

City of Charlotte

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



Meeting Agenda

Monday, June 10, 2019

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):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

2. Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Traffic Calming Update

Staff Resource(s):

Liz Babson, Transportation

Reginald Johnson, Fire

Time: 10 minutes - Presentation; 10 minutes - Discussion

Explanation

Provide an update on recently updated Neighborhood Traffic Calming Policy and its relationship to new national and state fire code regulations.

[NTC and Fire Legislation Presentation 6-10-19 FINALrev1](#)

4. Emergency Operations Plan

Staff Resource(s):

Reginald Johnson, Fire

Time: 10 minutes - Presentation; 10 minutes - Discussion

Explanation

Provide an overview of the updated Emergency Operations Plan.

[EOP CLT Council Presentation - Final bjk 3](#)

5. Comprehensive Plan Update

Staff Resource(s):

Taiwo Jaiyeoba, Planning, Design, and Development

Time: 10 minutes - Presentation; 10 minutes - Discussion

Explanation

Provide an update on the 2040 Comprehensive Plan.

[City Council Update 061019 FINAL](#)

6. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Staff responses to questions from the beginning of the Business Meeting.

7. 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

8. Public Forum

9. Consent agenda items 34 through 48 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.

AWARDS AND RECOGNITIONS

10. Tourette Syndrome Awareness Month and Tourette Syndrome Awareness Day

Action:

Mayor Lyles will read a proclamation recognizing May 15-June 15, 2019 as Tourette Syndrome Awareness Month and June 4, 2019 as Tourette Syndrome Awareness Day.

11. Miss Charlotte 2019 Day Proclamation

Action:

Mayor Lyles will read a proclamation recognizing June 10, 2019 as Miss Charlotte 2019 Day.

PUBLIC HEARING

12. Public Hearing for Lending Tree, LLC Business Investment Grant

Action:

- A. Conduct a public hearing regarding approval of a Business Investment Grant to Lending Tree, LLC, and**
- B. Approve the City's share of a Business Investment Grant to Lending Tree, LLC for a total estimated amount of \$733,988 over seven years.**

Staff Resource(s):

Tracy Dodson, Economic Development
Lori Lencheski, Economic Development

Explanation

- On December 6, 2018, Lending Tree, LLC announced its selection of Charlotte for a capital investment of \$26,180,000 to expand its headquarters.
- This action is requesting City Council to approve a Business Investment Grant estimated to be up to \$733,988 over seven years. Mecklenburg County's share is estimated to be \$686,878, bringing the combined city and county grant estimated total to be \$1,420,866.
 - On December 4, 2018, the Mecklenburg County Board of Commissioners, in Closed Session, indicated its intent to approve a Business Investment Grant to Lending Tree, LLC.
 - On November 26, 2018, City Council, in Closed Session, indicated its intent to approve a Business Investment Grant to Lending Tree, LLC.
 - In addition to the grant for the expansion, the State of North Carolina also approved a Job Development Investment Grant in the amount of \$8,300,000 and \$610,000 in community college training funds.
- In addition to the \$26,180,000 capital investment, Lending Tree, LLC committed has to:
 - 436 jobs to be hired locally over five-years (\$101,400 average wage), and
 - 488 current employees in Charlotte to be retained for the term of the grant.
- Additional benefits also include:
 - Workforce development partnerships and relationship with company can be utilized to connect talent to available positions.
 - The project's alignment with:
 - City Values and Winning Cities Characteristics,
 - Letter to the Community (Good Paying Jobs),
 - Equitable Economic Development, and Economic Opportunity,
 - Diversity of jobs on proposed project,
 - Job retention through corporate expansion, and
 - Growth industry with significant job and contracting opportunities.

Background

- Lending Tree, LLC is a homegrown company, that is headquartered in Charlotte.
- The company is leading the online marketplace in market share and size of lender network, with over 500 lenders.
- Lending Tree, LLC acts as a broker, not a lender to consumers. The company connect consumers with multiple lenders, banks, and credit partners.
- Lending Tree, LLC also gives back to the community through various programs and scholarships.

Business Investment Grant

- Request meets the City Council approved criteria for a seven-year term, 90 percent local business expansion grant.
- The general terms and conditions of this grant include:
 - The company will be asked to coordinate job fairs and recruitment events for both temporary

and permanent jobs with the city and county. Community organizations and residents will receive ample notice of these employment activities in addition to training opportunities with city job training and placement partnerships.

- Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
- Property taxes due from Lending Tree, LLC must be paid before a grant payment is made.
- If Lending Tree, LLC removes the investment from Charlotte during the grant term, the company shall pay back 100 percent of the investment grant paid to date.
- If Lending Tree, LLC moves the investment from Charlotte within seven-years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
 - Within one year of the end of the BIP Term - 90 percent of grant payments
 - Within two years of the end of the BIP Term - 75 percent of grant payments
 - Within three years of the end of the BIP Term - 60 percent of grant payments
 - Within four years of the end of the BIP Term - 45 percent of grant payments
 - Within five years of the end of the BIP Term - 30 percent of grant payments
 - Within six years of the end of the BIP Term - 20 percent of grant payments
 - Within seven years of the end of the BIP Term - 10 percent of grant payments

Fiscal Note

Funding: Business Investment Grant

POLICY

13. City Manager's Report

14. Fiscal Year 2020 Operating Budget and Fiscal Years 2020 - 2024 Capital Investment Plan

Action:

Adopt the Fiscal Year (FY) 2020 Appropriations and Tax Levy Ordinance, the FY 2020 Compensation and Benefits Resolution, and other items related to the Annual Budget Ordinance adoption:

- A. The FY 2020 Operating Appropriations and Tax Levy Ordinance,**
- B. The FY 2020 - 2024 Capital Investment Plan,**
- C. The FY 2020 General Solid Waste Fee,**
- D. The FY 2020 Storm Water Services Fee,**
- E. The FY 2020 Transit Operating Budget and Debt Service Budget, which was approved by the Metropolitan Transit Commission on April 24, 2019,**
- F. The FY 2020 Charlotte Water Rates,**
- G. The FY 2020 Compensation and Benefits Plan and associated Human Resources contracts,**
- H. Outside Agencies and Municipal Service Districts Contracts, and**
- I. Other Budget Items.**

Committee Chair:

Greg Phipps, Budget and Effectiveness Committee

Staff Resource(s):

Marcus Jones, City Manager

Sabrina Joy-Hogg, City Manager's Office

Phil Reiger, Strategy and Budget

Policy

- As required by state law, the City of Charlotte adopts annual appropriations and a tax levy ordinance and considers related actions by July 1 of each fiscal year.
- The annual budget is an instrument that establishes policy. The budget identifies and summarizes programs and services provided by the city and the how they are funded. It is the annual plan that coordinates the use of revenues and associated expenditures.

Background

- The annual budget ordinance is presented in accordance with the City Manager's Proposed FY 2020 Budget on May 6, 2019, and subsequent City Council budget adjustments.
- The FY 2020 Budget is structurally balanced and focuses on four new strategic priorities: Economic Development, Neighborhood Development, Transportation and Planning, and Well-Managed Government.
- The budget development process includes input from the community, city departments, and the Mayor and City Council. To facilitate input, the city held six community engagement events throughout the fall of 2018, four Budget and Effectiveness Committee meetings on December 11, 2018, and January 15, February 19, and March 19, 2019, three Budget Workshops on February 6, March 6, and April 3, 2019, and two Budget Briefing meetings on May 8, and May 22, 2019.
- The Proposed FY 2020 Budget was presented on May 6, 2019.
- The Budget Public Hearing occurred on May 13, 2019.
- In the month of May several one-on-one meetings were held with council members regarding the FY 2020 Proposed Budget.
- The Mayor and City Council met on May 23, 2019, to discuss budget adjustments for consideration to the Proposed FY 2020 Budget. Two budget adjustments were approved by City Council for inclusion in the FY 2020 Budget.
- FY 2020 Budget highlights include:
 - Establishes a revenue neutral property tax rate.
 - Establishes the Office of Equity, Mobility, and Immigrant Integration to advance upward mobility, immigrant services, diversity, equity, and inclusion within the organization and

throughout the community.

- Provides additional \$750,000 for the Aging in Place program.
- Invests \$500,000 in neighborhoods by expanding microgrants program.
- Provides approximately \$750,000 for two garbage collection crews and trucks to keep the city clean.
- Supports economic development initiatives for new business creation, innovation, and entrepreneurship with an additional \$1.65 million.
- Enhances Minority Women Small Business Enterprise opportunities with an additional \$450,000.
- Provides \$300,000 to initiate phase two of the Project P.I.E.C.E. Workforce Development Program.
- Assists with the preservation of naturally occurring affordable housing by providing an additional \$6.4 million.
- Enhances public safety employee compensation by increasing the top pay of Police Officer and Police Sergeant by five percent, and Fire Captain and Fire Engineer by 2.5 percent.
- Provides three percent merit pool for salaried employees.
- Provides a 1.5 percent market adjustment and 1.5 percent merit pool for general employees.
- Ensures a minimum increase of \$2,080 annually for all full-time regular employees receiving a positive performance review.
- Increases the minimum wage of full-time employees to \$16 per hour by the end of the fiscal year.

- The FY 2020 - 2024 Capital Investment Plan (CIP) matches the city's highest priority needs with a financing schedule. The General CIP focuses on investing in projects that generate the most community benefit and improve the overall quality of life in Charlotte. The nongeneral capital investments respond to aging infrastructure and increasing service demands associated with the provision of water and sewer, storm water, transit, and aviation services.

Approved Changes to the Proposed FY 2020 Budget from May 23 City Council Budget Adjustments and Straw Votes Meeting

- During the May 23 Budget Adjustments and Straw Votes meeting, City Council approved the following adjustments:
 - \$50,000 to support the Women's Business Center of Charlotte. This adjustment is funded by reducing the General Fund Undesignated Balance by \$50,000.
 - The requested tax rates for Municipal Service Districts (MSDs) #2, #3, and #5.

A. Adopt the FY 2020 Operating Appropriations and Tax Levy Ordinance**Budget Overview**

- The total FY 2020 budget is \$2.6 billion, with \$1.6 billion for operating expenditures and \$992.4 million for capital expenditures (all funds). The General Fund operating budget totals \$727.7 million.
- The total budget includes the following key revenues:
 - Revenue neutral property tax rate of 34.81¢ per \$100 of assessed valuation, which is a decrease of 14.06¢ from the prior year. The FY 2020 assessed value is estimated at \$142.7 billion, with an estimated collection rate of 99 percent,
 - Water and Sewer rate increase of \$2.21 per month. This increase consists of a \$0.17 monthly decrease to Fixed and Availability Billing Fees, which are not dependent on how much water customers use, and an average increase of \$2.38 to existing water and sewer volumetric usage rates,
 - The four tier Storm Water rate methodology (adopted in FY 2016) does not change in FY 2020. This methodology charges detached single-family parcels a flat rate for each tier based on the same per square foot rate (\$0.0035) applied to the median impervious area of each tier. All other parcels (multi-family and commercial) are charged the same rate (\$0.0035) per actual square foot, and
 - Charlotte Area Transit System (CATS) base transit fare remains flat from FY 2019 to FY 2020.

B. Adopt the FY 2020 - 2024 Capital Investment PlanGeneral CIP

- The capital program is based on property tax rates as follows:
 - 6.77¢ for the Municipal Debt Service Fund, and
 - 0.73¢ for the Pay-As-You-Go (PAYGO) Fund.
- The FY 2020 - 2024 five-year General CIP totals \$694.7 million and includes:
 - Planning for street, neighborhood, and housing bonds in 2020 for a total of \$197.2 million; this amount includes a \$25.0 million increase to the planned 2020 affordable housing bond from \$25.0 million to \$50.0 million,
 - Funding construction of all planned segments of the Cross Charlotte Trail using \$54.4 million of available funds without securing additional debt, and
 - Implementing a \$20.0 million Advanced Planning Revolving Account to initiate earlier planning and design on high-priority projects. This account will be replenished once permanent financing is in place for the project.

Nongeneral CIPs

- Nongeneral programs are financially self-sustaining and do not rely on property tax or general government revenues.
- The FY 2020 - 2024 five-year nongeneral CIP includes:
 - CATS totals \$139.1 million and is funded by \$61.2 million in federal and state grants and \$77.9 million in CATS PAYGO.
 - Aviation totals \$2.0 billion and is funded by \$1.1 billion in revenue bonds, \$335.0 million in federal grants, and \$540.9 million in passenger facility charges and other sources.
 - Storm Water totals \$451.5 million and is funded by \$261.5 million in cash and \$190.0 million in revenue bonds.
 - Charlotte Water totals \$1.6 billion, funded by \$702.7 million in cash and \$935.4 million in revenue bonds.

C. Amend the General Solid Waste Fee

- The annual Solid Waste Fee for residential customers changes from \$46.06 to \$58.06 per year in FY 2020.
- These changes become effective on July 1, 2019.
 - The revised fee will be included in the tax bills that will be mailed to property owners by September 2019 and are due by December 31, 2019.

D. Approve the FY 2020 Storm Water Services Fee

- In accordance with the Interlocal Agreement on Storm Water Services, this action will inform Mecklenburg County of the amount to be charged for the city's portion of the fee.
- The FY 2020 fees remain unchanged from FY 2019:
 - Detached single family homes with less than 2,000 square feet (sf) of impervious area
 - FY 2020 Monthly Fee: \$5.85
 - Detached single family homes with 2,000 to 2,999 sf of impervious area
 - FY 2020 Monthly Fee: \$8.62
 - Detached single family homes with 3,000 to 4,999 sf of impervious area
 - FY 2020 Monthly Fee: \$12.76
 - Detached single family homes with 5,000 sf or more of impervious area
 - FY 2020 Monthly Fee: \$21.11
 - Commercial and multi-family per acre of impervious area
 - FY 2020 Monthly Fee: \$152.35

E. Adopt the FY 2020 Transit Operating Budget and Debt Service Budget, which was approved by the Metropolitan Transit Commission on April 24, 2019 Policy

The Transit Governance Interlocal Agreement calls for the Metropolitan Transit Commission (MTC) to annually approve a Transit Operating Program and a Transit Capital Program by April 30. Following the MTC's approval, the Transit Operating and Capital Programs are forwarded to City Council for approval. Upon approval, City Council shall fund the programs through its budget process and/or project ordinances.

Budget Overview

- The FY 2020 Transit Operating and Debt Service Budgets and the FY 2020 - 2024 Transit CIP have been developed in compliance with CATS Financial Policies including annual contribution to the Transit Revenue Reserve Fund, year-end fund balance, debt service coverage ratios, and the transfer of balances to the capital program.
- The FY 2020 Budget includes no proposed fare increases.
- The FY 2020 Budget for CATS represents three key ideas: responding to customer needs, maintaining a safe and reliable transit system, and planning for the future.

F. Adopt the FY 2020 Charlotte Water Rates

- Water and sewer fees are necessary to maintain current infrastructure, accommodate growth, and respond to changing regulatory requirements.
- FY 2020 rate changes include:
 - Decreases the water and sewer availability fees from \$10.34 to \$9.61 per month,
 - Increases the water and sewer administrative fees from \$8.90 to \$9.46 per month,
 - Increases the water and sewer volumetric usage rates by an average of \$2.38 per month,
 - The typical monthly total water and sewer bill for residential customers is estimated to be \$66.82 in FY 2020, an increase of \$2.21 per month, and
 - The typical bill assumes 5,236 gallons, or 7 ccf, used each month. Based on the current rate structure, users consuming more than the typical level of consumption are charged a higher rate to encourage conservation and responsible use of this resource.

G. Adopt the FY 2020 Compensation and Benefits Plan and Associated Human Resources Contracts

The FY 2020 Pay and Benefits Report includes the following:

Compensation

- On May 6, 2019, the City Manager presented pay and benefits recommendations. This action authorizes the City Manager to implement all of the recommendations as presented in the FY 2020 Compensation and Benefits Recommendation including, but not limited to the following items:
- In the Public Safety Pay Plan:
 - Merit steps of 2.5 percent to five percent,
 - Market adjustment to the pay steps funded at 1.5 percent effective July 6, 2019,
 - Merge Police Officer steps seven and eight from two, 2.5 percent steps to one, five percent step,
 - Merge Police Officer steps nine and ten from two, 2.5 percent steps to one, five percent step,
 - Move the merit date of all police officers on step eight and above to July 6, 2019,
 - Create Senior Police Officer I (SPO I) step for eligible police officers to receive a five percent step increase on the later of July 6, 2019, or one year after reaching the top police officer step,
 - Implement a Senior Police Officer II program in which officers that have completed SPO I requirements can enroll to receive a five percent salary step increase on the later of one year after reaching the SPO I step or December 2020,
 - Increase all Police Sergeant steps by five percent each,
 - Add a 2.5 percent step to Fire Engineer, and

- Increase Fire Captain steps by 2.5 percent each.
- Create the new Salaried Pay Plan (exempt/salaried employees):
 - Transition employees in Broadbanding Pay Plan to a Salaried Pay Plan consisting of 26 traditional ranges, each with a minimum and maximum pay equal to 80 percent and 125 percent, respectively, of benchmarked market data, and
 - A three percent merit pool.
- In the Hourly Pay Plan:
 - Merit increase pool funded at 1.5 percent,
 - Market adjustment to the ranges of 1.5 percent, effective December 7, 2019, and
 - Increase minimum starting hourly rate to \$16.00 by the end of FY 2020.
- Provide at least \$1.00 per hour increase to employees who receive a positive performance review, in the Salaried or Hourly Pay Plans, earning less than \$33.33 per hour by the end of FY 2020.

Benefits

- No medical plan premium increase to Health Savings Plan (HSA) Plan A, Preferred Provider Organization (PPO) Plan D, or PPO Plan E, for all tiers,
- Reduce the current HSA Plan B premiums, for all tiers, by five percent,
- Discontinue Health Reimbursement Account Plan C medical plan,
- Add adult orthodontia coverage to dental plan,
- Increase city contribution to defined contribution retirement plans for employees in the Charlotte Firefighters' Retirement System to four percent, from three percent, in January 2020,
- Provide the City Manager the authority to approve changes including plan options, vendors, rate increases, and future contracts/contract amendments to the Medicare-eligible retiree medical and prescription plans,
- Provide the City Manager the authority to establish the wellness incentive design for employees and Non-Medicare retirees within the overall health insurance budget,
- Provide the City Manager the authority to make medical plan design changes for employees and Non-Medicare retirees within the overall health insurance budget,
- Provide the City Manager the authority to select vendors and execute the contracts and future contract amendments with the selected vendors for the health care liaison, 457, and retiree health savings plans,
- Provide the City Manager the authority to enhance the plan design and execute the contract renewal for MyHealth employee clinics and vision,
- Provide the City Manager the authority to renegotiate the current contracts or if the contracts are rebid, to select vendors and execute the contracts and future contract amendments with the selected vendors for dental, employee assistance plan, short term disability, life insurance, and stop loss insurance,
- Provide the City Manager the authority to establish the dental premium structure within the overall health insurance budget,
- Offer employee all-access transit passes at a reduced rate, and
- Provide city-paid Hospital Indemnity coverage for all employees covered by the city's health plan.

H. Approve Outside Agencies and Municipal Service Districts Contracts

Authorize the City Manager to negotiate and execute contracts related to outside agencies and municipal service districts. The Outside Agency and Municipal Service District contracts are outlined below.

FY 2020 Annual Outside Agency Contracts

- General Fund Financial Partners:
 - Arts & Science Council: \$3,190,823
 - Community Building Initiative: \$50,000
 - My Brother's Keeper: \$50,000
 - Safe Alliance: \$397,038
 - Women's Business Center: \$50,000
- Dedicated Revenue Sources Financial Partners:

- Charlotte Regional Visitors Authority (CRVA): \$17,456,421
- CRVA Regional Film Commission: \$150,000
- 100 Percent Federal Grant Funded Financial Partners:
 - Carolinas Care Partnership: \$2,643,883
- 100 Percent PAYGO Funded Financial Partners:
 - Crisis Assistance Ministry: \$425,000
 - TreesCharlotte: \$100,000
- PAYGO/Federal Share Funded Financial Partners:
 - Charlotte-Mecklenburg Housing Partnership - Affordable Housing: \$1,860,000
 - Charlotte-Mecklenburg Housing Partnership - House Charlotte: \$231,000
- Out of School Time Financial Partners:
 - Greater Enrichment Program: \$200,000
 - Bethlehem Center: \$126,000
 - YWCA: \$200,000
 - Charlotte Community Services Association: \$126,000
 - WINGS for Kids: \$200,000
 - Above and Beyond Students: \$127,934

Municipal Service District Contracts

- The FY 2020 tax rates for MSD #1 and #4 have been adjusted to the revenue neutral rate, MSDs #2 and #3 have been reduced from the previous rate, but are not revenue neutral, and MSD #5 remains unchanged from the FY 2019 tax rate. Below, the tax rate changes for the MSDs are shown in greater detail.

Municipal Service District Contracts with Charlotte Center City Partners

- District 1: Center City
 - Tax Rate decreased from 2.08¢ to 1.36¢
 - FY 2020 Contract: \$1,740,534
- District 2: Center City
 - Tax Rate decreased from 2.93¢ to 2.27¢
 - FY 2020 Contract: \$1,295,461
- District 3: Center City
 - Tax Rate decreased from 4.18¢ to 3.38¢
 - FY 2020 Contract: \$1,725,315
- District 4: South End
 - Tax Rate decreased from 6.68¢ to 3.90¢
 - FY 2020 Contract: \$1,048,569

Municipal Service District Contract with University City Partners

- District 5: University City
 - Tax Rate: 2.79¢
 - FY 2020 Contract: \$1,070,020

FY 2020 Public Art Work Plan

- The Arts & Science Council administers the Public Art Program, which is outlined in Section 15-233 of the Charlotte City Code.
- The FY 2020 Public Art Allocations include:
 - General Capital Investment Fund: \$330,900, and
 - Aviation Capital Investment Fund: \$1,108,419.

Charlotte Works

- Job Training Contract for implementing federally-funded Workforce Investment Act in an amount up to \$11,315,622.
 - Funding source is federal Workforce Investment Act Grant.

School Resource Officer Program for Charlotte-Mecklenburg Schools

- The Charlotte-Mecklenburg Police Department (CMPD), through the School Resource Officer (SRO) program, has a security presence at Charlotte-Mecklenburg Schools (CMS) middle and high schools in their jurisdiction.
- The SROs provide police services to their respective school communities as their primary assignment.
- CMPD will provide approximately 51 Police Officers and one Sergeant to CMS for the 2019 - 2020 school year.
- Based on the previously agreed upon funding formula, CMS will pay the city up to \$5,410,318 for the SRO program.
- This action authorizes the City Manager to negotiate and execute the FY 2020 contract with CMS for continued funding for these SRO positions.

Support to the District Attorney's Office - Property Crime Unit

- Since 2008, the city has provided annual funding (via the CMPD operating budget) to the District Attorney to support two Assistant District Attorneys and three Victim/Witness Legal Assistants from the North Carolina Administrative Office of the Courts to address the backlog of cases in Mecklenburg County and support Police crime fighting initiatives.
- This action authorizes the City Manager to negotiate and execute the FY 2020 contract with the District Attorney and NC Administrative Office of the Courts for continued funding of these five positions.

Local Initiative Support Corporation

- The city will partner with Local Initiatives Support Corporation (LISC) to continue to preserve Naturally Occurring Affordable Housing (NOAH) by encouraging individuals to build wealth through homeownership by creating a *Single-Family Acquisition/Rehabilitation Loan Program* and a *Multi-Family NOAH Program*.
- This action authorizes the City Manager to negotiate and execute the FY 2020 contracts associated with the above LISC programs.

Eastside and Westside Collaborative Initiative

- Provide \$1.0 million to support the Eastside Collaborative Initiative and the Westside Collaborative Initiative, with a match of \$500,000 for each collaborative from LISC. The funds will help these communities transform themselves into areas of opportunity.
- This action authorizes the City Manager to negotiate and execute the FY 2020 contracts associated with the collaboratives.

I. Approve Other Budget Items

- Various updates to the schedule of regulatory and non-regulatory user fees, including the creation of a new Transit Oriented Development (TOD) fee in lieu set at \$4.75 per square foot, adopted as part of the TOD ordinance on April 15, 2019.
- The budget ordinance included is the city's annual budget operating ordinance. Sections 1 through 13 of this Ordinance reflect the items included in the FY 2020 Budget and all Council adjustments.
- The remainder of the Annual Ordinance (Sections 14 through 86) serves to make budgetary corrections to the current fiscal year for technical, accounting, and other adjustments necessary prior to the fiscal year's end.

Attachment(s)

Annual Budget Ordinance

Resolution by MTC

FY 2020 Compensation and Benefits Recommendation

[FY 2020 Annual Ordinance](#)

[MTC Resolution](#)

[FY 2020 Compensation and Benefits Recommendation Final](#)

[FY20 Attachments Comp Ben Rec Final](#)

BUSINESS

15. Grants for Propane Fuel Conversion Kits and Infrastructure

Action:

- A. **Award a unit price contract to the lowest responsive bidder Blossman Gas of North Carolina for the purchase of propane fuel conversion kits for three years,**
- B. **Award a unit price contract to the lowest responsive bidder Energy United Propane for the purchase of propane fuel and tanks for three years,**
- C. **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,**
- D. **Authorize the City Manager to accept two grants in the amounts of \$110,200 and \$80,864 from the North Carolina Clean Energy Technology Center for the installation of propane conversion kits in fleet vehicles,**
- E. **Adopt a budget ordinance appropriating \$145,000 in Charlotte Water's Capital Projects Fund, and**
- F. **Adopt a budget ordinance appropriating \$80,864 in the General Capital Projects Fund.**

Staff Resource(s):

Mike Davis, Engineering and Property Management

Chris Trull, Engineering and Property Management

Angela Lee, Charlotte Water

Explanation

- Liquid propane fuel conversion kits will be installed on 43 existing gasoline-powered vehicles, allowing them to run on liquid propane.
- Liquid propane fuel tanks provided by the vendor will be installed at three city locations to provide fueling locations for the converted vehicles. Fuel will be delivered as needed.
- These conversion kits align with the city's initiative to reduce carbon emissions by using alternative fuel sources for fleet vehicles.
- In addition, the use of non-toxic autogas propane is, on average, 33 percent less expensive than gasoline, and has a lower carbon footprint than gasoline.
- The two grant awards total \$191,064, and the city will provide a total local match of \$60,336. The city will continue to pursue grants and use existing operating funds for any remaining expenditures.

Actions A, B, and C

- On February 21, 2019, the city issued an Invitation to Bid; eight bids were received.
- Blossman Gas of North Carolina and Energy United Propane were selected as the lowest responsive, responsible bidders.
- Annual expenditures for both contracts are estimated to be \$370,000.

Actions D, E, and F

- Authorizes the City Manager to accept two grants, one Charlotte Water will use to purchase 25 propane conversion kits, and the other Engineering and Property Management will use to purchase 18 propane conversion kits.
- Appropriates \$34,800 from existing fund balance in Charlotte Water's Operating Fund (to provide a 24 percent local match for the grant) and \$110,200 in grant funds to fund the purchase of 25 conversion kits.
- Appropriates \$80,864 in grant funds to the General Capital Projects fund for the purchase of 18 conversion kits. A 24 percent local match of \$25,536 is available in the existing operating budget.

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: Clean Fuel Advanced Technology Grant, Charlotte Water Operating Fund, Economic Development Operating Budget

Attachment(s)

Budget Ordinances

[CFAT RCA Budget Ordinance](#)

[Charlotte Water Budget Ordinance](#)

16. McAlpine Creek Wastewater Treatment Plant Nutrient Harvesting Public-Private Partnership

Action:

- A. Adopt a resolution identifying a critical need for a capital improvement project that provides for the removal and reuse of phosphorus, and
- B. Authorize the use of the public-private partnership contracting method to provide the capital improvement project.

Staff Resource(s):

Angela Lee, Charlotte Water
Ron Hargrove, Charlotte Water
Carl Wilson, Charlotte Water

Explanation

- Charlotte Water is seeking to enter into a Public-Private Partnership (P3) to implement a nutrient harvesting facility to recover phosphorus from wastewater for use as fertilizer.
- Removal of phosphorus is a critical need at the wastewater treatment plant, is regulated by permit, and aligns with the city's circular economy initiatives.
- Utilizing the P3 construction contracting method mitigates the risks and shifts the responsibility to the third party, allowing Charlotte Water to focus on providing core services.
- In order for Charlotte Water to utilize a P3 construction contracting method, Council must adopt the attached resolution as required by North Carolina General Statute 143-128.1C.
- In 2011, Charlotte Water conducted a pilot for a phosphorus removal process at the McAlpine Creek Wastewater Treatment Plant, in the Town of Pineville (adjacent to Council District 7).
- In 2013, the biosolids master plan recommended phosphorus be beneficially reused as a fertilizer.
- Future Council approval for the contract with the selected P3 vendor will be required.

Charlotte Business INclusion

The city negotiates MWSBE goals on Public-Private Partnerships (P3) after the scopes of work are defined (Part G: Section 2.7 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Not applicable

Attachment(s)

Map
Resolution

[Map-McAlpine Creek Wastewater Treatment Plant Nutrient Harvesting Public-Private Partnership](#)

[Resolution-McAlpine Creek Wastewater Treatment Plant Nutrient Harvesting Public-Private Partnership](#)

17. Municipal Agreement for Relocation of Water and Sewer Infrastructure

Action:

- A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for construction of water and sewer line relocations, adjustments, and improvements, and
- B. Authorize the City Manager to approve the reimbursement request for the actual cost of the utility construction.

Staff Resource(s):

Angela Lee, Charlotte Water
Carl Wilson, Charlotte Water

Explanation

- This Municipal Agreement is for the relocation and replacement of water and sewer infrastructure located within the North Carolina Department of Transportation's (NCDOT) highway improvements project (Project I-5405/I-3311C/I-4750AA), located on Interstate 77 from the Iredell County line to Brookshire Boulevard (Council District 2).
- As required by the NCDOT's encroachment agreements, the city is financially responsible for the cost to relocate city-owned water and sewer lines within the state-maintained right-of-way.
- The city will reimburse the NCDOT for actual construction costs at the conclusion of the project.
- The format and cost-sharing philosophy of this agreement is consistent with prior municipal agreements.
- The total estimated city cost of this construction is \$2,869,000.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map
Resolution

[Map-Municipal Agreement for Relocation of Water and Sewer Infrastructure](#)

[Resolution-Municipal Agreement for Relocation of Water and Sewer Infrastructure](#)

18. Lease of City-Owned Property at JW Clay Parking Deck to Sabor Latin Street Grill

Action:

Adopt a resolution authorizing the City Manager to execute a retail lease agreement with Sabor 12 UV, LLC, operating as Sabor Latin Street Grill, for the lease of approximately 1,850 square feet in the JW Clay Parking Deck for a 10-year term with extension options.

Staff Resource(s):

Mike Davis, Engineering and Property Management

Tony Korolos, Engineering and Property Management

John Lewis, CATS

Explanation

- On June 11, 2018, City Council approved the lease, without extension options. The action being requested allows for the inclusion of extension options.
- The JW Clay Parking Deck on the LYNX Blue Line Extension (BLE), located in Council District 4, incorporates 15,470 square feet of leasable space for office and retail, per the Transit Oriented Development ordinance.
- The leasable spaces provide opportunities for retail and business firms to offer goods and services to BLE riders, along with walk-up customers from surrounding areas.
- Sabor Latin Street Grill is a small, locally-owned business specializing in Central and Latin American food, and proposes to prepare and sell menu items onsite.
- The retail space will not be needed by the city for the term of the proposed lease.
- The lease terms with Sabor Latin Street Grill are:
 - Premises: 1,850 square feet of retail space in the JW Clay Parking Deck,
 - Term: 10 years with two extension options for 60 months each, and
 - Rent: \$4,470.83 per month (\$53,650 per year) with 2.5 percent annual increases. This rate is consistent with market rates.
- Tenants are responsible for improvement costs related to up-fit of the parking deck office and retail space.

Fiscal Note

Funding: Revenue from the lease will be deposited in the CATS Operating Budget

Attachment(s)

Map

Resolution

[RCA Map](#)

[Sabor Resolutionv2 5.1.19 bbs](#)

19. Lease of City-Owned Property at JW Clay Parking Deck to Atrium Health

Action:

Adopt a resolution authorizing the City Manager to execute a retail lease agreement with The Charlotte-Mecklenburg Hospital Authority Carolina Physicians Network, Inc., operating as Atrium Health, for the lease of approximately 2,325 square feet in the JW Clay Parking Deck for a 10-year term with extension options.

Staff Resource(s):

Mike Davis, Engineering and Property Management

Tony Korolos, Engineering and Property Management

John Lewis, CATS

Explanation

- On December 17, 2018, City Council approved the lease, without extension options. The action being requested allows for the inclusion of extension options.
- The JW Clay Parking Deck on the LYNX Blue Line Extension (BLE), located in Council District 4, incorporates 15,470 square feet of leasable space for office and retail, per the Transit Oriented Development ordinance.
- The leasable spaces provide opportunities for retail and business firms to offer goods and services to customers using the BLE, along with walk-up customers from surrounding areas.
- Atrium Health proposes to open an urgent care and related medical services facility.
- The retail space will not be needed by the city for the term of the proposed lease.
- The lease terms with Atrium Health are:
 - Premises: 2,325 square feet of retail space in the JW Clay Parking Deck,
 - Term: 10 years with three extension options for 60 months each, and
 - Rent: \$5,618.75 per month (\$67,425 per year) with 2.5 percent annual increases. This rate is consistent with market rates.
- Tenants are responsible for improvement costs related to up-fit of the parking deck office and retail space.

Fiscal Note

Funding: Revenue from the lease will be deposited in the CATS Operating Budget

Attachment(s)

Map

Resolution

[RCA Map](#)

[Atrium Resolutionv2.5.1.19 bbs](#)

20. Nominations to the Alternative Compliance Review Committee

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a one-year term in the Real Estate Development Industry category beginning July 1, 2019 and ending June 30, 2020.
- One appointment for a one-year term for a Community Representative beginning July 1, 2019 and ending June 30, 2020.
- One appointment for a two-year term in the Real Estate Development Industry category beginning July 1, 2019 and ending June 30, 2021.
- One appointment for a two-year term for an Alternate Community Representative beginning July 1, 2019 and ending June 30, 2021.
- One appointment for a three-year term in the Real Estate Development Industry category beginning July 1, 2019 and ending June 30, 2022.
- One appointment for a three-year term for a Community Representative beginning July 1, 2019 and ending June 30, 2022.
- One appointment for a three-year term for an Alternate in the Real Estate Development Industry category beginning July 1, 2022 and ending June 30, 2022.

Attachments

Alternative Compliance Review Committee Applicants

21. Nominations to the Business Advisory Committee

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a partial term as a representative of the Metrolina Minority Contractors Association beginning upon appointment and ending April 28, 2020.
 - William Abram has resigned.
 - The Metrolina Minority Contractors Association has recommended Darmel Lee.

Attachments

Business Advisory Committee Applicants

22. Nominations to the Charlotte International Cabinet

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term for a representative of the Charlotte Regional Visitors Authority beginning July 1, 2019 and ending June 30, 2022.
 - William McMillan is eligible in reappointment.
 - The Charlotte Regional Visitors Authority has recommended Erin Icenhour.
- One appointment for a three-year term for a representative of the Charlotte Regional Business Alliance beginning July 1, 2019 and ending June 30, 2022.
 - Sven Gerzer is eligible and interested in reappointment.
 - A recommendation has not been received from the Charlotte Regional Business Alliance.
- One appointment for a three-year term in the International Business category beginning July 1, 2019 and ending June 30, 2022.
 - Vanessa Vaughn is eligible and interested in reappointment.
- One appointment for a three-year term in the Education/Non-Profit category beginning July 1, 2019 and ending June 30, 2022.
 - Candace Murray has completed two full terms and is no longer eligible for reappointment.
- One appointment for a three-year term for an At-Large member beginning July 1, 2019 and ending June 30, 2022.
 - Niketa Mittal is eligible and interested in reappointment.

Attachments

Charlotte International Cabinet Applicants

23. Nominations to the Charlotte Regional Visitors Authority

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term in the General Travel category beginning July 1, 2019 and ending June 30, 2022.
 - Clarke D. Allen is eligible and interested in reappointment.
- One appointment for a three-year term for an At-Large member beginning July 1, 2019 and ending June 30, 2022.
 - Martha Dockery Clark is eligible and interested in reappointment.

Attachment(s)

Charlotte Regional Visitors Authority Applicants

24. Nominations to the Citizens Review Board

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning August 1, 2019 and ending July 31, 2022.
 - Antonio Gaither has completed two full terms and is no longer eligible for reappointment.

Attachment(s)

Citizens Review Board Applicants

25. Nominations to the Citizens Transit Advisory Group

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a two-year term beginning July 1, 2019 and ending June 30, 2021.
 - Robert Padgett is eligible for reappointment.

Attachments

Citizens' Transit Advisory Group Applicants

26. Nominations to the Historic District Commission

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term for a Resident Owner of Dilworth beginning July 1, 2019 and ending June 30, 2022.
 - Tamara B. Titus is not interested in reappointment.
- One appointment for a three-year term for a Resident Owner of Plaza-Midwood beginning July 1, 2019 and ending June 30, 2022.
 - Jana G. Hartenstine is not interested in reappointment.
- One appointment for a three-year term for a Resident Owner of Fourth Ward beginning July 1, 2019 and ending June 30, 2022.
 - James Haden is eligible and interested in reappointment.
- One appointment for a three-year term for an At-Large member beginning July 1, 2019 and ending June 30, 2022.
 - Jessica B. Hindman is eligible and interested in reappointment.

Attachment(s)

Historic District Commission Applicants

27. Nominations to the Mint Museum Board of Trustees

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning August 1, 2019 and ending July 31, 2022.
 - Roxanne Trenkelbach is eligible and interested in reappointment.

Attachment(s)

Mint Museum Board of Trustees Applicants

28. Nominations to Passenger Vehicle for Hire Board

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term in the Company Operating Certificate Licensee category beginning July 1, 2019 and ending June 30, 2022.
 - Adedamola Ekundayo has not met attendance requirements for reappointment.

Attachment(s)

Passenger Vehicle for Hire Applicants

29. Nominations to the Planning Commission

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term recommended by the Board of Education beginning July 1, 2019, and ending June 30, 2022.
 - Samuel R. Spencer IV is eligible and interested in reappointment.
 - The Board of Education has recommended Samuel R. Spencer IV.
- Two appointments for three-year terms beginning July 1, 2019 and ending June 30, 2022.
 - Elizabeth McMillan is eligible and interested in reappointment.
 - Dionne Nelson has completed two full terms and is no longer eligible for reappointment.

Attachment(s)

Planning Commission Applicants

30. Nominations to the Public Art Commission

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term for a representative of the Community At-Large beginning July 1, 2019 and ending June 30, 2022.
 - Sherri D. Belfield is eligible and interested in reappointment.

Attachment(s)

Public Art Commission Applicants

31. Nominations to the Storm Water Advisory Committee

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term in the Schools/College/Hospital/Church Institution Professional category beginning July 1, 2019 and ending June 30, 2022.
 - James D. Bowen has completed two full terms and is no longer eligible for reappointment.

Attachments

Storm Water Advisory Committee Applicants

32. Nominations to the Transit Services Advisory Committee

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

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

Attachments

Transit Services Advisory Committee Applicants

33. Mayor and City Council Topics

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

CONSENT**34. Resolution of Intent to Abandon Two Unopened Alleyways off of Outlets Boulevard****Action:**

- A. Adopt a Resolution of intent to abandon two unopened alleyways off of Outlets Boulevard, and
- B. Set a Public Hearing for June 24, 2019.

Staff Resource(s):

Liz Babson, Transportation
Michelle Smith, 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 two alleyways are off of Outlets Boulevard and are located in Council District 3.

Petitioners

Steele-Trojan Properties, LLC

Attachment(s)

Map
Resolution

[Outlets Boulevard Map](#)

[Resolution of Intent Unopened Alleyways off Outlets Boulevard](#)

35. Construct Rozzelles Ferry Pedscape Project

Action:

Approve a contract in the amount of \$1,124,435.63 to the lowest responsive bidder United of Carolinas, Inc. for the Rozzelles Ferry Pedscape Project.

Staff Resource(s):

Mike Davis, Engineering and Property Management
David Wolfe, Engineering and Property Management
Lamar Davis, Engineering and Property Management

Explanation

- This contract includes construction services for the Rozzelles Ferry Pedscape Project, identified in the West Trade Street Rozzelles Ferry Comprehensive Neighborhood Improvement Program (CNIP), located in Council District 2.
- The project boundaries are from Zebulon Avenue to the "Five Points" intersection (Rozzelles Ferry Road, Beatties Ford Road, West Trade Street, and Fifth Street).
- The project will encourage walking and cycling, promote redevelopment, and enhance the safety of residents crossing the street along Rozzelles Ferry Road.
- Construction will include pedestrian refuge medians, wheelchair ramps, street resurfacing, landscaping, street trees, and drainage improvements.
- On April 9, 2019 the city issued an Invitation to Bid; four bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2020.

Charlotte Business INClusion

Established SBE Goal: 14.00%

Committed SBE Goal: 14.00%

United of Carolinas, Inc. met the established SBE subcontracting goal, and has committed 14.00% (\$157,422) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INClusion Policy):

- R.R.C. Concrete Inc (SBE, MBE) (\$122,422) (concrete)
- Striping Concepts, LLC (SBE) (\$30,000) (striping)
- Cesar A Leon L.L.C. (SBE, MBE) (\$3,000) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$2,000) (hauling)

Established MBE Goal: 4.00%

Committed MBE Goal: 11.33%

United of Carolinas, Inc exceeded the established MBE subcontracting goal, and has committed 11.33% (\$127,422) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INClusion Policy):

- R.R.C. Concrete Inc (SBE, MBE) (\$122,422) (concrete)
- Cesar A Leon L.L.C. (SBE, MBE) (\$3,000) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$2,000) (hauling)

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Rozzelles Ferry Pedscape Project](#)

36. Construction Manager at Risk Services for the Charlotte-Mecklenburg Police Department South Division Station Project

Action:

Authorize the City Manager to negotiate and approve a contract with Barnhill Contracting Company for a construction manager at risk in the amount not to exceed \$11,500,000 for the construction phase of the Charlotte-Mecklenburg Police Department South Division Station project.

Staff Resource(s):

Mike Davis, Engineering and Property Management
William Haas, Engineering and Property Management
Kerr Putney, Police
Estella Paterson, Police

Explanation

- This project will construct a one-story, 16,000-square-foot facility with a 1,000-square-foot storage building at 11217 Providence Road West, located in Council District 7.
- CMPD South Division currently leases 9,510 square feet in the building at 8050 Corporate Center Drive. The lease expires on October 31, 2021.
- On July 23, 2018, City Council approved the land acquisition for the 7-acre site. A total of 4.28 acres has been rezoned for the police division station. The remaining 2.74 acres will be held for future use by the city.
- The police division station project will include additional improvements to facilitate use of the surplus land. These include additional capacity for storm water management, Providence Road sidewalk improvements, and access for future neighborhood connections.
- The facility is designed in order to pursue Leadership in Energy and Environmental Design (LEED), version 4 certification and will comply with sustainability priorities defined in the city's Policy for Sustainable Facilities.
- The city has selected the Construction Manager at Risk (CMAR) project delivery method for this project to provide more effective coordination, more certainty with project costs and schedule, and to better mitigate risks during construction.
- The pre-construction phase was awarded to Barnhill Contracting Company on October 25, 2018 in the amount of \$93,569. Barnhill Contracting Company is currently in the final stages of pre-construction.
- On July 25, 2018, the city issued a Request for Qualifications (RFQ); seven responses were received.
- Barnhill Contracting Company was the best qualified firm to meet the city needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The contract with Barnhill Contracting Company is for Construction Phase Services, including coordination of all construction activities, managing all subcontractors and delivering the project in collaboration with the city and the design consultant.
- Barnhill Contracting Company, as the CMAR, will not be allowed to self-perform the construction work. The company will be required to prequalify all first-tier subcontractors and competitively bid the work to subcontractors.
- Barnhill Contracting Company will be responsible for managing the subcontractor work and delivering the project on schedule and on budget.
- The project is anticipated to be complete by fourth quarter 2020.

Charlotte Business INclusion

The city has established project goals of 21.00% SBE and 10.00% MBE. (Part G: Section 2.3 of the

Charlotte Business INClusion Policy).

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - CM-at-Risk CMPD South Division Station](#)

37. Life Safety Systems and Maintenance and Repair Services

Action:

- A. Approve the purchase of Life Safety Systems and Maintenance and Repair Services from a federal contract as authorized by G.S. 143-129(e)(9a),**
- B. Approve a contract with Johnson Controls Fire Protection LP for the purchase of life safety systems and maintenance and repair services for a term of three years under General Services Administration Contract Number GS-07F-0396M dated July 1, 2017, and**
- C. Authorize the City Manager to extend the use of the contract for 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):

Mike Davis, Engineering and Property Management

William Haas, Engineering and Property Management

Explanation

- The contract will provide for purchases of new fire extinguishers, fire alarm detection systems, and fire sprinkler systems equipment, maintenance, inspection services and diagnostic testing; and monitoring of fire extinguishers, fire alarm detection systems, fire pumps, and fire sprinkler systems, including parts and repairs for facilities maintained by Engineering and Property Management.
- 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.
- Annual expenditures are estimated to be \$500,000.

Charlotte Business INClusion

This contract is a federally sourced contract and is exempt (Part A: Appendix 27 of the Charlotte Business INClusion Policy).

Fiscal Note

Funding: Engineering and Property Management Operating Budget

38. CATS Rail Parts and Repairs

Action:

- A. **Approve the purchase of transit rail parts and repairs, by the sole source exemption,**
- B. **Approve a contract with Knorr-Bremse Powertech Corp. USA and with Knorr Brake Co. for the purchase of transit rail related parts and repairs for the term of three years, and**
- C. **Authorize the City Manager to renew each contract for up to five, one-year terms with possible price adjustments and to amend each contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

John Lewis, CATS

Gary Lee, CATS

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 there is only one supply source.
- The City Council must approve purchases made under the sole source exception.

Explanation

- CATS rail operations division uses original equipment manufacturer (OEM) rail parts in the daily maintenance and repair of the light rail cars, trolley cars, and rail infrastructure.
- The proprietary OEM parts meet the required specifications and standards to keep the light rail cars, trolley cars, and rail infrastructure systems in proper operating condition and to maintain the warranty.
- Rail related parts and repairs will be ordered on an "as needed" basis. The contract amount is based on prior usage, required inventory stock levels and the additional light rail cars brought into service with the opening of the Blue Line Extension.
- Annual expenditures are estimated to be \$150,000 for Knorr-Bremse Powertech Corp. USA and \$325,000 with Knorr Brake Co.

Charlotte Business INclusion

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

Fiscal Note

Funding: CATS Operating Budget

39. General Obligation Refunding Bonds

Action:

- A. Introduce a bond order authorizing the issuance of General Obligation Refunding Bonds not to exceed \$223,000,000,
- B. Adopt a resolution making certain statements of fact concerning the proposed bond issuance, and
- C. Set a public hearing regarding these bonds for June 24, 2019.

Staff Resource(s):

Kelly Flannery, Finance
Robert Campbell, Finance

Explanation

- This request for Council action begins the process of authorizing the issuance of up to \$223,000,000 of General Obligation Refunding Bonds which includes:
 - Refunding approximately \$73,000,000 of outstanding General Obligation Bonds, and
 - Refunding up to \$150,000,000 in General Obligation Bond Anticipation Notes (BANs) to convert short-term financing to permanent financing for transportation and neighborhood improvement projects.
- The city issues BANs, which are short-term, variable rate debt, during construction periods for transportation and neighborhood improvement projects with a plan to convert the BANs to permanent debt at the end of a 24 to 36 month construction period. This approach is consistent with financial best practices and results in a lower cost to taxpayers.
- Council will be asked to take further actions at the Business Meeting on June 24 to:
 - Hold the public hearing on the issuance of General Obligation Refunding Bonds, and
 - Complete the process of authorizing the bond issuance.

Fiscal Note

Funding: Municipal Debt Service Fund

Attachment(s)

Bond Order
Resolution

[Intro of Bond Order](#)

[Resolution re_ Statement of Facts](#)

40. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$365.17

Staff Resource(s):

Kelly Flannery, Finance
Susan Walker, Finance

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[Resolution Authorizing Refund of Property Taxes](#)

[List of Taxpayers](#)

41. Meeting Minutes

Action:

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

- April 8, 2019 Business Meeting,
- April 15, 2019 Zoning Meeting, and
- April 22, 2019 Business Meeting.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

42. In Rem Remedy 1106 Pondella Drive

For In Rem Remedy, the public purpose and policy are outlined here.

Public Purpose:

- Eliminate a blighting influence;
- Reduce the proportion of substandard housing;
- Increase tax value of property by making land available for potential infill housing development; and
- Support public safety initiatives.

Policy:

- Housing and Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety - Police and/or Fire Departments
2. Complaint - petition by citizens, tenant complaint, or public agency referral
3. Field Observation - concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Public Safety: (1106 Pondella Drive, Council District 4)

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (1106 Pondella Drive) (Neighborhood Profile Area 371).

Attachment(s)

In Rem Packet for (1106 Pondella Drive)

[1106 Pondella Dr](#)

43. Property Transactions - Cross Charlotte Trail Brandywine - Tyvola, Parcel #24

Action: **Approve the following Condemnation: Cross Charlotte Trail Brandywine - Tyvola, Parcel #24**

Project: Cross Charlotte Trail Brandywine - Tyvola, Parcel #24

Owner(s): Franciscan Terrace Homeowner's Association, Ltd.

Property Address: 4755 Hedgemore Drive

Total Parcel Area: 334,328 sq. ft. (7.675 ac.)

Property to be acquired by Easements: 15,617 sq. ft. (.359 ac.) in Greenway Easement, plus 9,843 sq. ft. (.226 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: O-1

Use: Condominium

Tax Code: 175-14C-98

Appraised Value: \$202,325

Property Owner's Concerns: The property owner is concerned about the design of the project and the potential impacts to the property.

City's Response to Property Owner's Concerns: The project was redesigned to reduce the impact to the property.

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

Council District: 6

[Location Map - Cross Charlotte Trail Brandywine - Tyvola.P24.docx](#)

44. Property Transactions - Cross Charlotte Trail Brandywine - Tyvola, Parcel #27

Action: **Approve the following Condemnation: Cross Charlotte Trail Brandywine - Tyvola, Parcel #27**

Project: Cross Charlotte Trail Brandywine - Tyvola, Parcel #27

Owner(s): 5115 Park Place Owner, LLC

Property Address: 5115 Park Road

Total Parcel Area: 185,139 sq. ft. (4.250 ac.)

Property to be acquired by Easements: 255 sq. ft. (.006 ac.) in Greenway Easement, plus 99 sq. ft. (.002 ac.) in Temporary Construction Easement, plus 1,843 sq. ft. (.042 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Use: Multi-family

Tax Code: 175-121-05

Appraised Value: \$28,775

Property Owner's Concerns: The property owner is concerned with the easement agreement language and have requested revisions.

City's Response to Property Owner's Concerns: Revision to the agreement language is in process.

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

Council District: 6

[5.28.2019 Location Map - Cross Charlotte Trail Brandywine.P27.docx](#)

45. Property Transactions - Drummond Avenue 1001, Parcel #4

Action: Approve the following Acquisition: Drummond Avenue 1001, Parcel #4

Project: Drummond Avenue 1001, Parcel #4

Owner(s): Heaven Properties, LLC

Property Address: 9387 Lunsford Place

Total Parcel Area: 15,794 sq. ft. (.363 ac.)

Property to be acquired by Easements: 1,434 sq. ft. (.033 ac.) in Storm Drainage Easement, plus 708 sq. ft. (.016 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 083-114-16

Purchase Price: \$12,000

Council District: 1

[Location Map - Closing - Drummond Avenue 1001.P4.docx](#)

46. Property Transactions - Hinsdale - Tinkerbell Drainage Improvements, Parcel #26

Action: **Approve the following Acquisition: Hinsdale - Tinkerbell Drainage Improvements, Parcel #26**

Project: Hinsdale - Tinkerbell Drainage Improvements, Parcel #26

Program: Flood Control

Owner(s): Andrew Patrick Parker

Property Address: 5609 Sharon Road

Total Parcel Area: 16,496 sq. ft. (.379 ac.)

Property to be acquired by Easements: 365.95 sq. ft. (.008 ac.) in Storm Drainage Easement, plus 713.23 sq. ft. (.016 ac.) in Temporary Construction Easement, plus 1,218.63 sq. ft. (.028 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Tax Code: 209-071-10

Purchase Price: \$19,820

Council District: 6

[Location Map - Closing - Hinsdale - Tinkerbell Drainage Improvements.P26.docx](#)

47. Property Transactions - Margaret Wallace (Campbell to Old Gate) Sidewalk, Parcel #14

Action: **Approve the following Condemnation: Margaret Wallace (Campbell to Old Gate) Sidewalk, Parcel #14**

Project: Margaret Wallace (Campbell to Old Gate) Sidewalk, Parcel #14

Owner(s): Horizon Development Properties, Inc.

Property Address: 2500 Margaret Wallace Road

Total Parcel Area: 352,136 sq. ft. (8.084 ac.)

Property to be acquired by Fee: 604 sq. ft. (.014 ac.) in Fee Simple

Property to be acquired by Easements: 246 sq. ft. (.006 ac.) in Storm Drainage Easement, plus 1,831 sq. ft. (.042 ac.) in Sidewalk and Utility Easement, plus 15,421 sq. ft. (.354 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-12

Use: Multi-family

Tax Code: 193-073-03

Appraised Value: \$17,000

Outstanding Concerns: The property owner became non-responsive.

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: 5

[Location Map - Condemnation - Margaret Wallace - Campbell to Old Gate Sidewalk.P14.docx](#)

48. Property Transactions - Marvin Rd Sidewalk, Parcel #15

Action: Approve the following Condemnation: Marvin Rd Sidewalk, Parcel #15

Project: Marvin Rd Sidewalk, Parcel #15

Owner(s): Bene Properties, LLC

Property Address: 16701 Marvin Road

Total Parcel Area: 25,264 sq. ft. (.580 ac.)

Property to be acquired by Easements: 1,273 sq. ft. (.029 ac.) in Sidewalk and Utility Easement, plus 2,848 sq. ft. (.065 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 223-271-52

Appraised Value: \$4,625

Recommendation: To obtain clear title and avoid delay in the project schedule, it is recommended to proceed to condemnation.

Council District: 7

[Location Map - Condemnation - Marvin Road Sidewalk.P15.docx](#)

Adjournment

REFERENCES

49. 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 that reference the Charlotte Business INClusion Policy in the business meeting agenda.

Part A: Administration and Enforcement

Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs). When feasible, the Charlotte Business INClusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

Part A: Section 3.1: Subcontracting Goals. The City shall establish one or more Subcontracting Goals for all Construction Contracts of \$300,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

Appendix Section 20: Contract: For the purposes of establishing an (Minority, Women, and Small Business Enterprise (MWSBE) subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the City procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration, and remodeling; (b) architectural work, engineering, surveying, testing, construction management, and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services), and (d) apparatus, supplies, goods, or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INClusion Program Policy.

Appendix Section 27: Exempt Contracts: Contracts that fall within one or more of the following categories are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INClusion Policy:

No Competitive Process Contracts: Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the City, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

Managed Competition Contracts: Managed competition contracts pursuant to which a City department or division competes with Business Enterprises to perform a City function.

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

Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as

set forth in 49 CFR Part 26 or any successor legislation.

State Funded Contracts Subject to the State's MWBE Requirements: Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

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

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

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

Contracts with Waivers: Contracts for which the City Manager or CBI Program Manager waives the CBI Program requirements (such as when there are no MWSBE subcontracting opportunities on a Contract).

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

Appendix Section 35: Informal Contracts: Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the City Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

Part B: Construction and Commodities Contracts

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

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no 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: Service Contracts

Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified; or (b) there are no SBEs or MWBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part C: Section 2.1(b) and 2.1(c): The City may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer's Committed Subcontracting Goals; and (c) an affidavit listing the SBEs and MWBEs it intends to use on the Contract.

Part C: Section 2.1(h) Negotiated Goals: The City may seek to negotiate Subcontracting Goals after Proposals have been submitted.

Part D: Post Contract Award Requirements

Part D: Section 6: New Subcontractor Opportunities/Additions to Scope/Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the City as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the City shall either (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

Part G: Alternative Construction Agreements

Part G: Section 2.7: Prior to City Council's vote to award the Alternative Construction Agreement, the Program Manager and the Company shall negotiate and agree on proposed MWSBE Goals for the Project and on a Participation Plan that describes the outreach and efforts the Company will be required to undertake to meet the MWSBE subcontracting goals.

50. Reference - Property Acquisitions and Condemnations

- The City has negotiated in good faith to acquire the properties set forth below
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
 - Sending introductory letters via regular and certified mail,
 - Making several site visits,
 - Leaving door hangers and business cards,
 - Seeking information from neighbors,
 - Searching the internet,
 - Obtaining title abstracts, and
 - Leaving voice messages.
- For most condemnation cases, 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 term "fee simple" is a synonym for ownership and is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited.

51. 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.