

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, October 9, 2023**

**Council Chamber**

### **City Council Business Meeting**

*Mayor Vi Lyles*

*Mayor Pro Tem Braxton Winston II*

*Council Member Dimple Ajmera*

*Council Member Danté Anderson*

*Council Member Tariq Scott Bokhari*

*Council Member Ed Driggs*

*Council Member Malcolm Graham*

*Council Member Reneé Johnson*

*Council Member LaWana Mayfield*

*Council Member James Mitchell*

*Council Member Marjorie Molina*

*Council Member Victoria Watlington*

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

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

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

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

[2023-10-9 Council Agenda QA](#)

### **2. Consent agenda items 25 through 39 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

**Time:** 5 minutes

Consideration of Consent Items shall occur in the following order:

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

### **3. Action Review Agenda Overview**

**Staff Resource(s):**

Marcus Jones, City Manager

## 4. Action Review Items

### Eastland Redevelopment Update

**Staff Resource(s):**

Tracy Dodson, City Manager's Office  
Todd Delong, Economic Development

**Time:** Presentation - 10 minutes; Discussion - 40 minutes

**Explanation**

- Receive an update on Eastland Redevelopment efforts.

### Social Districts

**Staff Resource(s):**

Debbie Smith, Transportation  
Casey Mashburn, Transportation

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

**Explanation**

- Receive an update on creating Social Districts in Charlotte.

[Item 4.1 - Action Review - Eastland Redevelopment](#)

[Item 4.2 - Action Review - Social Districts](#)

## 5. Closed Session (as necessary)

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

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## **AWARDS AND RECOGNITIONS**

### **6. Indigenous Peoples' Day**

**Action:**

Mayor Lyles will read a proclamation recognizing October 9, 2023 as Indigenous Peoples' Day.

### **7. Charlotte Women's Small Business Month**

**Action:**

Mayor Lyles will read a proclamation recognizing October as Charlotte Women's Small Business Month.

## **PUBLIC HEARING**

## 8. Public Comment on the proposed creation of the Plaza Midwood Social District

### Action:

Receive public comments on the proposed creation of a Social District in Plaza Midwood.

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

Debbie Smith, Transportation  
Casey Mashburn, Transportation  
Patrick Baker, City Attorney's Office  
Lisa Flowers, City Attorney's Office

### **Explanation**

- In the fall of 2021, the NC General Assembly enacted legislation allowing cities to adopt an ordinance designating social districts; in July 2022, the General Assembly enacted legislation to recodify and clarify social districts.
- In August of 2022, Council adopted Chapter 15, Article XV-Social Districts in the City Code to establish the framework for the creation of Social Districts in Charlotte.
- A social district is a defined area in which a person may consume alcoholic beverages sold by a permittee.
  - A social district may include both indoor and outdoor areas of businesses within or contiguous to the defined area during the days and hours established for the social district pursuant to NC General Statute Section 15-314.
  - A social district may include privately owned property, including permittees and non-permittee businesses; multi-tenant establishments; and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic.
- North Carolina Law has requirements on establishing and operating a social district. City and state requirements include:
  - A Council-adopted ordinance designating a social district which includes days and hours of operation, the boundaries map and written description, and a management and maintenance plan,
  - A published Council-approved management and maintenance plan on the city's website, and
  - Registration of the social district with the NC Alcoholic Beverage Control Commission.
- Public comments to obtain community input are scheduled prior to City Council taking action on social district requests. Council action is tentatively planned for the next City Council Business Meeting.

### **Applicant**

Plaza Midwood Merchants Association

### **Summary of Application**

- The district is located along Central Avenue from Louise Avenue/10th Street to Morningside Drive in the east/west directions. The district stretches from Chesterfield Avenue to near Hamorton Place along Pecan Avenue in the north/south direction, in Council District 1.
- The district proposes to operate Monday-Sunday, 10AM-10PM.
- The applicant and other participating members will fund the initial setup of the district and any ongoing expenditures related to the district.
- Ongoing management of the district will be performed by a committee consisting of members representing the merchant's association and the surrounding neighborhood associations.
- The district intends to utilize reusable stainless-steel cups with the required logos in a partnership with Envision Charlotte.
- A community meeting was required as part of the application process and was held virtually on June 1, 2023. The meeting was attended by approximately 75 people over the duration of the event.
- The Commonwealth-Morningside, and Chantilly Neighborhood Associations provided letters of support

for the proposed district.

**City Departments**

- Review by the Office of Sustainability found no apparent reason to object the social district.
- Review by the City Attorney’s Office, Planning, Design & Development, Transportation, and Solid Waste Services found no apparent reason to object to the social district pending acceptable revisions to the Management and Maintenance Plan.
- Requested revisions to the Management and Maintenance Plan include:
  - Technical clarifications related to citing applicable NC General Statutes, Session Laws, and City Code,
  - Technical clarifications related to trash and recycling responsibilities,
  - Technical clarifications related to the minimum number of committee members, and
  - Removing language related to the district permitting vendors or special events within the public right-of-way.
- Review by the Charlotte Mecklenburg Police Department (CMPD) identified opportunities to enhance public safety. To improve public safety CMPD is requesting the following revisions:
  - Technical clarifications related to the district boundary, specifically an initial reduction in size to the core business district with the ability to expand in the future,
  - Technical clarifications related to the proximity of residential and developmental areas,
  - Technical clarifications related to additional signage for clear communication to patrons within the district.

**Consistent with City Code**

- This application has met the requirements outlined in Chapter 15, Article XV-Social Districts of the City Code as well as the associated Social Districts Standards and Provisions.

**Attachment(s)**

Map

Community Meeting Report

Management and Maintenance Plan

Signage Plan

[Map - Plaza Midwood Social District](#)

[Community Meeting Report - Plaza Midwood Social District](#)

[Management Plan - Plaza Midwood Social District](#)

[Signage Plan - Plaza Midwood Social District](#)

## **9. Public Hearing on Historic Landmark Designation Removed from Agenda**

## **10. Public Hearing on Historic Landmark Designation Removed from Agenda**



## **POLICY**

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

[10.09.2023 City Manager's Memo](#)

[Item 11 - Managers Report - Digital Inclusion Update](#)

## **BUSINESS**

## 12. A Home for All Support - Property Provider Recruitment and Retention Pilot

### Action:

- A. **Approve the use of \$500,000 from the Coronavirus State and Local Fiscal Recovery Fund to fund a Property Provider Recruitment and Retention Pilot administered by the United Way of Greater Charlotte, and**
- B. **Authorize the City Manager, or his designee, to execute, amend and renew contracts as needed to complete this transaction.**

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

Shawn Heath, Housing & Neighborhood Services

### **Explanation**

- The Property Provider Recruitment and Retention Pilot (Pilot) is a priority initiative of the A Home for All (AHFA) Implementation Plan. The Pilot will increase access to housing for rental subsidy holders through property provider recruitment, engagement, and incentives (e.g., signing bonuses, risk mitigation for damages caused by tenants, and holding fees for inspections).
- Rental subsidies, including federal housing choice vouchers, are a key means of providing access to quality affordable housing for low- and moderate- income households, but few new landlords join subsidy programs for various reasons. Property provider recruitment efforts, while proven to be effective, are often limited in their ability to scale their reach within existing resources.
- A study released by INLIVIAN in 2020 indicated that over 20 percent of housing choice voucher holders had their vouchers expire due to prolonged, unsuccessful housing searches.
- United Way of Greater Charlotte (United Way) is leading the implementation of the AHFA plan. United Way is coordinating a procurement process to select a community partner to implement the Pilot. City staff participated in the development of the Request for Proposals, and will serve on the selection panel, and be engaged in evaluation of the Pilot, along with United Way, Mecklenburg County, and other community partners.
- The city's \$500,000 will be used in conjunction with \$500,000 from Mecklenburg County to fund the Pilot. Funds will be used primarily to support a flexible funding pool for property provider incentives.
- Results of the Pilot will inform a set of recommendations for a collaborative, effective, system-level approach to provider recruitment and retention.
- The city's investment also advances the 2022 recommendation of the city's Source of Income Ad Hoc Advisory Committee to create greater rental housing provider participation in the Housing Choice Voucher and other rental subsidy programs in areas of moderate to high opportunity.

### **Background**

- In January 2022, the AHFA Strategic Framework was released. AHFA is a collaborative initiative between the city, Mecklenburg County, United Way of Greater Charlotte, and other private sector and philanthropic partners to address homelessness and the need for affordable housing in Charlotte-Mecklenburg.
- United Way serves as the coordinating agency for implementing the AHFA Strategic Framework, including developing an actionable implementation plan that prioritizes the extensive recommendations from the Strategic Framework into a clear set of goals and pilot programs.
- In August 2023, United Way released the AHFA Implementation Plan (Plan). The Plan identified property provider recruitment and retention as a priority initiative to expand the supply of affordable housing units for people experiencing homelessness and housing insecurity.
- In February 2022, the Great Neighborhoods Committee received the Source of Income Ad Hoc Advisory Committee Recommendations, including creating greater rental housing provider participation in the Housing Choice Voucher and other rental subsidy programs in areas of moderate to high opportunity. The Housing, Safety and Community Committee was updated on multiple occasions since February 2022 that this recommendation would be advanced through the AHFA

initiative.

- In May 2023, the Housing, Safety and Community Committee received an overview of the AHFA Strategic Framework and proposed Implementation Plan, at which time staff shared a recommendation to support the Pilot with a \$500,000 investment.

**Charlotte Business INClusion**

This contract is exempt under the CBI program.

**Fiscal Note**

Funding: American Rescue Plan Act (ARPA) Funds

## 13. Eastland Redevelopment - Sports and Entertainment

### Action:

- A. Authorize the City Manager to move forward with the revised proposal, the Complex that is a rethought and reimagined concept which is the result of the requested collaboration of the two previous proposals of QC East @ Eastland Yards and Eastland Yards Indoor Sports Complex for the eastern 29 acres of the former Eastland Mall site, and**
- B. Authorize the City Manager, or his designee, to negotiate and execute agreements for the reimbursement of costs for expenses associated with indoor and outdoor amateur sports facilities, public infrastructure, and other public improvements in an amount not to exceed \$30,000,000, which will be reimbursed from a combination of Capital Investment Plan and Convention Center Tax Fund future Certificates of Participation, as outlined in the resolution adopted by City Council on June 12, 2023.**

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

Tracy Dodson, City Manager's Office  
Todd DeLong, Economic Development

### **Explanation**

- The Jobs and Economic Development (J&ED) Committee referred to full Council the discussion on two proposals to redevelop 29 acres of city-owned property, the eastern portion of the former Eastland Mall site. The Committee ranked QC East @ Eastland Yards as the top proposal followed by Eastland Yards Indoor Sports Complex.
- During the August 28, 2023, City Council business meeting, council directed staff to reconvene the two proposing development teams to determine if they can collaborate on a vision that rethinks the design, scale and scope for amateur sports, arts and culture at Eastland consisting of a minimum of these components: indoor facility, soccer fields, e-sports, food and retail, and such a vision that will be available for the full council review within 45 days.
- The city investment outlined above is aligned with the resolution adopted by council on June 12, 2023.
- Additional public investment may be required to support future public improvements.

### **Background**

- The city purchased approximately 80.4 acres of the former Eastland Mall property in August 2012 as an opportunity to aid economic development and neighborhood revitalization in the area. Eastland Mall was demolished in 2013.
- The redevelopment principles created by the Eastland Area Strategies Team help guide the redevelopment of the site to:
  - Enhance the perceptions of the Eastland area and East Charlotte,
  - Unify local communities,
  - Create connectivity and walkability for surrounding neighborhoods,
  - Take advantage of natural features,
  - Create opportunity for civic development, and
  - Increase equitable economic development opportunities.
- From 2017 to 2018, the Economic Development Committee, now known as the Jobs and Economic Development Committee (Committee), reviewed proposals from four development teams and voted unanimously to engage exclusively with the development team led by Crosland Southeast LLC (Developer).
- Throughout 2019, the city partnered with the Developer to lead a robust and broad outreach effort for more inclusive community engagement.
- On November 9, 2020, City Council authorized the City Manager to negotiate and execute a Master Development Agreement and other necessary agreements for the reimbursement of costs for public infrastructure, public parking, and other public improvements.
- On August 3, 2022, the city and the Developer held a groundbreaking ceremony on the site to

- initiate site work and infrastructure construction.
- The Developer acquired the first parcel in May 2023 to develop a senior affordable housing development. A transaction to progress the mixed-use development is anticipated for September 2023.

## NOMINATIONS

### 14. Nominations to the Bicycle Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Two appointments for a partial term beginning upon appointment and ending December 31, 2024.
  - Angela Stoyanovitch has resigned.
  - Miguel Garcia has resigned.

**Attachment(s)**

Bicycle Advisory Committee Applications

### 15. Nominations to the Business Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term recommended by the Black Chamber of Commerce beginning upon beginning April 29, 2023, and ending April 28, 2026.
  - Steven Lewis did not meet attendance requirements.
- One appointment for a three-year term recommended by the Certified SBE-Hispanic Contractors Association beginning April 29, 2023, and ending April 28, 2026.
  - Domenico Santilli is eligible but not interested in reappointment.
- One appointment for a three-year term recommended by the Latin American Chamber of Commerce beginning April 29, 2023, and ending April 28, 2026.
  - Richard Cuebas is eligible but not interested in reappointment.
- One appointment for a three-year term beginning December 14, 2023, and ending December 13, 2026.
  - Raghunadha Kotha has served two terms and is ineligible for reappointment.

**Attachment(s)**

Business Advisory Committee Applications

## 16. Nominations to the Charlotte Tree Advisory Commission

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Two appointments for a three-year term beginning December 14, 2023, and ending December 13, 2026.
  - Sarah Hart is eligible and interested in reappointment.
  - Charlie Welch is eligible and interested in reappointment.

**Attachment(s)**

Charlotte Tree Advisory Commission 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**

- Two appointments for a partial term beginning upon appointment and ending June 30, 2025.
  - Stephen Blackburn did not meet attendance requirements.
  - Jared Thompson has resigned.
- One appointment for a three-year term beginning October 1, 2023, and ending September 30, 2026.
  - Allison Frantz is eligible but not interested in reappointment.

**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, 2025.
  - Emon Northe did not meet attendance requirements.

**Attachment(s)**

Domestic Violence Advisory Board Applications



## 19. Nominations to the Housing Appeals Board

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term for a City Within a City Tenant category representative beginning January 1, 2024, and ending December 31, 2026.
  - Regina Tisdale has served two terms and is ineligible for reappointment.
- One appointment for a three-year term for a Housing Industry category representative beginning January 1, 2024, and ending December 31, 2026.
  - Cemental Grayson Rountree is eligible and interested in reappointment.

**Attachment(s)**

Housing Appeals Board Applications

## 20. Nominations to the Historic District Commission

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term for a Resident Owner of Hermitage Court beginning upon appointment and ending June 30, 2024.
  - James Jordan has resigned.

**Attachment(s)**

Historic District Commission Applications

## 21. Nominations to the INLIVIAN Board of Commissioners

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term beginning December 18, 2023, and ending December 17, 2026.
  - Antoine Dennard is eligible and interested in reappointment.

**Attachment(s)**

INLIVIAN Board of Commissioners Applications

## 22. Nominations to the Keep Charlotte Beautiful Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending June 30, 2024.
  - Kyle Coulom did not meet attendance requirements.

**Attachment(s)**

Keep Charlotte Beautiful Committee Applications

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

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

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

**Attachment(s)**

Passenger Vehicle for Hire Board Applications

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

**Attachment(s)**

Transit Services Advisory Committee Applications

## CONSENT

### 25. Federal Grant Supporting DNA Analysis

**Action:**

**Authorize the City Manager to accept funding through the Fiscal Year 2023 DNA Capacity Enhancement for Backlog Reduction Program in the amount of \$573,989 from the U.S. Department of Justice.**

**Staff Resource(s):**

Johnny Jennings, Police

Tonya Arrington, Police

Mathew Mathis, Police

**Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) often applies for grants to fund programs and expenses that support the approved operating budget.
- CMPD has received the DNA Capacity Enhancement for Backlog Reduction (CEBR) grant from the U.S. Department of Justice since Fiscal Year 2012.
- With the success of DNA in helping to solve all cases, both violent and property crimes, the number of cases submitted to the laboratory for DNA testing has continued to increase.
- The goal of the grant program is to fund states and units of local government with existing laboratories that conduct DNA analysis to process, and/or to increase the capacity to process more DNA samples to help reduce the number of forensic DNA and DNA database samples awaiting analysis and/or prevent a backlog of forensic and database DNA samples.
- The Fiscal Year 2023 CEBR grant funds will be used to send three CMPD Crime Laboratory employees to the award replicants 2-day forensic workshop located in Washington, D.C., to outsource 100 backlogged sexual assault kits to a private lab for testing, and to retain four federally funded positions (one full-time Crime Lab Technician and three full-time Criminalist DNA Analysts).
- The grant is for a two-year term from October 1, 2023 to September 30, 2025.
- No matching contribution from the city is required.

**Fiscal Note**

Funding: General Grants Fund

### 26. 2022 Assistance to Firefighters Grant Acceptance

**Action:**

**Authorize the City Manager to accept a grant for \$1,234,090.90 from the United States Department of Homeland Security for the 2022 Assistance to Firefighters Grant Program.**

**Staff Resource(s):**

Reginald Johnson, Fire

**Explanation**

- The 2022 Assistant to Firefighters Grant is a competitive grant program that provides funding for fire equipment.
- The total amount of the grant awarded to the Charlotte Fire Department was \$1,234,090.90.
- As a condition of the grant, a funding match equal to 10 percent is required. The \$123,409.10 match is currently within existing appropriated funds.
- These funds will be utilized to purchase personal protective equipment.

**Fiscal Note**

Funding: 2022 Assistance to Firefighters Grant and General Capital Investment Plan

## 27. Fire Apparatus Purchase

### Action:

- A. Approve unit price contracts for the purchase of Fire Apparatus with the following vendors for an initial term of three years:**
- Atlantic Coast Fire Trucks,
  - Atlantic Emergency Solutions, and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms and amend the contracts consistent with the purpose for which the contracts were approved.**

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

Reginald Johnson, Fire

Damian Owens, Fire

### **Explanation**

- Fire apparatus are primarily used for service calls involving fires, medical aid, or hazardous materials to transport firefighters to an incident with the necessary equipment for firefighting and technical rescue operations.
- Fire apparatus includes fire engines, ladder trucks, and mid-mount platforms.
- On February 13, 2023, the city issued an Invitation to Bid; five bids were received.
- Atlantic Coast Fire Trucks and Atlantic Emergency Solutions were selected as the lowest responsive, responsible bidders.
- Annual expenditures are estimated to be \$15,000,000.

### **Charlotte Business INclusion**

Contract goals were not established on this Contract because there were no MWSBEs available to perform the work for the Contract.

### **Fiscal Note**

Funding: General Capital Equipment Fund

## 28. Bond Issuance Approval for Alleghany Crossing Apartments

### **Action:**

**Adopt a resolution granting INLIVIAN's request to issue new multi-family housing revenue bonds in an amount not to exceed \$40,000,000, to finance the development of an affordable housing development known as Alleghany Crossing Apartments.**

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

Shawn Heath, Housing & Neighborhood Services  
Warren Wooten, Housing & 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 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.
- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of new multi-family housing revenue bonds for Alleghany Crossing Apartments, a 220-unit new construction affordable housing development to be developed, owned, and operated by HDP Alleghany, LP, a North Carolina limited partnership, an affiliate of Elmington Capital Group and Horizon Development Properties (Developer), or an affiliated or related entity.
- The development will be located on approximately 12.7 acres at 1587 Alleghany Street (parcel identification numbers 067-113-45 and 067-113-46) in Council District 2 and will serve households earning up to 80 percent of the Area Median Income (AMI).
- The INLIVIAN bonds, not to exceed \$40,000,000, 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.

### **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 help finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit and bond allocation capacity totaling \$40,000,000 for the development. Tax credit and bond allocations are subject to federal income limits, 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 a direct interest. The INLIVIAN board of directors approved the issuance of the multi-family housing revenue bonds on February 21, 2023.

### **Attachment(s)**

Map  
City of Charlotte Resolution for Alleghany Crossing

[Map - Alleghany Crossing](#)

[Resolution - Alleghany Crossing Apartments](#)

## 29. Bond Issuance Approval for Fairhaven Glen Apartments

### **Action:**

**Adopt a resolution granting INLIVIAN's request to issue new multi-family housing revenue bonds in an amount not to exceed \$19,000,000, to finance the development of an affordable housing development known as Fairhaven Glen Apartments.**

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

Shawn Heath, Housing & Neighborhood Services  
Warren Wooten, Housing & 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 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.
- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of new multi-family housing revenue bonds for Fairhaven Glen Apartments, a 140-unit new construction affordable housing development to be developed, owned, and operated by Fairhaven Glen, LLC, a North Carolina limited liability company (Developer), or an affiliated or related entity.
- The development will be located on approximately 14.7 acres at 8329 Fairhaven Glen (parcel identification number 169-212-23) in Council District 3 and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging at 60 percent of AMI for the entire development.
- The INLIVIAN bonds, not to exceed \$19,000,000, will be used to finance land acquisition and construction of the development.
- This action further supports City Council's April 26, 2021 and November 28, 2022 approval of \$3,150,000 combined Housing Trust Fund and American Rescue Plan support.

### **Background**

- In conjunction with the Developer's request for City Housing Trust Fund support, the Developer applied for four percent low-income housing tax credits and housing bond allocation capacity from the North Carolina Housing Finance Agency to help finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit and bond allocation capacity totaling \$19,000,000 for the development. Tax credit and bond allocations are subject to federal income limits, 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. The INLIVIAN board of directors approved the issuance of the multi-family housing revenue bonds on April 20, 2021.

### **Attachment(s)**

Map  
City of Charlotte Resolution for Fairhaven Glen

[Map - Fairhaven Glen](#)

[Resolution - Fairhaven Glen](#)

## 30. Construct Storm Water Repair and Improvements

### Action:

- A. **Approve a contract in the amount of \$4,013,968.45 to the lowest responsive bidder United of Carolinas, Inc. for the Storm Water Repair and Improvement FY2024-C project,**
- B. **Approve a contract in the amount of \$5,711,700.00 to the lowest responsive bidder Onsite Development, LLC for the Storm Water Repair and Improvement FY2024-D project, and**
- C. **Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Angela Charles, Charlotte Water  
Mike Davis, Storm Water Services  
Logan Oliver, Storm Water Services

### **Explanation**

- These contracts are part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- Approximately 25 projects may be constructed from each contract, within a contract term that may not exceed 24 months. The number of projects may vary depending on the nature and extent of the repairs constructed.

### Action A

- On August 10, 2023, the city issued an Invitation to Bid; three bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter of 2025.

### Action B

- On August 15, 2023, the city issued an Invitation to Bid; three bids were received.
- Onsite Development LLC. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter of 2026.

### **Charlotte Business INclusion**

#### Action A

Established MBE Goal: 8.00%  
Committed MBE Goal: 8.72%

United of Carolinas, Inc. met the established subcontracting goal and has committed 8.72% (\$350,000) of the total contract amount to the following certified firms:

- RRC Concrete, Inc. (MBE) (\$300,000) (concrete work)
- Weekes Trucking, LLC (MBE, SBE) (\$50,000) (hauling)

Established SBE Goal: 19.00%  
Committed SBE Goal: 19.18%

United of Carolinas, Inc. met the established subcontracting goal and has committed 19.18% (\$770,000) of the total contract amount to the following certified firms:

- Whitesell Trucking, Inc. (SBE) (\$360,000) (hauling)
- AMP Utility Distribution Services, LLC (SBE, WBE) (\$210,000) (supplier of materials)
- Cesar A. Leon (MBE, SBE) (\$150,000) (hauling)
- Silverback Brothers, LLC. (MBE, SBE) (\$50,000) (hauling)

#### Action B

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

Onsite Development, LLC met the established subcontracting goal and has committed 9.00% (\$514,060) of the total contract amount to the following certified firms:

- Streeter Trucking Company (MBE, SBE) (\$132,030) (hauling)
- Tony's Trucking (MBE, SBE) (\$132,030) (hauling)
- LJR Concrete, LLC (MBE, SBE) (\$250,000) (concrete work)

Established SBE Goal: 20.00%

Committed SBE Goal: 20.00%

Onsite Development, LLC met the established subcontracting goal and has committed 20.00% (\$1,142,340) of the total contract amount to the following certified firms:

- RAH Trucking, Inc. (SBE) (\$381,170) (hauling)
- Solano's Trucking (SBE) (\$381,170) (hauling)
- AMP Utility Distribution Services, LLC (SBE, WBE) (\$250,000) (supplier of materials)
- Bird Dog Traffic Control, LLC (SBE, WBE) (\$130,000) (traffic control)

#### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

## **31. Pump Stations Roofing Repairs and Replacements**

#### **Action:**

- A. Approve a contract in the amount of \$886,148.00 to the lowest responsive bidder Tecta America Carolinas for pump station roofing repairs and replacements, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

#### **Explanation**

- This project will replace roofing systems and skylights at Sharon Road Repump Station (Council District 6), Hoskins Booster Pump Station (Council District 2), Plaza Booster Pump Station (Council District 5), and Idlewild Booster Pump Station (Council District 5), which have reached the end of useful life.
- On July 14, 2023, the city issued an Invitation to Bid (ITB); one bid was received.
  - NC General Statute Section 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On August 24, 2023, the ITB was re-issued; two bids were received.
- Tecta America Carolinas was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2024.

#### **Charlotte Business INclusion**

Contract goals were not established on this contract as there were no viable subcontracting opportunities.

#### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan



## 32. Water Meter and Automated Meter Reading System Replacement Consulting Services Contract Amendment

### Action:

- A. **Approve a contract extension for nine months to the contract with Jacobs Engineering Group, Inc. for water meter and automated meter reading system replacement consulting services, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract and this amendment was approved.**

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

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Jon Behrendt, Charlotte Water

### **Explanation**

- Charlotte Water plans to replace water meters and the current automatic meter reading (AMR) system to upgrade to the next generation meter reading system (Advanced Metering Infrastructure or AMI).
- On October 21, 2020, the city issued a Request for Proposals for water meter and AMR replacement consulting services; ten responses were received.
- In October 2021, Charlotte Water executed a contract with Jacobs Engineering Group, Inc. for these services for a term of three years in the amount of \$496,943 to perform a needs assessment and develop a business case.
- The results from the initial assessment phase furnished the details required to develop the scope for this contract amendment, which will provide consulting services to prepare a solicitation for AMI equipment, software, and installation.
- In the Summer of 2024, a contract for program management services for the AMI implementation will be presented to Council for approval.
- The new estimated value of the contract, including this amendment, is \$986,804.

### **Charlotte Business INClusion**

Contract goals were not established on this Amendment as there were no viable subcontracting opportunities.

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### 33. Blanchard Development Training Materials

**Action:**

- A. **Approve the purchase of supervisory development materials by the sole source exemption,**
- B. **Approve a not-to-exceed contract for \$820,000 with Blanchard for the purchase of supervisory development materials for the term of five years, and**
- C. **Authorize the City Manager, or his designee, to amend the contract consistent with the purpose for which this contract was approved.**

**Staff Resource(s):**

Sheila Simpson, Human Resources

Candy Phillips, Human Resources

**Sole Source Exemption**

- NC General Statute Section 143-129(e)(6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available;
  - A needed product is available from only one source or supply; or
  - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because Blanchard owns the Leadership Behavior Analysis II assessment tool currently used by Human Resources in its ongoing supervisory development initiative.
- City Council approval is required for any purchases made under the sole source exception.

**Explanation**

- The city implemented the Situational Leadership Experience (SLE) in the fall of 2021.
- Approximately 94 percent of the city's 1,400 supervisors have received SLE foundational training.
- The proposed contract will provide training materials for next-level classes in continuing the city's investment in this supervisory development effort.

**Charlotte Business INclusion**

This is a sole source contract and is exempt from the CBI Program.

**Fiscal Note**

Funding: Various Departments' Operating Budgets

## 34. Resolution of Intent to Abandon a Portion of Old Dowd Road

**Action:**

- A. Adopt a Resolution of Intent to abandon a Portion of Old Dowd Road, and**
- B. Set a Public Hearing for November 13, 2023.**

**Staff Resource(s):**

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 Airport property.
- The right-of-way is located in Council District 3.

**Petitioners**

City of Charlotte - Aviation Department

**Attachment(s)**

Map

Resolution

[2023-002095A - Abandonment Map](#)

[2022-002095A Resolution of Intent](#)

## 35. Set a Public Hearing on the Savona Mill Historic Landmark Designation

**Action:**

**Adopt a resolution setting a public hearing for November 27, 2023, to consider historic landmark designation for the property known as the "Savona Mill" (parcel identification number 071-114-17).**

**Staff Resource(s):**

Alyson Craig, Planning, Design & Development  
David Pettine, Planning, Design & Development

**Explanation**

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Savona Mill as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Savona Mill is located at 528 South Turner Avenue in Council District 2.
- Designation of this property could significantly contribute to its long-term preservation.
- The Savona Mill is listed under parcel identification number 071-114-17, and the recommended designation would include the interior and exterior of the structure and approximately 3.168 acres of the tax parcel immediately surrounding the entirety of the building's overall principal structure.
- The property is zoned MUDD-O.
- The property is owned by Savona Mill Office (NC), LLC.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$9,716.09 for the City of Charlotte taxes and \$17,652 for Mecklenburg County taxes.

**Attachment(s)**

Information Sheet  
Resolution

[Cover sheet - Savona Mill](#)

[Public Hearing Resolution - Savona Mill](#)

## 36. Set a Public Hearing on the Wyche-Dobson-McCoy House Historic Landmark Designation

**Action:**

**Adopt a resolution setting a public hearing for November 27, 2023, to consider historic landmark designation for the property known as the "Wyche-Dobson-McCoy House" (parcel identification number 080-102-08).**

**Staff Resource(s):**

Alyson Craig, Planning, Design & Development  
David Pettine, Planning, Design & Development

**Explanation**

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Wyche-Dobson-McCoy House as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Wyche-Dobson-McCoy House is located at 801 East Eighth Street in Council District 1.
- Designation of this property could significantly contribute to its long-term preservation.
- The Wyche-Dobson-McCoy House is listed under parcel identification number 080-102-08, and the recommended designation would include the exterior of the structure and the land associated with the tax parcel.
- The property is zoned N1-E.
- The property is owned by Joyce A. Zimmerman.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$95.15 for the City of Charlotte taxes and \$172.87 for Mecklenburg County taxes.

**Attachment(s)**

Information Sheet  
Resolution

[Cover sheet - Wyche-Dobson-McCoy House](#)

[Public Hearing Resolution - Wyche-Dobson-McCoy House](#)

## PROPERTY TRANSACTIONS

## 37. Property Transactions - Bryant Farms Rd Extension, Phase 1, Parcel # 1

**Action:** Approve the following Condemnation: Bryant Farms Rd Extension, Phase 1, Parcel # 1

**Project:** Bryant Farms Rd Extension, Phase 1, Parcel # 1

**Program:** Bryant Farms Rd Extension, Phase 1

**Owner(s):** Benjamin J Elliott and Courtney A Elliott

**Property Address:** 11607 Parks Farm Lane

**Total Parcel Area:** 37,188 sq. ft. (0.854 ac.)

**Property to be acquired by Fee Simple:** 5,852 sq. ft. (0.134 ac.) Fee Simple outside of Right of Way

**Property to be acquired by Easements:** 6,088 sq. ft. (0.140 ac.) Utility Easement, 2,077 sq. ft. (0.048 ac.) Slope Easement, 1,115 sq. ft. (0.026 ac.) Sidewalk Utility Easement, 1,035 sq. ft. (0.024 ac.) Waterline Easement and 47 sq. ft. (0.001 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Wood fencing

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

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 229-211-01

<https://polaris3g.mecklenburgcountync.gov/#mat=19784&pid=22921101&gisid=22921101>

**Appraised Value:** \$87,250

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property (fence) and requested staking of the easement lines.

**City's Response to Property Owner's Concerns:** The city completed easement staking and has agreed to erect a temporary fence during construction. No response to the city's offer has been received. The city continues to negotiate with the property owner.

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

**Council District:** 7

**Attachment(s):** Map

[Map - Bryant Farms Rd Extension Phase 1 Parcel # 1](#)

## 38. Property Transactions - Bryant Farms Rd Extension, Phase 1, Parcel # 5

**Action:** Approve the following Condemnation: Bryant Farms Rd Extension, Phase 1, Parcel # 5

**Project:** Bryant Farms Rd Extension, Phase 1, Parcel # 5

**Program:** Bryant Farms Rd Extension, Phase 1

**Owner(s):** Windsor Oaks Homeowners Association of Mecklenburg, Inc.

**Property Address:** Grand Oak Drive

**Total Parcel Area:** 1,325,477 sq. ft. (30.429 ac.)

**Property to be acquired by Fee Simple:** 4,548 sq. ft. (0.104 ac.) Fee Simple

**Property to be acquired by Easements:** 2,394 sq. ft. (0.055 ac.) Storm Drainage Easement, 691 sq. ft. (0.016 ac.) Water Line Easement, 44 sq. ft. (0.001 ac.) Utility Easement and 40,378 sq. ft. (0.927 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Brick wall and irrigation controls

**Landscaping to be impacted:** Trees, various plantings and landscaping berm

**Zoned:** R-8MF(CD)

**Use:** Multi-family

**Parcel Identification Number:** 229-107-08

<https://polaris3g.mecklenburgcountync.gov/#mat=318694&pid=22910708&qsid=22910C99>

**Appraised Value:** \$282,625

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

**City's Response to Property Owner's Concerns:** The city continues to negotiate with the property owner.

**Recommendation:** The city is currently waiting on signed documents, but 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:** 7

**Attachment(s):** Map

[Map - Bryant Farms Rd Extension Phase 1 Parcel # 5](#)



## 39. Property Transactions - Bryant Farms Rd Extension, Phase 1, Parcel # 10

**Action:** Approve the following Condemnation: Bryant Farms Rd Extension, Phase 1, Parcel # 10

**Project:** Bryant Farms Rd Extension, Phase 1, Parcel # 10

**Program:** Bryant Farms Rd Extension, Phase 1

**Owner(s):** Reavencrest Homeowners Association, Inc.

**Property Address:** Flanders Street (located in the Reavencrest subdivision)

**Total Parcel Area:** 47,952 sq. ft. (1.101 ac.)

**Property to be acquired by Fee Simple:** 4,292 sq. ft. (0.099 ac.) Fee Simple

**Property to be acquired by Easements:** 1,123 sq. ft. (0.026 ac.) Water Line Easement and 2,085 sq. ft. (0.048 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Wood fence and stone fence posts

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

**Zoned:** R-8MF(CD)

**Use:** Multi-family

**Parcel Identification Number:** 229-075-95

<https://polaris3g.mecklenburgcountync.gov/#pid=22907595&qsid=22907595>

**Appraised Value:** \$29,700

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

**City's Response to Property Owner's Concerns:** The city's offer is under review by the property owner. The city continues to negotiate with the property owner.

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

**Council District:** 7

**Attachment(s):** Map

[Map - Bryant Farms Rd Extension Phase 1 Parcel # 10](#)

## Adjournment

## REFERENCES

## 40. 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.

## 41. 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.

## 42. 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.