

City of Charlotte

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



Meeting Agenda

Monday, April 12, 2021

Electronic Regular Meeting Hosted from Room 267

City Council Business Meeting

*Mayor Vi Lyles
Mayor Pro Tem Julie Eiselt
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Ed Driggs
Council Member Larken Egleston
Council Member Malcolm Graham
Council Member Reneé Johnson
Council Member Greg Phipps
Council Member Matt Newton
Council Member Victoria Watlington
Council Member Braxton Winston II*

**5:00 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
ELECTRONIC REGULAR MEETING HOSTED FROM ROOM
267**

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. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Housing Trust Fund Recommendations

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Time: Presentation - 10 minutes; Discussion - 30 minutes

Explanation

- Provide an overview of the Housing Trust Fund and housing funding support requests.

[Housing Trust Fund Recommendations](#)

4. CATS Battery Electric Buses Pilot Program

Staff Resource(s):

John Lewis, Jr., CATS

Time: Presentation - 10 minutes; Discussion - 10 minutes

Explanation

- Provide an overview of the CATS Battery Electric Buses Pilot Program.

[CATS Battery Electric Buses Pilot Program](#)

5. Closed Session (as necessary)

CONSENT

- 6. Consent agenda items 21 through 37 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

7. Public Hearing on the Proposed Fiscal Year 2022 Annual Action Plan for Housing and Community Development

Action:

Conduct a public hearing on the Proposed Fiscal Year 2022 Annual Action Plan for Housing and Community Development.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Warren Wooten, Housing and Neighborhood Services

Policy

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of an Annual Action Plan (Plan) to receive federal funding for housing and community development activities.
- The Plan supports the city's Housing Charlotte Framework to preserve existing housing, expand supply of low- and moderate-income housing, and support family self-sufficiency.

Community Input

- A draft copy of the Plan was published to the city's website with paper copies available by request. The documents were available in English and Spanish when requested.
- Public forums are held virtually. Forums have been held March 11 and March 17. A third public forum meeting will be held on April 20 with the Community Relations Committee. During these forums, staff provides an overview of the Action Plan, answers participants' questions, and provides residents with opportunities to make comments.
- The Plan can be found at <https://charlottenc.gov/HNS/Housing/Strategy/Documents/FY22%20Action%20Plan%20Draft%20rv2.pdf>.

Explanation

- The Plan includes housing and community development needs and resources for the city and Regional Housing Consortium.
- The Regional Housing Consortium is a partnership among the city; Mecklenburg County; and the towns of Cornelius, Pineville, Matthews, Mint Hill, Huntersville, and Davidson.
- In Fiscal Year 2022, the city expects to receive the following federal funding allocations, totaling \$12,596,929:
 - Community Development Block Grant: \$5,866,405,
 - HOME Investment Partnerships: \$3,191,443,
 - Emergency Solution Grants: \$509,569, and
 - Housing Opportunity for Persons with AIDS: \$3,029,512.
- In compliance with NC G.S. 166A-19.24. *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through April 13, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

Next Steps

- City Council will be asked to approve the Plan at its April 26, 2021 Business Meeting.

Attachment(s)

Proposed FY 2022 Annual Action Plan for Housing and Community Development

[2022 Annual Action Plan Draft](#)

POLICY

8. City Manager's Report

BUSINESS

9. Appropriate Additional Community Development Block Grant Funds for COVID-19 Response

Action:

- A. Adopt a budget ordinance appropriating \$4,919,487 from the United States Department of Housing and Urban Development's Community Development Block Grant in the General COVID-19 Assistance Fund, and**
- B. Authorize the City Manager to execute any necessary contracts related to the use of CARES Act: Community Development Block Grant funds.**

Staff Resource(s):

Shawn Heath, City Manager's Office
Pamela Wideman, Housing and Neighborhood Services
Kelly Flannery, Finance

Explanation

- In response to the COVID-19 pandemic, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act providing the city a total of \$8,434,410 in federal funding through the Community Development Block Grant (CDBG) program.
- At its April 13, 2020 Business Meeting, City Council appropriated \$3,514,923 from the first allocation of CDBG funds provided by the CARES Act.
- A second allocation of CDBG funds from the CARES Act has been made by the United States Department of Housing and Urban Development (HUD), and this action appropriates the funds from this allocation.
- HUD allows CDBG funds to be used for activities that build stronger and more resilient communities.
- Proposed uses of the funding include:
 - Up to \$2,500,000 to partner with the Salvation Army Center of Hope (Salvation Army) to enable them to purchase a hotel.
 - The ability to purchase this facility will enable the Salvation Army to serve up to 100 families or 400 people a night. Additional benefits of this facility include:
 - Bringing together homeless families who are currently scattered in hotels throughout the city due to the COVID-19 pandemic,
 - Keeping families with minor children intact,
 - Freeing up room in the existing Spratt Street location to house residents of the former encampment along North Tryon Street, and
 - Leveraging approximately \$500,000 from Mecklenburg County that has been committed for the provision of operational support including staff who will connect residents with supportive services.
 - Up to \$300,000 to partner with Socialserve to provide staffing for HousingCLT, including a program director and six housing navigators.
 - HousingCLT will help facilitate relationships between service-providing agencies and housing providers to ensure that eligible households avoid homelessness.
 - 315 households are expected to be assisted with housing placement.
 - The remaining \$2,119,487 will be used to fund additional CDBG activities as needs related to the COVID-19 pandemic are identified.

Fiscal Note

Funding: General COVID-19 Assistance Fund

Attachment(s)

Budget Ordinance

[FY 2021 Budget Ordinance CARES Act CDBG 04.12.2021](#)

10. Appropriate Private Developer Funds

Action:

Adopt a budget ordinance appropriating \$44,506.35 in private developer funds for traffic signal installations and improvements to the General Capital Projects Fund.

Staff Resource(s):

Liz Babson, Transportation
Charles Abel, Transportation

Explanation

- Private developer appropriations are needed when a developer is required through the city rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the city's initiation of work.
- The \$44,506.35 in private developer funds is for road modifications, traffic signals, traffic signal modifications, and/or upgrades, and other related work associated with the developers' projects. The funding is restricted to the projects noted below:
 - Northwood Development, LLC contributed \$32,500 for signal modifications at Johnston Road and Brixham Hill Avenue (Council District 7), and
 - On February 13, 2017, City Council appropriated \$141,582 from GSLH Charlotte Realty Holdings, LLC for a new signal and push button pedestrian signals at the intersection of Church Street and West Hill Street (Council District 2). GSLH Charlotte Realty Holdings, LLC has contributed \$12,006.35 in supplemental developer funds for an additional signal.
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer(s) for a signal project that is unused by the city will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map
Budget Ordinance

[Traffic Signal Improvements map](#)

[Private Developer Funds 4.12.21](#)

11. Appropriate Private Developer Funds for the Brown-Grier Road Widening Project

Action:

Adopt a budget ordinance appropriating \$439,500 in private developer funds for road improvements to the General Capital Projects Fund.

Staff Resource(s):

Liz Babson, Transportation

Robyn Byers, Transportation

Explanation

- Private developer appropriations are needed when a developer is required through the city rezoning process to make road improvements.
- On November 15, 2019, City Council approved rezoning petition 2016-120 which stipulates that Pringle Square, LLC will support roadway and infrastructure improvements including road widening, signal and intersection modifications, medians, wide planting strips, and sidewalks.
- The \$439,500 in private developer funding is for road improvements to the Brown-Grier Road widening project, located in Council District 3.
- This road widening project is being completed by the city.
- These developer contributions are based on cost estimates prepared by the city.
- North Carolina Department of Transportation will maintain these road improvements as part of the state-maintained street network.
- Construction is anticipated to begin early 2022.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map

Budget Ordinance

[Brown Grier Rd Widening Map](#)

[Private Developer Funds 4.12.21 2.0](#)

12. Municipal Agreements for Traffic Signal Installations

Action:

- A. Adopt a resolution authorizing the City Manager to execute two Municipal Agreements with the North Carolina Department of Transportation for the installation of two traffic signals, and**
- B. Adopt a budget ordinance appropriating \$226,900 for the installation of two traffic signals on North Carolina Department of Transportation's system of roads to the General Capital Projects Fund.**

Staff Resource(s):

Liz Babson, Transportation
Charles Abel, Transportation

Explanation

- Two traffic signals will be installed within the next year at the following locations:
 - Intersection of Wilkinson Boulevard and Donald Ross Road (Council District 3), and
 - Intersection of North Tryon Street and Bennett Street (bordering Council Districts 1 and 4).
- The North Carolina Department of Transportation (NCDOT) analyzed traffic at these two locations and approved the installation of traffic signals.
- These locations are on state routes; therefore, by this agreement, NCDOT authorizes the Charlotte Department of Transportation (CDOT) to install these signals.
- Municipal agreements, in the amount of \$90,900 and \$136,000, are also needed to ensure the city is fully reimbursed by NCDOT for the work it performs.
- This format is consistent with past Municipal Agreements between the city and NCDOT.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

Fiscal Note

Funding: North Carolina Department of Transportation funds

Attachment(s)

Map
Resolution
Budget Ordinance

[MA_NCDOT_Map](#)

[Resolution for installing 2 traffic signals](#)

[Budget Ordinance](#)

13. Resolution to Close Cecil Street

Action:

Adopt a resolution and close Cecil Street.

Staff Resource(s):

Liz Babson, Transportation

Krystal Bright, 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 and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The road to be closed is located in Council District 1.
- A public hearing for this resolution was held on March 22, 2021. No comments from the public were received.

Petitioner

Midtown Area Partners II, LLC

Attachment(s)

Map

Resolution

[2020-02A Cecil St Abandonment Map](#)

[2020-02A Resolution to Close 04.12.2021](#)

14. 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 partial term beginning upon appointment and ending April 28, 2022.
 - Carol Phillips did not meet attendance requirements.
- One appointment for a three-year term recommended by the Certified SBE-Hispanic Contractors Association beginning upon appointment and ending April 28, 2023.
 - Domenico Santilli is eligible but not interested in reappointment.

Attachment(s)

Business Advisory Committee Applications

15. 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 for a Carolinas Association of General Contractors representative beginning March 1, 2021, and ending February 28, 2023.
 - William Stricker has served two terms and is ineligible for reappointment.
- One appointment for a partial term for a Latin American Chamber of Commerce representative beginning upon appointment and ending February 28, 2022.
 - Johanna Suarez has resigned.

Attachment(s)

Charlotte Business INclusion Advisory Committee Applications

16. Nominations to the Civil Service Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Four appointments for a three-year term beginning May 16, 2021, and ending May 15, 2024.
 - Charlitta Hatch is eligible and interested in reappointment.
 - David McCleary is eligible and interested in reappointment.
 - Carolyn Millen is eligible and interested in reappointment.
 - Ryon Smalls is eligible and interested in reappointment.

Attachment(s)

Civil Service Board Applications

17. Nominations to the Community Relations Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment end ending March 8, 2022.
 - Héctor Vaca Jr. did not meet attendance requirements.

Attachment(s)

Community Relations Committee Applications

18. Nominations to the Domestic Violence Advisory Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending September 21, 2021.
 - Tracie Campbell has resigned.

Attachment(s)

Domestic Violence Advisory Board Applications

19. Nominations to the Historic District Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Historic District Commission Applications

20. Nominations to the Transit Services Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Transit Services Advisory Committee Applications

CONSENT

21. Construct 5601 Wintercrest Lane Storm Drainage Improvement Project

Action:

Approve a contract in the amount of \$1,786,690.40 to the lowest responsive bidder United of Carolinas, Inc. for the 5601 Wintercrest Lane Storm Drainage Improvement project.

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Matt Gustis, Storm Water Services

Explanation

- This project will improve deteriorating pipe in the roadway and reduce flooding of properties and structures in the Briar Creek watershed with boundaries of Scofield Road to the north, Eastham Lane to the south and west, and Carnegie Boulevard to the east, in Council District 6.
- Construction will include the installation of storm drainage, water/sanitary sewer, curb, gutter, and driveways.
- On February 1, 2021, the city issued an Invitation to Bid; four bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2022.

Charlotte Business INclusion

Established MBE Goal: 5.00%

Committed MBE Goal: 5.01%

United of Carolinas, Inc. exceeded the established MBE subcontracting goal and has committed \$89,500 or approximately 5.01% of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Sun King Trucking (MBE, SBE) (\$15,500) (hauling)
- Omega Waterworks, Inc. (MBE, SBE) (\$24,000) (pipe work)
- Cesar A Leon, LLC. (MBE, SBE) (\$50,000) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.00%

United of Carolinas, Inc. met the established SBE subcontracting goal and has committed \$339,472 or approximately 19.00% of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete, Inc. (MBE, SBE) (\$62,335) (concrete work, general construction)
- Pentacle, Inc. (WBE, SBE) (\$10,653) (fence installation)
- Whitesell Trucking (SBE) (\$265,168) (site work, general construction)
- Striping Concepts (SBE) (\$1,316) (pavement marking)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Map Construct 5601 Wintercrest Lane Storm Drainage Improvement Project](#)

22. Catawba River Water Pump Station Rehabilitation

Action:

Approve a contract in the amount of \$8,113,500 to the lowest responsive bidder Shook Construction Co. dba Shook Construction Co., Inc. for the Catawba River Water Pump Station Rehabilitation project.

Staff Resource(s):

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

Explanation

- This contract is for the Catawba River Water Pump Station facility rehabilitation (Council District 2), which supplies water for final treatment to the Franklin and Vest Water Treatment Plants.
- The project includes the rehabilitation of key components of existing electrical, mechanical, structural, and architectural infrastructure to improve the resiliency and reliability of the station.
- On January 20, 2021, the city issued an Invitation to Bid; four bids were received.
- Shook Construction Co. dba Shook Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete in second quarter 2023.

Charlotte Business INclusion

Established MBE Goal: 2.00%

Committed MBE Goal: 2.03%

Shook Construction Co. dba Shook Construction Co., Inc. exceeded the established MBE subcontracting goal and has committed \$165,000 or approximately 2.03% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- All Systems Restored HVAC & Electrical, LLC (MBE, SBE) (\$165,000) (hvac)

Established SBE Goal: 4.00%

Committed SBE Goal: 3.06%

Shook Construction Co. dba Shook Construction Co., Inc. did not meet the established SBE subcontracting goal but earned the minimum Good Faith Effort Points and has committed \$248,200 or approximately 3.06% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- A1 Glass & Aluminum (MBE, SBE) (\$205,000) (windows and frames)
- G & Y Masonry (MBE, SBE) (\$31,200) (masonry)
- Diamond Trucking of NC, Inc. (MBE, SBE) (\$3,000) (hauling)
- Erosion Defence (SBE) (\$3,000) (erosion control)
- RAH Trucking, Inc. (MBE, SBE) (\$3,000) (hauling)
- Redstone Materials, Inc. (MBE, SBE) (\$3,000) (hauling)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

23. Paw Creek Pump Station Upgrades Construction Change Order

Action:

Approve change order #3 for \$1,664,919.10 to State Utility Contractors, Inc. for the Paw Creek Pump Station Upgrades project.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This project involves the procurement, replacement, and construction of various improvements at the Paw Creek Pump Station, which serves areas in northwest Mecklenburg County (adjacent to and including Council Districts 2 and 3).
- This change order is for construction of an additional wet well at the Paw Creek Pump Station. Upon further investigation and analysis by the project team, this addition to the original scope provides a more viable and longer-term solution to manage wastewater flows through the Paw Creek Pump Station.
- This project will rehabilitate, replace, and upgrade critical components of the Paw Creek Pump Station to enhance the reliability of the station and to accommodate future projected flows in the area and flows from the City of Mount Holly, until the Stowe Regional Water Resource Recovery Facility is constructed.
- On January 14, 2019, City Council approved a contract with State Utility Contractors, Inc. for Design-Build design services.
- On April 13, 2020, City Council approved a guaranteed maximum price with State Utility Contractors, Inc. for Design-Build construction services of the Paw Creek Pump Station Upgrades project.
- The new total value of the contract is \$39,071,504.90.
- The project is anticipated to be complete by third quarter 2022.

Charlotte Business INclusion

All additional work involved in this Change Order will be performed by State Utility Contractors, Inc. and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

24. Water and Sanitary Sewer Infrastructure Construction Contracts

Action:

- A. Approve a unit price contract in an amount not to exceed \$6,509,779.10 to the lowest responsive bidder R.H. Price, Inc. for Fiscal Year 2021 Water and Sanitary Sewer Infrastructure Construction Contract 1, and**
- B. Approve a unit price contract in an amount not to exceed \$6,662,998.10 to the lowest responsive bidder HG&L Development, LLC for Fiscal Year 2021 Water and Sanitary Sewer Infrastructure Construction Contract 2.**

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Keri Cantrell, Charlotte Water

Explanation

- These contracts will provide for new water and sanitary sewer main construction throughout the Charlotte Water service area.
- Two contracts are needed to have the capacity of deploying at least two construction crews at all times.

Action A

- On February 11, 2021, the city issued an Invitation to Bid (ITB); three bids were received.
- R.H. Price, Inc. was selected as the lowest responsive, responsible bidder.

Action B

- On February 11, 2021, the city issued an ITB; four bids were received.
- HG&L Development, LLC was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Action A

Established MBE Goal: 2.00%

Committed MBE Goal: 2.00%

R.H. Price, Inc. met the established MBE subcontracting goal and has committed \$130,200 or approximately 2.00% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Martin Landscaping Co., Inc. (MBE, SBE) (\$98,200) (landscaping)
- Employment Practices Counsel, Inc. (MBE, SBE) (\$32,000) (staffing)

Established SBE Goal: 7.00%

Committed SBE Goal: 7.00%

R.H. Price, Inc. met the established SBE subcontracting goal and has committed \$455,700 or approximately 7.00% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Trull Contracting, LLC (WBE, SBE) (\$443,000) (paving)
- Erosion Defence, LLC (SBE) (\$12,700) (erosion control)

Action B

Established MBE Goal: 2.00%

Committed MBE Goal: 2.15%

HG&L Development, LLC exceeded the established MBE subcontracting goal and has committed \$143,260 or approximately 2.15% of the total contract amount to the following certified firms (Part B: Section 3 of the

Charlotte Business INclusion Policy):

- Ultimate Asphalt and Concrete, LLC (MBE, SBE) (\$133,260) (asphalt and concrete work)
- Diamond Trucking of NC, Inc. (MBE, SBE) (\$10,000) (hauling)

Established SBE Goal: 7.00%

Committed SBE Goal: 7.00%

HG&L Development, LLC met the established SBE subcontracting goal and has committed \$466,410 or approximately 7.00% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- C and D Utility (SBE) (\$250,000) (water and sewer installation)
- AMP Utility Distribution Services, LLC (WBE, SBE) (\$128,910) (water and sewer materials)
- Gavel & Dorn Engineering, PLLC (SBE) (\$52,500) (construction materials testing)
- Love Family First, LLC (MBE, SBE) (\$35,000) (traffic control and flagging)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

25. Water and Sanitary Sewer Infrastructure Repairs

Action:

- A. Approve a unit price contract to the lowest responsive bidder Fuller & Co. Construction, LLC (SBE) for water and sanitary sewer infrastructure repairs for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Scott Clark, Charlotte Water

Explanation

- This contract will be used for emergency repair services for water and sanitary sewer pipes that have been damaged and to supplement Charlotte Water crews in performing routine repairs.
- When applicable, the city will seek reimbursement for this work from third parties who cause damage.
- On January 6, 2021, the city issued an Invitation to Bid; three bids were received.
- Fuller & Co. Construction, LLC was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$1,498,379.
- Possible price adjustments will be based on the Engineering News Record Construction Cost Index.

Charlotte Business INclusion

Fuller & Co. Construction, LLC is a city certified SBE.

Per Charlotte Business INclusion Policy: Part B: Section 2.3, 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 meet the provisions of (a) - No subcontracting opportunities.

Fiscal Note

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

26. Water Main Replacement

Action:

- A. Approve a unit price contract to the lowest responsive bidder HG&L Development, LLC for Fiscal Year 2021 Water Main Replacement Contract 3 for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Scott Clark, Charlotte Water

Explanation

- This contract will facilitate the replacement of water distribution infrastructure as needed. The primary function is to replace water lines to improve water quality and flow requirements throughout the distribution system.
- Charlotte Water maintains approximately 4,448 miles of water distribution lines and approximately 290,000 active water service connections.
- On January 29, 2021, 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 February 25, 2021, the ITB was re-issued; three bids were received.
- HG&L Development, LLC was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$957,303.
- Possible price adjustments will be based on the Engineering News Record Construction Cost Index.

Charlotte Business INclusion

Established MBE Goal: 2.00%

Committed MBE Goal: 2.00%

HG&L Development, LLC met the established MBE subcontracting goal and has committed \$19,148 or approximately 2.00% of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Ultimate Asphalt and Concrete, LLC (MBE, SBE) (\$19,148) (asphalt and concrete work)

Established SBE Goal: 8.00%

Committed SBE Goal: 8.00%

HG&L Development, LLC met the established SBE subcontracting goal and has committed \$76,592 or approximately 8.00% of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- C and D Utility (SBE) (\$76,592) (water main replacement)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

27. Bond Issuance Approval for The Park Seniors

Action:

Adopt a resolution approving INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$9,000,000, to finance the development of The Park Seniors.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- INLIVIAN is requesting City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for The Park Seniors, an 80-unit new construction affordable senior housing development to be developed, owned, and operated by The Park Seniors, LLC, a North Carolina limited liability company, or an affiliated or related entity.
- This action further supports City Council's April 27, 2020, approval of a Housing Trust Fund allocation of \$1,950,000 for the development's construction.
- 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 to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- The development will be located at 5915 Beatties Ford Road in Council District 2 and will serve senior households earning 80 percent and below the Area Median Income (AMI) with income averaging 60 percent of AMI for the entire development. Of the 80 new units, 20 will serve households that earn 30 percent of the AMI or less.
- The INLIVIAN bonds, which are not to exceed \$9,000,000, will be used to finance land acquisition and construction of the development.

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 a bond allocation capacity totaling \$9,000,000 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 has an indirect interest through a wholly owned subsidiary.

Attachment(s)

City of Charlotte Resolution for The Park Seniors

INLIVIAN Resolution for The Park Seniors

[City of Charlotte Resolution The Park Seniors](#)

[INLIVIAN Resolution The Park Seniors](#)

28. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$553,534.89.

Staff Resource(s):

Kelly Flannery, Finance

Explanation

- Mecklenburg County notified and provided the city the list of property tax refunds due to clerical or assessment error.

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers](#)

[Resolution](#)

29. Meeting Minutes

Action:

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

- **February 01, 2021 Strategy Session,**
- **February 03, 2021 Budget Workshop, and**
- **February 08, 2021 Business Meeting.**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

30. In Rem Remedy 4301 Craig 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: 4301 Craig Avenue located in Council District 5

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4301 Craig Avenue Neighborhood Profile Area 394.

Attachment(s)

In Rem Packet for 4301 Craig Avenue

[In Rem Packet for 4301 Craig Avenue](#)

31. Charlotte Water Property Transactions - McMullen Creek Tributary at Quail Hollow, Parcel #32

Action: Approve the following Acquisition: McMullen Creek Tributary at Quail Hollow, Parcel #32

Project: McMullen Creek Tributary at Quail Hollow, Parcel #32

Owner(s): Quail Hollow Country Club, Inc.

Property Address: 3700 Gleneagles Road

Total Parcel Area: 11,206,138 sq. ft. (257.26 ac.)

Property to be acquired by Easements: 91,099 sq. ft. (2.09 ac.) Sanitary Sewer Easement, plus 37,707 sq. ft. (0.86 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Irrigation and drainage

Landscaping to be impacted: Golf course fairways, greens, and surrounding areas on four holes

Zoned: R-3

Use: Single Family Residential

Tax Code: 209-561-01

<https://polaris3g.mecklenburgcountync.gov/#mat=577653&pid=20956101&qisid=20956101>

Purchase Price: \$217,705 in easement fee and \$1,805,038 in property restoration costs

Council District: 6

32. Charlotte Water Property Transactions - McMullen Creek Tributary at Quail Hollow, Parcel #50

Action: Approve the following Condemnation: McMullen Creek Tributary at Quail Hollow, Parcel #50

Project: McMullen Creek Tributary at Quail Hollow, Parcel #50

Owner(s): Eric D. Alpert and Donna K. Alpert

Property Address: 3219 Seven Eagles

Total Parcel Area: 75,157 sq. ft. (1.73 ac.)

Property to be acquired by Easements: 2,543 sq. ft. (0.06 ac.) in Temporary Construction Easement and 1,513 sq. ft. (0.03 ac.) in Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: A small portion of the wooded area

Zoned: R-20MF

Use: Single family residential - golf

Tax Code: 209-382-08

<https://polaris3g.mecklenburgcountync.gov/#mat=104223&pid=20938208&gisid=20938208>

Appraised Value: \$31,425

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

33. Property Transactions - Beatties Ford Sunset Road Pedestrian Project, Parcel #10

Action: Approve the following Condemnation: Beatties Ford Sunset Road Pedestrian Project, Parcel #10

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

Project: Beatties Ford Sunset Road Pedestrian Project, Parcel #10

Program: Beatties Ford Sunset Road Pedestrian Project

Owner(s): The Woodlands Community Association Inc

Property Address: 0 Sullivans Trace Drive

Total Parcel Area: 30,916 sq. ft. (0.71 ac.)

Property to be acquired by Easements: 50 sq. ft. (0.001 ac.) Sidewalk Utility Easement, 2966 sq. ft. (0.068 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3 and R-4

Use: Single-family Residential

Tax Code: 037-073-94

<https://polaris3g.mecklenburgcountync.gov/#pid=03707394&gisid=03707394>

Appraised Value: \$1,825

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: 2

34. Property Transactions - Brown-Grier Road Improvement Project, Parcel #9

Action: Approve the following Acquisition: Brown-Grier Road Improvement Project, Parcel #9

Project: Brown-Grier Road Improvement Project, Parcel #9

Program: Brown-Grier Road Improvement Project

Owner(s): Kevin Loftin And Tanya Loftin

Property Address: 13815 Brown-Grier Road

Total Parcel Area: 52,964 sq. ft. (1.22 ac.)

Property to be acquired by Fee: 9,104 sq. ft. (0.21 ac.) Fee Simple

Property to be acquired by Easements: 6,584 sq. ft. (0.151 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 201-481-04

<https://polaris3g.mecklenburgcountync.gov/#mat=38214&pid=20148104&gisid=20148104>

Purchase Price: \$21,950

Council District: 3

35. Property Transactions - Mallard Tributary Replacement Sewer, Parcel #1

Action: Approve the following Condemnation: Mallard Tributary Replacement Sewer, Parcel #1

Project: Mallard Tributary Replacement Sewer, Parcel #1

Program: Mallard Tributary Replacement Sewer

Owner(s): James F Alexander, Susan Alexander Boone, Stella Alexander Harman, and John W Alexander

Property Address: 10400 North Tryon Street

Total Parcel Area: 1,340,276 sq. ft. (30.77 ac.)

Property to be acquired by Easements: 16,776 sq. ft. (0.39 ac.) Permanent Easement, 2,812 sq. ft. (0.065 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: INST

Use: Institutional

Tax Code: 051-021-02

<https://polaris3g.mecklenburgcountync.gov/#mat=343886&pid=05102102&qisid=05102102>

Appraised Value: \$4,625

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

36. Property Transactions - McCullough Drive Streetscape, Parcel #21

Action: Approve the following Acquisition: McCullough Drive Streetscape, Parcel #21

Project: McCullough Drive Streetscape, Parcel #21

Program: McCullough Drive Streetscape

Owner(s): Shreeji Hospitality of University LLC

Property Address: 132 East McCullough Drive

Total Parcel Area: 100,619 sq. ft. (0.231 ac.)

Property to be acquired by Easements: 771 sq. ft. (0.018 ac.) Utility Easement, 444 sq. ft. (0.01 ac.) Sidewalk Utility Easement, 1,254 sq. ft. (0.029 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: TOD-TR

Use: Transit Oriented District - Transit Transition

Tax Code: 049-331-36

<https://polaris3g.mecklenburgcountync.gov/#mat=34205&pid=04933136&gisid=04933136>

Purchase Price: \$15,938

Council District: 4

37. Property Transactions - McCullough Drive Streetscape, Parcel #22

Action: Approve the following Acquisition: McCullough Drive Streetscape, Parcel #22

Project: McCullough Drive Streetscape, Parcel #22

Program: McCullough Drive Streetscape

Owner(s): Shreeji Hospitality UNCC LLC

Property Address: 139 East McCullough Drive

Total Parcel Area: 130,566 sq. ft. (3.00 ac.)

Property to be acquired by Easements: 3,593 sq. ft. (0.082 ac.) Utility Easement, 1,853 sq. ft. (0.043 ac.) Storm Drainage Easement, 714 sq. ft. (0.016 ac.) Sidewalk Utility Easement, 4 sq. ft. (0 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: O-1 (CD)

Use: Office District

Tax Code: 049-331-35

<https://polaris3g.mecklenburgcountync.gov/#mat=38444&pid=04933135&gisid=04933135>

Purchase Price: \$43,657

Council District: 4

Adjournment

REFERENCES

38. 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.

39. 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.

40. 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.