

City of Charlotte

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



Meeting Agenda

Monday, February 12, 2018

Council Chambers

City Council Business Meeting

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

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

1. Mayor and Council Consent Item Questions

Staff Resource(s):

Randy Harrington, Management and Financial Services

Time: 5 minutes

Synopsis

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

2. Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Infrastructure and Overall Community Investment Plan Process

Staff Resource(s):

Debra Campbell, Assistant City Manager
Randy Harrington, Management and Financial Services
Mike Davis, Engineering and Property Management

Time: 1 hour

Explanation

- Overview of city infrastructure and Community Investment Plan (CIP) projects including components of CIP development, 2014-2020 Adopted Bond Plan, and other identified priorities.

Future Action

- Throughout the year, City Council will routinely be presented with various agenda items related to building and maintaining the City's infrastructure.

[Infrastructure - Combined Presentation FINAL](#)

4. 2018 Federal and State Legislative Agendas

Staff Resource(s):

Randy Harrington, Management and Financial Services
Dana Fenton, City Manager's Office

Time: 15 minutes

Explanation

- Every year, the City Council adopts federal and state legislative agendas to guide its advocacy efforts before the United State Congress and North Carolina General Assembly.
- The agendas focus upon issues that are apt to be considered in the second year of the 115th Congress and 2018 General Assembly.
- An overview of the issues included in the proposed legislative agendas will be provided.

Future Action

- Council action will be requested at the February 26, 2018 business meeting.

[2018-02-12 2018 federal and state legislative agendas_final](#)

5. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Randy Harrington, Management and Financial Services

Time: 10 minutes

Synopsis

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

6. 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

7. Public Forum

8. Consent agenda items 19 through 42 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 speakers signed up to speak to the item.

AWARDS AND RECOGNITIONS

**9. Central Intercollegiate Athletic Association (CIAA)
Proclamation**

Action:

Council member Mitchell will read a proclamation recognizing February 27, 2018 - March 3, 2018, as CIAA Week.

PUBLIC HEARING

10. Public Hearing on a Resolution to Close a Portion of Township Road

Action:

- A. Conduct a public hearing to close a portion of Township Road, and
- B. Adopt a resolution to close a portion of Township Road.

Staff Resource(s):

Liz Babson, Transportation
Jeff Boenisch, Transportation

Explanation

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

Petitioners

Charlotte-Mecklenburg Schools (CMS) - Mrs. Peggy Hey

Right-of-Way to be Abandoned

The portion of Township Road is located in Southwest Charlotte, off of S. Tryon Street in between Sandy Porter Road and Westinghouse Boulevard.

Reason

Charlotte-Mecklenburg Schools (CMS) has identified the abutting property to the portion of Township Road as a future site for a new CMS school. The abandonment of the portion of Township Road will enable the abutting property to be recombined into larger tract of land in order to accommodate the school system's development objectives.

Notification

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

Adjoining property owner(s) - All of the abutting property is under contract for purchase by Charlotte-Mecklenburg Schools.

Neighborhood/Business Association(s) - There are no known neighborhood associations within the direct vicinity of the portion of Township Road.

Private Utility Companies - No objections

City Departments

Review by City departments identified no apparent reason this closing would:

- Be contrary to the public interest;
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress

- to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map

Resolution

[Township Road Abandonment Map](#)

[Resolution to Close a portion of Township Road Exhibits](#)

POLICY

11. City Manager's Report

BUSINESS

12. Authorization of Storm Water Revenue Bond Anticipation Notes

Action:

- A. **Adopt the bond order authorizing the issuance of up to \$115,000,000 of revenue bond anticipation notes,**
- B. **Adopt a bond resolution for the approval, execution, and delivery in connection with the issuance of up to \$115,000,000 of revenue anticipation notes, and**
- C. **Authorize the City Manager and Chief Financial Officer to take necessary actions to complete the financing, including submitting the application to the Local Government Commission.**

Staff Resource(s):

Randy Harrington, Management and Financial Services
Mike Davis, Engineering and Property Management

Explanation

- City Council annually adopts the Storm Water Community Investment Plan, and it includes capital projects to be funded with debt proceeds.
- Projects funded include:
 - Storm Drainage Improvement Projects, and
 - Surface Water Quality Projects (Pollution control and stream restoration).
- The debt issuance is planned in two steps: a short-term construction period draw program which will then be converted to long-term, fixed rate revenue bonds once construction nears completion (up to 36 months).
- This financing approach has been used extensively by the City and reduces interest cost, promotes rate stability, and it provides flexibility in the timing of the spending.
- The construction period financing will be in the form of an \$115,000,000 privately-placed drawdown program, allowing the City to reimburse expenses on a monthly basis during construction and eliminating interest expense on funds not yet expended on the project.
- This current action adopts the bond order and bond resolution for the program.
- The North Carolina Local Government Commission is expected to review and approve this financing on March 6, 2018.
- This \$115,000,000 will be used on approved projects and can be supported with current revenues.

Fiscal Note

Funding: Storm Water Debt Service Fund

Attachment(s)

Bond Order
Bond Resolution
Project List

[Project List](#)

[Initial Resolution](#)

[Bond Order](#)

13. Nominations to Charlotte Business INClusion 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 recommended by the Black Chamber of Commerce beginning immediately and ending February 28, 2020.
 - Gary Young did not meet attendance requirements.
- One appointment for a two-year term recommended by the Metrolina Native American Association beginning February 28, 2018 and ending February 27, 2020.
 - Walter Baucom III is eligible and interested in reappointment.
- One appointment for a two-year term recommended by the Carolinas Asian-American Chamber of Commerce beginning February 28, 2018 and ending February 27, 2020.
 - Shobha Rajpal is eligible and interested in reappointment.
- One appointment for a two-year term recommended by the Hispanic Contractors Association of the Carolinas beginning February 28, 2018 and ending February 27, 2020.
 - Marvin Reyes is eligible but not interested in reappointment.
- One appointment for a two-year term in the At-Large category beginning February 28, 2018 and ending February 27, 2020.
 - Steve Bimbo is eligible and interested in reappointment.

Attachment(s)

Charlotte Business Inclusion Advisory Committee Applicants

14. 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 partial term in the International Business category beginning immediately and ending June 30, 2019.
 - Omar Kazzaz has resigned.
- One appointment for a partial term in the At-large category beginning immediately and ending June 30, 2018, and then continuing for a full three-year term beginning July 1, 2018 and ending June 30, 2021.
 - Larken Egleston has resigned.

Attachment(s)

Charlotte International Cabinet Applicants

15. Nomination to 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, 2018, and then continuing for a full three-year term beginning May 16, 2018 and ending May 15, 2021.
 - Tom Baldwin did not meet attendance requirements.

Attachment(s)

Civil Service Board Applicants

16. Nomination to Historic Landmarks Commission

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 June 16, 2020.
 - Larken Egleston has resigned.

Attachment(s)

Historic Landmarks Commission Applicants

17. Nominations to the Privatization/Competition Advisory Committee

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for two-year terms beginning March 2, 2018 and ending March 1, 2020.
 - James Marascio is eligible and interested in reappointment.
 - Ronald Maccaroni is eligible and interested in reappointment.

Attachment(s)

Privatization/Competition Advisory Committee Applicants

18. Mayor and City Council Topics

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

CONSENT

19. Charlotte-Mecklenburg Police Department Neighborhood Survey

Action

- A. Approve a contract with The Research and Evaluation Group LLC (EvalGroup) to conduct the Charlotte-Mecklenburg Police Department's Neighborhood Survey for three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms and amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Kerr Putney, Police
Kellie High-Foster, Police
Paul Paskoff, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD), continuously since 2002, conducted a jurisdiction-wide community survey to examine perceptions of crime and safety.
- The survey to be conducted by the EvalGroup will concentrate on identified neighborhoods and business corridors to measure various categories including community involvement, perceptions of safety, procedural justice, performance, individual contact, issues, and overall satisfaction of policing services offered.
- The survey will allow CMPD to focus on the targeted neighborhoods and business corridors to provide a focused approach to address issues identified by the survey:
 - Beatties Ford Corridor (Metro Division)
 - Tuckaseegee Corridor (Freedom Division)
 - North Tryon Corridor (Metro Division)
 - Albemarle Road Corridor (Hickory Grove Division and Eastway Division)
 - I-85/Sugar Creek Corridor (North Tryon Division)
 - Providence Road Corridor (Providence Division and South Division)
- The City issued a Request for Proposals (RFP) for Citizen Survey Services October 12, 2017. In response to the RFP, the City received nine proposals from interested service providers.
- EvalGroup best met the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements including a web based survey as the primary mode of data collection, a mail-in based survey as a secondary mode of data collection, and taking advantage of community events to conduct in-person surveys of residents and business owners.
- Annual expenditures are estimated to be \$60,166.

Charlotte Business INclusion

No subcontracting goal was established because there are no opportunities (Part B: Section 2.3 of the Charlotte Business INclusion Policy)

Fiscal Note

Funding: Police Operating Budget

20. Beam Road at Shopton Road Roundabout Project

Action:

Award a contract in the amount of \$1,368,513.89 to the lowest responsive bidder Sealand Contractors Corp. for the Beam Road at Shopton Road Roundabout project.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Alan Morrison, Engineering and Property Management

Explanation

- This project will include the construction of a roundabout at the intersection of Shopton Road (State Road 1155) and Beam Road, located in Council District 3.
- CDOT identified the need to improve the existing four-way-stop intersection with a roundabout. The industrial area surrounding this intersection is expected to have new development with the volume of traffic exceeding the threshold for the four-way-stop intersection.
- Work will include but is not limited to the installation of sidewalk, curb and gutter, Americans with Disability Act (ADA) compliant ramps, concrete islands, storm drainage, roadway widening, asphalt resurfacing and pavement markings.
- The total project cost including construction is \$2,505,000 with \$1,125,000 funded by the federal Congestion Mitigation Air Quality Program and \$684,000 from the federal Surface Transportation Program, with the City's portion being \$696,000.
- The federal funds were secured when the City Council approved a Municipal Agreement with NCDOT in the amount of \$1,650,000 on October 28, 2013 and a supplemental Municipal Agreement in the amount of \$855,000 on February 13, 2017. The NCDOT administers the grant on behalf of the Federal Highway Administration.
- On December 14, 2017 the City issued an Invitation to Bid; five bids were received from interested service providers.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2019.

Disadvantaged Business Enterprise (DBE) Opportunity

Established DBE Goal: 6.00%

Committed DBE Goal: 6.00%

Sealand Contractors met the established subcontracting goal, and has committed 6% (\$82,144) of the total contract amount to the following certified firm:

- Darnell Jones Trucking (DBE, SBE, MBE) (\$82,144) (hauling)

Fiscal Note

Funding: Federal Congestion Mitigation Air Quality Program Grant, Federal Surface Transportation Program, and General Community Investment Plan

Attachment(s)

Map

[Location Map - Beam Road at Shopton Road \(SR 1155\) Roundabout](#)

21. Scofield Road Storm Drainage Improvement Project

Action:

- A. Reject the low-bid submitted by Zoladz Construction Co., Inc. for the Scofield Road Storm Drainage Improvement Project, and**
- B. Award a contract in the amount of \$2,607,909.34 to the lowest responsive bidder Sealand Contractors Corp. for the Scofield Road Storm Drainage Improvement Project.**

Staff Resource(s):

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

Explanation

- The Scofield Storm Drainage Improvement Project will replace undersized drainage pipes and address

- flooding along Scofield Road and Wintercrest Lane.
- The project is generally bounded by Park Road to the west, Barclay Downs Drive to the east, Selwyn Avenue to the north and Fairview Road to the south (Council District 6).
 - The work will include:
 - Replacement of approximately 1,000 feet of storm drainage pipe and associated drainage structures,
 - Asphalt pavement repair,
 - Driveway repair, and
 - Incidental water and sanitary sewer replacement.
 - The neighborhood may experience traffic delays and road closures during construction. There will be detour signage throughout the project area and a construction inspector will be assigned to address public concerns.
 - On October 31, 2017, the City issued an Invitation to Bid; five bids were received from interested service providers.
 - Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
 - The project is anticipated to be complete by second quarter 2019.

Reject Low-Bid Explanation

- Zoladz Construction Co., Inc. bid in the amount of \$ 2,546,951.93 was found to be non-responsive as a result of failing to meet the City's Charlotte Business INclusion (CBI) Program established subcontracting goals.

Charlotte Business INclusion

Established SBE Goal: 18.00%

Committed SBE Goal: 18.00%

Sealand Contractors Corp. met the established SBE subcontracting goal, and has committed 18.00 percent (\$469,424) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc. (SBE, MBE) (\$169,760) (concrete)
- Buffkin Trucking, Inc. (SBE, MBE) (\$132,457) (hauling)
- Darnell Jones Trucking, Inc. (SBE, MBE) (\$132,457) (hauling)
- Frady Tree Care (SBE) (\$26,300) (tree and shrub)
- A-1 Precision Fence Company, Inc. (SBE) (\$8,450) (fence installation)

Established MBE Goal: 6.00%

Committed MBE Goal: 16.67%

Sealand Contractors Corp. exceeded the established MBE subcontracting goal, and has committed 16.67 percent (\$434,674) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc. (SBE, MBE) (\$169,760) (concrete)
- Buffkin Trucking, Inc. (SBE, MBE) (\$132,457) (hauling)
- Darnell Jones Trucking, Inc. (SBE, MBE) (\$132,457) (hauling)

Fiscal Note

Funding: Storm Water Community Investment Plan

Attachment(s)

Map

[Location Map - Scofield Road Storm Drainage Repair](#)

22. 1419 North Graham Street Roof and Window Replacement

Project

Action:

- A. **Reject the low-bid submitted by Rike Roofing Services, Inc. for the 1419 North Graham Street Roof and Window Replacement Project,**
- B. **Reject the second low-bid submitted by TeamCraft Roofing, Inc. for the 1419 North Graham Street Roof and Window Replacement Project, and**
- C. **Award a contract in the amount of \$1,199,153 to the lowest responsive bidder Radco Construction Services, Inc. for the 1419 North Graham Street Roof and Window Replacement project.**

Staff Resource(s):

Mike Davis, Engineering and Property Management
William Haas, Engineering and Property Management
Kerr Putney, Police
Katrina Graue, Police

Explanation

- The existing roof and windows will be removed and replaced at the Charlotte Mecklenburg Police Department Logistics Warehouse, located at 1419 North Graham Street.
- The existing roof has exceeded its expected life.
- The new roof, insulation, and windows will be in compliance with current building codes, improve energy efficiency of the facility, and provide better occupant comfort.
- The new roof will have a 20-year manufacturer's warranty for water intrusion.
- On September 26, 2017, the City issued an Invitation to Bid for the 1419 North Graham Street Roof and Window Replacement Project; seven bids were received from interested service providers.
- Radco Construction Services, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2018.

Reject Low-Bid Explanation

- Rike Roofing Services, Inc.'s bid in the amount of \$1,121,000 was found to be non-responsive as a result of failing to meet the City's Charlotte Business INclusion (CBI) Program established subcontracting goal.
- TeamCraft Roofing, Inc.'s bid in the amount of \$1,172,000 was found to be non-responsive as a result of failing to meet the City's CBI Program established subcontracting goal.

Charlotte Business INclusion

Established MSBE Goal: 15.00%
Committed MSBE Goal: 37.41%

Radco Construction Services, Inc. exceeded the established subcontracting goal, and has committed 37.41% (\$448,650) of the total contract amount to the following certified firms:

- A1 Glass & Aluminum LLC (MBE) (\$435,000) (windows)
- All Points Waste Service Inc. (MBE) (\$13,650) (trash removal)

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - 1419 N Graham Street Roof and Window Replacement](#)

23. Water and Sewer Repair Inspection Services

Action:

- A. Approve a unit price contract with DiCon Consulting, PC for Water and Sewer Repair Inspection Services for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to three 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):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- Due to the increase in underground construction, including telecommunication and fiber optic installations, Charlotte Water has experienced a substantial increase in damages to our water and sewer pipes.
- On March 27, 2017, City Council approved two construction contracts to make repairs to these damaged lines.
- Charlotte Water is being reimbursed for this work by the companies that damaged the lines.
- This construction repair work requires on-call inspection services to ensure the work done is in compliance with Charlotte Water standards.
- On October 6, 2017, the City issued a Request for Proposals (RFP) for these inspection services; four proposals were received from interested service providers.
- DiCon Consulting, PC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Estimated annual expenditures are \$360,000.
- Pursuant to established processes, Charlotte Water will seek reimbursement for inspection services performed by DiCon Consulting, PC due to damaged infrastructure.

Charlotte Business INclusion

No subcontracting goals were established because there are no subcontracting opportunities (Part B: Section 3 of the Charlotte Business INclusion Policy). However, DiCon Consulting, PC is a City SBE.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

24. Fiscal Year 2018 Water and Sewer Construction (Contracts 1 and 2)

Action:

- A. Award unit price contracts to the lowest responsive bidders for the new construction or replacement of water and sewer mains throughout the Charlotte Water service area:**
- Dallas 1 Construction LLC, \$2,752,451.20 (Contract 1)
 - RH Price, Inc., \$2,554,566.30 (Contract 2), and
- B. Authorize the City Manager to approve up to two renewals for each contract in the same amounts stated above, plus or minus possible price adjustments based on the Engineering News Record Construction Cost Index and to amend the contracts consistent with the purposes for which the contracts were approved.**

Staff Resource(s):

Angela Lee, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- Charlotte Water uses private construction companies to replace water and sewer mains as well as build new water and sewer lines. The contracts will provide both of these services.
- For the 2017 Fiscal Year, 35,840 linear feet of water main and 32,504 linear feet of sewer main were installed.
- Bids are unit price and based on estimated quantities for items needed for this type of work.
- On October 17, 2017, the City issued an Invitation to Bid for Water and Sewer Extensions/Replacements - Contract 1; three bids were received from interested providers. Dallas 1 Construction LLC was selected as the lowest responsive, responsible bidder.
- On October 20, 2017, the City issued an Invitation to Bid for Water and Sewer Extensions/Replacements - Contract 2; three bids were received from interested service providers. RH Price, Inc. was selected as the lowest responsive, responsible bidder.
- Each term is estimated to last approximately one year.

Charlotte Business INclusionContract Fiscal Year 2018-1

Established MSBE Goal: 7%

Committed SBE Goal: 7.01%

Dallas 1 Construction LLC met the established subcontracting goal and has committed 7.01 percent (\$193,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Barton Contracting Corporation (SBE) (\$105,000) (asphalt paving and concrete sidewalk)
- Bogue Construction Group LLC (SBE, WBE) (\$88,000) (water main and service)

Subsequent to the Bid Opening, Dallas 1 Construction LLC has committed an additional 0.18 percent (\$5,000) to the following certified firm:

- Gavel & Dorn Engineering PLLC (SBE) (\$5,000) (soils testing)

Contract Fiscal Year 2018-2

Established MSBE Goal: 7%

Committed SBE Goal: 7.05%

R.H. Price, Inc. met the established subcontracting goal and has committed 7.05% (\$180,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- C and D Utility (SBE) (\$70,000) (pipeline installation)
- Wallace Brothers Construction (SBE) (\$70,000) (pipeline installation)
- RAM Pavement Services, Inc. (SBE) (\$15,000) (paving)
- Trull Contracting, LLC (SBE, WBE) (\$15,000) (paving)
- Fernandez Construction Corporation (SBE) (\$10,000) (concrete)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

25. Duke Energy Relocation Services for Briar Creek Relief Sewer Phase 3

Action:

Approve a contract in the amount of \$150,005.18 with Duke Energy for relocation services for Briar Creek Relief Sewer Phase 3.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- Charlotte Water awarded a construction contract for the Briar Creek Relief Sewer Phase 3 project in May 2016. As part of that project, there are multiple private utilities, whose infrastructure is largely located outside of the road right of way, which need to be relocated prior to construction of the new sewer.
- This request is for Duke Energy to relocate five underground transformers, about 7,000 feet of wire and light poles along Briar Creek. These utilities are currently in the way of the sewer contractor between Barrington Drive and Aqua Court.
- Duke Energy will perform this work in a manner which will minimize outages to their customers and will invoice Charlotte Water after the work is complete for the actual cost of the work.
- Duke Energy is completing their relocation work in a phased plan. This request is for the third and final phase of the work.
- Previous phases of Duke Energy's work have been approved in accordance with the cost estimates. The total cost of all three phases of relocation work is approximately \$250,000.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

26. Construction Manager at Risk Services for the Sugar Creek Wastewater Treatment Plant Reliability Improvements Project

Action:

Award a contract in the amount of \$23,499,728 to the Construction Manager at Risk, Garney Companies, Inc. for the Construction Phase of the Sugar Creek Wastewater Treatment Plant Reliability Improvements project.

Staff Resource(s):

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

Explanation

- The Sugar Creek Wastewater Treatment Plant, near South Park at Fairview Road, is one of Charlotte Water's oldest treatment plants, originally constructed in the 1920s, with major improvements in the 1950s, 1980s, and 1990s.
- The primary objectives of the Reliability Improvements project are to identify and implement required upgrades to continue treating daily plant flow, while meeting all existing discharge permitting requirements, and adding chemical nutrient removal capability.
- Upgrades include:
 - Aeration system and lift station improvements,
 - Effluent filter upgrades, and
 - Instrumentation and control improvements.
- Charlotte Water will use the Construction Manager at Risk (CMAR) project delivery method to provide more certainty with respect to project cost and schedule, mitigate risk during construction, enhance Minority and Women Business Enterprise participation, and allow for more effective coordination of construction and start-up activities with Charlotte Water operations staff.
- This contract with Garney Companies, Inc. is for Construction Phase Services, including coordination of all construction activities, managing all subcontractors, delivering the project on schedule and on budget, and construction phase collaboration with Charlotte Water and the engineering design consultant.
- On February 17, 2016, the City issued a Request for Qualifications; six responses were received from interested service providers.
- Garney Companies, Inc. was determined to be the best qualified firm to meet the City's needs in terms of firm and project team member experience.

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

Background

- Charlotte Water presented this project and the CMAR delivery method to the Charlotte Water Advisory Committee on October 15, 2015, and to the City Council Environment Committee on November 11, 2015.
- On November 23, 2015, City Council approved a contract with HDR Engineering Inc. of the Carolinas for final engineering design services, CMAR procurement assistance, and construction administration.
- On May 23, 2016 City Council approved a contract with Garney Companies, Inc. for Preconstruction Phase services.

Minority and Women Business Enterprise Opportunity

Goals were established per the North Carolina Clean Water State Revolving Fund loan program guidelines.

Established MWBE Goal: 10%

Committed MWBE Goal: 10.66%

Garney Companies, Inc. exceeded the established subcontracting goal and has committed 10.66 percent (\$1,654,268) of the total contract amount to the following certified firms:

- CITI LLC (MBE) (\$1,249,268) (instrumentation and controls)
- Mayer Electric Supply Co. Inc. (MBE) (\$350,000) (electrical supplies)
- Southeast Plumbing Distributors LLC (WBE) (\$53,000) (plumbing supplies)
- L&L Metals Inc. (MBE) (\$2,000) (ductwork fabrication)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

27. Stevens Creek Sanitary Trunk Sewer Phase 2 Professional Engineering Services

Action:

Approve a contract in the amount of \$335,618 with GHD Consulting Services Inc. for professional engineering design services for the Stevens Creek Sanitary Trunk Sewer Phase 2 project.

Staff Resource(s):

Angela Lee, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- The installation of the gravity sewer will allow for the decommissioning of two existing lift stations and provide sewer service in an area that is predominantly on septic systems currently in Mint Hill. Providing sewer service in this area will increase the population that can be served and allow Charlotte Water to expand this system in the future.
- The Stevens Creek Sanitary Trunk Sewer Phase 2 Project includes approximately 5,000 linear feet of new gravity sewer.
- The contract with GHD Consulting Services Inc. will include survey and engineering design services to size and route the proposed sewer, obtain easements, geotechnical investigations, permitting, and bid phase services.
- On October 6, 2017, the City issued a Request for Qualifications (RFQ); eight proposals were received from interested professional service providers.
- Charlotte Water evaluated the proposals and determined that GHD Consulting Services Inc. 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.
- Construction and construction administration for the Stevens Creek Sanitary Trunk Sewer Phase 2 project will be identified for funding in the forthcoming Charlotte Water Fiscal Years 2019-2023

Community Investment Plan.

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). GHD Consulting Services, Inc. has committed to 11.13% (\$37,360) of the total contract to the following certified firm:

- Carolina Wetland Services Inc. (SBE) (\$17,070) (permitting, wetland delineation)
- Joel E. Woods & Associates PLLC (SBE) (\$11,790) (wetland delineation)
- Avioimage Mapping Services, Inc. (SBE) (\$8,500) (aerial mapping)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Stevens Creek Phase II RCA Map](#)

28. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$36,917.01.

Staff Resource(s):

Randy Harrington, Management and Financial Services

Sarah Richards, Management and Financial Services

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested

Resolution Property Tax Refunds

[List of Taxpayers and Refunds Requested](#)

[Resolution](#)

29. Meeting Minutes

Action:

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

- **January 8, 2018, Business Meeting**
- **January 16, 2018, Zoning Meeting**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

30. In Rem Remedy: 4336 Connelly Circle

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: (4336 Connelly Circle)

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (4336 Connelly Circle) (Neighborhood Profile Area 114).

Attachment(s)

In Rem Packet for (4336 Connelly Circle)

[In Rem Remedy 4336 Connelly Cr.pdf](#)

31. In Rem Remedy: 9344-A Pinewood Avenue

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: (9344-A Pinewood Avenue)**Action:**

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (9344-A Pinewood Avenue) (Neighborhood Profile Area 83).

Attachment(s)

In Rem Packet for (9344-A Pinewood Avenue)

[In Rem Remedy 9344-A Pinewood Av.pdf](#)

32. In Rem Remedy: 9344-B Pinewood Avenue

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: (9344-B Pinewood Avenue)**Action:**

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (9344-B Pinewood Avenue) (Neighborhood Profile Area 83).

Attachment(s)

In Rem Packet for (9344-B Pinewood Avenue)

[In Rem Remedy 9344-B Pinewood Av.pdf](#)

33. In Rem Remedy: 9836 Old Dowd 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 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.

Complaint: (9836 Old Dowd Road)

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (9836 Old Dowd Road) (Neighborhood Profile Area 35).

Attachment(s)

In Rem Packet for (9836 Old Dowd Road)

[In Rem Remedy 9836 Old Dowd Rd.pdf](#)

34. In Rem Remedy: 9836 Old Dowd Road Accessory Building

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.

Complaint: (9836 Old Dowd Road Accessory Building)

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (9836 Old Dowd Road Accessory Building) (Neighborhood Profile Area 35).

Attachment(s)

In Rem Packet for (9836 Old Dowd Road Accessory Building)

[In Rem Remedy 9836 Old Dowd Rd Acc Bldg.pdf](#)

35. In Rem Remedy: 414 Dawn Circle

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.

Field Observation: (414 Dawn Circle)**Action:**

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (414 Dawn Circle) (Neighborhood Profile Area 371).

Attachment(s)

In Rem Packet for (414 Dawn Circle)

[In Rem Remedy 414 Dawn Cr.pdf](#)

36. In Rem Remedy: 2622 Mason Mill Place

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.

Field Observation: (2622 Mason Mill Place)**Action:**

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (2622 Mason Mill Place) (Neighborhood Profile Area 96).

Attachment(s)

In Rem Packet for (2622 Mason Mill Place)

[In Rem Remedy 2622 Mason Mill Pl.pdf](#)

37. In Rem Remedy: 5009 San Francisco Circle Accessory Structure

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.

Field Observation: (5009 San Francisco Circle Accessory Structure)

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (5009 San Francisco Circle Accessory Structure) (Neighborhood Profile Area 209).

Attachment(s)

In Rem Packet for (5009 San Francisco Circle Accessory Structure)

[In Rem Remedy 5009 San Francisco Cr Acc Bldg.pdf](#)

38. Property Transactions - 24" Water Main South Street Davidson - Phase II, Parcel #5.2

Action: Approve the following Condemnation: 24" Water Main South Street Davidson - Phase II, Parcel #5.2

Project: 24" Water Main South Street Davidson - Phase II, Parcel #5.2

Owner(s): Antiquity, LLC

Property Address: 11921 Field Street

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, plus 1,984.32 sq. ft. (.046 ac.) in Temporary Construction Easement inside Proposed Public Right of Way, plus 4,044.94 sq. ft. (.093 ac.) in Water Line Easement inside Proposed Public Right of Way

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)

39. Property Transactions - Riverhaven Drive Phase 2 Watermain, Parcel #2

Action: Approve the following Condemnation: Riverhaven Drive Phase 2 Watermain, Parcel #2

Project: Riverhaven Drive Phase 2 Watermain, Parcel #2

Owner(s): Laddie Van Hill and Sherry Hill

Property Address: Riverhaven Drive

Total Parcel Area: 37,134 sq. ft. (.852 ac.)

Property to be acquired by Easements: 1,312 sq. ft. (.03 ac.) in Waterline Easement, plus 884 sq. ft. (.02 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-5

Use: Single-family Residential

Tax Code: 031-212-01

Appraised Value: \$900

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

Council District: 2

40. Property Transactions - Pedestrian Safety - 2205 Central Avenue, Parcel #2

Action: Approve the following Condemnation: Pedestrian Safety - 2205 Central Avenue, Parcel #2

Project: Pedestrian Safety - 2205 Central Avenue, Parcel #2

Owner(s): Jupiter Group, LLC

Property Address: 2205 Central Avenue

Total Parcel Area: 18,253 sq. ft. (.419 ac.)

Property to be acquired by Easements: 78 sq. ft. (.002 ac.) in Sidewalk and Utility Easement, plus 727 sq. ft. (.017 ac.) in Temporary Construction Easement, plus 128 sq. ft. (.003 ac.) in Bus Stop Easement, plus 405 sq. ft. (.009 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Tree

Zoned: B-1

Use: Commercial

Tax Code: 095-071-03

Appraised Value: \$9,600

Property Owner's Counteroffer: \$30,436.97

Property Owner's Concerns: The property owner is concerned about the potential impacts to the property, due to the location of the pedestrian beacon, guywire and driveway closure. In addition the property owner is concerned with the amount of compensation being offered.

City's Response to Property Owner's Concerns: Staff explained that this is the best design and location due to the criteria for pedestrian beacons and they can obtain their own appraisal in order to justify their counter offer.

Outstanding Concerns: The property owner feels that this project will hinder him from selling the property.

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: 1

41. Property Transactions - Lincoln Heights Drainage Improvements, Parcel #1

Action: Approve the following Condemnation: Lincoln Heights Drainage Improvements, Parcel #1

Project: Lincoln Heights Drainage Improvements, Parcel #1

Program: Flood Control

Owner(s): Heirs of Esau Peterson and Mable Peterson

Property Address: 2000 Saint Mark Street

Total Parcel Area: 12,500 sq. ft. (.287 ac.)

Property to be acquired by Easements: 2,326.32 sq. ft. (.053 ac.) in Storm Drainage Easement, plus 652.97 sq. ft. (.015 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-5

Use: Single-family Residential

Tax Code: 075-032-06

Appraised Value: \$775

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

Council District: 2

42. Property Transactions - Lincoln Heights Drainage Improvements, Parcel #85

Action: Approve the following Condemnation: Lincoln Heights Drainage Improvements, Parcel #85

Project: Lincoln Heights Drainage Improvements, Parcel #85

Program: Flood Control

Owner(s): Olivette Myers and Monique L. Patterson

Property Address: 1725 Odessa Avenue

Total Parcel Area: 33,779 sq. ft. (.775 ac.)

Property to be acquired by Easements: 767 sq. ft. (.018 ac.) in Storm Drainage Easement, plus 1,628 sq. ft. (.037 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-5

Use: Single-family Residential

Tax Code: 077-043-01

Appraised Value: \$125

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

Council District: 2

Adjournment

REFERENCES

43. 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.

44. 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.

45. 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.