

City of Charlotte

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



Meeting Agenda

Monday, April 23, 2018

Council Chambers

City Council Business Meeting

*Mayor Vi Lyles
Mayor Pro Tem Julie Eiselt
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Ed Driggs
Council Member Larken Egleston
Council Member Justin Harlow
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Matt Newton
Council Member Greg Phipps
Council Member Braxton Winston II*

5:00 P.M. ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, ROOM 267

1. Mayor and Council Consent Item Questions

Staff Resource(s):

Randy Harrington, Management and Financial Services

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items. Staff will address questions at the end of the Action Review meeting.

2. Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Municipal Service Districts Annual Update

Resource(s):

Phil Reiger, Strategy and Budget

Bill Parks, Strategy and Budget

Time: 40 minutes

Explanation

- The City of Charlotte contracts with various financial partners to provide specific services that are aligned with City Council's Focus Areas and other strategic priorities.
- Two financial partners, Charlotte Center City Partners and University City Partners, administer services within the City's Municipal Service Districts.
- Per state statute, agencies providing services for Municipal Service Districts are required to provide an annual workplan report to City Council.

Future Action

Financial partner funding recommendations will be presented in the City Manager's Fiscal Year 2019 Recommended Budget on May 7, 2018. City Council will be asked to approve financial partner funding allocations as part of the Fiscal Year 2019 Budget Adoption on June 11, 2018.

[MSD 5 City Council Presentation 2018](#)

[City Council brief 042318 print version](#)

4. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Randy Harrington, Management and Financial Services

Time: 10 minutes

Synopsis

Staff responses to questions from the beginning of the Action Review meeting.

5. Closed Session (as necessary)

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

PUBLIC FORUM

6. Public Forum

7. Consent agenda items 23 through 64 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

Consideration of Consent Items shall occur in the following order:

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

ZONING

8. Rezoning Petition: 2017-182 by QuickTrip

Location: Approximately 11.96 acres located on the west side of West W.T. Harris Boulevard, north of Interstate 485. (Council District 2 - Harlow)

Current Zoning: R-3 (single family residential)

Proposed Zoning: B-2(CD) (general business, conditional) and BD(CD) (distributive business, conditional) with five-year vested rights

Staff Recommendation:

Staff does not recommend approval of this petition.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2017-182 staff 4-16-18. done done](#)

[2017-182 RevSitePlan 03-14-2018](#)

9. Rezoning Petition: 2018-001 by Apollo Holding Company, LLC

Location: Approximately 4.65 acres located on the north side of West Tyvola Road, east of South Stream Boulevard, south of Billy Graham Boulevard. (Council District 3 - Mayfield)

Current Zoning: MUDD-O (mixed use development, optional)

Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to design and environment.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

[2018-001 PHstaff 04-16-2018 done](#)

[2018-001 RevSitePlan 03-14-2018](#)

[Previously Approved Cover Page](#)

[2018-001 Approv 2007-82 ADMIN AMEND](#)

10. Rezoning Petition: 2018-004 by Lischerong Enterprises & Holdings, LLC

Location: Approximately 0.51 acres located at the intersection of Foster Avenue and Bank Street, west of South Tryon Street. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: I-2(TS) (general industrial, transit supportive overlay)

Staff Recommendation:

Staff recommends approval of this conventional petition.

Attachment:

Pre-Hearing Staff Analysis

[2018-004 PHstaff 04-16-2018 done](#)

11. Rezoning Petition: 2018-008 by The Drakeford Company/Saussy Burbank, LLC

Location: Approximately 0.72 acres located at the intersection of Kelly Street and Dallas Avenue, west of North Sharon Amity Road. (Council District 5 - Newton)

Current Zoning: R-5 (single family residential)

Proposed Zoning: UR-2(CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2018-008 PHstaff 04-03-2018 done](#)

[2018-008 RevSitePlan 03-14-2018](#)

PUBLIC HEARING

12. Public Hearing on a Resolution to Close a Portion of East 16th Street

Action:

- A. Conduct a public hearing to close a portion of East 16th Street, and
- B. Adopt a resolution to close a portion of East 16th Street.

Staff Resource(s):

Liz Babson, Transportation
Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The portion of East 16th Street is located in Council District 1.

Petitioners

White Point Paces Partners, LLC - c/o Mr. John Carmichael

Right-of-Way to be Abandoned

Located just northeast from Uptown, where East 16th Street intersects with Parkwood Avenue.

Reason

The action to abandon a portion of East 16th Street will remove excess right-of-way that will be created as a result of the East 16th Street realignment project at Parkwood Avenue, as shown on the Highland Park Mill rezoning petition (#2016-029), and approved by Council on May 16, 2016. This project will create a more symmetrical intersection by aligning the northernmost part of East 16th Street up to the southernmost section. Furthermore, the attached Resolution contains a contingency statement that voids this abandonment, should the realignment of East 16th Street not occur.

Notification

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s) - All abutting property is owned by the petitioner.

Neighborhood/Business Association(s)

Optimist Park Neighborhood Association - Notified/no comments

Private Utility Companies - 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 his 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

[City Council Map E 16th Street](#)[Resoluition to Close a Portion of E 16th Street](#)

13. Public Hearing on a Resolution to Close an Alleyway off of North Dotger Avenue

Action:

- A. Conduct a public hearing to close an alleyway off of North Dotger Avenue, and**
- B. Adopt a resolution to close an alleyway off of North Dotger Avenue.**

Staff Resource(s):

Liz Babson, Transportation

Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The alleyway off of North Dotger Avenue is located in Council District 1.

Petitioners

Randolph Road Charlotte, LLC - Mr. Jason Bria

Right-of-Way to be Abandoned

The alleyway to be abandoned is located within a block that is bound by Randolph Road, North Dotger Avenue, Vail Avenue, and North Laurel Avenue.

Reason

The petitioner is currently constructing a new town home community where the alleyway will no longer be needed for access. Instead new driveways and access points will be created as part of the overall site plan. Furthermore, this development is not part of a recent rezoning petition as it meets the current R-22 Multi-family zoning requirements.

Notification

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s)

Julie Spahn - No objections

Laurel Ridge Condominium - No objections

Neighborhood/Business Association(s)

The Elizabeth Community Association (ECA) is in support of this petition.

Private Utility Companies - 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 his 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

[City Council Map Alleyway off of N. Dotger Avenue](#)

[Resolution to Close an Alleyway off of N Dotger Avenue](#)

14. Public Hearing on a Resolution to Close an Unopened Right-of-Way between Bullard Street and Joy Street

Action:

- A. Conduct a public hearing to close an unopened right-of-way between Bullard Street and Joy Street, and**
- B. Adopt a resolution to close an unopened right-of-way between Bullard Street and Joy Street.**

Staff Resource(s):

Liz Babson, Transportation

Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- An unopened right-of-way between Bullard Street and Joy Street is located in Council District 3.

Petitioners

CapRock, LLC - Mr. Ryan Lambert

Right-of-Way to be Abandoned

An unopened right-of-way between Bullard Street and Joy Street is located in west Charlotte near Harding University High School.

Reason

This abandonment request is consistent with rezoning petition #2016-134, which was approved by Council on April 24, 2017. As part of this rezoning plan, a new street connection from Joy Street to Bullard Street will be constructed; therefore, allowing the unopened right-of-way to be abandoned and serve as a buffer to the existing neighbors.

Notification

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s)

Mr. Charles Slaybaugh - No objections
Mrs. Rhonda Kee - No objections
Mr. Israel Parada - No objections
Mr. Nathan Witherspoon - No objections

Neighborhood/Business Association(s)

Westerly Hills Neighborhood Association - Notified/no comments

Private Utility Companies - No objectionsCity 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 his 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

[City Council Map Unopened Street between Bullard and Joy Street](#)

[Resolution to Close an unopened right-of-way between Bullard Street and Joy Street](#)

15. Public Hearing on a Resolution to Close an Unopened Right-of-Way off of Mingus Cabin Lane

Action:

- A. Conduct a public hearing to close an unopened right-of-way off of Mingus Cabin Lane, and**
- B. Adopt a resolution to close an unopened right-of-way off of Mingus Cabin Lane.**

Staff Resource(s):

Liz Babson, Transportation
Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- An unopened right-of-way off of Mingus Cabin Lane is located in Council District 2.

Petitioners

Southern Land Investments, LLC - c/o Andy Zoutewelle

Right-of-Way to be Abandoned

The unopened right-of-way off of Mingus Cabin Lane is located close to the Mt. Holly Road and I-485 interchange.

Reason

The petitioner is vested in all of the abutting property and intends to reassemble this land to include the unopened right-of-way in order to create a more viable parcel for future development.

Notification

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s) - All abutting property is owned by the petitioner.

Neighborhood/Business Association(s) - No known associations are within direct vicinity of this site.

Private Utility Companies - 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 his 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

[City Council Map Unopened Street off of Mingus Cabin Lane](#)

[Resolution to Close an unopened right-of-way off of Mingus Cabin Lane](#)

16. Public Hearing on a Resolution to Close a Residual Portion of Dearmon Drive

Action:

- A. Conduct a public hearing to close a residual portion of Dearmon Drive, and
- B. Adopt a resolution to close a residual portion of Dearmon Drive.

Staff Resource(s):

Liz Babson, Transportation

Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The residual portion of Dearmon Drive is located in Council District 1.

Petitioners

Pods Property Solutions, NC1, LLC - Dan Podrasky

Right-of-Way to be Abandoned

The portion Dearmon Drive is located east of Uptown within the Plaza Midwood Neighborhood.

Reason

This abandonment will allow the property owner to close excess right-of-way in order to accommodate single family home improvements.

Notification

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s) - All abutting property is owned by the petitioner.

Neighborhood/Business Association(s)

Plaza Midwood Neighborhood Association - No objections

Private Utility Companies - 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 his 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

[City Council Map Portion of Dearmon Drive](#)

[Resolution to Close a residual portion of Dearmon Drive](#)

17. Public Hearing on a Resolution to Close an Unopened Right-of-Way off of Duckworth Avenue

Action:

- A. Conduct a public hearing to close an unopened right-of-way off of Duckworth Avenue, and**
- B. Adopt a resolution to close an unopened right-of-way off of Duckworth Avenue.**

Staff Resource(s):

Liz Babson, Transportation

Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in

the City Clerk's Office.

- The unopened right-of-way off of Duckworth Avenue is located in Council District 2.

Petitioners

SCP Uptown Heights, LLC - Mr. J. Bart Hopper

Right-of-Way to be Abandoned

The unopened right-of-way is located north of Wesley Heights Way off of Duckworth Avenue.

Reason

The petitioner is vested in all of the abutting property and intends to reassemble this land to include the unopened right-of-way in order to accommodate the Wesley Heights Way Townhouse project. This abandonment/project is consistent with rezoning petition #2016-026, which was approved by City Council on April 18, 2016.

Notification

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s) - All abutting property is owned by the petitioner.

Neighborhood/Business Association(s)

Wesley Heights Community Association - Notified/no comments

Private Utility Companies - 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 his 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

[City Council Map Unopened Street off of Duckworth Avenue](#)

[Resolution to Close an unopened right-of-way off of Duckworth Avenue](#)

POLICY

18. City Manager's Report

19. Charlotte WALKS: Sidewalk Construction Ordinance Revisions

Action:

- A. **Adopt an ordinance amending the sidewalk construction requirements in Chapter 19 of the City Code, and**

- B. **Adopt an amendment to the Sidewalk Retrofit Policy to reimburse eligible affordable housing projects that reconstruct substandard sidewalk on thoroughfares.**

Committee Chair:

Gregg Phipps, Transportation and Planning

Staff Resource(s):

Liz Babson, Transportation
Scott Curry, Transportation

Explanation

- On February 27, 2017, City Council unanimously adopted Charlotte WALKS, Charlotte's first comprehensive pedestrian plan.
- The Plan outlines existing walkability initiatives and identifies new strategies for meeting pedestrian safety and walkability goals. The Plan has three key action items:
 - Addressing back-of-curb sidewalks as redevelopment occurs,
 - Amending the 50 percent rule sidewalk exemption, and
 - Providing more crossing opportunities on thoroughfares.
- The Charlotte WALKS plan directs City staff to develop amendments to Chapter 19 of the City Code to address two of these key issues, 1) back-of-curb sidewalks on thoroughfares, and 2) sidewalk gaps. City staff prepared Chapter 19 ordinance amendments to meet the recommendations of Charlotte WALKS.
- In addition, City staff prepared an amendment to the Sidewalk Retrofit Policy to address concerns raised by affordable housing developers during the public comment process.

Proposed Chapter 19 Amendments

The proposed amendments to Chapter 19 focus specifically on new development activity along thoroughfares. Thoroughfares are the locations where poor sidewalk infrastructure presents the greatest challenge for pedestrian safety and comfort.

Revisions to the current Chapter 19 sidewalk construction requirements include:

- Addressing the Back-of-Curb Sidewalk Issue on thoroughfares:
 - Amendments implement new triggers for replacing substandard/back-of-curb sidewalk to current standards along thoroughfares. Those triggers are tailored to:
 - The scale of new development activity, and
 - The width of the existing sidewalk and planting strip.
- Addressing the Sidewalk Gap Issue: The proposed text change prevents applicants from phasing development in a way that circumvents the City's sidewalk and drainage requirements.
- Reimbursement for Affordable Housing Projects: The proposed text change includes a mechanism for reimbursement (via the City's Pedestrian Program) for eligible affordable housing projects if required to replace substandard back-of-curb sidewalk.
- Expanded Flexibility: The proposed text change provides expanded variance provisions and flexibility in the application of the ordinance to prevent undue burden on applicants with unique constraints.

These proposed ordinance revisions were developed in coordination with the City's Development Services Technical Advisory Committee (DSTAC), the Unified Development Ordinance Advisory Committee and local affordable housing developers.

Proposed Sidewalk Retrofit Policy Amendment

- On November 13, 2017, City Council received public comments on the proposed Chapter 19 amendments. Eight speakers spoke in support of the Charlotte WALKS amendments and one speaker expressed concerns about the unknown impacts on affordable housing projects.
- In addition, City Council received a letter from affordable housing developers who expressed concerns about cost implications for affordable housing developments.
- City staff addressed this concern by meeting with affordable housing developers and creating a reimbursement mechanism for affordable housing projects that would cover any potential additional costs created by reconstructing substandard sidewalks on thoroughfares.
- This mechanism is included as a revision to the City's Sidewalk Retrofit Policy and would be funded from the City's existing Pedestrian Safety and Sidewalk Program. The Pedestrian Safety and Sidewalk Program is funded through Transportation Bonds.
- City staff reviewed the potential cost impacts of subsidizing affordable housing developments from the Pedestrian Safety and Sidewalk program. Staff expects the costs will be minimal as it only applies to affordable housing developments along thoroughfares.

Attachment(s)

Proposed Chapter 19 Text Amendments

Proposed Sidewalk Retrofit Policy Amendment

[CH 19 Amendments - 2018 COUNCIL DRAFT - RCA Version 031518](#)

[Sidewalk Retrofit Policy Amendment 031518 DRAFT \(1\)](#)

BUSINESS

20. Appointments to the Community Relations Committee

Action:

Vote on blue ballots and return to the Clerk at the Action Review meeting.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for partial terms beginning immediately and ending June 30, 2019.
 - Jesse Boyd, nominated by Council members Ajmera, Harlow, Mitchell, and Phipps
 - Karen Gipson, nominated by Council members Egleston, Eiselt, Mayfield, and Winston
 - Rochelle Rivas, nominated by Council members Ajmera, Egleston, Eiselt, Mayfield, and Winston
 - Nicholas Wind-McJetters, nominated by Council members Mitchell and Newton

Attachment(s)

Community Relations Committee Applicants

21. Appointment to Keep Charlotte Beautiful

Action:

Vote on blue ballots and return to Clerk at the Action Review meeting.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial terms beginning immediately and ending June 30, 2018, and then continuing for full three-year terms beginning July 1, 2018 and ending June 30, 2021.
 - Taelor Logan, nominated by Council members Eiselt, Harlow, Mayfield, and Newton
 - Gita Patel, nominated by Council members Ajmera and Newton
 - Qnubia Umazar, nominated by Council members Bokhari, Egleston, Phipps, and Winston

Attachment(s)

Keep Charlotte Beautiful Applicants

22. Mayor and City Council Topics

The City Council members may share information and raise topics for discussion.

CONSENT

23. Fire Thermal Imaging Cameras

Action:

- A. Award a unit price contract to the lowest responsive bidder WS Darley for the purchase of thermal imaging cameras for the term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two (2), one year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Pete Key, Fire
Kevin Gordon, Fire
Damian Owens, Fire

Explanation

- Thermal imaging cameras are used by the Fire department to detect hot spots in areas inside buildings such as light fixtures with faulty wiring or fires inside walls. Each camera is able to distinguish varying degrees of heat during emergency situations.
- The Fire Department will replace each camera that is currently equipped on all engine and ladder trucks. The current cameras were purchased in 2004 and are relying on obsolete technology which impacts the clarity and resolution of each viewing screen.
- On January 4, 2018, Management and Financial Services issued an Invitation to Bid; nine bids were received from interested service providers.
- WS Darley was selected as the lowest responsive, responsible bidder.
- Staff anticipates renewing the contract for up to two additional, one-year terms at prices to be negotiated based on market conditions.
- Estimated expenditures in the first year are \$300,000. Estimated expenditures for the remaining contract term is \$80,000 annually.

Charlotte Business INclusion

No subcontracting goal is established because there are no subcontracting opportunities (Part B: Section 2.1 (a) of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: 2016 Assistance to Firefighters Grant

24. Fire Escape Bailout Kits

Action:

- A. Award a unit price contract to the lowest responsive bidder EVAC Systems for the purchase of fire escape bailout kits for the term of one year, and**
- B. Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Pete Key, Fire
Kevin Gordon, Fire
Damian Owens, Fire

Explanation

- Firefighter escape bailout kits incorporate a pre-rigged system that allows firefighters to exit a multi-story building (i.e. rappel) quickly and effectively with controlled descent.
- Current turnout gear with the Charlotte Fire Department incorporates a pocket specifically designed to house the bailout kit. One bailout kit will be issued to each firefighter; this is a new piece of equipment that has never before been issued to firefighters, it will be utilized in daily operations.
- On January 24, 2018, the City issued an Invitation to Bid; six bids were received from interested service providers.
- The unit cost for the bailout kit is \$443. Estimated expenditures in the first year will be \$512,400, with the estimated annual expenditures being \$97,600 for the remainder of the contract term.

Charlotte Business INclusion

No subcontracting goal is established because there are no subcontracting opportunities (Part B: Section 2.1 (a) of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: 2016 Assistance to Firefighters Grant

25. Fire Compressed Air Refill Stations

Action:

- A. Approve the purchase of compressed air refill stations, as authorized by the sole source exemption of G.S. 143-129 (e)(6),**
- B. Approve a unit price contract with Safe Air Systems Inc. for the purchase of compressed air refill stations for the term of three years, and**
- C. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Pete Key, Fire
Kevin Gordon, Fire
Damian Owens, Fire

Sole Source Exemption

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because performance or price competition is not available.
- The City Council must approve purchases made under the sole source exception.

Explanation

- Compressed air refill stations are needed to refill air bottles that are used by firefighters during a fire.
- Fire has 13 air refill stations located at various fire stations across the City.
- Fire will purchase new stations or replace existing stations as needed.
- Safe Air Systems Inc. is the only manufacturer authorized distributor for North Carolina. Their stations will maintain standardization and compatibility with stations already installed.
- Annual expenditures under the contract are estimated to be \$90,000.

Charlotte Business INclusion

This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion

Policy).

Fiscal Note

Funding: Fire Operating Budget

26. FY 2018-II Housing Funding Support Requests

Action:

- A. Approve a waiver of the Housing Locational Policy for five multi-family housing developments:**
- 924 West Sugar Creek located at 924 West Sugar Creek Road,
 - Abbington on Mount Holly located at 3230 Mount Holly-Huntersville Road,
 - Mineral Springs Apartments located at 1734 Mineral Springs Road,
 - Springbrook Apartment Homes located at 2110 Alleghany Street,
 - Sugar Creek Greene located at 6130 Bisaner Street,
- B. Approve the Housing and Neighborhood Development Committee's recommendation of Housing Trust Fund allocations for the following multi-family developments for a total of \$ 14,365,000:**
- Bingham Park, \$ 775,000,
 - Guardian Angel Villa, \$ 1,750,000,
 - Mineral Springs, \$ 1,550,000,
 - Nevin Road Apartments, \$ 1,150,000,
 - Nolley Court Seniors, \$ 2,100,000,
 - Northlake Seniors, \$1,500,000,
 - Rivergate Greene, \$1,900,000,
 - Sugar Creek Greene, \$1,840,000,
 - The Park Seniors, \$1,800,000, and
- C. Approve the Housing and Neighborhood Development Committee's recommendation of Housing Trust Fund allocations for the following 4% multi-family developments for a total of \$9,524,000:**
- 924 West Sugar Creek, \$5,300,000,
 - Brookshire Boulevard, \$4,224,000.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

Explanation

- On October 3, 2016, City Council issued a Community Letter stating a goal of creating 5,000 affordable and workforce housing units within three years. City Council has accomplished 68 percent of this goal. Approval of this funding supports the Council's commitment to expand the supply of diverse price point housing goals.
- On November 26, 2001, City Council established the Housing Trust Fund (HTF) to provide financing for diverse price point housing in the Charlotte community.
- On May 8, 2017, City Council adopted the U.S. Department of Housing and Urban Development's Annual Action Plan (Plan). The Plan:
 - Identifies the need for affordable, safe and decent housing for low and moderate-income families, and
 - Reaffirms three basic goals of the city's Housing Policy:
 - Preserve the existing housing stock,
 - Expand the supply of affordable housing,
 - Support family self-sufficiency initiatives.

- Award of HTF allocations demonstrates local alignment with state-supported developments and allows for the local leveraging of tax credit awards.

Action A: Waiver of the Housing Locational Policy

- The Housing Locational Policy was established in the early 1990s in an attempt to deconcentrate extremely low-income housing. The latest revision to the policy was approved in 2011. Since that time, the City's neighborhoods have grown and changed, resulting in the need for an increased supply of affordable housing in areas that currently require a waiver.
- Three of the five waiver requests are also seeking City of Charlotte HTF funding.

Action B: Approval of Housing Trust Fund (HTF) Allocations

- To aid in the production of diverse price point housing units, Housing & Neighborhood Services staff issued a second round of HTF Request for Proposals (RFP) in February 2018.
- As a result of the RFP, staff received requests for HTF funding to support 11 developments. Approval is being recommended for nine developments that requested gap financing for the nine percent low-income housing tax credits and two developments requesting a four percent low-income tax credits. These developments:
 - Include a total of 950 units
 - Meet the city's submission requirements
 - Are recommended for funding based on the preliminary site scores issued by the North Carolina Housing Finance Agency (NCHFA), zoning and planning guidelines.
- The NCHFA is scheduled to announce tax credit awards in August 2018 for the proposed 9% tax credit developments. Due to the competitiveness and limited amount of available tax credits, and the NCHFA's desire to disperse awards throughout the state, NCHFA will not award tax credits to all of the recommended nine percent developments. Approved HTF funding for developments that do not receive a tax credit award will be returned to the HTF for future allocations.

City Council Discussion

- Staff provided a briefing of the FY 2018-II Housing Funding Support Requests recommendations to City Council during the April 2, 2018, Strategy Session.

Charlotte Business INclusion

- All HTF funded projects and their developers are subject to MWSBE goals determined based on the amount of the HTF allocations received.

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

April 2, 2018 Strategy Session Presentation

[4.2.18 Housing Funding Support Requests Final](#)

27. Private Developer Funds Appropriation

Action:

- Approve Developer Agreements with Profile Homes, Eastside Connections JV, LLC and Teramore Development, LLC for traffic signal installations and improvements, and**
- Adopt a budget ordinance appropriating \$99,000 in private developer funds for traffic signal installations and improvements.**

Staff Resource(s):

Liz Babson, Transportation

Charles Abel, Transportation

Explanation

- Private developer agreements and funds appropriations are needed when a developer is required through the City rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the City's initiation of work.
- The \$99,000 in private developer funding is for traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developer projects. The funding is restricted to the projects noted below.
- The following developers are fully funding traffic signal modifications and improvements to mitigate traffic impacts around their respective development project:
 - Profile Homes contributed \$65,000 for signal modifications at the intersection of South Tryon Street and Beam Road (Council District 3).
 - Eastside Connections JV, LLC contributed \$25,000 for signal modifications at the intersection of Idlewild Road and the Independence Boulevard southbound ramp (Council District 5).
 - Teramore Development, LLC contributed \$9,000 for signal modifications at the intersection of Frank Vance Road and Beatties Ford Road (Council District 2).
- The signals are required to meet the same criteria as other traffic signals approved by the City.
- Payments made by the developers are in response to estimates of work prepared by the Charlotte Department of Transportation (CDOT) and supplied to the developer.
- Any funding contributed by the developers for a signal project that is unused by the City will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

Fiscal Note

Funding: Private Developer Contribution

Attachment(s)

Map

Budget Ordinance

[Traffic Signal Improvements Map_157698](#)

[Budget Ordinance CDOT 4.23.2018 Agenda](#)

28. Independence Boulevard Reimbursement Municipal Agreement Modification

Action:

Adopt a resolution modifying a Municipal Agreement with the North Carolina Department of Transportation for the Independence Boulevard Project in the amount of \$1,088,674.98.

Staff Resource(s):

Liz Babson, Transportation

Andy Grzymiski, Transportation

Explanation

- On January 24, 2011, City Council authorized executing a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the Independence Boulevard (US 74) project from Albemarle Road (NC 27) to just east of Conference Drive.
- The City requested the following project improvements and agreed to reimburse NCDOT for these costs:
 - Six-foot sidewalks on Independence Boulevard, Sharon Amity Road and Idlewild Road within the project limits. Typically, NCDOT pays for five-foot sidewalks. The existing five-foot sidewalks were replaced at NCDOT's cost. The City is responsible for covering the additional requested width along these streets (6.8 miles).
 - Six-foot new sidewalks on other streets within the project limits (2 miles).

- Additional median width for a future potential grade separation where Farmingdale Drive and Glendora Drive currently intersect Independence Boulevard.
- Four feet of additional right-of-way for future managed lanes between Sharon Amity Road and Idlewild Road.
- Municipal Agreements are initially executed with an estimated cost with the understanding that the City would receive the actual cost at the completion of the project. At the time of the Municipal Agreement, the estimated cost for these improvements was estimated to be \$881,314, which was the amount noted in the Municipal Agreement.
- The project, located in Council District 5, has been completed and the final cost for the noted improvements is \$1,088,674.98. The cost differential is primarily due to higher than expected right-of-way costs.
- Funding for this Municipal Agreement will be from the Participation in State Transportation Projects program. This program provides funding to ensure that sidewalks, landscaping and other amenities are constructed as part of NCDOT projects beyond what they would normally fund. This program is designed to leverage funds to create better projects in partnership with NCDOT. The remaining balance after this reimbursement is approximately \$650,000.

Fiscal Note

Funding: Transportation Capital Investment Plan - Participation in State Transportation Projects

Attachment(s)

Map

Resolution

[Independence Blvd Reimbursement Agreement 157741](#)

[Resolution File ID 157741](#)

29. Michael Baker Place Bridge Replacement Project

Action:

- A. Award a contract in the amount of \$1,703,982.95 to the lowest responsive bidder Dane Construction, Inc. for the Michael Baker Place Bridge Replacement project, and**
- B. Award a contract in the amount of \$204,659.47 with KCI Associates of North Carolina, PA for bridge construction administration services.**

Staff Resource(s):

Mike Davis, Engineering and Property Management

Allison Brickey, Engineering and Property Management

Explanation

- The Michael Baker Place Bridge spans Briar Creek and is located in Council District 6.
- The 64-year-old bridge meets criteria for replacement based on a ranking using a combination of sufficiency ratings and current conditions.
- The work will be 80 percent financed with federal funding administered by the North Carolina Department of Transportation (NCDOT) and 20 percent funded by the City.

Action A:

- Work will include but is not limited to construction of a new bridge, sidewalk, curb and gutter, storm drainage, waterlines, asphalt pavement, pavement markings, and traffic control.
- The neighborhood will experience road closures during construction. There will be detour signage throughout the project area and a construction inspector will be assigned to address public concerns.
- On January 22, 2018, the City issued an Invitation to Bid; two bids were received from interested service providers.
- Dane Construction, Inc. was selected as the lowest responsive, responsible bidder.

- The project is anticipated to be complete by third quarter 2019.

Action B:

- NCDOT requires construction administration services on bridge replacement projects.
- On October 26, 2017, the City issued a Request for Qualifications (RFQ); four proposals were received from interested professional service providers.
- KCI Associates of North Carolina, PA is the firm best qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Action A: Bridge Construction

Established DBE Goal: 5.00%

Committed DBE Goal: 5.15%

Dane Construction exceeded the established subcontracting goal, and has committed 5.15% (\$87,713.93) of the total contract amount to the following certified firms:

- Bullington Construction (DBE, SBE) (\$35,139) (fencing)
- Superior Seeding (DBE) (\$25,210.25) (seeding & mulching)
- Lopez Rebar (DBE, SBE) (\$23,059.68) (rebar)
- A-1 Pavement Markings (DBE, SBE, WBE) (\$4,305) (pavement marking)

Action B: Bridge Construction Administration

For Federal Highway Administration funded projects, NCDOT does not mandate a goal through the State's SPSF program.

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Michael Baker Place Bridge \(No. 210\) Replacement](#)

30. Land Purchase for Charlotte-Mecklenburg Police Department Independence Division Station

Action:

Approve the purchase of a 5.05-acre parcel (parcel identification number 165-012-01) located at the intersection of Independence Boulevard and City View Drive in the amount of \$1,541,200 from the North Carolina Department of Transportation (NCDOT).

Staff Resource(s):

Mike Davis, Engineering and Property Management
Tony Korolos, Engineering and Property Management
Kerr Putney, Police
Jeff Estes, Police

Explanation

- In February 2010, the Charlotte-Mecklenburg Police Department (CMPD) adopted the Facilities Strategic Plan, which outlines facility goals through 2025 and prioritized the transition from leased division offices to City-owned stations. The Facilities Strategic Plan was updated in 2016 and identified construction of the Independence Division Station as a top priority.
- NCDOT owns 5.05 acres off Independence Boulevard at City View Drive and Conference Drive in Council District 5. NCDOT purchased the property in 2012 for construction staging during the U.S. Highway 74/Independence Boulevard improvements project. The current phase of the highway project is now complete and NCDOT has no immediate need for the property.
- The NCDOT parcel is well situated to meet CMPD's objectives to provide quality and efficient

service, and be highly visible and accessible within the community.

- The property was appraised in September 2017 for \$1,541,200.
- The terms of the acquisition are as follows:
 - Purchase price of \$1,541,200, and
 - Closing is expected to occur in August 2018.
- CMPD Independence Division currently leases 10,000 square feet in the building located at 9315 Monroe Road for \$105,235 annually. The lease expires on May 31, 2023.
- As part of the mandatory referral process, the Planning Commission reviewed the transaction on March 20, 2018 and provided no additional comments.
- In the coming months, staff will return to Council to approve the purchase of an additional property (parcel identification number 165-041-03) for the Independence Division station. The property is 0.06 acres, zoned B-2 and adjacent to the NCDOT parcel. The City is currently in negotiations with the property owners.

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Land Purchase for Charlotte-Mecklenburg Police Department Independence Division Sta](#)

31. Lilly Mill Storm Drainage Improvement and Stream Enhancement Project

Action:

Award a contract in the amount of \$8,127,786 to the lowest responsive bidder Blythe Development Company for the Lilly Mill Storm Drainage Improvements and Stream Enhancement Project.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Matt Gustis, Engineering and Property Management

Explanation

- The Lilly Mill Storm Drainage Improvement and Stream Enhancement project will replace failing infrastructure and reduce flooding of streets, properties, and structures. Work will include the installation of storm drainage, water/sanitary sewer, curb, gutter, sidewalk, driveways, and stream enhancement.
- The project area is located in the lower Little Sugar Creek watershed with boundaries of Huntingtowne Farms Lane to the north, Wittstock Drive to the south, Park Road to the east and Ramblewood Lane to the west, and it is located in Council District 6.
- On February 23, 2018, the City issued an Invitation to Bid; five bids were received from interested service providers.
- Blythe Development Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2021.

Charlotte Business INclusion

Established SBE Goal: 18.00%

Committed SBE Goal: 18.00%

Blythe Development met the established subcontracting goal, and has committed 18% (\$1,463,131.00) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Express Logistics (SBE, MBE) 565,000 (hauling)
- On Time Construction (SBE) (\$440,946) (concrete)
- Diamond Trucking (SBE, MBE) (\$150,000) (hauling)

- RRC Concrete (SBE, MBE) (\$147,160) (hauling)
- Habitat Assessment & Restoration (SBE) (\$110,580) (planting)
- Maybury Fencing (SBE) (\$30,590) (fencing)
- PT&L (SBE) (\$18,855) (erosion control)

Established MBE Goal: 7.00%

Committed MBE Goal: 10.61%

Blythe Development exceeded the established subcontracting goal, and has committed 10.61% (\$862,160) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INClusion Policy):

- Express Logistics (MBE, SBE) (\$565,000) (hauling)
- Diamond Trucking (MBE, SBE) (\$150,000) (hauling)
- RRC Concrete (MBE, SBE) (\$147,160) (hauling)

Fiscal Note

Funding: Storm Water Community Investment Plan

Attachment(s)

Map

[Location Map - Lilly Mill Storm Drainage Improvement and Stream Enhancement Project](#)

32. Cedars East Storm Drainage Improvement Project

Action:

Award a contract in the amount of \$10,335,727.50 to the lowest responsive bidder Blythe Development Company for the Cedars East Storm Drainage Improvement Project.

Staff Resource(s):

Mike Davis, Engineering and Property Management

Matt Gustis, Engineering and Property Management

Explanation

- The Cedars East Storm Drainage Improvement Project will replace failing infrastructure and reduce flooding of streets, properties, and structures. Work will include the installation of storm drainage, water/sanitary sewer, curb, gutter, sidewalk, and driveways.
- The project area is located in the McAlpine Creek watershed with boundaries of Amity Place to the north, Idlewild Road to the south, Boston Avenue to the east and Hopper Court to the west, and it is located in Council District 5.
- On February 21, 2018, the City issued an Invitation to Bid; 4 bids were received from interested service providers.
- Blythe Development Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2020.

Charlotte Business INClusion

Established SBE Goal: 20.00%

Committed SBE Goal: 28.01%

Blythe Development exceeded the established subcontracting goal, and has committed 28.09% (\$2,895,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INClusion Policy):

- Axiom Foundations (SBE) (\$2,041,000) (shoring)
- Express Logistics (SBE, MBE) (\$827,000) (hauling)
- On Time Construction (SBE) (\$27,000) (concrete)

Established MBE Goal: 8.00%

Committed MBE Goal: 8.00%

Blythe Development met the established subcontracting goal, and has committed 8.00% (\$827,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Express Logistics (MBE, SBE) (\$827,000) (hauling)

Fiscal Note

Funding: Storm Water Community Investment Plan

Attachment(s)

Map

[Location Map - Cedars East Storm Drainage Improvement Project](#)

33. Sugar Creek 54 inch Sanitary Sewer Rehabilitation

Action:

Award a contract in the amount of \$3,142,477.65 to the lowest responsive bidder Insituform Technologies, LLC for the 54 inch Sanitary Sewer Rehabilitation project along Sugar Creek.

Staff Resource(s):

Angela Lee, Charlotte Water

Ronald Hargrove, Charlotte Water

Explanation

- Charlotte Water operates and maintains approximately 4,300 miles of sanitary sewer lines throughout the service area. Many of these pipes are more than 50 years old and often need repairs or rehabilitation.
- During routine inspections and evaluations, the Sugar Creek Sewer Outfall and associated manholes were found to have severe interior corrosion due to hydrogen sulfide gas exposure.
- This project will install 6,425 linear feet of 54 inch pipe lining within the existing Sugar Creek Sewer Outfall just northwest of Polk Street in the Town of Pineville (adjacent to City Council District 3). The lining is a corrosion resistant product that will extend the life of the sewer line another 50 years. The work will also include manhole repairs; consisting of the application of a corrosion resistant spray coating to the interior walls and diverting the sewage flow during construction activities.
- On January 18, 2018, the City issued an Invitation to Bid for the Sugar Creek 54 inch Sanitary Sewer Rehabilitation Project; six bids were received from interested service providers.
- Insituform Technologies, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the fourth quarter of calendar year 2018.

Charlotte Business INclusion

Established MSBE Goal: 7.00%

Committed MSBE Goal: 0.00%

Insituform Technologies, LLC failed to meet the established subcontracting goal but earned the minimum Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INclusion Policy).

A further detail write-up of Insituform Technologies, LLC Good Faith Efforts is attached.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

Good Faith Efforts Summary

[RCAMap_SugarCreek54](#)

[GFE_SummaryAttachment-SugarCreek54inchSSRehabilitation](#)

34. Asphalt and Concrete Cleaning Services

Action:

- A. Approve a service contract with American Pavement Cleaning Services, Inc. for street, driveway, and sidewalk cleaning services for an initial two-year term, and**
- B. Authorize the City Manager to renew the contract for up to one additional two-year term with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- Charlotte Water contracts with a third-party vendor to clean streets, driveways, and sidewalks after completion of Charlotte Water maintenance and repair projects.
- On January 22, 2018 the City issued a Request for Proposal (RFP) for street, driveway, and sidewalk cleaning services; the City received three proposals from interested service providers.
- American Pavement Cleaning Services, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- American Pavement Cleaning Services, Inc., will perform chemical-free removal of construction dirt and debris using only water. Also the service provider shall make every effort to ensure no unnecessary debris, limbs, leaves, plastic, etc. are flushed into the storm drains at the time of service.
- American Pavement Cleaning Services, Inc., is responsible for furnishing all equipment, personnel and water sources to perform these cleaning services.
- Charlotte Water reserves the right to renew the contract, based on the performance of the contractor, and the determination that unit prices remain competitive.
- Expenditures are estimated to be \$150,000 annually.

Charlotte Business INclusion

No subcontracting goal was established on this contract because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy). However, American Pavement Cleaning Services, Inc. is a City SBE.

Fiscal Note

Funding: Charlotte Water Operating Budget

35. Utility Management System Maintenance and Support

Action:

- A. Approve the purchase of Cognos Reporting Engine maintenance and support services from a federal contract as authorized by G.S. 143-129(e)(9a),**
- B. Approve a contract with International Business Machines for the purchase of Cognos Reporting Engine maintenance and support services for the term of 20 months under GSA, Contract #GS-35-F-110DA, and**
- C. Authorize the City Manager to extend the contract for additional one-year terms as long as the federal contract is in effect, at prices and terms that are the same or more favorable than those offered under the federal contract.**

Staff Resource(s):

Randy Harrington, Management and Financial Services
Mark Goodman, Management and Financial Services
Angela Lee, Charlotte Water

Federal Contract Exemption

G.S. 143-129(e)(9a) allows local governments to purchase from contracts established by the United States government, including any federal agency, if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the federal contract.

Explanation

- Management and Financial Services in collaboration with Charlotte Water uses a comprehensive Utility Billing Management System comprised of multiple integrated software systems, for the billing and collection of approximately \$425 million annually in water, sewer, and storm water related services.
- This contract provides ongoing software maintenance and support of the Cognos Reporting Engine component of the system, including upgrades and issue resolution support, both of which are essential to ensuring the uninterrupted operation of the Utility Billing Management System.
- International Business Machines Corporation is willing to provide Cognos Reporting Engine maintenance and support services to the City at the same or better terms as are provided in its contract with General Services Administration (GSA).
- On November 23, 2015 the City Council authorized the City Manager to continue to purchase maintenance and support under a previous GSA contract, which expired on September 30, 2017.
- Approval is requested for the City Manager to continue to purchase maintenance and support for the duration of the new GSA contract, until December 20, 2020. This may be done by amendment to the original contracts if necessary or by new contracts with the same or other vendors that may offer such services in the future.
- Expenditures for maintenance and support of the Cognos Reporting Engine software are estimated at \$25,000 annually, subject to adjustments as authorized by the contracts, or by the City Manager.

Charlotte Business INCLUSION

- This is a federally sourced contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INCLUSION Policy).

Fiscal Note

Funding: Management and Financial Services Operating Budget

36. Laboratory Equipment Warranty and Support Contracts

Action:

- A. **Approve annual maintenance and repair service contracts with the following companies for a term of five years:**
- **Agilent Technologies, Inc.,**
 - **Perkin Elmer Health Sciences, Inc.,**
 - **Teledyne Instruments, Inc.,**
 - **Horizon Technology, Inc.,**
 - **Gerstel, Inc.,**
 - **ManSci, Inc.,**
 - **Mettler Toledo International, Inc.,**
 - **Spectro Analytical Instruments, Inc.,**
 - **Thermo Electron North America, LLC,**
 - **J2 Scientific, LLC, and**

B. Authorize the City Manager to negotiate and amend the contracts consistent with the purpose for which the contracts were approved.

Staff Resource(s):

Angela Lee, Charlotte Water
David Czerr, Charlotte Water

Explanation

- Charlotte Water Lab Services operates highly specialized and sensitive analytical laboratory equipment to monitor water and wastewater quality to protect the public.
- To maintain or extend warranty coverage which includes hardware replacement, equipment of this type must be periodically serviced by the manufacturer's certified technicians.
- These service agreements are the only qualifying service and maintenance coverage that includes an extended warranty with hardware replacement. Charlotte Water Lab Services currently maintains coverage on 34 instruments with the companies listed above.
- A waiver of the competitive solicitation process may be granted when deemed appropriate and in the City's best interest. Such a finding has been made and a waiver granted for this procurement.
- Estimated contract expenditures for all contracts are \$360,000 annually, split among the 10 contractors, and \$1,800,000 in the aggregate over five years. Each year the agreements are discounted from retail pricing.

Charlotte Business INclusion

No subcontracting goals were set because there are no subcontracting opportunities (Part C: Section 2.1 (a) of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Operating Budget

37. CATS - South Tryon Facility Lighting Upgrade

Action:

Award a contract in the amount of \$448,804 to the lowest responsive bidder Globenet Telecommunications, LLC, for the replacement and upgrade of lighting fixtures for CATS' South Tryon Bus Maintenance Building and Paint and Body Shop.

Staff Resource(s):

John Lewis, CATS
Allen Smith III, CATS

Explanation

- The 574 existing light fixtures in the maintenance building and the paint and body shop at the CATS South Tryon Bus Facility are 12 years old and need to be replaced with energy efficient LED light fixtures.
- On December 15, 2017, the City issued an Invitation to Bid (ITB) for the Phase III Lighting Upgrade project. After receiving no bids, CATS redesigned the project and reissued the ITB on February 21, 2018; two bids were received from interested service providers.

Disadvantage Business Enterprise

Established DBE Goal: 3%
Committed DBE Goal: 100%

Globenet Telecommunications, LLC exceeded the established subcontracting goal, and has committed 100% (\$448,804) of the total contract amount to the following certified firm:

- Globenet Telecommunications, LLC (DBE, SBE, MBE) (\$448,804) (replacement and upgrade of lighting fixtures)

Fiscal Note

Funding: CATS Community Investment Plan

38. CATS Special Transportation Services Scheduling Software**Action:**

- A. Authorize the City Manager to negotiate and approve a five-year contract with RouteMatch Software, Inc. to provide and implement a scheduling software system for CATS Special Transportation Services,**
- B. Authorize the City Manager to purchase maintenance and support for as long as the City uses the system, and**
- C. Authorize the City Manager to purchase such additional software licenses, services, and hardware as needed from time to time to optimize the City's use of the system.**

Staff Resource(s):

John Lewis, CATS

Tangee Mobley, CATS

Explanation

- CATS' Special Transportation Services (STS) provides paratransit bus service to individuals with disabilities who are unable to use CATS' fixed-route bus service.
- The current STS scheduling software, purchased in 2003, cannot be upgraded and has reached the end of its useful life.
- On August 8, 2017, the City issued a Request for Proposals (RFP) for a Scheduling Software System for CATS' Special Transportation Services. In response to the RFP, the City received four proposals from interested service providers.
- RouteMatch Software, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Expenditures for licensing and implementing the system are estimated to be \$503,332.
- Approval is requested for the City Manager to purchase maintenance and support for as long as the City uses the software. This may be done by amendment to the original contract or by new contracts with the same or other vendors that may offer such services in the future.
- Expenditures for maintenance and support are estimated to be \$65,596 per year, subject to adjustments as authorized by the contract or by the City Manager.

Charlotte Business Inclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INCLUSION Policy).

Fiscal Note

Funding: CATS Community Investment Plan

39. Financial Auditing Services Contract**Action:**

Approve a one-year contract extension with Cherry Bekaert LLP, not to exceed \$169,000 to provide audit services for the City, optional report for Transit, and Charlotte Firefighters for fiscal year ending June 30, 2018.

Staff Resource(s):

Randy Harrington, Management and Financial Services

Teresa Smith, Management and Financial Services

Explanation

- State law requires City Council to select a certified public accounting firm to audit the accounting

- records and annual financial report, and to evaluate internal controls at the end of each fiscal year.
- Cherry Bekaert, LLP has been selected for the last five years and it is best practice to change auditors every few years.
- On February 13, 2018, the City issued a Request for Proposals (RFP); three responses were received from interested service providers.
- Contract extension is requested for a one-year term due to the small number of responses to the Request for Proposals.
- The City will issue the proposal next year for a longer period of time to allow more time for possible interested service providers to respond.
- The audit includes financial and compliance examinations, as well as issuance of appropriate audit reports for the fiscal year ending June 30, 2018.
- The audit reports include the City's Comprehensive Annual Financial Report and the Single Audit for Federal and State funding sources.
- The audit must be completed and the audit reports rendered no later than October 31, 2018.

Charlotte Business INCLUSION

No subcontracting goals were established because there are no subcontracting opportunities (Part C: Section 2.1 (a) of the Charlotte Business INCusion Policy).

Fiscal Note

Funding: Various Departments' Operating Budgets

40. Citywide Temporary Staffing Services

Action:

- A. Approve unit price contracts with the following companies for Citywide Temporary Staffing Services for an initial term of three years:**
- Allegiance Staffing,
 - Apex Systems/Apex Life Sciences,
 - AppleOne Employment Services,
 - GoodWork Staffing (a division of Goodwill Industries),
 - Elite Resources,
 - GM Staffing,
 - Jennifer Temps, Inc.,
 - Premier Staffing Resources,
 - Randstad North America, Inc.,
 - Rapier Solutions, Inc.,
 - TECHEAD,
 - Temp Me LLC,
 - Workforce Unlimited, and
- B. Authorize the City Manager to renew the contracts for up to two, 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):

Randy Harrington, Management and Financial Services

Kay Elmore, Management and Financial Services

Explanation

- City departments utilize temporary staffing firms to support and augment staffing needs for a variety of operations, special projects, seasonal requirements, and unforeseen events.
- The use of temporary staff provides the following benefits to the City:
 - Augmentation of existing staff in order to effectively manage planned workload and unforeseen demand and/or special projects and new tasks,
 - Supplementation of full-time resources that are unavailable due to medical leave or other

- long-term absences,
- Access to candidates with specialized experience, knowledge, and/or skill sets not available through existing City staff, and
- Ability to screen candidates for potential placement opportunities.
- These contracts allow the City to have access to pre-qualified, insured, and contracted staffing firms who can provide an extensive pool of candidates in a variety of fields including but not limited to labor, administrative, financial, laboratory and logistics.
- Multiple awards are recommended to ensure alternative solutions, flexibility, and accessibility in the provision of services to best fit the particular needs of multiple City departments and operations.
- The City received 38 proposals in response to a Request for Proposals (RFP).
- The companies detailed in Action A best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- It is anticipated that the contracts will be renewed for up to two additional one-year terms at prices to be negotiated based on market conditions.
- Eight of the 13 recommended firms are certified MBEs, WBEs and/or SBEs.
- Firms will charge an hourly price per position plus administrative fees ranging from 30 to 48 percent. Administrative fees are charged by the firms to cover expenses including allowable overhead expenses, liability insurance, taxes, and other such costs required in the provision of temporary staff for hire.
- Estimated contract expenditures for all contracts in the aggregate are \$2,500,000 annually.
- Current year expenditures for the use of Citywide Temporary Staffing contracts represents approximately 0.003 percent of the City's total Fiscal Year 2018 Adopted Budget for personal services.

Charlotte Business INclusion

No subcontracting goal was established on this contract because there are no subcontracting opportunities (Part C: Section 2.1 (a) of the Charlotte Business INclusion Policy). However, contracts were awarded to the following certified firms:

- AppleOne (MBE)
- Allegiance Staffing (WBE)
- Elite Resources (MBE)
- GM Staffing (SBE)
- Jennifer Temps (MBE)
- Premier Staffing Resources (MBE)
- Rapier Solutions, Inc. (MBE,SBE)
- TECHEAD (WBE)

Fiscal Note

Funding: Various Departments' Operating Budgets

41. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$2,627.48

Staff Resource(s):

Randy Harrington, Management and Financial Services
Sarah Richards, Management and Financial Services

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers and Refunds Requested.pdf](#)

[Resolution.pdf](#)

42. Meeting Minutes

Action:

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

- **March 19, 2018, Zoning Meeting, and**
- **March 21, 2018, Budget Workshop.**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

43. Property Transactions - Bus Stop Improvements at South Tryon at Carowinds, Parcel #1

Action: Approve the following **Condemnation: Bus Stop Improvements at South Tryon at Carowinds, Parcel #1**

Project: Bus Stop Improvements at South Tryon at Carowinds, Parcel #1

Owner(s): Steele Creek Apartments Property Owner, LLC

Property Address: 13311 Crescent Springs Drive

Total Parcel Area: 1,028,848 sq. ft. (23.619 ac.)

Property to be acquired by Easements: 112 sq. ft. (.003 ac.) in Temporary Construction Easement, plus 117 sq. ft. (.003 ac.) in Bus Stop Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-12

Use: Multi Family

Tax Code: 203-152-09

Appraised Value: \$100

Recommendation: Staff is currently waiting on signed documents but to avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 3

44. Property Transactions - Cutchin Drive Drainage Improvements, Parcel #7

Action: Approve the following **Acquisition: Cutchin Drive Drainage Improvements, Parcel #7**

Project: Cutchin Drive Drainage Improvements, Parcel #7

Program: Flood Control

Owner(s): Duncan C. Porter and Allison Washam Porter

Property Address: 3223 Mountainbrook Road

Total Parcel Area: 25,386 sq. ft. (.583 ac.)

Property to be acquired by Easements: 3,340 sq. ft. (.077 ac.) in Storm Drainage Easement, plus 299 sq. ft. (.007 ac.) in Temporary Construction Easement, plus 275 sq. ft. (.006 ac.) in Existing Drainage Accepted as Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 209-051-07

Purchase Price: \$33,750

Council District: 6

45. Property Transactions - Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #2

Action: Approve the following Condemnation: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #2

Project: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #2

Owner(s): CCP Property Owner Southpark, LLC

Property Address: 6060 Piedmont Row Drive

Total Parcel Area: 192,599 sq. ft. (4.421 ac.)

Property to be acquired by Easements: 8,480 sq. ft. (.195 ac.) in Sanitary Sewer Easement, plus 7,594 sq. ft. (.174 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: O-1

Use: Office

Tax Code: 179-022-38

Appraised Value: \$201,600

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

Council District: 6

46. Property Transactions - Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #3

Action: Approve the following Condemnation: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #3

Project: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #3

Owner(s): LPA CP Southpark, LLC

Property Address: 6115 Park South Drive

Total Parcel Area: 257,402 sq. ft. (5.909 ac.)

Property to be acquired by Easements: 8,186 sq. ft. (.188 ac.) in Sanitary Sewer Easement, plus 25,465 sq. ft. (.585 ac.) in Temporary Construction Easement, plus 7,278 sq. ft. (.167 ac.) in Sanitary Sewer Easement Overlapping Existing Telephone and Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: O-1

Use: Office

Tax Code: 179-022-01

Appraised Value: \$332,950

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

Council District: 6

47. Property Transactions - Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #4

Action: Approve the following Condemnation: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #4

Project: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #4

Owner(s): CCP Property Owner SouthPark, LLC

Property Address: 6135 Park South Drive

Total Parcel Area: 292,051 sq. ft. (6.705 ac.)

Property to be acquired by Easements: 7,299 sq. ft. (.168 ac.) in Sanitary Sewer Easement, plus 20,610 sq. ft. (.473 ac.) in Temporary Construction Easement, plus 1,965 sq.

ft. (.045 ac.) in Sanitary Sewer Easement Overlapping Existing Duke Transmission Right-of-Way

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: O-1

Use: Office

Tax Code: 179-022-42

Appraised Value: \$334,150

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

Council District: 6

48. Property Transactions - Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #5

Action: Approve the following Condemnation: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #5

Project: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #5

Owner(s): H@park South, LLC

Property Address: 6023 Park South Drive

Total Parcel Area: 217,613 sq. ft. (4.996 ac.)

Property to be acquired by Easements: 3,217 sq. ft. (.074 ac.) in Sanitary Sewer Easement, plus 7,929 sq. ft. (.182 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: O-1

Use: Office

Tax Code: 179-022-41

Appraised Value: \$135,525

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

Council District: 6

49. Property Transactions - Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #6

Action: Approve the following Condemnation: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #6

Project: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #6

Owner(s): Royal Crest at South Park Homeowners Association, Inc.

Property Address: 3455 Royal Crest Drive

Total Parcel Area: 39,283 sq. ft. (.902 ac.)

Property to be acquired by Easements: 7,977 sq. ft. (.183 ac.) in Sanitary Sewer Easement, plus 5,103 sq. ft. (.117 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-8MF

Tax Code: 171-252-90

Appraised Value: \$64,650

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

Council District: 6

50. Property Transactions - Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #7

Action: Approve the following Acquisition: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #7

Project: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #7

Owner(s): John V. Moore

Property Address: 6030 Park South Drive

Total Parcel Area: 58,217 sq. ft. (1.336 ac.)

Property to be acquired by Easements: 1,707 sq. ft. (.039 ac.) in Sanitary Sewer Easement, plus 9,307 sq. ft. (.214 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: UR-C

Use: Single-family Residential

Tax Code: 171-252-23

Purchase Price: \$78,750

Council District: 6

51. Property Transactions - Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #8

Action: Approve the following Condemnation: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #8

Project: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #8

Owner(s): Roger Schulz and Marie Schulz

Property Address: 6000 South Regal Lane

Total Parcel Area: 14,202 sq. ft. (.326 ac.)

Property to be acquired by Easements: 1,835 sq. ft. (.042 ac.) in Sanitary Sewer Easement, plus 3,504 sq. ft. (.08 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-8MF

Use: Town House

Tax Code: 171-252-66

Appraised Value: \$23,050

Property Owner's Concerns: The property owner was concerned about the potential impacts to the structure during construction and the amount of compensation being offered.

City's Response to Property Owner's Concerns: Staff explained the structure would not be impacted during construction and informed the property owner they could obtain their own appraisal in order to justify a counter offer.

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

Council District: 6

52. Property Transactions - Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #9

Action: Approve the following **Condemnation: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #9**

Project: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #9

Owner(s): Donnell Cooper and Karen B. Cooper

Property Address: 5615 Glenkirk Road

Total Parcel Area: 41,509 sq. ft. (.953 ac.)

Property to be acquired by Easements: 3,106 sq. ft. (.071 ac.) in Sanitary Sewer Easement, plus 3,234 sq. ft. (.074 ac.) in Temporary Construction Easement, plus 460 sq. ft. (.011 ac.) in Sanitary Sewer Easement Overlapping Existing Permanent Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 171-252-22

Appraised Value: \$34,675

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

Council District: 6

53. Property Transactions - Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #10

Action: Approve the following **Acquisition: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #10**

Project: Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements, Parcel #10

Owner(s): Kathryn M. Walters

Property Address: 5624 Glenkirk Road

Total Parcel Area: 39,819 sq. ft. (.914 ac.)

Property to be acquired by Easements: 955 sq. ft. (.022 ac.) in Sanitary Sewer Easement, plus 731 sq. ft. (.017 ac.) in Temporary Construction Easement, plus 2,191 sq. ft. (.05 ac.) in Sanitary Sewer Overlapping Permanent Storm Drainage Easement and Permanent

Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 171-252-30

Purchase Price: \$12,350

Council District: 6

54. Property Transactions - Rocky River Road Improvement, Parcel #3

Action: Approve the following Condemnation: Rocky River Road Improvement, Parcel #3

Project: Rocky River Road Improvement, Parcel #3

Owner(s): Charlotte Student Housing DST

Property Address: 911 Sanctuary Place

Total Parcel Area: 991,056 sq. ft. (22.751 ac.)

Property to be acquired by Fee: 4,233 sq. ft. (.097 ac.) in Fee Simple

Property to be acquired by Easements: 238 sq. ft. (.005 ac.) in Storm Drainage Easement, plus 1,157 sq. ft. (.027 ac.) in Sidewalk and Utility Easement, plus 4,277 sq. ft. (.098 ac.) in Temporary Construction Easement, plus 2,353 sq. ft. (.054 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees, shrubs and various plantings

Use: Commercial

Tax Code: 049-231-52

Appraised Value: \$26,625

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

Council District: 4

55. Property Transactions - Rocky River Road Improvement, Parcel #8

Action: Approve the following Condemnation: Rocky River Road Improvement, Parcel #8

Project: Rocky River Road Improvement, Parcel #8

Owner(s): Oxford Gateway Apartments LLC

Property Address: 7232 West Rocky River Road

Total Parcel Area: 654,214 sq. ft. (15.019 ac.)

Property to be acquired by Fee: 5,355 sq. ft. (.123 ac.) in Fee Simple, plus 3,231 sq. ft. (.074 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 654 sq. ft. (.015 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD

Use: Commercial

Tax Code: 049-181-03

Appraised Value: \$0

Outstanding Concerns: Legal negotiations are ongoing in regards to the easement language.

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

Council District: 4

56. Property Transactions - Rocky River Road Improvement, Parcel #9

Action: Approve the following Condemnation: Rocky River Road Improvement, Parcel #9

Project: Rocky River Road Improvement, Parcel #9

Owner(s): Rocky River Village Homeowners Association, Inc.

Property Address: Fortescue Drive

Total Parcel Area: 108,252 sq. ft. (2.485 ac.)

Property to be acquired by Easements: 3,293 sq. ft. (.076 ac.) in Storm Drainage Easement, plus 4,397 sq. ft. (.101 ac.) in Temporary Construction Easement, plus 42 sq. ft. (.001 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-6(CD)

Use: Single-family Residential - Common

Tax Code: 049-141-67

Appraised Value: \$5,325

Outstanding Concerns: Property owner is currently waiting on the Board of Directors to approve the acquisition.

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

Council District: 4

57. Property Transactions - Rocky River Road Improvement, Parcel #11

Action: Approve the following Condemnation: Rocky River Road Improvement, Parcel #11

Project: Rocky River Road Improvement, Parcel #11

Owner(s): Rocky River Village Homeowners Association, Inc.

Property Address: Fortescue Drive

Total Parcel Area: 25,730 sq. ft. (.591 ac.)

Property to be acquired by Easements: 437 sq. ft. (.01 ac.) in Temporary Construction Easement, plus 74 sq. ft. (.002 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-6(CD)

Use: Single-family Residential - Common

Tax Code: 049-146-99

Appraised Value: \$2,325

Outstanding Concerns: Property owner is currently waiting on the Board of Directors to approve the acquisition.

Recommendation: To avoid delay in the project schedule, staff recommends proceeding to

condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 4

58. Property Transactions - Rocky River Road Improvement, Parcel #12

Action: Approve the following Condemnation: Rocky River Road Improvement, Parcel #12

Project: Rocky River Road Improvement, Parcel #12

Owner(s): Janice Marie Ingram

Property Address: 511 West Rocky River Road

Total Parcel Area: 70,501 sq. ft. (1.618 ac.)

Property to be acquired by Fee: 7,085 sq. ft. (.163 ac.) in Fee Simple, plus 1,521 sq. ft. (.035 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 2,976 sq. ft. (.068 ac.) in Sidewalk and Utility Easement, plus 3,269 sq. ft. (.075 ac.) in Temporary Construction Easement, plus 948 sq. ft. (.022 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Rural Homesite

Tax Code: 049-231-04

Appraised Value: \$11,700

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

Council District: 4

59. Property Transactions - Rocky River Road Improvement, Parcel #13

Action: Approve the following Acquisition: Rocky River Road Improvement, Parcel #13

Project: Rocky River Road Improvement, Parcel #13

Owner(s): Neil P. Mangan and Lorri L. Elliott

Property Address: 527 West Rocky River Road

Total Parcel Area: 35,870 sq. ft. (.823 ac.)

Property to be acquired by Fee: 2,684 sq. ft. (.062 ac.) in Fee Simple, plus 1,370 sq. ft. (.031 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 1,558 sq. ft. (.036 ac.) in Sidewalk and Utility Easement, plus 2,525 sq. ft. (.058 ac.) in Temporary Construction Easement, plus 2,138 sq. ft. (.049 ac.) in Utility Easement, plus 188 sq. ft. (.004 ac.) in Sidewalk Utility/Retaining Wall Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 049-231-08

Purchase Price: \$11,950

Council District: 4

60. Property Transactions - Rocky River Road Improvement, Parcel #16

Action: Approve the following Acquisition: Rocky River Road Improvement, Parcel #16

Project: Rocky River Road Improvement, Parcel #16

Owner(s): 2015-2 IH2 Borrower L.P

Property Address: 7501 Batavia Lane

Total Parcel Area: 16,123 sq. ft. (.370 ac.)

Property to be acquired by Easements: 3 sq. ft. (ac.) in Sidewalk and Utility Easement, plus 113 sq. ft. (.003 ac.) in Temporary Construction Easement, plus 3,330 sq. ft. (.076 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 049-231-09

Purchase Price: \$14,300

Council District: 4

61. Property Transactions - Rocky River Road Improvement, Parcel #27

Action: Approve the following Condemnation: Rocky River Road Improvement, Parcel #27

Project: Rocky River Road Improvement, Parcel #27

Owner(s): Maritza L. Johnson and Yonue Johnson

Property Address: 7505 Rockland Drive

Total Parcel Area: 13,096 sq. ft. (.301 ac.)

Property to be acquired by Easements: 166 sq. ft. (.004 ac.) in Storm Drainage Easement, plus 3,565 sq. ft. (.082 ac.) in Utility Easement, plus 2,811 sq. ft. (.065 ac.) in Sidewalk/Utility/Retaining Wall Easement, plus 83 sq. ft. (.002 ac.) in Existing Drainage Accepted as Storm Drainage Easement

Structures/Improvements to be impacted: Flag poles, private lighting and irrigation

Landscaping to be impacted: Trees, shrubs and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 049-222-01

Appraised Value: \$19,925

Property Owner's Counteroffer: \$75,000

Property Owner's Concerns: Property owner's legal representative is concerned with the amount of compensation being offered.

City's Response to Property Owner's Concerns: Staff informed the property owner's representative that they can obtain their own appraisal in order to justify a counter offer.

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

Council District: 4

62. Property Transactions - Shamrock Drive Upgrades (Eastway to the Plaza), Parcel #1

Action: Approve the following Acquisition: Shamrock Drive Upgrades (Eastway to the Plaza), Parcel #1

Project: Shamrock Drive Street Upgrades (Eastway to the Plaza), Parcel #1

Owner(s): Lehigh Holdings, LLC

Property Address: 3109 Florida Avenue

Total Parcel Area: 8,866 sq. ft. (.204 ac.)

Property to be acquired by Fee: 8,866 sq. ft. (.204 ac.) in Fee Simple

Structures/Improvements to be impacted: Single-family dwelling

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 093-097-05

Purchase Price: \$185,000

Council District: 1

63. Property Transactions - Stevens Creek Sanitary Sewer Phase 1, Parcel #7

Action: Approve the following Condemnation: Stevens Creek Sanitary Sewer Phase 1, Parcel #7

Project: Stevens Creek Sanitary Sewer Phase 1, Parcel #7

Owner(s): Ronald F. Cox

Property Address: 14709 Thompson Road

Total Parcel Area: 119,790 sq. ft. (2.750 ac.)

Property to be acquired by Easements: 1,945 sq. ft. (.045 ac.) in Sanitary Sewer Easement, plus 1,295 sq. ft. (.03 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R (Mint Hill)

Use: Single-family Residential - Rural Acreage

Tax Code: 195-061-27

Appraised Value: \$325

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

Council District: N/A (Mint Hill)

64. Property Transactions - Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #4

Action: Approve the following **Condemnation: Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #4**

Project: Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #4

Owner(s): Jason Crabb

Property Address: 2418 Tuckaseegee Road

Total Parcel Area: 7,500 sq. ft. (.172 ac.)

Property to be acquired by Easements: 89 sq. ft. (.002 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-8

Use: Single-family Residential

Tax Code: 071-093-16

Appraised Value: \$150

Recommendation: To obtain clear title and avoid delay in the project schedule, staff recommends proceeding to condemnation.

Council District: 3

Adjournment

REFERENCES

65. Reference - Charlotte Business INClusion Policy

The following excerpts from the City's Charlotte Business INClusion Policy are intended to provide further explanation for those agenda items which reference the Charlotte Business INClusion Policy in the business meeting agenda.

Part A: Administration & Enforcement

Appendix Section 20: Contract: For the purposes of establishing an 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, MBE or WBE Goal has been set.
- Financial Partner Agreements, Development Agreements, 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 shall be "Exempt Contracts" from all aspects of the Charlotte Business INClusion Policy, unless the Department responsible for procuring the Contract decides otherwise:

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 shall be Exempt Contracts, 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 shall be Exempt Contracts.

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

Federal Contracts Subject to 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 shall be Exempt Contracts.

State Contracts Subject to MWBE Requirements: Contracts for which a minority and women business participation goal is set pursuant to G.S. 143-128.2(a) due to a building project receiving funding from the State of North Carolina shall be Exempt Contracts.

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

Interlocal Agreements: Contracts with other units of federal, state, or local government shall be Exempt Contracts.

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

Contracts with Waivers: Contracts for which the SBO Program Manager or the City Manager waives the SBO Program requirements shall be Exempt Contracts (such as when there are no SBE subcontracting opportunities on a Contract).

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

Appendix Section 35: Informal Contracts: Contracts and purchase orders through which the City procures services from a Business Enterprise that fall within one of the following two categories:

Construction Contracts Less Than or Equal To \$500,000:

Service and Commodities Contracts That Are Less Than or Equal To \$100,000:

Part B: Formal Construction Bidding

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

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities.

The City shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no SBEs, MBEs or WBEs (as applicable) to perform scopes of work or provide products or services that the City regards as realistic opportunities for subcontracting.

Part C: Services Procurement

Part C: Section 2.1: When the City Solicitation Documents for a Service Contract do not contain an SBE Goal, each Proposer must negotiate in good faith with each MWSBE that responds to the Proposer's solicitations and each MWSBE that contacts the Proposer on its own accord. Additionally, the City may negotiate a Committed SBE Goal with the successful Proposer after the Proposal Opening.

Part C: Section 2.1: No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish an MWSBE Goal for Service Contracts where there are no MWSBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

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:

- Notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or
- Establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

66. 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
- Leave voice messages.
- For most condemnation cases, City staff 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 definition of fee simple 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, commonly, synonym for ownership.

67. 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, City staff 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.