

Follow-Up Items
City Council Action Review and Business Meeting
Monday, Aug. 26, 2019

Agenda Item	Requestor	Mayor and Council Questions	City Response	Department
Construct Sidewalk Ramps and Address Sidewalk Gaps	Driggs/Harlow	Requested a breakdown of where sidewalks are being built.	<ul style="list-style-type: none"> • Attachment A is a list of active Sidewalk Gap and Ramp projects for 2019 with Council districts. Projects with a construction cost typically estimated at less than \$100,000 are built through the Sidewalk Gap and Ramp program. Larger sidewalk projects and pedestrian safety projects are not included in this list. • This list is not specific to the contract approved at Council on 8/26 as we use multiple contracts in combination with city forces to build these projects. 	General Services
Public Auction for Disposal of Surplus Equipment	Mayfield/Eiselt	Requested written language for identifying surplus vehicles. What is the process? What are the mileage factors?	<ul style="list-style-type: none"> • Fleet Management evaluates all city equipment (including light and heavy-duty vehicles) based on four factors: age of the equipment, mileage, life to date maintenance cost, and condition of the overall equipment. Fleet Management historically has determined a baseline for each factor (based on type and class of vehicle). Vehicles are compared to the baseline on each factor to generate a score. Vehicles across departments are then organized by score to ensure equipment is fairly evaluated across the city over time and that the most problematic (and most expensive to repair) pieces of equipment are annually removed from the city's fleet. 	General Services

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			<ul style="list-style-type: none"> • A brief explanation of the replacement factors are as follows: <ul style="list-style-type: none"> ○ The point-based ratings are: low, base (equal to the standard), high, and extreme. Points are assigned as follows: 1-low, 2-base, 3-high and 4-extreme. ○ Any point total of 10 or above (out of 12 possible points) indicates that the vehicle should be recommended for replacement. ○ The point total becomes the equipment's rating and is used to rank its replacement priority. The larger the rating number, the higher the replacement priority will be. ○ Base replacement criteria have been set for each class of vehicle. These criteria are based on the city's historical fleet costs, vehicle life-cycle cost analysis, public and private fleet best practices, and customer input. These criteria are periodically reviewed and adjusted as necessary. <p>Age When a vehicle is evaluated based on age, the key factors include experience per class of equipment, recommendations from vehicle manufacturers, main usage of the vehicle, and the projected resale conditions for the city.</p> <p>Mileage When a vehicle is evaluated based on mileage, the key</p>	

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			<p>factors are based on experience per class of equipment, determining the main duties of the vehicle, hours of operation, and the projected resale conditions for the city.</p> <p>Maintenance Costs When a vehicle is evaluated based on maintenance costs, the key factors are based on an analysis of the historical maintenance cost of the vehicle and comparing it to the average cost expected for that piece of equipment by class. Accident costs are not included in this calculation.</p> <p>Condition A physical evaluation is made for each vehicle as requested by the user department. Each major system is evaluated and the estimated cost projection to restore system to excellent condition is determined. This cost is compared to the projected replacement cost for the class.</p>	
	Phipps	Internal Audit should review process for release of rolling stock vehicles.	<ul style="list-style-type: none"> • A report was last issued in September 2000. • The Auditor submitted his audit plan to the Budget & Effectiveness Committee on July 22, 2019. The priorities are construction, IT security and accounting controls. • Internal Audit will review the work plan for possible additions. 	Internal Audit

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American Cities Climate Challenge and Strategic Energy Action Plan	Eiselt/Ajmera	Requested a comparison to review choices for fleet conversions.	<ul style="list-style-type: none"> • There are a variety of factors that influence CATS' fleet purchases. Attachment B is a summary compiled from Carnegie Mellon report that outlines pros and cons of bus options. • CATS is available to provide in depth conversations with Council members. 	General Services
	Ajmera	Concerns about lack of timeline, 2030 and 2050 goals.	<ul style="list-style-type: none"> • The Strategic Energy Action Plan sets dates by fiscal year in various Action Areas, Tasks, and Steps. (Attachment C- Strategic Energy Action Plan pages 17 and 18 of the SEAP.) • FY2020 was planned as a year of preparedness. As we focus on internal structure, planning and data analysis, we are laying the groundwork to achieve the goals outlined in the plan. • In addition, a variety of milestones are underway, and several have already been accomplished including: <ul style="list-style-type: none"> ○ Setting up an Internal City Resilience Delivery Team ○ Forming a Branding Team/Communications Plan ○ Monitoring and submitting emissions inventories and questionnaires to CDP ○ Forming a building, transportation, workforce and equity and energy working group 	
	Winston	Has there been buy in on SEAP by MTC and other organizations?	<ul style="list-style-type: none"> • The full SEAP has not been presented to the Metropolitan Transit Commission (MTC); however, the goals of the SEAP impact on CATS vehicle technology policy and procurement has been 	

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			<p>discussed.</p> <ul style="list-style-type: none"> • John Lewis presented City Council’s feedback about CATS participation in the SEAP to the MTC at the August 28, 2019 meeting. • Mayor Lyles, Chair of the MTC, invited the MTC to discuss further at future meetings. 	
	Harlow	<p>What are we doing to incentivize businesses to contribute to sustainability?</p> <p>Raised specific questions about infrastructure and charging stations for electric cars.</p>	<p>Programs</p> <ul style="list-style-type: none"> • Various programs exist to incentivize, promote, and grow local businesses contributing to sustainability. One example is the Green Crown program. The Green Crown program shines a light on eating and drinking establishments that are implementing sustainable business practices. • Another example is our partnership with Freshlist, which provides a convenient food delivery service to city employees by offering an online grocery delivery service. Freshlist supports local farms and small businesses who are practicing sustainable agricultural practices. <p>Pilots</p> <ul style="list-style-type: none"> • Currently, Fleet is working with a consultant to install GPS units on 10 staff vehicles. Together, they ran an analysis to see how the city is using a subset of our vehicles. • This analysis will inform how we incorporate alternative fuels into our fleet and locations for accompanying infrastructure. • This is part of our data driven approach to meet our goals for fueling 100% of our fleet from zero 	

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			<p>carbon.</p> <ul style="list-style-type: none"> • Charlotte WATER will be utilizing the GPS units on 100% of their vehicles and using the data to make similar decisions in the future. <p><u>Duke Energy</u></p> <ul style="list-style-type: none"> • Duke Energy recently proposed a \$76 million initiative to promote Electric Vehicle (EV) adoption and reduce carbon emissions in North Carolina by helping to fund the adoption of electric school buses and electric public transportation, and will lead to almost 2,500 new charging stations in the state by installing a network of fast-charging stations to meet growing demand. • The initiative includes: <ul style="list-style-type: none"> ○ Rebates for residential level II charging stations ○ Public charging stations ○ Rebates for fleet infrastructure ○ Financial support for school buses and infrastructure ○ EV Transit Bus Charging Stations 	
<p>Airport Parking Deck Maintenance</p>	<p>Mayfield</p>	<p>Expressed concerns on the city's process of determining Minority Women Small Business Enterprises (MWSBE) opportunities and percent participation on projects.</p>	<ul style="list-style-type: none"> • Opportunities for MWSBE participation on construction projects are reviewed and identified by staff using the engineer's estimate. Individual subcontracting scopes of work are reviewed against MWSBE availability and opportunity to establish the subcontracting goal(s). • We will continue to review existing processes and make necessary modifications to maximize MWSBE 	<p>General Services</p>

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			<p>participation. These modifications will include:</p> <ul style="list-style-type: none"> ○ Establishing subcontracting goals on contracts that yield MWSBE opportunities at any amount resulting in meaningful work for MWSBEs; ○ Providing additional information when the goal methodology weighted average results in less than 3% MWSBE opportunities; ○ Expanding opportunities for unbundling contracts, with both prime and subcontract awards for MWSBEs that can be performed independently and with full accountability, in compliance with state statutes requiring low bid awards. 	
Speaker – Lloyd Scher	Mayfield	Requested language be provided to Council to review possibility of banning bullets for AK47 and AR15 rifles in Government buildings.	<ul style="list-style-type: none"> • NCGS 14-409.40(b) prohibits local governments from regulating the sale of ammunition. • Legislative authority is required to either repeal this provision or have Charlotte exempted from the provision. 	City Attorney’s Office
Public Forum Speakers – Lake Arbor	Eiselt	Can we look at an ordinance tweak to use in rem repair authority, to force owners to comply	<ul style="list-style-type: none"> • As detailed in the in rem presentation at the September 3, 2019 Strategy Session, the city’s minimum housing ordinance already provides for an in rem repair (Attachment D) 	City Attorney’s Office
	Mayor	Requested follow-up on status of assessment for families. What are we doing from a public health and social services perspective?	Response included in Attachment E – Lake Arbor Report	Housing & Neighborhood Services

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	Winston	Can we deal with displacement as a matter of public safety issue.?	Response included in Attachment E – Lake Arbor Report	Housing & Neighborhood Services
	Mayfield	Requested detailed timeline of when updates and resource information was sent to tenant and when information was sent to Council and identify any disconnects.	Response included in Attachment E – Lake Arbor Report	Housing & Neighborhood Services

Attachment A

Sidewalk Gap and/or Ramp Project Location	Status	District
Steele Creek Sidewalk (SMD)	Complete Feb 2019	3
Nations Ford at I-485 (SMD)	Complete Feb 2019	3
Regal Oaks Ramps (SMD)	Complete March 2019	5
Hawkins Sidewalk (SMD)	Complete March 2019	3
Mecklenburg Ave at Wilhelmenia Ave ramp (SMD)	Complete April 2019	1
Hubbard Sidewalk	Complete April 2019	2
Griffith at Baltimore Ramps (SMD)	Complete June 2019	3
Alleghany Sidewalk	Complete July 2019	3
Idlewild Elementary Ramps (SMD)	Complete August 2019	5
Rama at McClintock Ramps (SMD)	Complete August 2019	5
Caldwell at First Ward Academy ramp (SMD)	Complete August 2019	1
Thomasboro Academy ramps (SMD)	Complete August 2019	2
Rea Rd at Edinbridge ramps (SMD)	Complete August 2019	7
10th/Jackson	Complete August 2019	1
Hidden Valley/Sugar Creek Ramps/Crossing	Construction	1, 4
Summit/Litaker area RR crossings	Ready for Construction	2
Worthington at Mint Sidewalk	Ready for Construction	3
Sycamore Sidewalk	Ready for Construction	2
Wilkinson Sidewalk	Ready for Construction	3
Providence Lane West Sidewalk	Ready for Construction	7
Old Mallard Creek/IBM ramps	Ready for Construction	2
Bevington Place Sidewalk	Ready for Construction	7
Morrocroft Sidewalk	Ready for Construction	6
South Blvd/Sharon Rd West Sidewalk (SMD)	Ready for Construction	3
Northampton Sidewalk (SMD)	Ready for Construction	6
Dr. Weber Dr and Senior Dr ramp (SMD)	Ready for Construction	2
Westfield at Tranquil Ave Sidewalk (SMD)	Ready for Construction	6
Church/Bland, Church/Summit (SMD)	Ready for Construction	3
Cedar Street at Greenway (SMD)	Ready for Construction	2
2300 Weddington Ave (SMD)	Ready for Construction	1
Buchanan at Dilworth Rd East Ramps (SWS)	Construction by Storm Water project	1
Sharon View Sidewalk (SWS)	Construction by Storm Water project	6
Coltsgate Sidewalk	RE (hold for development)	6
Colwick Sidewalk	RE	1
Nations Ford Sidewalk	RE	3
4911 Park Road	Design	6
McNinch Greenway Connection	Survey	2
9925 Providence Road West Sidewalk	Survey	7
Harrisburg Road Sidewalk	Survey	5
Poindexter/Lawndale	Survey	1
5212 Sharon View	Survey	6

SMD - Street Maintenance Division anticipated to build project

SWS - Storm Water Services project anticipated to build project

RE - Real Estate

Attachment B

*Transit Bus Options

**Source: POLICYMAKER GUIDE Which Alternative Fuel Technology is Best for Transit Buses?
Carnegie Mellon University – Scott Institute for Energy Innovation**

Bus Option	Pros	Cons
Conventional Diesel	<ul style="list-style-type: none"> • Existing technology (highest reliability) • Lowest bus purchase cost • No new infrastructure needed 	<ul style="list-style-type: none"> • Large GHG emissions
Diesel Hybrid-Electric	<ul style="list-style-type: none"> • Lower environmental impacts than conventional diesel • Very good driving range • No new infrastructure needed 	<ul style="list-style-type: none"> • High bus purchase cost
BEB Rapid Charging	<ul style="list-style-type: none"> • Quiet while running • High vehicle efficiency, low electricity cost and low O and M cost • Reduce GHG emissions significantly 	<ul style="list-style-type: none"> • Very high bus purchase cost • Very poor driving range • Major infrastructure upgrades • Larger CAP emissions • Low reliability (evolving tech)
BEB Slow Charging	<ul style="list-style-type: none"> • Quiet while running • High vehicle efficiency, low electric cost, and low O and M cost • Reduce GHG emissions significantly 	<ul style="list-style-type: none"> • Very high bus purchase cost • Poor driving range • Major infrastructure upgrades • Larger CAP emissions • Low reliability (evolving tech)
Compressed Natural Gas	<ul style="list-style-type: none"> • Lowest cost of fuel (\$/DGE) • Moderate bus purchase cost 	<ul style="list-style-type: none"> • Major infrastructure upgrades • Larger GHG and CAP emissions
Liquefied Natural Gas	<ul style="list-style-type: none"> • Moderate bus purchase cost (higher than diesel, lower than other alternatives) 	<ul style="list-style-type: none"> • Major infrastructure upgrades • Largest GHG and CAP emissions • Highest total cost
B20 (Biodiesel)	<ul style="list-style-type: none"> • Minor infrastructure upgrades • Reduce GHG emissions 	<ul style="list-style-type: none"> • Biodiesel not readily available • Higher cost of fuel (\$/dge)
B100 (Biodiesel)	<ul style="list-style-type: none"> • Minor infrastructure upgrades • Reduce GHG emissions 	<ul style="list-style-type: none"> • Biodiesel not readily available • Highest cost of fuel (\$/dge)

ACRONYM KEY:

\$/dge Cost per diesel gallon equivalent

B20 A blend of 20% biodiesel and 80% petroleum diesel

B100 Biodiesel (pure)

BEB Battery electric bus

CAP Criteria air pollutant

CNG Compressed natural gas

GHG Greenhouse gas

HEB Hybrid-electric bus

LNG Liquefied natural gas

O&M Operation and

B20 = 20 percent biodiesel

B100 = 100 percent biodiesel

DGE = diesel gallon equivalent

Attachment C

ACTION AREAS + TASKS

INTERNAL ACTION AREAS

ACTION AREA 1: STRUCTURAL CHANGE

- Task 1: Set Up Internal City Resilience Delivery Team (CREDIT)
- Task 2: Setting the CREDIT Programmatic Agenda in FY20
- Task 3: Set Up Internal Revolving Fund Mechanism
- Task 4: Develop strategy for stakeholder group engagement in FY20
- Task 5: Hold a Meeting of Content Expert Advisory Group (CEAG) and Internal Working Group

ACTION AREA 2: INITIATE A CITYWIDE COMMUNICATION CAMPAIGN TOWARDS A LOW CARBON FUTURE

- Task 1: Form a Branding Team in FY20
- Task 2: Create a Striking Visual for Zero Carbon Buildings and Vehicles in FY20
- Task 3: Finalize Full Website Development in FY20

ACTION AREA 3: DEVELOP SMART DATA APPROACHES

- Task 1: Through CREDIT, Develop a Smart Data Implementation Plan in FY22
- Task 2: Internalize Long Term Vision for Energy in FY20
- Task 3: Standardize Data-based Decision Making into Practice in 2021
- Task 4: Annually Monitor and Submit Emissions Inventory and Questionnaire to CDP
- Task 5: Timeline and Measuring Progress

ACTION AREA 4: DEVELOP AND IMPLEMENT RESILIENT INNOVATION DISTRICTS (RIDS)

- Task 1: Formalize the Concept of a Resilient Innovation District Through Dialogue with all Relevant Stakeholders and in Line with The Comprehensive Plan Process in FY21
- Task 2: Implement a Set of Criteria that will Guide the Selection and Development of Resilient Innovation Districts in FY22

ACTION AREA 5*: STRIVE TOWARD 100% ZERO CARBON MUNICIPAL BUILDINGS BY 2030

- Task 1: Revise the Policy for Sustainable Facilities to align with the Sustainable and Resilient Charlotte Resolution in FY20
- Task 2: Identify Specific Building Targets for Action in FY20
- Task 3: Focus on specific projects in FY21

ACTION AREA 6*: STRIVE TOWARD 100% ZERO CARBON CITY FLEET BY 2030

- Task 1: Update the Fleet and Motorized Equipment Asset Management Policy in FY20
- Task 2: Begin installation of a telematics system across the City's entire vehicle fleet in FY21
- Task 3: Establish the Staggered Introduction of Electric and Other Alternative Fuel Vehicles
- Task 4: Consider Opportunities for Retrofitting of Vehicles to Electric Drivetrain in FY21

**Achieving zero carbon fleet and facilities by 2030 is an aspirational and ambitious goal for the City organization. Achievement of the 2030 goals will be dependent on many factors, including technological advancements, operational compatibility and risk management, and the availability of appropriate resources and funding. For some segments of City fleet and facilities, achieving the goal may not be possible because operational and other concerns will outweigh or not allow for carbon reduction benefits. However, the City is committed to and will look for all opportunities to achieve the goal.*

COMMUNITY ACTION AREAS

ACTION AREA 7: NEAR ZERO CARBON NON-MUNICIPAL BUILDINGS BY 2050

- Task 1: Form a Building Working Group in FY21
- Task 2: Make Existing Residential Buildings Low Carbon by 2050
- Task 3: Influence the Energy Requirements of New Residential Buildings to be Near-Zero Carbon by 2050
- Task 4: Make existing non-residential buildings low carbon by 2050
- Task 5: Make New Non-Residential Buildings Low Carbon by 2050

ACTION AREA 8: FACILITATE RAPID UPTAKE OF SUSTAINABLE MODES OF TRANSPORTATION

- Task 1: Form a Transportation Working Group in FY19
- Task 2: Develop a Promotion and Awareness Campaign Around Electric Vehicles (EVs)
- Task 3: Deploy a Citywide EV Charging System for Charlotte by 2030
- Task 4: Increase Access to Zero Carbon Mobility Options
- Task 5: Continue to Integrate Transportation Orientated Development (TOD) Policies into Land Use Policy Frameworks, Namely the Comprehensive Plan and UDO Update

ACTION AREA 9: DEVELOP AND IMPLEMENT STRATEGY FOR DEPLOYING LOW CARBON INFRASTRUCTURE GENERATION

- Task 1: Form an Energy Generation Working Group Focused on Near-Zero Carbon For Buildings in FY19
- Task 2: Develop a Suite of Educational Tools that can be Utilized Throughout the City in FY22
- Task 3: Demonstrate New and Integrated

Approaches to Meeting Energy Demand in 2022

Task 4: Reduce the Carbon Intensity of Grid Supplied Electricity by at Least 90% by 2045

Task 5: Target a carbon intensity on the grid of at least 90% per kWh by 2045

Task 6: Identify Opportunities for a Bioenergy with Carbon Capture and Storage (BECCS) Combined Heat and Power (CHP) Unit by 2030

Task 7: Negotiate to Develop Tariffs for Low Carbon Electricity in 2022 and Identify a Period for their Rollout by 2030

ACTION AREA 10: DEVELOP GREEN WORKFORCE PIPELINE IN SUPPORT OF ENERGY TRANSITION

Task 1: Form a Working Group for Workforce Development and Equity in FY19

Task 2: Establish and Produce the Training Pipeline for Skilled Labor Jobs and Entrepreneurship Opportunities in FY22

ACTION AREA 11: ESTABLISH PUBLIC-PRIVATE-PLUS PARTNERSHIPS TO ACCELERATE TRANSITION TO A LOW CARBON FUTURE

Task 1: Identify, Build, and Formalize Relevant Partnerships in FY20 and FY21

Attachment D



In Rem Remedy Process Overview

Council Briefing
September 3, 2019



BRIEFING OBJECTIVES

- Background
- Housing Code Overview
 - Process
 - Owner/City Options
- In Rem Remedy Overview
 - Demolition Criteria
 - Process
 - Liens
 - History
 - Examples
- Legal Considerations
- Questions



7200 Doblinway Dr (November 2018)



7200 Doblinway Dr (November 2018)



BACKGROUND

- At the June 10 Action Review meeting, Council requested more information on the In Rem Remedy process.
- In Rem is a tool available to the City to assist with:
 - Alleviating substandard housing,
 - Improving neighborhood safety,
 - Removing neighborhood blight,
 - Correcting housing code cases where the property owner has failed to bring the property into compliance.
- Before an In Rem Remedy action can be taken, the City must follow the due process procedure set forth in state law and the local housing code.



3146 Ross Ave (May 2018)



HOUSING CODE OVERVIEW

The Housing Code applies to:

- Single-family and multi-family dwellings
- Abandoned structures
- Lodging Establishments (*not otherwise regulated by the County Health Department*)
- Roominghouses



8509 Mt. Holly Rd. (March 2019)

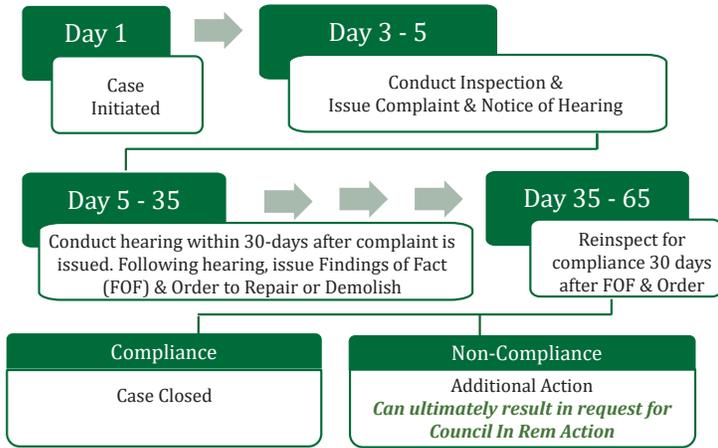
Housing Cases can be initiated by:

- Tenant complaint
- Petition (*five or more residents*)
- Field observation
- Public agency referral



8509 Mt. Holly Rd. (March 2019)

HOUSING CODE PROCESS



OPTIONS AVAILABLE TO OWNER

Day 35-65

Issue FOF &
Order to Repair
or Demolish



2415 Newland Rd. (September 2018)

Once the FOF and Order to Repair or Demolish is issued, the property owner can:

1. Appeal

- Owner has 10 days to appeal to Housing Appeals Board (HAB)
- If dissatisfied with HAB ruling, owner can appeal to Superior Court
- Once appeal is received, all enforcement ceases until appeals process is completed

2. Provide Notice of Intent to Repair

- If owner declares intent to repair, Code works with them on path forward. Extensions can be awarded as long as progress continues.
- Code issues a supplemental order to repair or demolish, as needed.

OPTIONS AVAILABLE TO CITY – NON-COMPLIANCE

Day 65

Reinspect for
Compliance

Non-Compliance
Additional Action



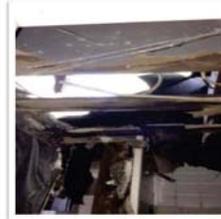
209 Pawley Dr. (July 2018)

If the owner fails to comply with FOF and Order to Repair or Demolish, the city can:

- 1. Issue Notice of Civil Penalty**
- 2. Cite owner to Environmental Court**
- 3. Seek In-Rem Remedy**
 - When cost of repair exceeds 65 percent of tax value (structure)
 - Requires City Council approval
 - Represents less than three percent of all housing cases

DEMOLITION - CRITERIA

- **When cost to repair exceeds 65 percent of current tax value (structure)**
 - State statute allows 50 percent
- **Why current tax value?**
 - The value has been determined by a recognized government entity (Mecklenburg County), and
 - Owner has had opportunity to appeal through tax office



3620 Reid Ave. (November 2018)

DEMOLITION - PROCESS

Demolition Process

- Asbestos testing occurs on every demolition project; proper remediation required when asbestos is present
- Demolition vendors submit bid on each project; award to lowest responsible bidder
- Contactor applies for demolition permit from county
- Demolition takes place, including site conditions per city standards (grading, etc.)
- Staff confirms demolition is completed to city standards
 - 30-days to complete demolition



3019 Shenandoah Ave (2010)

DEMOLITION - LIEN PROCESS

- Code Enforcement files lien at courthouse
 - Cost of demolition
 - Lien attaches to property
 - Expires after 10 years
- Collection through city's Finance Department
 - Invoice property owner
 - Refer to collection agency as needed
 - Lien is satisfied when:
 - Paid by owner
 - Paid from sale / transfer of property

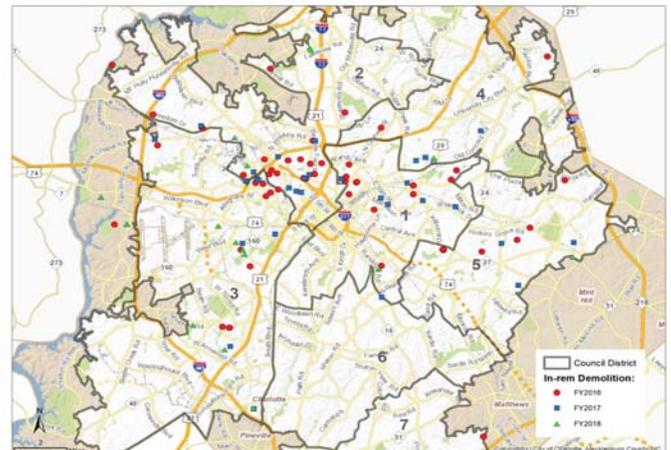


1239 Caldwell Williams Rd. (March 2019)

DEMOLITION - HISTORY

Year	Initial Inspections	Demolition Orders Issued (# / %)	In-rem Demolitions (# / %)
FY2018	2,320	111 / 5%	23 / 1%
FY2017	2,141	170 / 8%	39 / 2%
FY2016	2,096	275 / 12%	65 / 3%

DEMOLITION - HISTORY



 DEMOLITION - EXAMPLES



209 Pawley Dr. (July 2018)

5626 Murrayhill Rd. (July 2018)

 DEMOLITION - EXAMPLES



11026 Beau Riley Rd. (July 2018)

4236 Freedom Dr. (May 2019)

 DEMOLITION - EXAMPLES



1106 Pondella Dr. (deferred June 2019)

10620 Independence Hill Rd. (June 2018)

 LEGAL CONSIDERATION

- The city has statutory authority to institute foreclosure proceedings on its *in rem* liens.
- There is no guarantee that the city would be the prevailing bidder if another party were to outbid the city during a foreclosure.
- The city would be required to increase its bid as would any other active bidder for the property.



Questions

Attachment E

Item/Topic:	Lake Arbor Apartments
Staff Resource:	Pam Wideman, Housing & Neighborhood Service
Statement of Issue:	This document contains a summary of city activities related to Lake Arbor Apartments as requested by Council members as well as additional follow-up items from the August 26, 2019 Public Forum session.
<p>SECTION I.</p> <p>Summary of Code Enforcement Activities:</p> <ul style="list-style-type: none"> • Since the city’s involvement with Lake Arbor, Code Enforcement has inspected all 288 units in three phases: <ul style="list-style-type: none"> ○ Phase 1 Inspections – 8/29/2018 & 8/30/2018 ○ Phase 2 Inspections – 9/5/2018 ○ Phase 3 Inspections – 9/12/2018 • As of September 19, 2019, 143 units have been brought into compliance with the Minimum Housing Code. • All units cited for infestation have been treated by a licensed professional as of November 5, 2018. • Ten households were referred to the Voluntary Emergency Relocation Housing Program. • December 2018 - Lake Arbor appealed the Findings of Fact and Order to Repair. The right to appeal is guaranteed pursuant to the code. • February 12, 2019 - The appeal was heard by the Housing Appeals Board (HAB). The HAB upheld the Findings of Fact and Orders to Repair. • March 2019 - Lake Arbor appealed the HAB decision to Superior Court, a court date is still to be determined. • Code Enforcement continues to work with the property owners to resolve minimum housing code cases. 	
<p>SECTION II.</p> <p>Civil Penalties/Fines</p> <ul style="list-style-type: none"> • Initially, Lake Arbor civil penalties equated to \$131,650. To delay the displacement of families at Lake Arbor, \$42,500 in civil penalties have been waived by the city. This negotiation afforded an additional two weeks to engage our community partners and identify resources for these families (see Nonprofit Assessments, below, for more details). • As of September 19, 2019, Lake Arbor has an outstanding balance of \$89,154 for civil penalties and \$445.50 for Health & Sanitation fines. All fines are due immediately upon issuance. • The fines are based upon the city’s minimum housing ordinance (\$100 for the first day, \$10 per day thereafter, excluding units that are in the appeals process). <i>Note: Under state law, a local government can assess up to \$500 per violation of its ordinance.</i> 	
<p>SECTION III.</p> <p>Nonprofit Relocation Assistance Assessments</p> <ul style="list-style-type: none"> • In July 2019, after learning the owner of Lake Arbor Apartments planned to vacate all the units, staff convened nonprofit housing service providers and Mecklenburg County in an effort to ensure that all tenants are aware of available resources, and to help minimize displacement impacts. • The nonprofit agencies conducting the assessments consisted of Charlotte Family Housing, Community Link, Crisis Assistance Ministry, The Salvation Army, Urban Ministry Center, and Men’s Shelter of Charlotte. Mecklenburg County also participated, and CMPD served as an onsite liaison. • The tenant assessment effort, led by Crisis Assistance Ministry and Community Link, consisted of two concentrated efforts. 	

- The first was onsite at Lake Arbor over a two-week period, from August 3 - August 15. The providers hosted a total of eight, six-hour sessions to reach the most tenants. The onsite sessions were scheduled across a variety of days and times to allow the most residents to participate. More details are below.
- The second took place over the two-week period of September 3 – September 12, at Community Link offices in the Children and Family Services Center Building (601 East 5th Street). Community Link scheduled this second session following the Monday, August 26 Council meeting. Residents were notified of this opportunity on August 29 through Lake Arbor property management and CMPD liaisons.
- According to the nonprofit providers, the relocation costs for Lake Arbor tenants are estimated to be \$350,000.
- On August 27, United Way launched a \$350,000 fundraising campaign to support Lake Arbor families.

On Site Assessment Activities (August 3 - August 15)

- On July 30, tenants were notified by a letter from the property owner of their plans to vacate the property. The letter included the dates and times of the onsite assessment sessions listed below. Earlier that day (July 30), staff sent an email notifying Council of this pending action by the property owner, and the opportunity for tenants to meet with nonprofit providers for the assessments.
- 72 households participated in the voluntary onsite assessments. Tenants who were not able to attend one of the onsite sessions could still participate by contacting Community Link.
- Tenants were advised they would be notified of possible aid after August 23. The 23rd was a goal established by the providers to have completed their evaluation of the assessments.
- The eight onsite sessions took place across a variety of days and times to allow the most residents to participate:
 - Saturday, August 3: 10am -4pm
 - Monday, August 5: 1pm – 7pm
 - Wednesday, August 7: 8:30am – 3:30 pm
 - Thursday, August 8: 1pm – 7pm
 - Saturday, August 10: 10am – 4pm
 - Monday, August 12: 1pm – 7pm
 - Wednesday, August 14: 8:30am – 3:30 pm
 - Thursday, August 15: 1pm – 7pm

Offsite Assessments (September 3 – September 14)

- Following the Monday, August 26 Council meeting, Community Link reopened the assessment process to ensure all Lake Arbor households have an opportunity to receive an assessment.
- Six sessions took place at Community Link offices (601 East 5th Street):
 - Tuesday, September 3: 10am – 3:30pm
 - Wednesday, September 4: 10am – 3:30pm
 - Thursday, September 5: 10am – 3:30pm
 - Tuesday, September 10: 10am – 3:30pm
 - Wednesday, September 11: 10am – 3:30pm
 - Thursday, September 12: 10am – 3:30pm
- Community Link also conducted on-site assessments at the tenant resource fair sponsored by the Housing Justice Coalition on September 14 at the Southern Comfort Inn (4419 Tuckaseegee Road).

Assessment follow-up with tenants

- The participating agencies did not provide any direct assistance during the assessments. During the initial onsite assessment session, tenants were advised that they would hear from providers after August 23. This date was a goal established by the providers to have completed their evaluation of the assessments.
- During the week of August 26, Community Link began following up with households that had completed an assessment. During this same time, Community Link reopened the assessment process to ensure all Lake Arbor households have an opportunity to receive an assessment (see above).
- Once the nonprofit providers have completed their evaluation of each household's needs, they will be able to move forward with providing direct assistance, to the extent that funding is available.
- Assistance could include hotel and relocation expenses such as storage fees, security deposits, utility transfer and reconnection fees, additional month's rent, etc.
- As of September 19, 2019, 117 tenants have participated in assessments. Community Link is continuing to work with tenants in an effort to provide assistance.
- Community Link and Mecklenburg County are exploring the possibility of having staff on-site at Lake Arbor in an effort to be more accessible to tenants. These agencies are currently seeking approval from Lake Arbor ownership to use space at the apartments for this purpose.
- Staff will receive updates on the details of assistance provided as it becomes available.

SECTION IV.

Summary of Community Engagement Activities

- August 25, 2018 – City staff (HNS, Community Relations) together with Legal Aid met with Lake Arbor residents.
- September 21, 2018 - City staff (HNS, Community Relations, CMPD, SWS) participated in a community resource fair at Lake Arbor. This fair was organized and hosted by Lake Arbor Apartments in partnership with the Genesis Project organization.
- November 5, 2018 - City staff (HNS, Community Relations) conducted a door-to-door survey to all Lake Arbor units to identify needs and services deemed most valuable to residents. This tenant feedback was used to design the November 30, 2018 resource fair to provide tenants with the resources that were most meaningful to them. During the canvassing, HNS Community Engagement staff gave out their business cards to residents and ensured office staff had their contact information as well, to help ensure tenants could readily be connected to available resources.
- November 30, 2018 – City staff hosted a community dinner and resource fair to provide code enforcement updates and to connect tenants to services based on the outcome of the resident survey. The event was held at the nearby Tuckasegee Recreation Center. Participating agencies included:
 - Housing & Neighborhood Services
 - Community Relations Committee
 - Charlotte Mecklenburg Housing Partnership
 - Community Link
 - Common Wealth Charlotte (financial training)
 - Greater Charlotte Apartment Association
 - Habitat for Humanity
 - Mecklenburg County Department of Community Resources
 - SocialServe.com
- Tenants were notified about the resource fair through the distribution of flyers on November 28. Staff posted the flyers in prominent locations on the property, provided flyers to office staff for distribution, and hand delivered flyers to tenants who were outside during the time staff was onsite.
- In addition to providing business cards in advance of the resource fair, following the resource fair, HNS Community Engagement staff was onsite on multiple occasions to help connect tenants to resources (see below).

- February 21, 2019 – City staff (HNS, Community Relations) met with Action NC on behalf of Lake Arbor tenants, at their request, to discuss continued resident concerns following the February 12 Housing Advisory Board decision. This meeting took place at Action NC offices. Staff shared their willingness to be engaged with the Lake Arbor community to every extent possible.
- On March 7, 2019 - HNS staff met with Action NC to help develop a Lake Arbor tenant-led resident engagement plan. This resulted in Lake Arbor tenants implementing a youth engagement project (Bus Stop Engagement). HNS Community Engagement staff, along with CMS, Action NC and the Bethlehem Center, provided support for this youth engagement project.
- March 13 - June 5, 2019 - HNS staff were onsite each week for the bus stop youth outreach from 2:30-4:30 pm. While onsite for these weekly events, staff spoke with the adults that were at the bus stop with the children, and provided general assistance by advising residents of available resources. The city provided snacks, drinks and giveaway items to support the bus stop outreach project.
- September 14, 2019: HNS staff participated in the Charlotte Cares-Lake Arbor Tenant Resource Fair sponsored by the Housing Justice Coalition at the Southern Comfort Inn (4419 Tuckaseegee Road). Staff provided children’s activities for the event from the Charlotte Tool Bank (oversized checker boards, Jenga, cornhole), and staffed a table to share housing information with residents.

SECTION V.

Lake Arbor Tenant Non-Renewal of Leases

- Based on data from the nonprofit providers obtained from rent-rolls reviewed during the assessment process, 125 households have no current lease, or have leases that expired in August 2019. Council received this preliminary report on August 21, 2019.
- The city was advised by the property owner that for tenants whose leases expired in August or who otherwise had no current lease, the official eviction process began August 31, 2019.
 - The property owner has indicated they are willing to work with those tenants who have participated in the assessment process and can demonstrate they are seeking alternate housing.
 - The eviction process is a prescribed legal process that typically takes 30 – 45 days before tenants must be fully-vacated.
- Local legal advocacy groups (Charlotte Center for Legal Advocacy and North Carolina Justice Center) have been assisting tenants, and have established a dedicated phone number for Lake Arbor residents to call for free legal advice: 919-856-2169.
- The property owner plans to have all units vacated by the end of the year. Tenants were notified of this by the property owner on July 30, 2019.

SECTION VI.

City Council Updates

Staff provided updates at the following City Council meetings, as noted in the meeting minutes:

- September 10, 2018 City Council Business Meeting
- October 1, 2018 City Council Strategy Session
- October 8, 2018 City Council Action Review Meeting
- October 22, 2018 City Council Business Meeting
- January 7, 2019 City Council Strategy Session
- February 4, 2019 City Council Strategy Session
- June 21, 2019 Daily Summary Email Topic
- July 30, 2019 Lake Arbor Update Email and Daily Summary Email Topic
- August 1, 2019 Daily Summary Email Topic
- August 21, 2019 Lake Arbor Preliminary Report Email

SECTION VII.

Additional Follow-up Questions Submitted

What are we doing from a public health, mental health and social services perspective with the County? (Mayor)

- Mecklenburg County has been engaged with tenants at Lake Arbor. The County's Department of Community Resources participated in the November 2018 tenant resource fair, and the County's Homeless Support Services division participated in the August 2019 onsite assessments. Mecklenburg County will be following up on the possibility of providing mental health assistance to Lake Arbor residents.

Follow-up on status of assessment for families. (Mayor)

- See Section III.

Can we look at an ordinance tweak to use in rem repair authority to force owners to comply? (Eiselt)

- In rem repair is an existing option under the current minimum housing ordinance. The process to conduct an in-rem repair mirrors the in-rem demolition process, where staff follows a prescribed enforcement process that attempts to work with a property owner, and then requests that City Council approve an in rem remedy as needed. Just as with an in rem demolition case, once the in-rem repair is completed, the city could place a lien on the property.

How do we deal with displacement as a matter of a public safety issue? (Winston)

- The minimum housing code is currently being reviewed by the Neighborhood Development Committee. Process enhancements will be made whereby the evaluation of a multifamily development will be triggered if a specified percent of individual units is inspected within a specific time frame. This enhanced rental inspection process will allow Code Enforcement to be more proactive in identifying and acting on problem multifamily developments where probable cause exists. Council will receive an update on this process enhancement at a future meeting.
- Should a property owner choose to close its development in cases where multiple violations of the minimum standards of fitness in the housing code exist (e.g. public safety) resulting in the displacement of multiple households, staff will work with our community partners, such as Crisis Assistance Ministries, Community Link, Mecklenburg County and others, to aid the displaced families. Staff will also work with these partners to formulate a protocol for addressing future occurrences of displacement of multiple households.

Requested a detailed timeline of updates and resource information provided to the tenant as well as notifications to Council. (Mayfield)

- See Sections III – VI.

What fines have been levied on the Lake Arbor property owner by the city, regarding repairs that have not been made? How do the fines assessed compare to the maximum allowable under state statute for the alleged offenses? What is the due date of those fines? Has the property owner been given any grace period, reduction or restructuring of the initial fines levied? (Eiselt)

- See Section II.

This amounts to a voluntary In-Rem by the property owner to demolish the complex and build a new one(s). (Phipps)

- It is our understanding from the property owner that the plan is to do a total rehab of the existing units.

That being the case, can the levied fines be enforced on property scheduled for demolition within the next few months? (Phipps)



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- Yes, the fines can be enforced.

Will Charlotte be a party to legal action to pursue collection of outstanding fines by Code Enforcement? (Phipps)

- By necessity, yes, the City of Charlotte will be the prosecuting party.