

City of Charlotte

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



Meeting Agenda

Monday, November 13, 2017

Council Chambers

City Council Business Meeting

*Mayor Jennifer W. Roberts
Mayor Pro Tem Vi Lyles
Council Member Dimple Ajmera
Council Member Ed Driggs
Council Member Julie Eiselt
Council Member Claire Fallon
Council Member Carlenia Ivory
Council Member Patsy Kinsey
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Greg Phipps
Council Member Kenny Smith*

5:00 P.M. DINNER BRIEFING, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, ROOM 267

1. Mayor and Council Consent Item Questions

Staff Resource(s):

Kim Eagle, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Disparity Study Update

Staff Resource(s):

Randy Harrington, Management and Financial Services

Robert Hagemann, City Attorney

Nancy Rosado, Management and Financial Services

Thomas Powers, City Attorney's Office

Time: 45 minutes

Explanation

- BBC Research & Consulting, LLC will provide an update on their findings and recommendations from the 2017 Minority and Women Business Enterprise (MWBE) Disparity Study.
- The Economic Development Committee received a presentation on the MWBE Disparity Study on November 9, 2017 and made a recommendation which will be communicated during tonight's Dinner Briefing.

Future Action

The request for Council to adopt the Disparity Study will be included in the November 27 Council business agenda.

[Presentation FINAL](#)

4. Charlotte WALKS: Sidewalk Construction Ordinance Revisions

Committee Chair:

Vi Lyles, Transportation and Planning

Staff Resource(s):

Liz Babson, Transportation
Scott Curry, Transportation

Time: 15 minutes

Explanation

- The purpose of the presentation is to present proposed amendments to the sidewalk construction standards in Chapter 19 of the City Code.
- The amendments are a direct result of the Charlotte WALKS Pedestrian Plan. The plan, unanimously adopted by City Council on February 27, 2017, identifies back-of-curb sidewalks and sidewalk gaps as major problems.
- As part of the adoption of Charlotte WALKS, CDOT staff committed to bring forward code amendments by the end of the year to address those high priority issues.
- A public hearing on the proposed amendments is scheduled to occur at the Council Business Meeting immediately following the Dinner Briefing.

Future Action

- The item will be presented for full Council consideration at the November 27 Council Business Meeting.

[Charlotte WALKS CH19 Amendments - City Council Public Hearing - 11.13.17](#)

5. LYNX Blue Line Extension Update

Staff Resource(s):

John Lewis, CATS

Time: 10 minutes

Explanation

- The purpose of the presentation is to provide an update on the status of the LYNX Blue Line Extension Project.

Future Action

This presentation is for informational purposes only.

[Council Dinner Briefing 111317](#)

6. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Kim Eagle, City Manager's Office

Time: 10 minutes

Synopsis

Staff responses to questions from the beginning of the dinner meeting.

**7:00 P.M. BUSINESS MEETING, CHARLOTTE
MECKLENBURG GOVERNMENT CENTER, CHAMBER**

Call to Order

Roll Call

Introductions

Invocation

Pledge of Allegiance

7. Consent agenda items 21 through 52 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 RECOGNITION

8. #GivingTuesdayCLT Proclamation

Action:

Mayor Roberts will read a proclamation recognizing November 28, 2017 as #GivingTuesdayCLT in Charlotte.

9. Jim Prosser Day Proclamation

Action:

Council member Kinsey will read a proclamation recognizing November 13, 2017, as Jim Prosser Day.

PUBLIC HEARING

10. Public Comment on Charlotte WALKS: Sidewalk Construction Ordinance Revisions

Action:

Receive public comment on proposed amendments to the sidewalk construction requirements in Chapter 19 of the City Code.

Staff Resource(s):

Liz Babson, Transportation
Scott Curry, Transportation

Explanation

- Charlotte WALKS, Charlotte's first comprehensive pedestrian plan, was unanimously adopted by City Council on February 27, 2017.
- City staff conducted extensive public outreach (30 public input events attended by over 1,000 people) to support the development of that plan.
- Community input revealed that gaps in the sidewalk network and back-of-curb sidewalks (i.e. lacking a buffer between pedestrians and moving cars) are primary concerns of Charlotte's citizens. These issues are most problematic on thoroughfares which have higher volumes and speeds of traffic.
- The Charlotte WALKS plan directs the City to develop amendments to the sidewalk construction requirements in Chapter 19 of the City Code in order to address these two key issues.
- These proposed ordinance revisions were developed in coordination with the City's Development Services Technical Advisory Committee (DSTAC) and the Unified Development Ordinance Advisory Committee. These committees are a resource and a liaison between City and County staff, the development community, and neighborhood and advocacy groups.
- The revisions focus specifically on new development activity along thoroughfares, as these are the locations where the current sidewalk infrastructure presents the greatest challenge for pedestrian safety and comfort.

Ordinance Revisions

Revisions to the current sidewalk construction requirements include:

- Implementing new triggers for when substandard/back-of-curb sidewalk on thoroughfares will be required to be upgraded to current standards. Those triggers are tailored to:
 - The scale of new development activity, and
 - The width of the existing sidewalk and planting strip.
- A new requirement that anytime a significant portion (>30 feet) of sidewalk is removed or damaged, that portion must be reinstalled according to current standards.
- A new requirement that any new development which removes more than half of its sidewalk along a thoroughfare, shall be required to bring all sidewalk along that thoroughfare into compliance with current City standards.
- New language that prevents applicants from phasing development to avoid the City's sidewalk and drainage requirements.

Attachment(s)

Revised draft ordinance

[CH 19 Amendments - COUNCIL DRAFT CAO11-06-17](#)

POLICY

11. City Manager's Report

12. Cemeteries Ordinance Amendment

Action:

Adopt an ordinance amending Chapter 7 - Cemeteries of the City Code, as recommended by the Environment Committee.

Committee Chair:

Patsy Kinsey, Environment Committee

Staff Resource(s):

Mike Davis, Engineering and Property Management
Gina Shell, Engineering and Property Management
Quin Hall, Engineering and Property Management
Anna Schleunes, City Attorney's Office

Explanation

- The Cemeteries ordinance was last updated in 1985.
- In 2015, students from UNCC's Gerald G. Fox Master of Public Administration Program completed an Operations Analysis of the City's cemetery section.
- As part of the FY 2018 budget, Council approved \$225,000 for completion of a Cemeteries Master Plan to be completed later this year.
- The goals of the revised Cemetery Ordinance are to:
 - Modernize the language and update terms and definitions,
 - Eliminate duplication of and contradiction with other ordinances, and
 - Better reflect current operations.
- The proposed draft for a revised Cemeteries Ordinance includes the following major changes:
 - Allows the city manager and city staff to annually update "Cemetery Rules and Guidelines" without City Council approval,
 - Simplifies the descriptions of city manager and staff authority to manage and control cemeteries,
 - Describes current management of burials for indigent persons and unclaimed remains, authorizes the city manager to work with local agencies to fund these burials, and to have discretion regarding type of burial provided,
 - Deletes prescriptive formulas for setting after-hour and weekend burial fees,
 - Changes the "waiting period" before a burial space can be deemed unused and available for resale to 100 years,
 - Deletes language regarding the establishment and management of cemeteries in the city limits by other corporations or associations,
 - Clarifies section on perpetual care, which is the ongoing maintenance of the cemetery properties provided by the city and donations to perpetual care fund, and
 - Clarifies hours of visitation to "between sunrise and sunset".
- The Amendments will be effective January 1, 2018.

Committee Discussion

- Environment Committee received presentations on Cemeteries Ordinance Revisions on October 23, 2017.
- On October 23, 2017, the Environment Committee voted unanimously (Kinsey, Mitchell, Fallon, Driggs; Ajmera was not present) to recommend the adoption of the Cemeteries Ordinance Revisions.

Attachment(s)

Cemeteries Ordinance

[Chapter 7 CEMETERIES - final](#)

BUSINESS**Scaleybark Development Agreements Amendment for Extension of Time****Action:**

- A. Approve a 90 day extension to the General Development Agreements with Scaleybark Partners, LLC ("Developer") to extend the development completion obligations to March 30, 2018**

Staff Resource(s):

Mike Davis, Engineering & Property Management
John Lewis, CATS
Pamela Wideman, Housing & Neighborhood Services

Explanation

- In June 2007, City Council approved a Purchase and Sale Agreement, and additional related agreements, with the Scaleybark Partners, LLC for the sale of 16 acres of land to construct a transit-oriented development (TOD) at the LYNX Scaleybark Light Rail Station. The Developer closed on the property on February 29, 2008.
- The original scope of the development agreements included:
 - Completion of 80 affordable housing units to serve households at or below 60% of the area median income,
 - Completion of a temporary Park & Ride facility for CATS riders,
 - Completion of a permanent Park & Ride facility for CATS riders,
 - Installation of open space at Linear Park, and
 - Completion of streetscape improvements along South Boulevard bordering the property.
- To-date, Scaleybark Partners, LLC has accomplished the following:
 - Master-planned the development to include office space, retail, hotel rooms, and multifamily and townhome units,
 - Completed the temporary Park & Ride facility,
 - Completed the Linear Park open space,
 - Completed the streetscape improvements along South Boulevard,
 - Completed, in cooperation with the City, a master storm water detention pond.
- The outstanding items the Developer must deliver are 80 units of affordable housing and the permanent Park & Ride facility.
- Staff requests a 90-day extension in order to renegotiate the existing deadlines with the Developer and finalize the vision for the Scaleybark Development.
- Once negotiations are complete, staff will return to Council on or before March 30, 2018 to review and approve the amended and restated development agreements.

Fiscal Note

Funding: Not Applicable.

13. Nominations to the Bicycle Advisory Committee

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning July 29, 2017 and ending December 31, 2019.
 - Martin Zimmerman has resigned.
- Two appointments for full terms beginning January 1, 2018 and ending December 31, 2020.
 - Christopher Gladora has completed two full terms; therefore, he is not eligible for reappointment.
 - Katherine Lloyd is eligible, but not interested in reappointment.

Attachment(s)

Bicycle Advisory Committee Applicants

14. Nominations to Business Advisory Committee

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One recommendation by the Hispanic Contractors Association for a term beginning November 30, 2017 and ending November 29, 2020.
 - Milagritos Aguilar did not meet attendance requirements.
- Two recommendations by the Charlotte Chamber of Commerce for partial terms beginning immediately and ending April 28, 2018, then continuing for a full three-year term until April 27, 2021.
 - Sonja Nichols has resigned.
 - Virginia De Atley has resigned.
- One recommendation by the Asian American Chamber of Commerce for a partial term beginning immediately and ending April 28, 2020.
 - Parth Gandhi has resigned.
- One appointment for a full term in the At-Large category beginning immediately and ending November 26, 2020.
 - Will Russell did not meet attendance requirements.

Attachment(s)

Business Advisory Committee Applicants

15. Nominations to the Charlotte Housing Authority 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 December 18, 2017, and ending December 17, 2020.
 - Sheila Jones is eligible and interested in reappointment.

Attachment(s)

Charlotte Housing Authority Board Applicants

16. Nominations to the Charlotte Tree Advisory 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 beginning December 14, 2017 and ending December 13, 2020.
 - Jeffrey Wells is eligible and interested in reappointment.

Attachment(s)

Charlotte Tree Advisory Applicants

17. Nominations to the Civil Service Board

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning immediately and ending May 15, 2020.
 - Jason McGrath has completed two full terms; therefore, he is not eligible for reappointment.
- One appointment for a partial term beginning immediately and ending May 15, 2018.
 - Deborah Stevenson has resigned.

Attachment(s)

Civil Service Board Applicants

18. Nominations to the Housing Appeals Board

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment in the Housing Industry Representative category for a three-year term beginning January 1, 2018 and ending December 31, 2020.
 - Timothy O'Neil is eligible and interested in reappointment.

Attachment(s)

Housing Appeals Board Applicants

19. 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 partial term beginning immediately and ending July 31, 2019.
 - Marc Jensen has resigned.

Attachment(s)

Mint Museum Board of Trustees Applicants

20. Mayor and City Council Topics

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

21. Closed Session

CONSENT

22. Charlotte-Mecklenburg Police Department Strategic Planning and Consulting Services Contract Amendment

Action:

- A. Approve contract amendment #1 to extend the strategic planning consulting and software services contract with M3 Planning dba OnStrategy for an additional one-year term, and**
- B. 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):

Kerr Putney, Police

Kellie High-Foster, Police

Explanation

- On March 15, 2017, a waiver of solicitation was approved by the City Manager for the Charlotte-Mecklenburg Police Department (CMPD) to enter into a contract with M3 Planning dba OnStrategy for the implementation of a department-wide strategic planning process.
- There are several benefits in a continued relationship with M3 Planning dba OnStrategy:
 - Integration of software and automation of crime statistics,
 - Web-based browser with access to all management staff, and
 - Continuous efficiency with application as all applicable personnel already trained on software.
- This contract has been used to organize CMPD's strategic goals, integrate other CMPD portals, and streamline personnel performance through its online software application.
- Authorized renewal of the contract for up to two, one-year terms would extend the existing agreement through March 12, 2020.
- The original contract was \$47,500. Contract expenditures for the one-year term are estimated to be \$88,325, bringing the value of the contract, including all amendments, to an estimated \$312,475.

Fiscal Note

Funding: Police Operating Budget

23. Charlotte-Mecklenburg Police Department Communications Recording System Maintenance Agreement

Action:

- A. **Authorize the City Manager to negotiate and execute a contract for a term of five years with Carolina Recording Systems, LLC for maintenance and support services on the recording equipment system utilized by Charlotte-Mecklenburg Police Department's 911 center,**
- 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):

Kerr Putney, Police
Katrina Graue, Police
Sonya Williams, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) currently uses Eventide, a system to record radio communications, 911 calls, dispatchers, and emergency operators.
- CMPD purchased the current system from Carolina Recording Systems, LLC in 2016.
- On May 23, 2016, City Council approved a contract with Carolina Recording Systems, LLC and Eventide, Inc. for purchases of Eventide hardware, software licenses, and associated maintenance and support, implementation services, and training services, based on the term of the existing General Services Administration Contract GS-35F-0415V.
- City Council's authorization is requested to enter into a separate agreement with Carolina Recording Systems, LLC for the ongoing maintenance and support services to ensure long term continuity of services.
- Carolina Recording Systems, LLC will provide continued high level software maintenance support and services including expedited onsite after-hours support.
- CMPD has identified a need to purchase additional software licenses, services, hosting and hardware to optimize the use of the system.
- The estimated expenditures during the first two years are expected to include:
 - Eventide and Motorola software license upgrade - \$17,000, and
 - Annual maintenance - \$80,000.
- Annual increases for software licenses, ongoing maintenance, and support under the contract will not exceed five percent per year for additional software licenses, maintenance, and support.

Charlotte Business INCLUSION

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

Fiscal Note

Funding: North Carolina Public Safety 911 Services Fund

24. Resolution of Intent to Abandon a Portion of N. Brevard Street

Action:

- A. Adopt a Resolution of Intent to abandon a portion of N. Brevard Street, and
- B. Set a public hearing date for December 11, 2017.

Staff Resource(s):

Liz Babson, Transportation
Jeff Boenisch, Transportation

Attachment(s)

Map
Resolution

[CityCouncilROWAbandonmentMap_2017-06](#)

[Resolution of Intent to Close a portion of N. Brevard Street](#)

25. Private Developer Funds for Traffic Signal Installations and Improvements

Action:

- A. Approve a Developer Agreement with Northwood Development LLC, Faison-Seventh Street, LLC, Mecklenburg County and Atherton Mill (E&A), LLC, and**
- B. Adopt a budget ordinance appropriating \$425,103 in private developer funds for traffic signal installations and improvements.**

Staff Resource(s):

Liz Babson, Transportation

Debbie Smith, Transportation

Explanation

- The \$425,103 in private developer funding is for new traffic signals and traffic signal/upgrades and related work associated with developer projects. The funding is restricted to the projects noted below.
- The following developers are fully funding traffic signal installations and improvements to mitigate traffic impacts around their respective development projects:
 - Atherton Mills (E&A), LLC contributed \$253,203 for a new traffic signal at the intersection of McDonald Avenue and South Boulevard,
 - Northwood Development LLC contributed \$118,400 for a new traffic signal at the Northwood Property (Brigham) and N. Community House Road,
 - Mecklenburg County contributed \$39,500 for traffic signal modifications at the intersection of Wilkinson Boulevard and Alleghany Street, and
 - Faison-Seventh Street, LLC contributed \$14,000 for traffic signal modifications at the intersection of 7th and Caswell.
- The above signals 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 developer for a signal project that is unused by the City will be refunded after project completion.
- CDOT will be installing and operating these signals as part of the existing signal systems in the area.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map

Budget Ordinance

[CDOT ord 11-13-17 Developer Contributions](#)

26. Pedestrian Safety Improvements Contract for Fiscal Year 2018

Action:

Award a contract in the amount of \$1,953,402 to the lowest responsive bidder Zoladz Construction Co., Inc. for pedestrian safety projects.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Becky Chambers, Engineering and Property Management
Angela Berry, Transportation

Explanation

- This contract will include the installation of pedestrian safety improvements including mid-block activated traffic signals with crosswalks (pedestrian beacons), refuge islands, pedestrian signals, and traffic signals in various locations throughout Charlotte.
- Projects are identified through public requests and staff analysis and built throughout the course of the contract on an as-needed basis.
- On August 30, 2017, the City issued an Invitation to Bid for Pedestrian Safety FY2018; two (02) bids were received from interested service providers.
- Zoladz Construction Co., Inc. was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Established SBE Goal: 16.00%

Committed SBE Goal: 16.00%

Zoladz Construction Co., Inc. met the established SBE subcontracting goal, and has committed 16.00% (\$312,544.32) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Pavers, Walls and Stamped Concrete, LLC (SBE, MBE) (\$136,738.14) (concrete)
- Trull Contracting, LLC (SBE, WBE) (\$100,000) (asphalt)
- McCloud Construction, LLC (SBE) (\$75,806.18) (concrete)

Established MBE Goal: 7.00%

Committed MBE Goal: 7.00%

Zoladz Construction Co., met the established MBE subcontracting goal, and has committed 7.00% (\$136,738.14) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Pavers, Walls and Stamped Concrete, LLC (SBE, MBE) (\$136,738.14) (concrete)

Fiscal Note

Funding: General Community Investment Plan

27. Master Planning Services for Discovery Place Science Museum

Action:

Approve a contract in the amount of \$700,000 with Jenkins-Peer Architects, PA for master planning services for the Discovery Place Science Museum.

Staff Resource(s):

Mike Davis, Engineering and Property Management
William Haas, Engineering and Property Management
Randy Harrington, Management and Financial Services
Catherine Horne, Discovery Place

Explanation

- On January 9, 2017, City Council received a dinner briefing presentation from Catherine Horne of Discovery Place describing the need for a master plan for the 36-year-old facility.
- On January 23, 2017, City Council approved \$950,000 in funding for the master plan.
- The master plan will determine how best to maximize the Discovery Place Science facility on Tryon Street, to meet Discovery Place educational priorities, serve the needs of a growing and changing community and how best to be an integral component of the North Tryon Vision Plan.
- On March 9, 2017, the City issued a Request for Qualifications (RFQ) for master planning services for Discovery Place; 21 proposals were received from interested service providers.
- Jenkins-Peer Architects, PA and its associated sub-consulting team is the best qualified firm to meet the City's needs on the basis of demonstrated competence, qualifications, experience and responsiveness to RFQ requirements.
- The contract with Jenkins-Peer Architects, PA will include, but is not limited to:
 - Facility analysis involving a structural assessment of the facility and an overall evaluation of the current facility, campus, and assets,
 - Analysis of current science center facility trends and models across the nation,
 - Identification and analysis of future facility needs and opportunities, and
 - Development of a master plan and conceptual design for future facility assets, including facility expansion and facade renovation, exhibit, and experience concepts and budgets.
- It is anticipated to take approximately 18 months to complete the master plan.
- Results from the master plan will be brought back to City Council for review, discussion and determination of next steps.

Charlotte Business INclusion for Design Contract

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

Fiscal Note

Funding: Cultural Facilities Operating Fund

Attachment(s)

January 9, 2017 Dinner Briefing Presentation
Map

[Discovery Place 1-9-17DB 11-13-17 v1](#)

[Location Map - Master Planning Services for Discovery Place](#)

28. Charlotte Vehicle Operations Center Architectural and Engineering Design Services

Action:

Approve a contract in the amount of \$266,420 with ALR Architecture, PC for architectural and engineering design services for the Charlotte Vehicle Operations Center, Phase 2.

Staff Resource(s):

Mike Davis, Engineering and Property Management
William Haas, Engineering and Property Management
Dan Pliszka, Management and Financial Services
Steve Norman, Management and Financial Services

Explanation

- The Charlotte Vehicle Operations Center (CVOC) is a driver training facility where City employees receive safe and defensive driver training with a goal of reducing accident-related claims and downtime involving City vehicles and employees.
- Management and Financial Services compares City employee miles driven, number of accidents, and financial impacts of those accidents annually.
- Comparing that data to the same information from 2003, which was the year the CVOC opened, the training provided at this facility has saved the City an estimated \$7,000,000 and prevented an estimated 2,400 vehicle claims.
- The current CVOC facility is undersized to meet the City's need for driver training.
- This contract will provide engineering design services to extend the driving course and provide architectural services to add an additional training classroom facility to support operations.
- This expansion will provide capacity to conduct training for two to three City departments simultaneously and allow for the implementation of annual in-service/driver refresher training. Under the current size, a department the size of the Charlotte Mecklenburg Police Department will occupy the facility for up to three months at a time which prevents any other department from using the facility for training during that time.
- By providing training to more employees more frequently, staff anticipates the accident rate for City employees will be reduced and, in turn, reduce the City's financial impact from these accidents.
- On July 24, 2017, the City issued a Request for Qualifications (RFQ); five proposals were received from interested professional service providers.
- ALR Architecture, P.C. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- It is anticipated that City Council will be asked to approve a construction contract in the first quarter of 2019.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). ALR Architecture, P.C. has committed to 11.52 percent (\$30,700) of the total contract amount to the following firms:

- AME Consulting Engineering, Inc. (SBE) (\$16,500) (mechanical, electrical and plumbing design)
- Arp Engineering, Inc. (SBE) (\$7,200) (structural design)
- RM Rutherford & Associates, Inc. (SBE) (\$7,000) (subsurface utility engineering)

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Charlotte Vehicle Operations Center Architectural and Engineering Design Services](#)

29. Site and Civil Engineering Design Services

Action:

Approve unit price contracts with the following firms for site and civil engineering design services for a three-year term:

- **The Isaacs Group, P.C.,**
- **Merrick and Company,**
- **Cole Jenest & Stone, PA, and**
- **Gavel & Dorn Engineering, PLLC.**

Staff Resource(s):

Mike Davis, Engineering and Property Management
William Haas, Engineering and Property Management
Steve Marlowe, Engineering and Property Management

Explanation

- The City maintains approximately 3.2 million square feet of City buildings, including Police and Fire Stations, the Charlotte-Mecklenburg Government Center, and cultural facilities.
- The City also maintains approximately 2.1 million square feet of roofing and approximately 6.5 million square feet of parking lots.
- There is an ongoing need for site and civil engineering design services across City facilities.
- On May 25, 2017, the City issued a Request for Qualifications (RFQ); 15 responses were received from interested service providers.
- These firms are best qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services.
- The total estimated contract expenditures for all contracts are \$1.2 million for three years.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). On these contracts, the Prime Consultants have each committed 10 percent of the total contract amount to the following certified firms:

The Isaacs Group, PC

- Barry Lambert Engineering, PC (SBE) (structural engineering)
- Sweetwater Utility Exploration LLC (SBE) (utility located)
- Avioimage Mapping Services (SBE) (surveying services)
- Carolina Wetland Services, Inc. (SBE, WBE) (ecological services)

Merrick and Company

- Boyle Consulting Engineers, PLCC (SBE) (geotechnical engineering)
- Carolina Wetland Services, Inc. (SBE, WBE) (ecological services)
- Barry Lambert Engineering, PC (SBE) (structural engineering)
- Hinde Engineering, Inc. (SBE) (engineering consulting)

Cole Jenest & Stone, PA

- James Mauney & Associates, PA (SBE) (survey & mapping)

Gavel & Dorn Engineering, PLLC (SBE)

- Ameridrill (SBE) (drilling)

Fiscal Note

Funding: General Community Investment Plan and Engineering and Property Management Operating Budget

30. Misty Wood Drive Storm Drainage Improvements

Action:

Award a contract in the amount of \$1,101,296.35 to the lowest responsive bidder Hall Contracting Corporation for the Misty Wood Drive Storm Drainage Improvements project.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Stewart Edwards, Engineering and Property Management

Explanation

- This contract will install approximately 1,915 feet of new storm drainage and replace associated utilities along Misty Wood Drive and Valeview Lane. Construction will include storm drainage, curb and gutter, driveways, and asphalt replacement.
- This project will address street flooding in the neighborhood.
- On September 18, 2017, the City issued an Invitation to Bid; five bids were received from interested service providers.
- Hall Contracting Corporation was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2018.

Charlotte Business INclusion

Established SBE Goal: 16.00%

Committed SBE Goal: 23.21%

Hall Contracting Corporation exceeded the established SBE subcontracting goal, and has committed 23.21% (\$256,276.00) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Trull Contracting, LLC (SBE, WBE) (\$97,085) (asphalt)
- On Time Construction, Inc. (SBE, MBE) (\$62,750) (concrete)
- Silverback Brothers, LLC (SBE, MBE) (\$30,916) (hauling)
- All Points Trucking (SBE, WBE) (\$27,218) (hauling)
- Whitesell Trucking, Inc. (SBE) (\$23,450) (clearing & grubbing)
- P and TL, Inc. (SBE) (\$6,437) (erosion control)
- A-1 Precision Fence Company, Inc. (SBE) (\$4,920) (fence)
- Jaamco Drain Cleaning & Video Inspection, Inc. (SBE) (\$3,500) (pipe cleaning)

Established MBE Goal: 7.00%

Committed MBE Goal: 8.51%

Hall Contracting Corporation exceeded the established MBE subcontracting goal, and has committed 8.51% (\$93,666.00) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc. (SBE, MBE) (\$62,750) (concrete)
- Silverback Brothers, LLC (SBE, MBE) (\$30,916) (hauling)

Fiscal Note

Funding: Storm Water Community Investment Plan

Attachment(s)

Map

[Location Map - Misty Wood Drive Storm Drainage Improvements](#)

31. Storm Water Rain and Stream Gauges Maintenance Agreement

Action:

Approve a five-year agreement with the United States Geological Survey (USGS) for an amount up to \$2,247,100 for maintenance of storm water rain and stream gauges.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Samantha Willis, Engineering and Property Management

Explanation

- The funding from this agreement is used to maintain the rain and stream gauge system in the City of Charlotte stream network.
- Since 1961, the City of Charlotte has worked with the USGS gathering rainfall and stream flow information through a cost-sharing program. The previous agreement was for a five-year period and approved by Council on November 26, 2012.
- The rain and stream gauge network for the City of Charlotte is part of a nationwide network that measures quantity and quality of surface water resources.
 - A rain gauge electronically collects and transmits the amount of rain at the location the gauge is stationed. The gauge transmits rainfall amounts to the USGS office for compilation.
 - A stream gauge electronically collects and transmits information about the water within streams and lakes. The gauge collects and transmits elevation, temperature, chemical flow information to the USGS office for compilation.
 - There are 31 stream gauge stations and 38 rain gauge stations in the City of Charlotte stream network.
- Data from the gauge system is used to:
 - Determine flood-prone areas,
 - Review rain event impacts,
 - Determine long-term trends,
 - Aid in water-quality investigations,
 - Assist in drainage infrastructure design, and
 - Generate the flood information and notification system, which notifies emergency personnel of potential threats to life and property.
- The agreement with USGS is for a five-year period. The total five-year cost is \$3,590,800. The City's share payable to USGS on 31 stream gauges and 38 rain gauges is \$2,247,100, with USGS funding the \$1,343,700 remainder.
- Mecklenburg County has a separate annual agreement with USGS and shares the cost on 24 stream gauges and 36 rain gauges.

Charlotte Business INclusion

Contracts with other units of federal or state government are exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Storm Water Operating Budget

Staff Resource(s):

Mike Davis, Engineering and Property Management
Samantha Willis, Engineering and Property Management

Explanation

- The funding from this agreement is used to maintain the rain and stream gauge system in the City

of Charlotte stream network.

- Since 1961, the City of Charlotte has worked with the USGS gathering rainfall and stream flow information through a cost-sharing program. The previous agreement was for a five-year period and approved by Council on November 26, 2012.
- The rain and stream gauge network for the City of Charlotte is part of a nationwide network that measures quantity and quality of surface water resources.
 - A rain gauge electronically collects and transmits the amount of rain at the location the gauge is stationed. The gauge transmits rainfall amounts to the USGS office for compilation.
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 - Assist in drainage infrastructure design, and
 - Generate the flood information and notification system, which notifies emergency personnel of potential threats to life and property.
- The agreement with USGS is for a five-year period. The total five-year cost is \$3,590,800. The City's share payable to USGS on 31 stream gauges and 38 rain gauges is \$2,247,100, with USGS funding the \$1,343,700 remainder.
- Mecklenburg County has a separate annual agreement with USGS and shares the cost on 24 stream gauges and 36 rain gauges.

Charlotte Business INclusion

Contracts with other units of federal or state government are exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Storm Water Operating Budget

32. Sugar Creek Wastewater Treatment Plant HVAC Project

Action:

Award a contract in the amount of \$511,000 to the lowest responsive bidder, Southeastern Plumbing and Heating, Inc. for the Sugar Creek Wastewater Treatment Plant HVAC Project.

Staff Resource(s):

Barry Gullet, Charlotte Water
Ron Hargrove, Charlotte Water

Explanation

- The City owns and operates five wastewater treatment plants. The Sugar Creek Wastewater Treatment Plant is one of Charlotte Water's oldest plants.
- The HVAC system in one of the buildings has reached the end of its useful life and is in need of replacement. This project replaces the makeup air units, associated ductwork, electrical controls, and fire alarm control panel.
- On July 18, 2017, the City issued an Invitation to Bid; three bids were received from interested service providers.
- Southeastern Plumbing and Heating, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed by fall 2018.

Charlotte Business INclusion

Established MSBE Goal: 2%

Committed MBE Goal: 2.54%

Southeastern Plumbing and Heating, Inc. has met the established goal and has committed 2.54 percent (\$12,964) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Superior Mechanical Systems, Inc. (MBE) (\$8,000) (HVAC installation)
- L&L Metals, Inc. (MBE) (\$4,964) (duct fabrication)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

GFE Summary

[Sugar Creek WWTP Map](#)

[GFE SummaryAttachment-SugarCreekHeadworksImprovements](#)

33. Water Master Plan Program Management Services

Action:

Approve a contract in the amount of \$1,755,818 with Brown and Caldwell for program management services for the Water Master Plan Program.

Staff Resource(s):

Barry Gullet, Charlotte Water
Ron Hargrove, Charlotte Water

Explanation

- The water master plan is an in-depth engineering assessment of Charlotte Water's water distribution system to determine infrastructure needs to meet future water demands as well as maintain high water quality.
- Program Management Services are necessary to obtain efficiency and cost savings in the development of the Water Master Plan.
- The program management service contracts include, but are not limited to:
 - Overall planning, scheduling, coordination, and reporting;
 - Conceptual design;
 - Detailed design;
 - Alternative delivery analysis;
 - Bid Phase Services; and
 - Construction Administration and Inspection.
- The projects identified in this Program were identified through the 2015 Water Distribution System Master Plan. The final report for the 2015 Water Distribution System Master Plan is anticipated before the end of 2017.
- The Water Master Plan Program currently includes the following projects:
 - Old Dowd Road Airport 24-inch Water Main Connection - approximately 3,600 linear feet (LF) of 24-inch water main on the east side of the airport.
 - Idlewild Booster Pumping Station Supply Main - approximately 6,000 LF of 24-inch water main from Craig elevated storage tank to Sharon Amity Road and 4,000 LF of 30-inch water main from Sharon Amity Road to the Idlewild Booster Pumping Station.
 - 960 Zone West-East Transmission Main - approximately 16,000 LF of 30-inch water main between Albemarle Road and the Wilgrove elevated storage tank.
 - 960 Zone North-South Transmission Main - approximately 30,500 LF of 30-inch water main between the intersection of Idlewild Road and WT Harris Blvd and the Hickory Grove elevated storage tank at Harris Blvd and Plaza Road Extension.
 - Pressure Zone Boundary Change - various improvements to the water distribution system to better serve current customers and accommodate future growth.
- On June 8, 2017, the City issued a Request for Qualifications (RFQ); six proposals were received from interested professional service providers.
- Brown and Caldwell was determined to be the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- It is anticipated that Council will be asked to approve additional contracts for design, bid-phase services, construction administration services and post-construction services in early 2018.
- Construction contracts for the Water Master Plan Program are anticipated to return to City Council for approval starting in Fiscal Year 2019.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Brown and Caldwell has committed 29.97% (\$526,185) of the total contract amount to the following certified firms:

- Avioimage Mapping Services (SBE) (\$156,074) (aerial photography)

- Hinde Engineering, Inc. (SBE) (\$148,281) (design)
- Willis Engineers, Inc. (SBE) (\$130,570) (design)
- NC Design Solutions (SBE) (\$53,260) (permitting)
- LDSI, Inc. (SBE) (\$32,000) (surveying)
- Habitat Assessment & Restoration Professionals (SBE) (\$6,000) (environmental)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

34. Sonic Financial Corporation Hangar License

Action:

- A. Approve a five-year license with Sonic Financial Corporation for hangar space at Wilson Air Center, and**
- B. Authorize the City Manager to renew the license for one additional, five-year term and to amend the license consistent with the purpose for which the license was approved.**

Staff Resource(s):

Brent Cagle, Aviation

Haley Gentry, Aviation

Explanation

- Sonic Financial Corporation has been a hangar tenant with the Airport for the last 20 years.
- Under this license, Sonic Financial Corporation will continue to use the hangar space for its corporate aircraft.
- The annual license fee is \$194,776.44. Aviation has set this rate based on fair market value.

35. Matheson Flight Extenders Lease

Action:

- A. Approve a five-year lease with Matheson Flight Extenders for cargo facility space, and**
- B. Authorize the City Manager to renew the lease for three additional, one-year, renewal terms consistent with the purpose for which the lease was approved.**

Staff Resource(s):

Brent Cagle, Aviation

Haley Gentry, Aviation

Explanation

- Matheson Flight Extenders (Matheson) specializes in ground support services for the United States Postal Service and other commercial carriers.
- The lease with Matheson is for a cargo facility located at 3628 A Yorkmont Road, Charlotte, North Carolina 28208.
- The annual rent is \$310,021, for a total of \$1,550,105 over the initial five-year term.
- Any additional renewal terms exercised will have an adjusted rent based on Consumer Price Index.

36. Airport Checked Baggage In-Line System Conveyor Parts

Action:

- A. **Approve the purchase of checked baggage in-line system conveyor belting and parts, as authorized by the sole source exemption of G.S. 143-129 (e)(6),**
- B. **Approve a unit price contract with FORBO Siegling LLC, for the purchase of conveyor belting and parts for a term of five 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 City's business needs and the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

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 of compatibility with existing equipment.
- The City Council must approve purchases made under the sole source exception.

Explanation

- The checked baggage in-line system sorts and screens millions of checked bags annually.
- This contract will provide system conveyor belting and parts.
- Annual expenditures under the contract are estimated to be \$35,000, for a total of \$175,000 over the five-year term.

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: Aviation Operating Budget

37. Bus Maintenance Parts Contract

Action:

- A. **Approve the purchase of bus maintenance parts, as authorized by the sole source exemption of G.S. 143-129 (e)(6),**
- B. **Approve a unit price contract with Arkay Acquisition LLC (Gillig, Inc.) for the purchase of bus maintenance parts for the term of three years, and**
- C. **Authorize the City Manager to renew the contract for up to two additional, 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):

John Lewis, CATS
Tangee Mobley, 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

- The City uses proprietary original equipment manufacturer (OEM) bus parts in the daily maintenance and repair of the Transit bus fleet.
- The proprietary OEM parts meet the required specifications and standards to keep the buses in the proper operating condition and to maintain bus warranties.
- Bus parts will be ordered on an "as needed" basis. The contract amount is based on prior usage and required inventory stock levels.
- Arkay Acquisition LLC will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- Annual expenditures under the contract are estimated to be \$950,000.

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: Transit Operating Budget

38. LYNX Blue Line Extension - Landscape Services Contract Amendment

Action:

Approve contract amendment #2 for an amount up to \$420,000 to Champion Landscapes Inc. for landscape services for the Blue Line Extension project.

Staff Resource(s):

John Lewis, CATS

Jill Brim, CATS

Mike Davis, Engineering and Property Management

Kourtnie Vincent, Engineering and Property Management

Explanation

- On September 26, 2016, City Council awarded a contract to Champion Landscapes Inc. in the amount of \$485,280 for Landscape installation services for Segment C of the Blue Line Extension (BLE) project.
- On September 11, 2017, Amendment #1, in the amount of \$80,000, was executed to provide interim landscape maintenance services for BLE construction sites.
- Amendment #2 is needed to continue to provide Landscape maintenance services at all BLE construction sites from the 7th Street Station, north to the JW Clay Blvd parking garage, until the start of revenue service.
- Services will include grounds maintenance, trash and debris removal, storm debris pickup and repair, and limited tree maintenance,
- Upon City Council approval, the new value of the contract, including this amendment, will be \$985,280, which is within the current BLE project budget.

Disadvantaged Business Enterprise

Established DBE goal: 5.2%

Committed DBE goal: 5.2%

Champion Landscape met the established subcontracting goal and has committed 5.2% (\$51,235) of the total contract amount to the following DBE certified firm:

- Grants Creek Nursery (DBE) (Plant Supplier)

Fiscal Note

Funding: CATS Community Investment Plan

39. CATS Bus Service Agreement with the City of Concord

Action:

- A. Adopt a resolution ratifying the Interlocal Agreement with the City of Concord for bus service operated by the Concord Kannapolis Transit System for one year that will connect the City of Concord to the LYNX Blue Line, and**
- B. Authorize the City Manager to renew the agreement for up to four additional, one-year terms and to amend the agreement consistent with the purposes for which the agreement was approved.**

Staff Resource(s):

John Lewis, CATS

Larry Kopf, CATS

Explanation

- The City of Concord will pay for and operate bus service connecting to the LYNX Blue Line at the JW Clay Station, and this bus service will begin when the LYNX Blue Line light rail service is extended to UNC-Charlotte.
- Charlotte residents will be able to ride the new Concord bus service by virtue of bus stop locations along the portion of the bus line that will be located in the City of Charlotte.
- Since the new service benefits residents of Charlotte, CATS will pay for a share of the service cost.
- The total annual cost of the bus service is \$299,980. CATS will reimburse \$115,476 to Concord on an annual basis.
- Service will operate seven days per week with 14 roundtrips available each weekday and 11 roundtrips available on Saturdays and Sundays.
- Other benefits of the new service will include:
 - Improved mobility for residents of both Concord and Charlotte,
 - Increased ridership on the light rail system,
 - Extension of transit service to an area of Charlotte without current service, and
 - Help Charlotte meet air quality attainment goals.

Background

- The new bus service will replace existing express bus service operated by CATS. The current express service only has eight trips per day, and does not operate on weekends.
- The current service is not designed to connect to the light rail system.
- The current service cost CATS \$115,476 annually.

Charlotte Business INclusion

This is an Interlocal Agreement contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: CATS Operating Budget

Attachment(s)

Resolution

[Council Resolution-Concord](#)

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 \$14,411.80.

Staff Resource(s):

Randy Harrington, Management and Financial Services
Betty Mattos, 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](#)

[Resolution](#)

41. Meeting Minutes

Action:

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

- **October 09, 2017, Business Meeting**
- **October 16, 2017, Zoning Meeting**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

42. Future Fire Station Land Purchase

Action:

Approve the purchase of 6.56 acres (parcel identification number 037-411-23) located at the corner of Miranda Road and Beatties Ford Road for the amount of \$350,000.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Tony Korolos, Engineering and Property Management
Kevin Gordon, Fire

Explanation

- Increasing growth in northwest Charlotte necessitates an additional fire station to serve this area in the near future.
- Acquiring this parcel allows the City to mitigate rising land values and secure a site on a main highway (Beatties Ford Road) before it is acquired by a developer.
- The 6.56-acre parcel is zoned R-3 and has an appraised fair market value of \$350,000.
- The parcel is level and is relatively clear of trees, with one vacant dwelling.
- The Charlotte-Mecklenburg Planning Committee recommended approval for the City to purchase the land as part of the Mandatory Referral Process.
- A new fire station in this community is approximately three years from construction.

Fiscal Note

Funding: Fire Miscellaneous Equipment Account

Attachment(s)

Map

[Location Map - Land Purchase for Future Fire Station](#)

43. In Rem Remedy 5000 Lakeview Road

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 & 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.

Field Observation: (5000 Lakeview Road)

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (5000 Lakeview Road) (Neighborhood Profile Area 260).

Attachment(s)

In Rem Packet for (5000 Lakeview Road)

[In Rem Remedy 5000 Lakeview Rd.pdf](#)

44. Property Transactions - 25th Street Connection, Parcel #9

Action: Approve the following Acquisition: 25th Street Connection, Parcel #9

Project: 25th Street Connection, Parcel #9

Owner(s): Dora Ann Hood

Property Address: 2121 North Davidson Street

Total Parcel Area: 22,557 sq. ft. (.518 ac.)

Property to be acquired by Easements: 3,738 sq. ft. (.086 ac.) in Sidewalk and Utility Easement, plus 3,839 sq. ft. (.088 ac.) in Waterline Easement, plus 605 sq. ft. (.014 ac.) in Temporary Construction Easement, plus 2,747 sq. ft. (.063 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 083-047-09

Purchase Price: \$155,100

Council District: 1

45. Property Transactions - 25th Street Connection, Parcel #10

Action: Approve the following Acquisition: 25th Street Connection, Parcel #10

Project: 25th Street Connection, Parcel #10

Owner(s): BGH Holdings, LLC

Property Address: East 25th Street

Total Parcel Area: 8,000 sq. ft. (.184 ac.)

Property to be acquired by Easements: 293 sq. ft. (.007 ac.) in Sidewalk and Utility Easement, plus 323 sq. ft. (.007 ac.) in Waterline Easement, plus 77 sq. ft. (.002 ac.) in Temporary Construction Easement, plus 286 sq. ft. (.007 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 083-047-04

Purchase Price: \$14,575

Council District: 1

46. Property Transactions - Low Pressure Sanitary Sewer to Serve NC 73, Henry Lane and Beatties Ford Road, Parcel #3

Action: Approve the following Acquisition: Low Pressure Sanitary Sewer to Serve NC 73, Henry Lane and Beatties Ford Road, Parcel #3

Project: Low Pressure Sanitary Sewer to Serve NC 73, Henry Lane and Beatties Ford Road, Parcel #3

Owner(s): MDHB Properties, LLC

Property Address: 14910 North Carolina 73 Highway

Total Parcel Area: 98,964 sq. ft. (2.272 ac.)

Property to be acquired by Easements: 1,436 sq. ft. (.033 ac.) in Sanitary Sewer Easement, plus 2,183 sq. ft. (.05 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Shrubs

Zoned: HC

Use: Commercial

Tax Code: 009-021-02

Purchase Price: \$13,700

Council District: N/A (Huntersville)

47. Property Transactions - North Wendover Road 6" Water Main, Parcels #1, 2 and 3

Action: Approve the following Acquisition: North Wendover Road 6" Water Main, Parcels #1, and 3

Project: North Wendover Road 6" Water Main, Parcels #1, 2 and 3

Owner(s): Wendover Green, LLC

Property Address: 617 North Wendover Road

Total Parcel Area: 62,769 sq. ft. (1.441 ac.)

Property to be acquired by Easements: 2,507 sq. ft. (.058 ac.) in Waterline Easement, plus 8,757 sq. ft. (.201 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22MF

Use: Multi Family

Tax Code: 157-072-16

Purchase Price: \$28,250

Council District: 1

48. Property Transactions - 24" Water Main- South Street Davidson- Phase II, Parcel #2

Action: Approve the following Condemnation: 24" Water Main- South Street Davidson- Phase II, Parcel #2

Project: 24" Water Main- South Street Davidson- Phase II, Parcel #2

Owner(s): Antiquity, LLC

Property Address: Zion Avenue

Total Parcel Area: 155,493 sq. ft. (3.570 ac.)

Property to be acquired by Easements: 17,773.48 sq. ft. (.408 ac.) in Waterline Easement, plus 8,627.46 sq. ft. (.198 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: TC

Use: Single-family Residential

Tax Code: 007-511-46

Appraised Value: \$29,450

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

City's Response to Property Owner's Concerns: Staff informed the property owner they could obtain their own appraisal to justify the 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: N/A (Cornelius)

49. Property Transactions - 24" Water Main- South Street Davidson- Phase II, Parcel #5

Action: Approve the following Condemnation: 24" Water Main- South Street Davidson- Phase II, Parcel #5

Project: 24" Water Main- South Street Davidson- Phase II, Parcel #5

Owner(s): Antiquity, LLC

Property Address: Catawba Avenue

Total Parcel Area: 175,673 sq. ft. (4.033 ac.)

Property to be acquired by Easements: 4,903.69 sq. ft. (.113 ac.) in Waterline Easement, plus 2,189.24 sq. ft. (.05 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: TC

Use: Single-family Residential

Tax Code: 007-511-09

Appraised Value: \$32,175

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

City's Response to Property Owner's Concerns: Staff informed the property owner they could obtain their own appraisal to justify the 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: N/A (Cornelius)

50. Property Transactions - Gum Branch Sanitary Sewer, Parcels #14, 19 and 25

Action: Approve the following Condemnation: Gum Branch Sanitary Sewer, Parcels #14, 19 and 25

Project: Gum Branch Sanitary Sewer, Parcels #14, 19 and 25

Owner(s): McClure Real Estate & Investment Inc.

Property Address: 511 Gum Branch Road

Total Parcel Area: 27,830 sq. ft. (.639 ac.)

Property to be acquired by Easements: 5,555 sq. ft. (.128 ac.) in Sanitary Sewer Easement, plus 4,093 sq. ft. (.094 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 031-073-26, 031-077-20 and 031-077-12

Appraised Value: \$750

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

Council District: 2

51. Property Transactions - Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #2

Action: Approve the following Condemnation: Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #2

Project: Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #2

Program: Flood Control

Owner(s): Joseph M. Jones and Deborah W. Jones

Property Address: 6520 Randy Drive

Total Parcel Area: 15,862 sq. ft. (.364 ac.)

Property to be acquired by Easements: 1,159 sq. ft. (.027 ac.) in Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 107-161-08

Appraised Value: \$675

Property Owner's Concerns: The property owner disagrees with the project and the joint maintenance responsibility required by the State.

City's Response to Property Owner's Concerns: Staff explained the obligation of the City of Charlotte and the property owners to comply with the North Carolina Dam Safety Act requirements.

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

52. Property Transactions - Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #3

Action: Approve the following Condemnation: Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #3

Project: Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #3

Program: Flood Control

Owner(s): Ronald Lee Stading

Property Address: 7400 Oakwood Lane

Total Parcel Area: 66,614 sq. ft. (1.529 ac.)

Property to be acquired by Easements: 6,786 sq. ft. (.156 ac.) in Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 107-172-23

Appraised Value: \$875

Property Owner's Concerns: The property owner disagrees with the project and the joint maintenance responsibility required by the State.

City's Response to Property Owner's Concerns: Staff explained the obligation of the City of Charlotte and the property owners to comply with the North Carolina Dam Safety Act requirements.

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

Adjournment

REFERENCES

53. 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.

54. 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.

55. 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.