **Petitioners**

CUSA NC Holdings, LP

### **Attachment(s)**

Map

Resolution

[Charles Av Abandonment Map](#)

[Resolution of Intent Charles Ave](#)

## 17. Resolution of Intent to Abandon a Portion of Mt. Holly Road Extension

**Action:**

- A. Adopt a Resolution of Intent to abandon a portion of Mt. Holly Road Extension, and
- B. Set a Public Hearing for June 8, 2020.

**Staff Resource(s):**

Liz Babson, Transportation

Casey Mashburn, Transportation

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- Mt. Holly Road Extension is located in Council District 2.

**Petitioners**

Huntersville Investments, LLC

**Attachment(s)**

Map

Resolution

[Mt Holly Abandonment Map](#)

[Resolution of Intent Mt. Holly Rd Extension](#)

## 18. Resolution of Intent to Abandon a Portion of Wallace Road

### **Action:**

- A. Adopt a Resolution of Intent to abandon a portion of Wallace Road, and**
- B. Set a Public Hearing for June 8, 2020.**

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

Liz Babson, Transportation

Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon the public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from the public right-of-way and attaches it to the adjacent property.
- The portion of right-of-way known as Wallace Road is located in Council District 5.

### **Petitioners**

RENC, LLC

### **Attachment(s)**

Map

Resolution

[Wallace Rd - Portion Abandonment Map](#)

[Resolution of Intent - Wallace Road](#)

## 19. Resolution of Intent to Abandon an Alleyway Between Westwood Avenue and West Summit Avenue

### Action:

- A. **Adopt a Resolution of Intent to abandon an alleyway between Westwood Avenue and West Summit Avenue, and**
  
- B. **Set a Public Hearing for June 8, 2020.**

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

Liz Babson, Transportation

Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The alleyway between Westwood Avenue and West Summit Avenue is located in Council District 3.

### **Petitioners**

Lischerong Development Group

### **Attachment(s)**

Map

Resolution

[Alleyway Map Westwood Ave & W Summit Ave Abandonment Map](#)

[Resolution of Intent - Westwood and Summit](#)

## 20. Resolution of Intent to Abandon an Unopened Portion of Bryant Street

### **Action:**

- A. Adopt a Resolution of Intent to abandon an unopened portion of Bryant Street, and**
- B. Set a Public Hearing for June 8, 2020.**

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

Liz Babson, Transportation

Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The right-of-way known as Bryant Street is located in Council District 3.

### **Petitioners**

Mecklenburg County

### **Attachment(s)**

Map

Resolution

[Bryant St Abandonment Map](#)

[Resolution of Intent - Bryant Street](#)

## 21. Set Public Hearing on Grier Meadows Area Voluntary Annexation

### **Action:**

**Adopt a resolution setting the public hearing for May 26, 2020, for the Grier Meadows Area voluntary annexation petition.**

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

Taiwo Jaiyeoba, City Manager's Office

Katrina Young, Planning, Design, and Development

### **Explanation**

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- Area proposed for annexation shares a boundary with current city limits.
- Annexation of this area will allow for more orderly land development review, extension of city services, capital investments, and future annexation processes.
- The 41.854-acre "Grier Meadows Area" site is located south of Plaza Road and east of Plott Road in eastern Mecklenburg County.
  - The property is currently vacant.
  - The petitioner has plans to construct 86 single-family residential units on the site.
  - The property is zoned (R-3) Single Family Residential District which allows for 3 residential units per acre development.
  - The property is located immediately adjacent to City Council District 5.
  - Petitioned area consists of two parcels, Parcel Identification Numbers 10811227 and 10811229.

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

- The annexation is consistent with all 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
  - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

### **Attachment(s)**

Map

Resolution

[Grier Meadows Area Annexation Map](#)

[Resolution for Grier Meadows](#)



## 22. Set Public Hearing on Old Moore's Chapel North Area Voluntary Annexation

### **Action:**

**Adopt a resolution setting the public hearing for May 26, 2020, for the Old Moore's Chapel North Area voluntary annexation petition.**

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

Taiwo Jaiyeoba, City Manager's Office

Katrina Young, Planning, Design, and Development

### **Explanation**

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- Area proposed for annexation shares a boundary with current city limits.
- Annexation of this area will allow for more orderly land development review, extension of city services, capital investments, and future annexation processes.
- The 32-acre, "Old Moore's Chapel North", site is located east of I-485 Highway and north of Old Moore's Chapel Road in western Mecklenburg County.
  - The property is currently vacant.
  - The petitioner has plans to construct 288 multi-family residential dwelling units on the site.
  - The property is zoned Mixed Use District (MX-2) which allows for planned communities and some nonresidential uses.
  - The property is located immediately adjacent to City Council District 3.
  - Petitioned area consists of one parcel, Parcel Identification Number 05508120.

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

- The annexation is consistent with all 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
  - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

### **Attachment(s)**

Map

Resolution

[Old Moore's Chapel North Area Annexation Map](#)

[Resolution for Old Moore's Chapel North](#)

## 23. Set Public Hearing on Stoneygreen Area Voluntary Annexation

### **Action:**

**Adopt a resolution setting the public hearing for May 26, 2020, for the Stoneygreen Area voluntary annexation petition.**

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

Taiwo Jaiyeoba, City Manager's Office

Katrina Young, Planning, Design, and Development

### **Explanation**

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- Area proposed for annexation shares a boundary with current city limits.
- Annexation of this area will allow for more orderly land development review, extension of city services, capital investments, and future annexation processes.
- The 41.39-acre "Stoneygreen Area" site is located north of Robinson Church Road and south of Plaza Road in east Mecklenburg County. The property abuts Hood Road.
  - The property currently is occupied with a single-family home and barn.
  - The petitioner has plans to construct between 150 and 160 single-family residential dwelling units on the site.
  - The property is zoned (R-4) single-family residential district which allows four single-family residential units per acre.
  - The property is located immediately adjacent to Council District 5.
  - The petitioned area consists of two parcels, Parcel Identification Numbers 10812101 and 10812119.

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

- The annexation is consistent with voluntary annexation policy approved by 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;
  - Per policy, voluntary annexations that encompass unincorporated areas by new city limits may be approved if either of the following conditions exist:
    - A petitioner for a voluntary annexation would experience a significant hardship if the annexation were not approved; 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 the city's interests will be served by annexing the petitioned property.

### **Attachment(s)**

Map

Resolution

[Stoneygreen Area Annexation Map](#)

[Resolution to set date of Public Hearing - Stoneygreen Area Annexation](#)

## 24. Set Public Hearing on the Butler House Historic Landmark Designation

**Action:**

**Adopt a resolution setting a public hearing for June 22, 2020, to consider Historic Landmark Designation for the Property known as the "Butler House" (Parcel Identification Number 07910501).**

**Staff Resource(s):**

Taiwo Jaiyeoba, City Manager's Office  
David Pettine, Planning, Design, and Development

**Explanation**

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Butler House as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Butler House is located in the Lockwood neighborhood, representing the historical significance of redlining and Craftsman Bungalow architecture. Designation of this property could significantly contribute to its long-term preservation.
- The Butler House is listed under Tax Parcel Identification Number 07910501, and the recommended designation would include the interior and the exterior of the house and the 0.223 acres of land associated with the tax parcel.
- The property is zoned (R-5) Residential and is located at 240 Sylvania Avenue in Council District 1.
- The property is owned by E-Fix Housing Solutions, LLC.

**Attachment(s)**

Information Sheet  
Resolution

[Butler Information Sheet](#)

[Butler Res](#)

## 25. Set Public Hearing on the Derita High School Gymnasium Historic Landmark Designation

**Action:**

**Adopt a resolution setting a public hearing for June 22, 2020, to consider Historic Landmark Designation for the Property known as the "Derita High School Gymnasium" (parcel identification number 04704312).**

**Staff Resource(s):**

Taiwo Jaiyeoba, City Manager's Office  
David Pettine, Planning, Design, and Development

**Explanation**

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Derita High School Gymnasium as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Derita High School Gymnasium is the only surviving pre-World War II public building associated with the Derita Community. Designation of this property would significantly contribute to its long-term preservation.
- The Derita High School Gymnasium is listed under Tax Parcel Identification Number 04704312, and the recommended designation would include the exterior of the gymnasium and the 0.973 acres of land associated with the parcel.
- The property is zoned (R-3) Residential and is located at 6115 Rumble Road in Council District 2.
- The property is owned by the Charlotte-Mecklenburg Board of Education.

**Attachment(s)**

Information Sheet  
Resolution

[Derita Gym Info Sheet](#)

[Derita Gym Res](#)

## 26. Set Public Hearing on the Ford Motor Company Assembly Plant Historic Landmark Designation

**Action:**

**Adopt a resolution setting a public hearing for June 22, 2020, to consider Historic Landmark Designation for the Property known as the "Ford Motor Company Assembly Plant" (Parcel Identification Number 07903105).**

**Staff Resource(s):**

Taiwo Jaiyeoba, City Manager's Office  
David Pettine, Planning, Design, and Development

**Explanation**

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Ford Motor Company Assembly Plant as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Ford Motor Company Assembly Plant is one of the largest and best preserved historic, non-textile industrial buildings in Charlotte. Designation of this property would significantly contribute to its long-term preservation.
- The Ford Motor Company Assembly Plant is listed under Tax Parcel Identification Number 07903105, and the recommended designation would include the interior and the exterior of the assembly building, the interior and exterior of the boiler house, and 9.4 acres of land associated with the tax parcel.
- The property is zoned (UMUD-0) Uptown Mixed Use and is located at 1824 Statesville Avenue in Council District 2.
- The property is owned by the Newcamp Landowner, LP.

**Attachment(s)**

Information Sheet  
Resolution

[Ford Information Sheet](#)

[Ford Res](#)

## 27. Set Public Hearing on the Nevin School Historic Landmark Designation

**Action:**

**Adopt a resolution setting a public hearing for June 22, 2020, to consider historic landmark designation for the property known as the "Nevin School" (parcel identification numbers 04528106 and 04528111).**

**Staff Resource(s):**

Taiwo Jaiyeoba, City Manager's Office  
David Pettine, Planning, Design, and Development

**Explanation**

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Nevin School as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Nevin School is one of the oldest schoolhouses standing within the Charlotte Township. The designation of this property could significantly contribute to its long-term preservation.
- The Nevin School is listed under Parcel Identification Numbers 04528106 and 04528111, and the recommended designation would include the exteriors of the 1923 school building, the 1940 auditorium, and 0.75 acres of land associated with the parcel.
- The property is zoned (INST(CD)) Institutional and is located at 3523 Nevin Road in Council District 2.
- The property is owned by Nevins Inc.

**Attachment(s)**

Information Sheet  
Resolution

[Nevin Information Sheet](#)

[Nevin Res](#)

## 28. Meeting Minutes

**Action:**

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

- **February 17, 2020 Zoning Meeting,**
- **February 24, 2020 Business Meeting,**
- **March 2, 2020 Strategy Session,**
- **March 4, 2020 Budget Workshop,**
- **March 16, 2020 Zoning Meeting,**
- **April 6, 2020 Strategy Session, and**
- **April 13, 2020 Business Meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

### 29. In Rem Remedy 2601 Abelwood Road

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

**The In Rem Remedy items were initiated from 3 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.**

**Field Observation: 2601 Abelwood Road, Council District 2**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2601 Abelwood Road (Neighborhood Profile Area 70).**

**Attachment(s)**

In Rem Packet for 2601 Abelwood Road

[2601 Ablewood Rd](#)

### **30. In Rem Remedy 1411 Anderson 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

**The In Rem Remedy items were initiated from 3 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: 1411 Anderson Street, Council District 1**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1411 Anderson Street (Neighborhood Profile Area 10).**

**Attachment(s)**

In Rem Packet for 1411 Anderson Street

[1411 Anderson St](#)



### **31. In Rem Remedy 456 Atando Avenue**

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

**Public Purpose:**

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

**Policy:**

- Housing and Neighborhood Development and Community Safety

**The In Rem Remedy items were initiated from 3 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.**

**Field Observation: 456 Atando Avenue, Council District 1**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 456 Atando Avenue (Neighborhood Profile Area 21).**

**Attachment(s)**

In Rem Packet for 456 Atando Avenue

[456 Atando Av - NRBC](#)

## 32. In Rem Remedy 925 Homewood Place Accessory Structure

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

**The In Rem Remedy items were initiated from 3 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.**

**Field Observation: 925 Homewood Place Accessory Structure, Council District 3**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 925 Homewood Place Accessory Structure (Neighborhood Profile Area 362).**

**Attachment(s)**

In Rem Packet for 925 Homewood Place Accessory Structure

[925 Homewood PI Accessory Structure](#)

### **33. In Rem Remedy 4730 Thornwood Road**

**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

**The In Rem Remedy items were initiated from 3 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: 4730 Thornwood Road, Council District 4**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4730 Thornwood Road (Neighborhood Profile Area 371).**

**Attachment(s)**

In Rem Packet for 4730 Thornwood Road

[4730 Thornwood Rd](#)

### 34. Charlotte Water Property Transactions - Dairy Branch Tributary Sewer Improvements, Parcel #14

**Action:** Approve the following Condemnation: Dairy Branch Tributary Sewer Improvements, Parcel #14

**Project:** Dairy Branch Tributary Sewer Improvements, Parcel #14

**Owner(s):** James W Ford and Leslie Ford

**Property Address:** 1544 Clayton Drive

**Total Parcel Area:** 26,134 sq. ft. (0.59 ac.)

**Property to be acquired by Easements:** 2,643.7 sq. ft. (0.06 ac.) Sanitary Sewer Easement and 4,807.3 sq. ft. (0.11 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** n/a

**Landscaping to be impacted:** Approximately 2,000 sq. ft. of landscaping beds with bushes and ground cover

**Zoned:** R-5

**Use:** Single-family Residential

**Tax Code:** 15103364

<http://polaris3g.mecklenburgcountync.gov/#mat=48058&pid=15103364&gisid=15103364>

**Appraised Value:** \$44,100

**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

## 35. Charlotte Water Property Transactions - Dairy Branch Tributary Sewer Improvements, Parcel #23

**Action:** Approve the following Condemnation: Dairy Branch Tributary Sewer Improvements, Parcel #23

**Project:** Dairy Branch Tributary Sewer Improvements, Parcel #23

**Owner(s):** Brian S Pace and Stacy Y Pace

**Property Address:** 2659 Idlewood Circle

**Total Parcel Area:** 35,592 sq. ft. (0.82 ac.)

**Property to be acquired by Easements:** 585 sq. ft. (0.01 ac.) Sanitary Sewer Easement and 439 sq. ft. (0.01 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** n/a

**Landscaping to be impacted:** n/a

**Zoned:** R-4

**Use:** R100

**Tax Code:** 151-033-16

<http://polaris3g.mecklenburqcountync.gov/#mat=89654&pid=15103316&qsid=15103316>

**Appraised Value:** \$5,800

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

**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. It was suggested the property owner 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:** 1

## 36. Property Transactions - Cross Charlotte Trail 7th Street to 10th Street Connector, Parcel #6

**Action:** Approve the following Acquisition: Cross Charlotte Trail 7th Street to 10th Street Connector, Parcel #6

**Project:** Cross Charlotte Trail 7th Street to 10th Street Connector, Parcel #6

**Program:** Cross Charlotte Trail 7th Street to 10th Street Connector

**Owner(s):** PBRM-Overlook Two LLC

**Property Address:** 600 Seigle Avenue

**Total Parcel Area:** 105,723 sq. ft. (2.43 ac.)

**Property to be acquired by Easements:** 3,403 sq. ft. (0.078 ac.) Greenway Easement, 2,974 sq. ft. (0.068 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** B-2

**Use:** Commercial

**Tax Code:** 080-151-42

<http://polaris3g.mecklenburgcountync.gov/#mat=440291&pid=08015142&gisid=08015142>

**Purchased Price:** \$140,655

**Council District:** 1

## 37. Property Transactions - Cross Charlotte Trail 7th Street to 10th Street Connector, Parcel #7

**Action:** Approve the following Condemnation: Cross Charlotte Trail 7th Street to 10th Street Connector, Parcel #7

**Project:** Cross Charlotte Trail 7th Street to 10th Street Connector, Parcel #7

**Program:** Cross Charlotte Trail 7th Street to 10th Street Connector

**Owner(s):** Crown Castle South LLC

**Property Address:** 615 Seigle Avenue

**Total Parcel Area:** 7,419 sq. ft. (0.17 ac.)

**Property to be acquired by Easements:** 1,421 sq. ft. (0.033 ac.) Greenway Easement, 392 sq. ft. (0.009 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-22MF

**Use:** Multi-family

**Tax Code:** 080-152-03

<http://polaris3g.mecklenburgcountync.gov/#mat=163175&pid=08015203&gisid=08015203>

**Appraised Value:** \$99,600

**Property Owner's Concerns:** The property owner is concerned about the conveyance agreement language.

**City's Response to Property Owner's Concerns:** The city is continuing to negotiate the terms of the agreements.

**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

### 38. Property Transactions - McCullough Drive Streetscape, Parcel #3

**Action:** Approve the following Condemnation: McCullough Drive Streetscape, Parcel #3

**Project:** McCullough Drive Streetscape, Parcel #3

**Program:** McCullough Drive Streetscape

**Owner(s):** DDC Hotels INC

**Property Address:** 415 W WT Harris Boulevard

**Total Parcel Area:** 161,396 sq. ft. (3.71 ac.)

**Property to be acquired by Fee:** 874 sq. ft. (0.02 ac.) Fee Simple

**Property to be acquired by Easements:** 4,901 sq. ft. (0.113 ac.) Utility Easement, 4,589 sq. ft. (0.105 ac.) Storm Drainage Easement, 6,128 sq. ft. (0.141 ac.) Sidewalk Utility Easement, 4,667 sq. ft. (0.107 ac.) Temporary Construction Easement

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

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

**Zoned:** O-2 (CD)

**Use:** Hotel/Motel

**Tax Code:** 047-211-29

<http://polaris3g.mecklenburgcountync.gov/#mat=124514&pid=04721129&gisid=04721129>

**Appraised Value:** \$82,625

**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



### 39. Property Transactions - Oneida Road Sidewalk, Parcel #6, 7

**Action:** Approve the following Acquisition: Oneida Road Sidewalk, Parcel #6, 7

**Project:** Oneida Road Sidewalk, Parcel #6, 7

**Program:** Oneida Road Sidewalk

**Owner(s):** Moss Supply Company

**Property Address:** 5001 N Graham Street

**Total Parcel Area:** 497,405 sq. ft. (11.42 ac.)

**Property to be acquired by Easements:** 7,639 sq. ft. (0.175 ac.) Sidewalk Utility Easement, 2,447 sq. ft. (0.056 ac.) Temporary Construction Easement

**Property to be acquired by Fee:** 22,780 sq. ft. (0.523 ac.) Fee Simple in Existing Right of Way, 2,261 sq. ft. (0.052 ac.) Fee Simple

**Structures/Improvements to be impacted:** Light pole

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

**Zoned:** I-1

**Use:** Industrial

**Tax Code:** 045-181-04, 045-181-11

<http://polaris3g.mecklenburcountync.gov/#pid=04518104&gisid=04518104>

<http://polaris3g.mecklenburcountync.gov/#mat=140245&pid=04518111&gisid=04518111>

**Purchase Price:** \$30,175

**Council District:** 4

## 40. Property Transactions - Sardis Road Sanitary Sewer, Parcel #3

**Action:** Approve the following Acquisition: Sardis Road Sanitary Sewer, Parcel #3

**Project:** Sardis Road Sanitary Sewer, Parcel #3

**Program:** Sardis Road Sanitary Sewer

**Owner(s):** David W and Cheryl L Elliott

**Property Address:** 8825 Sardis Road

**Total Parcel Area:** 50,946 sq. ft. (1.17 ac.)

**Property to be acquired by Easements:** 1,627 sq. ft. (0.037 ac.) Sanitary Sewer Easement

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

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 213-115-04

<http://polaris3g.mecklenburgcountync.gov/#mat=209748&pid=21311504&gisid=21311504>

**Purchase Price:** \$11,200

**Council District:** 6

## Adjournment

## REFERENCES

## 41. 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 \$300,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Part C: Service Contracts**

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

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

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

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

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

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

**Part G: Alternative Construction Agreements**

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

## 42. 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.

## 43. 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.