

# City of Charlotte

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



## Meeting Agenda

**Monday, May 8, 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**

**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. Consent agenda items 15 through 23 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**

#### **Council Committees Discussions**

**Explanation**

- Council discussion of committee items needing Council input or future action.

## **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. Drinking Water Week**

**Action:**

Mayor Lyles will read a proclamation recognizing May 7-13, 2023 as Drinking Water Week.

## PUBLIC HEARING

### 7. Public Hearing on Charlotte Water Revenue Manual Revisions

**Action:**

**Conduct a joint public hearing with the Charlotte Water Advisory Committee on proposed revisions to the Charlotte Water Revenue Manual.**

**Staff Resource(s):**

Angela Charles, Charlotte Water  
Shawn Coffman, Charlotte Water

**Policy**

- The Charlotte Water Revenue Manual consolidates Charlotte Water's rate methodology documents into a single manual.
- The agreement between the city and Mecklenburg County creating the Charlotte Water Advisory Committee stipulates a joint public hearing of the Advisory Committee with City Council anytime there are changes in the method for determining water and sanitary sewer charges.

**Explanation**

- Charlotte Water is proposing changes to the rate and fee setting methodology to be implemented with the Fiscal Year 2024 budget.
- The schedule of water and sanitary sewer rates, fees, and charges is calculated according to the revenue manual and Charlotte Water's approved budget and is published annually.
- The Revenue Manual proposed revision includes:
  - Adding a closed-circuit television video inspection fee for post-construction purposes.
  - Adding an infrastructure permit fee for revision to approved plans.
  - Clarifying language for truck fees to better explain tanker, sweeper, and vacuum truck volumetric consumption calculations.
- Advertisements for the public hearing were placed in the Mecklenburg Times on April 18, 2023, and the Charlotte Observer on April 24, 2023.
- The proposed Revenue Manual will be included in the Budget Ordinance on the June 12, 2023 City Council Business Meeting agenda.
- If approved, the revised Revenue Manual will be effective July 1, 2023.

**Attachment(s)**

Proposed Modified Revenue Manual

[Proposed Modified Revenue Manual](#)

## 8. Public Hearing on a Resolution to Close a Portion of Public Right-of-Way Adjacent to Dupree Street

### Action:

- A. Conduct a public hearing to close a Portion of Public Right-of-Way Adjacent to Dupree Street, and
- B. Adopt a resolution and close a Portion of Public Right-of-Way Adjacent to Dupree Street.

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

Debbie Smith, Transportation

Anthony Mendez, Transportation

### **Explanation**

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

### **Petitioner**

Ronald Norton

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

A Portion of Right-of-Way Adjacent to Dupree Street

### **Reason**

Per the petition submitted by Ronald Norton, the right-of-way is currently driveway access for 104 Dupree Street. The city has no objections.

### **Notification**

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

### Adjoining property owner(s)

None

### City Departments

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

### **Attachment(s)**

Map

Resolution



[Portion of Dupree Abandonment Map](#)

[2022-003334A Resolution to Close 05.08.2023](#)

## 9. Public Hearing on a Resolution to Close a Portion of Greensboro Street and a Portion of Raleigh Street Right-of-Way

### Action:

- A. Conduct a public hearing to close a Portion of Greensboro Street and a Portion of Raleigh Street Right-of-Way, and
- B. Adopt a resolution and close a Portion of Greensboro Street and a Portion of Raleigh Street Right-of-Way.

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

Debbie Smith, Transportation  
Anthony Mendez, Transportation

### **Explanation**

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The 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 rights-of-way to be closed is located in Council District 1.

### **Petitioner**

Anthony Kuhn

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

a Portion of Greensboro Street and a Portion of Raleigh Street Right-of-way

### **Reason**

Per the petition submitted by Anthony Kuhn, the area is poorly maintained and continually collects trash. The city has no objections.

### **Notification**

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

### Adjoining property owner(s)

FOZ 4237 Raleigh LLC- No objections

### City Departments

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

### **Attachment(s)**

Map  
Resolution

[2021-23A Portion of Greensboro & Raleigh Abandonment Map](#)

[2021-23A Resolution to Close 05.08.2023](#)

## 10. Public Hearing on the Proposed Fiscal Year 2024 Operating Budget and Fiscal Years 2024-2028 Capital Investment Plan

**Action:**

**Conduct a public hearing on the City Manager's Proposed Fiscal Year 2024 Operating Budget and Fiscal Years 2024 - 2028 Capital Investment Plan.**

**Committee Chair:**

Dimple Ajmera, Budget, Governance and Intergovernmental Committee

**Staff Resource(s):**

Marcus Jones, City Manager's Office

Ryan Bergman, Strategy and Budget

Teresa Smith, Finance

**Explanation**

- On May 1, 2023, the City Manager presented the Proposed Fiscal Year (FY) 2024 Operating Budget and FY 2024-2028 Capital Investment Plan. The proposed budget represents the city's proposed operating and capital budgets for the fiscal year which begins July 1, 2023.
- State law requires the city hold a public hearing following the presentation of the Manager's Proposed Budget and prior to the City Council adoption of the budget, currently scheduled for June 12, 2023.
- Charlotte's Proposed FY 2024 Budget was developed to lead the City of Charlotte toward addressing the most foundational and pressing needs of the city.

**Proposed FY 2024 Operating and Capital Budgets' Summary**

- The City Manager's Proposed FY 2024 Operating Budget and FY 2024-2028 Capital Investment Plan were developed consistent with the City Council's strategic priorities. These priorities served as the foundational elements against which all FY 2024 budget decisions were measured.
- The proposed budget includes a property tax rate of 26.04¢ per \$100 of assessed valuation, which is an 8.77¢ decrease from FY 2023.
- The proposed budget for the city consists of three major components supported by general tax revenues:
  - A General Fund budget of \$832.5 million for FY 2024, representing a 6.1 percent increase from FY 2023, to support initiatives that will continue to deliver exceptional government services to the community;
  - A \$209.4 million Municipal Debt Service Fund; and
  - A \$138.3 million General Capital Investment Plan for FY 2024

**Proposed FY 2024 Budget Highlights**

- Balances budget without a property tax increase, no increase for fifth straight year
- Maintains or enhances core services
- Maintains operating reserve levels; no use of one-time revenues such as General Fund balance
- Protects current employees-no layoffs or furloughs
- Adds 29 apprenticeships
- Adds a Human Resources position dedicated to workforce development with career coaching
- Continues flexible work options for feasible positions
- Adds 25 additional take home cars for veteran police officers
- Supports internal services by adding a legal support position, four procurement positions, two HVAC technicians, and a financial internal controls position
- Continues to be a leader in municipal sustainability led by the Strategic Energy Action Plan with:
  - Sustainable Infrastructure
    - Purchasing 45 electric vehicles

- Expanding charging infrastructure
  - Exploring new opportunities
  - Adding first net zero carbon police station
  - Adding first electric refuse truck in Solid Waste
  - Adding first electric semi-truck
- Recommends \$4.2 million in ARPA funds toward the HOMES program in partnership with the county to provide assistance that directly reduces the city tax bill by up to 25 percent for eligible applicants who are low- to moderate-income households within the city limits
- Invests 79.5 million in Fire infrastructure by programming for five stations over five years within the CIP
- Provides 42 additional fire staff
- Supports Corridors of Opportunities with a \$5 million dollar investment for implementation of playbooks, continued engagement, and partnerships
- Includes \$250,000 to continue partnership with Atrium for Hospital Based Violence Prevention Program
- Adds two new sites to the Alternatives to Violence, West Boulevard and Nations Ford/Arrowwood areas and one position to monitor programs related to SAFE Charlotte
- Continues Charlotte Business Inclusion support with \$1 million and three new positions to continue implementing programs and increase vendor outreach
- Programs funding to continue AmpUP and NXTCLT small and minority business assistance programs
- Supports closing the digital divide and Smart Cities work with two additional staff resources
- Adds 37 positions to support the Unified Development Ordinance
- Creates a Special Assistant to the City Manager to work on workforce development initiatives
- Protects quality of life for residents by adding a four-person Rapid Response code enforcement team, and an additional litter crew from the Center for Employment Opportunities
- Includes an increase in Solid Waste fees of \$0.72 per month, \$8.58 annually
- Supports Animal Care and Control needs with two new positions and an additional \$56,000 toward animal food and medical supplies
- Provides at least level funding for all current Financial Partners

**Proposed FY 2024 Employee Compensation and Benefits**

- Annualizes costs for FY 2023 employee salary actions
- Provides a six percent salary increase for all General Hourly Employees (three percent increases in both July and January)
- Provides a four percent salary pool for salaried employees
- Covers the majority of healthcare increases for employees, whose premiums will only go up \$3-\$5 per week, compared to increase of \$20/week per employee for the city.
- Continues flexible work options for feasible positions
- Provides at least eight percent increase for all police officers and sergeants
- Increases starting and top officer pay by 10.5 percent by January
- Provides a 5.5-8.0 percent increase for all Public Safety Pay Plan firefighters.
- Provides for an increase to the annual contribution to retiree health savings for sworn positions hired on or after July 1, 2009 by 25 percent to \$1,300/year beginning in January

**Proposed FY 2024 Nongeneral Departments' Revenue**

- Charlotte Water: The FY 2024 Water and Sewer Fee for the typical homeowner is proposed to increase by 4.25 percent. The typical homeowner would experience a \$3.10 per month increase.
- Storm Water: The FY 2024 Storm Water Services Fee is proposed to increase by 4.6 percent. The typical homeowner would experience a \$0.43 per month increase.
- Aviation: Select non-regulatory fees were adjusted to increase or decrease based on Aviation's cost-recovery model.
- CATS: In FY 2024, CATS' fares will remain the same as in FY 2023.

**Proposed FY 2024 Financial Partners and Outside Agency Funding**

- One new General Fund supported financial partner, Race Matters for Juvenile Justice, is being proposed for funding in FY 2024.
- General Fund supported financial partners which were funded in FY 2023 are being recommended for the same funding levels in FY 2024, with the exception of the Charlotte Regional Business Alliance which will receive a slight increase due to funding based on local population served.
- The FY 2024 recommended budgets for Charlotte Center City Partners, University City Partners, and SouthPark Community Partners Municipal Service Districts #1-6 support economic, cultural, and social development within designated districts. Their allocations are based on the valuation of properties in their respective districts.
- The Charlotte Regional Visitors Authority budget of \$21,861,227.
- Crisis Assistance Ministries is recommended for the same funding level in FY 2024 of \$425,000.
- DreamKey Partners, which receives both PAYGO and federal grant funds, is proposed to receive level funding of \$1,690,000 for affordable housing.
- Agencies that receive only Pay-As-You-Go (PAYGO) funding are proposed to maintain their FY 2023 funding levels.

**Proposed FY 2024-2028 Capital Investment Plan (CIP)**

- The five-year total Proposed FY 2024-2028 CIP is \$6.35 billion (this includes the total General CIP, as well as the five-year capital plan totals for nongeneral departments: Aviation, CATS, Charlotte Water, and Storm Water).
- The five-year General CIP totals \$758.5 million (this includes general obligation bonds, other sources, reappropriation of prior authorization, and PAYGO funds).
- The nongeneral departments' five-year capital plans total \$5.59 billion and are summarized below:
  - Aviation totals \$2.2 billion, a 17.3 percent increase,
  - CATS totals \$293 million, a 103.4 percent increase,
  - Charlotte Water totals \$2.63 billion, a 0.6 percent decrease, and
  - Storm Water totals \$470 million, a 12.6 percent decrease.
- The Proposed FY 2024-2028 General CIP includes:
  - Continuing a program to construct Fire facilities
  - Supporting the Strategic Energy Action Plan
  - Maintaining city-owned facilities and the construction of the city's first carbon zero police station
  - Implementing the ADA Transition Plan in priority city-owned facilities
  - Continuing funding of the Cross Charlotte Trail

**Budget Process**

- The following is the Council-adopted remaining budget meeting schedule:
  - May 11 - Budget adjustments,
  - May 25 - Budget straw votes, and
  - June 12 - Budget adoption.
- State law requires local governments to adopt a budget by July 1 of each year.
- A complete copy of the proposed budget is available online at:  
<https://charlottenc.gov/budget/Pages/default.aspx>

**Attachment(s)**

Proposed FY 2024 Budget Presentation

Proposed FY 2024 Budget in Brief

[FY2024 Proposed Budget Presentation](#)

[FY2024 Proposed Budget in Brief](#)

## **POLICY**

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

[05.08.2023 City Manager's Memo](#)

## 12. Business Advisory Committee and Charlotte Business Inclusion Advisory Committee Restructure

### Action:

- A. Approve the Jobs and Economic Development Committee's recommendation to change the structure of appointments to the existing 20-member Business Advisory Committee by the following actions:
- Reduce the Charlotte Regional Business Alliance appointments from five member seats to four member seats,
  - Add a new Member Organization seat designated to the Carolinas LGBT+ Chamber of Commerce, and
- B. Approve the Jobs and Economic Development Committee's recommendation to change the structure of appointments to the existing 16-member Charlotte Business Inclusion Advisory Committee by the following action:
- Add a new Member Organization seat designated to the Carolinas LGBT+ Chamber of Commerce.

### **Council Committee Chair:**

Malcom Graham, Jobs and Economic Development

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

Tracy Dodson, City Manager's Office  
Holly Eskridge, Economic Development  
Steven Coker, Charlotte Business INclusion

### **Background**

#### Action A

- The Business Advisory Committee's (BAC) purpose is to advise the City of Charlotte on legislative and operational policies to help advance success and sustainability for businesses in the city. This includes:
  - Providing a platform for businesses to collaborate, gain access to information and resources, and highlight needs;
  - Providing recommendations and advice to City Council on ways the city can help businesses;
  - Representing the interest of businesses in the city;
  - Serving as a conduit and advocating to advance the interests of businesses;
  - Collaborating with the City of Charlotte, the Charlotte Regional Business Alliance, and other economic development focused partners to create an ecosystem for business growth and sustainability;
  - Keeping City Council and city staff abreast of conditions in the business community and how these conditions might affect business-government relations and needs for public services; and
  - Partnering with staff and City Council to increase awareness of business services, support, and opportunities.
- The BAC consists of twenty members appointed by the following:
  - Two by Mayor,
  - Six by City Council,
  - Five recommended by the Charlotte Regional Business Alliance and appointed by the City Council, and
  - Seven recommended by Member Organizations and appointed by City Council.
    - Carolinas Asian-American Chamber of Commerce,
    - Charlotte Mecklenburg Black Chamber of Commerce,
    - Hispanic Contractors Association of the Carolinas,



- Latin American Chamber of Commerce,
- Metrolina Native American Association,
- Metrolina Minority Contractors Association, and
- National Association of Women Business Owners.

**Action B**

- The Charlotte Business INClusion Advisory Committee (CBIAC) reviews and recommends policies to create a thriving economic climate where businesses are connected to highly skilled talent and technologies. The CBIAC is responsible for the following:
  - Reviewing Minority, women, Small Business Enterprise (MWSBE) utilization and participation on city contracts
  - Providing recommendations and advice to City Council on ways the city can enhance diversity and inclusion of MWSBEs in city contracting and procurement
  - Providing a forum for CBI (Charlotte Business INClusion) stakeholders to raise issues and have input into CBI policy recommendations
  - Advising the city of business community conditions that may affect business-government relations
  - Serving on future city Disparity Study Advisory Committees
- The CBIAC consists of sixteen members appointed by the following:
  - Three by Mayor,
    - At-Large Charlotte Regional Business Alliance,
    - At-Large Prime Construction Company,
    - At-Large Professional Services,
  - Thirteen by City Council,
    - Carolina Association of General Contractors,
    - Carolinas Asian-American Chamber of Commerce,
    - Charlotte Mecklenburg Black Chamber of Commerce,
    - Hispanic Contractors Association of the Carolinas,
    - Latin American Chamber of Commerce,
    - Metrolina Native American Association,
    - Metrolina Minority Contractors Association,
    - National Association of Women Business Owners,
    - 3 At-Large, and
    - 2 At-Large Prime Construction Company.

**Proposed Changes****Action A**

- The proposed BAC restructuring includes,
  - Reducing the Charlotte Regional Business Alliance appointments from five member seats to four member seats,
  - Adding a new Member Organization seat designated to the Carolinas LGBT+ Chamber of Commerce, and
  - Maintaining total number of appointments at twenty members.

**Action B**

- The proposed CBIAC restructuring includes,
  - Adding a new Member Organization seat designated to the Carolinas LGBT+ Chamber of Commerce

**Committee Discussion****Action A**

- As part of the September 12, 2022, referral to assess and make recommendations specific to each of the boards and commissions and their continued purpose moving forward, or restructure, or disbandment and the Mayor and City Council discussion at their April 3, 2023, meeting, the request was made for staff to bring to the Jobs and Economic Development Committee a plan for restructuring the BAC to include the Carolinas LBGT+ Chamber of Commerce.

- On May 1, 2023, the Jobs and Economic Development Committee voted unanimously (Graham and Molina absent for vote) to approve the proposed BAC restructuring be included on a future City Council Meeting agenda for consideration of approval.

Action B

- On May 1, 2023, the Jobs and Economic Development Committee voted unanimously (Graham and Molina absent for vote) to approve the proposed CBIAC restructuring be included on a future City Council Meeting agenda for consideration of approval.

**Attachment(s)**

May 1, 2023 Jobs and Economic Development Council Committee Presentation

[5.01.2023 J&ED Committee: BAC and CBIAC Restructure 05.01.23](#)

### 13. Amending the City Charter to Change the Form of Government

**Action:**

- A. **Adopt an ordinance amending the City Charter to change the form of government by:**
1. **Changing the terms of office for the Mayor and Councilmembers from two years to four years,**
  2. **Staggering the election terms,**
  3. **Adding an additional district member, and**
- B. **Adopt an ordinance amending the City Charter to be effective only if approved by a vote of the people, and**
- C. **Adopt a resolution to call a special election for the purpose of submitting the ordinance to a vote at the next general election, November 7, 2023.**

**Committee Chair:**

Dimple Ajmera, Budget, Governance, and Intergovernmental Relations

**Staff Resource(s):**

Patrick Baker, City Attorney's Office

Lina James, City Attorney's Office

**Proposed Changes**

- NC General Statutes 160A-101 authorizes the City Council to change its form of government by adopting a resolution of intent to consider amending its city charter by ordinance; modifications include altering the terms of office of the mayor and councilmembers, staggering terms of office, and adding an additional district member so long as the number of councilmembers does not exceed 12.
- By law, within 10 days of adoption of Actions A, B, and C, the City Clerk shall publish notice of the call for election and shall forward copies of the attached resolutions to the Mecklenburg County Board of Elections.
- If the majority of votes cast at the election are in favor of the proposed amendments by ordinance to the City Charter, Council shall take action to adopt the ordinance which will become effective upon adoption.
- Action A:
  - NC General Statute 160A-102 specifies the procedures for amending the city charter by adopting an ordinance to implement changes allowed by law.
- Action B:
  - By law, when an ordinance is adopted and subject to a public vote, whether by Council action or a referendum petition, that vote must take place at the next general election and Council may also call for a special election for the purpose of submitting the ordinance to a vote.
- Action C:
  - The special election shall be held as required by applicable law, in this case on Tuesday, November 7, 2023.
- The proposed ordinance amends the Charter of the City of Charlotte as set forth in Chapter 2 of the Session Law 200-26 of North Carolina and N.C.G.S. §160A-101 and §160A-102 to:
  - Change the length of terms of office of the members of the Charlotte City Council from two years to four years (N.C.G.S. 160A-101(4));
  - Change the length of the term of office of the mayor; at least two years, but no more than four years (N.C.G.S. 160A-101(8));
  - Whether district and at-large members hold the same terms of office (N.C.G.S. 160A-101(4)).

- Whether mayor, at-large and district terms are staggered or run concurrently (N.C.G.S. 160A-101(4));
- If staggered elections, bifurcate by offices and timeframe for when staggering begins (i.e., mayor, at-large, or districts) (N.C.G.S. 160A-101(4));
  - It is proposed that at the regular municipal election to be held in 2025, that the (Mayor and At-large or all District Councilmembers) candidates shall be elected for four-year terms, while the (district Councilmembers or the Mayor and At-large) candidates shall be elected for two-year terms. At the regular municipal election to be held in (2027), and every four years thereafter that the (Mayor and At-large or the District Councilmembers) candidates shall be elected to serve for four-year terms. At the regular municipal election to be held in (2029) and every four years thereafter, the Mayor and all City Councilmembers shall be elected for four-year terms; and to change the number of Councilmembers from 11 to 12 per N.C.G.S. 160A-101.
- Adding an additional district member (N.C.G.S. 160A-101(5)).

**Background**

- In 2020, at the direction of Mayor Vi Lyles and Mayor Pro Tem Julie Eiselt, the Citizen Advisory Committee on Governance (CACG) was established to review the current structure of the Charlotte City Council. The CACG provided a report of recommendations to Council in November 2020, which Council adopted in January 2021.
- The CACG report recommended increasing council terms to four years, staggering election terms, adding an eighth district seat, and removing an at-large seat.
- In 2021 and 2022, several of the CACG recommendations were addressed or considered by Council and Council Committees.
- In 2021, the Budget Governance and Intergovernmental Relations (BGIR) Council Committee was tasked with reviewing certain unaddressed CACG recommendations to changes in form of government and to make recommendations for Council to consider.
- The current form of government under Chapter 2 of the Charlotte Code of Ordinances:
  - Sec. 2.01: Regular municipal elections shall be held in the City every two years in odd-numbered years and shall be conducted in accordance with the Uniform Municipal Elections Laws of North Carolina. The Mayor and members of the Council shall be elected according to the partisan election method authorized for municipalities.
  - Sec. 2.02: The Mayor shall be elected to serve a term of two years. The Mayor shall be elected by the qualified voters of the City voting at large.
  - Sec. 2.03: The Council shall consist of 11 members. The City shall be divided into seven single-member electoral districts; Council members shall be apportioned to the districts so that each member represents the same number of persons as nearly as possible, except for members apportioned to the City at large. The qualified voters of each district shall nominate and elect candidates who reside in the district for seats apportioned to that district, and all the qualified voters of the City shall nominate and elect candidates apportioned to the City at large. There shall be four at-large members of the City Council. All members of the Council shall serve a term of two years.

**Committee Discussion**

- On December 5, 2022, and January 3, 2023, based on recommendations from the CACG and the BGIR Council Committee, the City Attorney's Office reviewed the law, provided options and the outlined procedures to change the form of government.
- On January 3, 2023, the BGIR Council Committee voted unanimously to recommend that full Council consider increasing mayor and council terms to four-years, stagger election terms, add an additional district member to council, and adopt an ordinance amending the city charter subject to a vote of the people. (Approved 3:0, Anderson and Bokhari absent)

**Council Discussion**

- At the March 13, 2023 City Council Business Meeting, Council conducted a public hearing on Council's adoption of the resolution of intent to change the form of government. A public hearing is required by law when City Council adopts a resolution of intent to consider changing the form of government. A notice of public hearing shall be published at least once not less than 10 days before the public hearing and shall contain a summary of the proposed amendments. As required by law, the city published notice that a public hearing would be held on March 13, 2023.
- At the February 13, 2023 City Council Business Meeting, Council voted to:
  - A. Adopt a Resolution of Intent to Consider Amending the City Charter by Ordinance to Change the Form of Government by:
    - Increasing the terms of office of mayor and councilmembers from two to four years,
    - Staggering election terms, and
    - Adding an additional district member;
  - B. Adopt the Resolution of Intent with the condition that any adoption of the ordinance amending the city charter shall be effective only upon approval by a vote of the people; and
  - C. Set a public hearing date on the Resolution of Intent for March 13.
- The vote was approved 6:4 - Council members Ajmera, Anderson, Johnson, Mayfield, Watlington and MPT Winston, voted yes; Council members Bokhari, Driggs, Graham, and Molina, voted no (Mitchell absent).
- At the January 3, 2023 City Council Discussion Session, Council received an overview of the BGIR's Committee's recommendations, the legal process, and a timeline for amending the city charter by ordinance.
- A motion was made and seconded to place an upcoming Council agenda the option to adopt a resolution of intent for City Council to consider amending the city charter by ordinance to change its form of government for terms of office for mayor and councilmembers to four-years, stagger election terms, and add an additional district member to council, all subject to a vote of the people. The motion was carried by the following vote: Council members Ajmera, Mayfield, Mitchell, Molina, Watlington, and MPT Winston, voted yes; Council members Bokhari, Driggs, and Graham voted no (Anderson absent).

**Attachment(s)**

Change to Length of Terms Ordinance

Change to Staggered Terms Ordinance

Change to the Number of Governing Board Members Ordinance

Resolution-Change Length of Board Members

Resolution-Change to Staggered Terms

Resolution-Change Number of Governing Board Members

[Change to Length of Terms Ordinance](#)[Change to Staggered Terms Ordinance](#)[Change to the Number of Governing Board Members Ordinance](#)[Resolution -Change Length of Board Members](#)[Resolution -Change to Staggered Terms](#)[Resolution-Change Number of Governing Board Members](#)

## 14. Fiscal Year 2024 Annual Action Plan for Housing and Community Development

**Action:**

**Adopt the Fiscal Year 2024 Annual Action Plan for Housing and Community Development.**

**Staff Resource(s):**

Shawn Heath, Housing and Neighborhood Services

Warren Wooten, Housing and Neighborhood Services

**Explanation**

- 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.
- In fiscal year 2024, the city expects to receive the following federal funding allocations, totaling \$13,242,584:
  - Community Development Block Grant: \$5,618,194,
  - HOME Investment Partnerships: \$3,463,178,
  - Emergency Solution Grants: \$494,529, and
  - Housing Opportunity for Persons with AIDS: \$3,666,683.
- The Plan describes the city's use of HUD funding during fiscal year 2024 and is consistent with the city's Housing Charlotte Framework to preserve existing housing, expand the supply of low- and moderate-income housing, and support family self-sufficiency.
- Community engagement on the Plan included:
  - Publishing a draft copy of the Plan to the city's website with paper copies available by request in English and Spanish.
  - Holding a virtual public forum on February 16, 2023, and an in-person public forum on February 22, 2023. During the forums, staff provided an overview of the Action Plan, answered participants' questions, and provided residents with opportunities to make comments.
  - Holding a public hearing at the April 10, 2023 Council business meeting.
- The Plan includes housing and community development needs and resources for the city and the Regional Housing Consortium.
- The Regional Housing Consortium is a partnership among the City of Charlotte; Mecklenburg County; and the towns of Cornelius, Pineville, Matthews, Mint Hill, Huntersville, and Davidson.
- The Plan must be submitted to HUD no later than May 15, 2023.

**Attachment(s)**

FY 2024 Annual Action Plan for Housing and Community Development - Executive Summary

[FY2024 Annual Action Plan Executive Summary](#)

## CONSENT

### 15. Light Vehicle Repairs

**Action:**

- A. Approve unit price contracts with the following companies for light vehicle repairs for an initial term of one year:**
- Capital Ford of Charlotte,
  - Parks Chevrolet at the Lake,
  - Woodie Enterprises Inc. DBA Woodies Auto Service and Repair Centers, and
- B. Authorize the City Manager to renew the contracts for up to four, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

**Staff Resource(s):**

Phil Reiger, General Services

Chris Trull, General Services

**Explanation**

- The city requires qualified light vehicle dealers and general service providers to work in conjunction with Fleet Management to support the city's fleet.
- The services required include but are not limited to maintenance, repair, replacement, diagnostic, and warranty service on all automobiles, vans, and pick-up trucks operated by the city.
- On November 16, 2022, the city issued a Request for Proposals (RFP); three responses were received.
- The companies selected meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total annual expenditures are estimated to be \$600,000.

**Charlotte Business INclusion**

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

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

**Fiscal Note**

Various Departments' Operating Budgets

## 16. Roof Replacement for the Police and Fire Training Academy

**Action:**

**Approve a contract in the amount of \$625,400.00 to the lowest responsive bidder Triad Roofing Company, Inc. for the Police and Fire Training Academy Roof Replacement project.**

**Staff Resource(s):**

Phil Reiger, General Services

David Wolfe, General Services

John Mrzygod, General Services

**Explanation**

- The roof at the Police and Fire Training Academy located at 1770 Shopton Road in Council District 3 is 22 years old and in need of replacement.
- The new roof will make the building ready for the installation of solar panels next year in support of the Strategic Energy Action Plan and in accordance with City Council's investment in sustainable infrastructure.
- On March 1, 2023, the city issued an Invitation to Bid; six bids were received.
- Triad Roofing Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2023.

**Charlotte Business INClusion**

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 meets the provisions of (a) - no subcontracting opportunities.

**Fiscal Note**

Funding: General Capital Investment Plan



## 17. Wastewater Treatment Plant HVAC Replacement

**Action:**

**Approve a contract in the amount of \$4,964,000.00 to the lowest responsive bidder, State Utility Contractors, Inc., for the McAlpine Creek Wastewater Treatment Plant Dewatering Facility HVAC Replacement project.**

**Staff Resource(s):**

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

**Explanation**

- This contract will replace a failing Dewatering Facility HVAC system with a new and reliable HVAC system for the McAlpine Creek Wastewater Treatment Plant, located in the Town of Pineville (adjacent to Council District 7).
- The existing HVAC system is past its useful life expectancy and units are nonrepairable. Replacement of the system is necessary to maintain a safe and efficient environment.
- On February 6, 2023, the city issued an Invitation to Bid (ITB); one bid was received.
  - N.C. 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 March 3, 2023, the ITB was re-issued; one bid was received.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2023.

**Charlotte Business INclusion**

Established MSBE Goal: 5.00%

Committed MSBE Goal: 1.55%

Committed MWSBE Participation at time of Bid: 27.13%

State Utility Contractors, Inc. failed to meet the established MSBE subcontracting goal but earned the minimum Good Faith Efforts (Part B: Section 5 of the Charlotte Business INclusion Policy). State Utility Contractors, Inc. has committed \$76,725 or approximately 1.55% of the total contract amount to the following certified firms:

- CITI, LLC (MBE) (\$56,460) (instrumentation/SCADA)
- Stevens Interiors, Inc. (SBE) (\$14,265) (acoustical ceilings)
- Soggy Bottom Erosion Control, LLC (SBE) (\$5,000) (erosion control)
- Shoreline Trucking (MBE, SBE) (\$1,000) (hauling)

At time of Bid Opening, State Utility Contractors, Inc. committed \$1,270,000 or approximately 25.58% of the total contract amount to the following certified firms:

- Smart Electric Company, Inc. (WBE) (\$1,245,000) (electrical services)
- Baker Demolition, Inc. (WBE) (\$25,000) (demolition services)

**Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 18. Vegetation Management and Stormwater Control Measures Maintenance Services

### Action:

- A. Approve unit price contracts with the following companies for vegetation management and stormwater control measures maintenance services for an initial term of two years,
- Uncommon Grounds Landscaping LLC (SBE), and
  - Dragonfly Pond Works, LLC
- B. Authorize the City Manager to renew the contracts for up to two, two-year terms with possible price adjustments and 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  
Robbey Zink, Storm Water Services

### **Explanation**

- Work will consist of inspections, maintenance, and vegetation management of stream restoration projects and city-owned stormwater control measures in order to continue to meet project goals and meet North Carolina Department of Environmental Quality and US Army Corps of Engineers regulatory compliance standards.
- Stream improvement projects and stormwater control measures reduce pollutants within the city's surface waters and can reduce flooding in the project area.
- Work will also consist of invasive species vegetation removal as part of the City of Charlotte's Tree Canopy Preservation Program through Landscape Management.
- On February 1, 2023, the city issued a Request for Proposals (RFP); three responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual aggregate expenditures are estimated to be \$1,750,000.

### **Charlotte Business INclusion**

Uncommon Grounds Landscaping LLC is a city certified SBE.

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). A 5.00% MSBE subcontracting goal has been committed. The companies have identified the following certified firms to be utilized as the project evolves:

#### Uncommon Grounds Landscaping LLC (SBE)

- Roundtree Companies (MBE, SBE)

#### Dragonfly Pond Works LLC

- Heric Solutions LLC (SBE)
- BG Industrial LLC (WBE)

### **Fiscal Note**

Funding: Various departments' Capital Investment Plans and Operating Budgets

## 19. Refund of Property Taxes

**Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$3,978.65.**

**Staff Resource(s):**

Teresa Smith, Finance Department

**Explanation**

- Mecklenburg County notified and provided the city the list of Property Tax refund due to clerical or assessment error.

**Attachment(s)**

Taxpayers and Refunds Requested  
Resolution Property Tax Refunds

[List of Taxpayers](#)

[Resolution May 8th](#)

**PROPERTY TRANSACTIONS****20. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #314**

**Action:** Approve the following Property Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #314

**Project:** Little Hope Creek Sanitary Sewer Improvements, Parcel #314

**Owner(s):** Jon Thomas Gajewski

**Property Address:** 1101 Barkley Road

**Total Parcel Area:** 17,663 sq. ft. (0.40 ac.)

**Property to be acquired by Easements:** 2,159.00 sq. ft. (0.05 ac.) in Permanent Easement

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

**Landscaping to be impacted:** Two small bushes and a gravel parking pad

**Zoned:** R-4

**Use:** Single Family Residential

**Parcel Identification Number(s):** 171-084-15  
<https://polaris3g.mecklenburgcountync.gov/#mat=12657&pid=17108415&qisid=17108415>

**Appraised Value:** \$35,125

**Property Owner's Concerns:** Owner is unresponsive.

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

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

**Council District:** 1

## 21. Property Transactions - Idlewild BPS Supply Main, Parcel # 1

**Action:** Approve the following Acquisition: Idlewild BPS Supply Main, Parcel # 1

**Project:** Idlewild BPS Supply Main, Parcel # 1

**Program:** Idlewild BPS Supply Main

**Owner(s):** SCI North Carolina Funeral Services, LLC

**Property Address:** 5400 Monroe Road

**Total Parcel Area:** 5,667,278 sq. ft. (130.10 ac.)

**Property to be acquired by Easements:** 124,611 sq. ft. (2.86 ac.) Water Line Easement and 22,286 sq. ft. (0.51 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Parcel Identification Number:** 163-041-01 (163-041-01A)  
<https://polaris3g.mecklenburgcountync.gov/#mat=148730&pid=16304101A&qisid=16304101>

**Purchase Price:** \$338,950

**Council District:** 5

## 22. Property Transactions - Shamrock Drive Improvements, Parcel # 72

**Action:** Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 72

**Project:** Shamrock Drive Improvements, Parcel # 72

**Program:** Shamrock Drive Improvements

**Owner(s):** ONeil Property Management, LLC

**Property Address:** 2420 Shamrock Drive

**Total Parcel Area:** 12,868 sq. ft. (0.295 ac.)

**Property to be acquired by Fee Simple:** 159 sq. ft. (0.004 ac.) Fee Simple

**Property to be acquired by Easements:** 1,437 sq. ft. (0.033 ac.) Sidewalk Utility Easement, 709 sq. ft. (0.016 ac.) Storm Drainage Easement, 62 sq. ft. (0.001 ac.) Utility Easement and 3,032 sq. ft. (0.070 ac.) Temporary Construction Easement

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

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

**Zoned:** R-4

**Use:** Single-family Residential

**Parcel Identification Number:** 093-075-19

<https://polaris3g.mecklenburgcountync.gov/#mat=83423&pid=09307519&gisid=09307519>

**Purchase Price:** \$38,575

**Council District:** 1

## 23. Property Transactions - Shamrock Drive Improvements, Parcel # 79

**Action:** Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 79

**Project:** Shamrock Drive Improvements, Parcel # 79

**Program:** Shamrock Drive Improvements

**Owner(s):** ONeil Property Management, LLC

**Property Address:** 2500 Shamrock Drive

**Total Parcel Area:** 15,028 sq. ft. (0.345 ac.)

**Property to be acquired by Fee Simple:** 4 sq. ft. (0.000 ac.) Fee Simple

**Property to be acquired by Easements:** 820 sq. ft. (0.019 ac.) Storm Drainage Easement, 738 sq. ft. (0.017 ac.) Sidewalk Utility Easement, 644 sq. ft. (0.015 ac.) Utility Easement and 2,658 sq. ft. (0.061 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-4

**Use:** Single-family Residential

**Parcel Identification Number:** 093-076-01

<https://polaris3g.mecklenburgcountync.gov/#mat=527204&pid=09307601&qisid=09307601>

**Purchase Price:** \$36,000

**Council District:** 1

## Adjournment

## REFERENCES



## 24. 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.

## 25. 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.

## 26. 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.