

City of Charlotte

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



Meeting Agenda

Monday, January 11, 2016

Council Chambers

City Council Business Meeting

*Mayor Jennifer W. Roberts
Mayor Pro Tem Vi Lyles
Council Member Al Austin
Council Member John Autry
Council Member Ed Driggs
Council Member Julie Eiselt
Council Member Claire Fallon
Council Member Patsy Kinsey
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Greg Phipps
Council Member Kenny Smith*

CITY COUNCIL MEETING
Monday, January 11, 2016

In addition to the previously advertised public hearing items, Departments have asked that the time sensitive items listed below not be deferred.

Item#	Title
22	2015 Assistance to Firefighters Grant Application

5:00 P.M. DINNER BRIEFING, CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Staff Resource(s):

Hyong Yi, 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. Managed Lanes Strategy for Charlotte

Committee Chair:

Vi Lyles

Staff Resource(s):

Danny Pleasant, Transportation

Norm Steinman, Transportation

Time: 60 minutes

Explanation

- In August 2015, former Mayor Clodfelter referred the topic of Managed Lanes (also known as High Occupancy Toll or HOT Lanes) to the Transportation and Planning (TAP) Committee. He asked the Committee cover topics, such as history, purposes, goals, and roles.
- In September 2015, staff presented information about history, purposes, and operations, and described the managed lanes projects programmed for Interstate-485 (South), Interstate-77, and U.S. 74 (Independence Boulevard). Staff also explained how these and other projects in these corridors support the City's land use and transportation goals.
- In November 2015, staff reviewed key conclusions from the first two meetings, and then concentrated on describing roles, responsibilities, and additional actions the City should consider as it works with the North Carolina Department of Transportation to implement managed lanes in Charlotte.
- On January 4, 2016, the City Council's TAP Committee received and reviewed a report from staff describing the reasons for proceeding with a strategy of implementing HOT Lanes in and around Charlotte. The staff report summarizes information discussed by the TAP Committee at meetings held in September and November 2015.
- The Committee voted 3-2 (Lyles, Autry, and Phipps voted yes; Kinsey and Smith opposed) to support the report, which endorses the managed lane strategy.
- The purpose of tonight's presentation is to:
 - Provide a summary of the key conclusions reached last year;
 - Describe the main implications of not supporting the strategy; and
 - Provide information regarding the managed lanes strategy for Charlotte in relation to the upcoming Charlotte Regional Transportation Planning Organization's (CRTPO) vote on the Interstate-77 HOT Lanes project.

Future Action

Direct the vote of Charlotte's CRTPO representative to affirm the current strategy to implement managed lanes.

Attachment

Report to Mayor and Charlotte City Council on Implementation of Managed Lanes in Charlotte

[01.04.16 TAP Committee Meeting Attachment](#)

3. Fiscal Year 2015 Comprehensive Annual Financial Report and External Audit

Staff Resource(s):

Randy Harrington, Management & Financial Services

Robert Campbell, Management & Financial Services

Teresa Smith, Management & Financial Services

Eddie Burke, Cherry Bekaert LLP

Time: 30 minutes

Explanation

- The Comprehensive Annual Financial Report (CAFR) is a summary of the City's financial results and position at the end of each fiscal year in accordance with state law and the standard framework for financial accounting. Staff will present highlights of the Fiscal Year 2015 Report.
- As required by state law, the City's fiscal year financial statements are audited by an independent, external auditor. Cherry Bekaert LLP will present the Audit Report.
- The City Council Governance & Accountability Committee received a preliminary briefing on the external audit at its meeting on November 23, 2015.
- Following the presentation, the Fiscal Year 2015 Comprehensive Annual Financial Report can be viewed online at <http://charmeck.org/city/charlotte/Finance>.

Future Action

The presentation is for information purposes only.

4. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Hyong Yi, City Manager's Office

Time: 10 minutes

Synopsis

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

Introductions***Invocation******Pledge of Allegiance*****7:00 P.M. AWARDS AND RECOGNITIONS****5. Mentoring Month Proclamation**

Mayor Roberts will read a proclamation recognizing January 2016 as Mentoring Month.

6. Human Trafficking Awareness Month Proclamation

Mayor Roberts will read a proclamation recognizing January 2016 as Human Trafficking Awareness Month.

7. Recognition of Johnson C. Smith University Coach Steve Joyner

Mayor Roberts will recognize Coach Steve Joyner of Johnson C. Smith University for his 500th basketball win.

8. Recognition of Mr. Aaron McKeithan, Jr., Historic West End Neighborhood Association

Mr. McKeithan, president of the Historic West End Neighborhood Association, will be recognized and presented with a plaque for his tireless work in this role from 2002-2015.

9. Charlotte Water recognized with State, Regional, and National Awards

Mayor Roberts and the City Council will recognize Charlotte Water for their recent awards and their leadership in the water and wastewater industries.

10. Consent agenda items 22 through 53 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. Consideration of Consent Items that have not been pulled, and
- B. Consider of Consent Items with citizens signed up to speak to the item.

PUBLIC HEARING

11. Public Hearing on a Resolution to Close a Portion of N. Pine Street

Action:

- A. Conduct a public hearing to close a portion of N. Pine Street, and
- B. Adopt a resolution to close a portion of N. Pine Street.

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

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

Petitioners

The EB Property Company, LLC & C/O Robert Mason III - Mr. Collin Brown

Right-of-Way to be Abandoned

N. Pine Street is located northeast of W. 12th Street, near the Interstate-277 and N. Graham Street junction.

Reason

The petitioner is vested with title to the real property that is located adjacent to the portion of N. Pine Street. The abandonment of a portion of N. Pine Street will enable the petitioner to reassemble the abutting property in order to create a more viable tract of land for future development.

Notification

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

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

Neighborhood/Business Association(s) - There are no known active neighborhood or business associations located within the immediate area of this portion of N. Pine Street.

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

Map

Resolution

[City Council Map N. Pine Street](#)

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

12. Public Hearing on a Resolution to Close a Portion of N. Myers Street and E. 13th Street

Action:

- A. Conduct a public hearing to close a portion of N. Myers Street and E. 13th Street, and
- B. Adopt a resolution to close a portion of N. Myers Street and E. 13th Street.

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The portion of N. Myers Street and E. 13th Street are located in Council District 1.

Petitioners

Duke Energy Carolinas, LLC

Right-of-Way to be Abandoned

N. Myers Street and E. 13th Street are located southwest of Belmont Avenue, adjacent to the Little Sugar Creek Greenway.

Reason

The petitioner and Mecklenburg County are both vested with title to the real property that is located adjacent to the portion of N. Myers and E. 13th Street. The abandonment of a portion of N. Myers Street and E. 13th Street will enable both the petitioner and the County to reassemble the abutting property in order to accommodate future land use needs.

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)

Mecklenburg County - No objections

Neighborhood/Business Association(s)

Belmont Neighborhood Association - Notified/ No comments

Private Utility Companies - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and

- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment

Map

Resolution

[City Council Map N. Myers Street and E. 13th Street](#)

[Resolution to Close a portion of N. Myers Street and E. 13th Street](#)

13. Managed Lanes Strategy for Charlotte

Action:

- A. Hold a public hearing to receive comments on the managed lanes strategy and the vote of Charlotte's representative at the next meeting of the Charlotte Regional Transportation Planning Organization,**
- B. Approve the Transportation and Planning Committee's recommendations to endorse the managed lanes strategy, and**
- C. Direct the Charlotte representative's vote to affirm the current strategy to implement Managed Lanes at the Charlotte Regional Transportation Planning Organization meeting.**

Committee Chair:

Vi Lyles

Staff Resource(s):

Danny Pleasant, Transportation

Norm Steinman, Transportation

Explanation

Action A

- The City Council will receive public comments on the staff report that was presented and approved by the Transportation and Planning Committee, which endorses implementation of managed lanes in Charlotte.

Action B

- On September 1, 2015, former Mayor Dan Clodfelter referred the topic of managed lanes to the Transportation and Planning (TAP) Committee to specifically discuss how High Occupancy Toll (HOT) Lanes will function in Charlotte.
- The TAP Committee received presentations related to HOT Lanes on three separate occasions. The presentation topics included:
 - How design, operations, and funding decisions are made;
 - How these types of projects complement and support land use and transportation goals;
 - Roles of the City, North Carolina Department of Transportation (NCDOT), and Charlotte Regional Transportation Planning Organization (CRTPO) in the decision making and planning process, and
 - Any policy or procedural matters for full City Council consideration.
- On January 4, 2016, Charlotte Department of Transportation staff presented their final report and recommendations, as attached, to the TAP Committee for discussion and consideration.
- The Committee voted 3-2 (Lyles, Autry, and Phipps voted yes; Kinsey and Smith opposed) to recommend the following statements:
 - Adding general purpose lanes will not allow the region to keep up with the rapid growth we have experienced in the past, are experiencing now, and will continue to experience in the foreseeable future.
 - Adding 1 or 2 general purpose lanes in each direction in Charlotte will provide only temporary relief. The physical space necessary to keep widening freeways is either no longer available in Charlotte or would be extraordinarily costly to purchase and disruptive to surrounding businesses and residents.
 - Any additional capacity added to the freeways needs to be sustainable and effective for far longer than 5-15 years.
 - We should encourage more express bus service and ridership, as well as more ridesharing

- trips. The Red Line and Silver Line transit projects will not be operating for many years near either Interstate-77 or U.S. 74, respectively. We also need to use Interstate-485 as a guideway for express buses and vanpools, because no rapid transit line is proposed for that corridor.
- Based on 20 years of actual experience in other cities in the U.S., HOT Lanes should achieve these purposes:
 - Provide reliable travel times based on maintaining operating speeds of at least 45 miles per hour;
 - Allow free access to CATS buses and CATS-sponsored vanpools, and carpools carrying 3 or more persons;
 - Allow free access to emergency responders (police, fire, ambulances);
 - Allow free access to motorcycles (as required by federal law); and
 - Allow access to automobiles with less than 3 passengers and single-axle trucks willing to pay a toll, established using a congestion pricing methodology.
 - Going forward, issues involved with HOT Lanes projects will involve making ongoing decisions about who will be eligible to travel in the HOT Lanes, who will or will not have to pay the tolls, what the correlation will be between the tolls charged and the congestion levels in the HOT Lanes and the adjacent General Purpose Lanes, and what hours of operation should be applied to the HOT lanes.
 - For these reasons, a more formal agreement outlining how future operational decisions are made should be developed once key decisions are made about the HOT Lanes strategy. These decisions would include:
 - Design,
 - Operations,
 - Eligibility of Use,
 - Enforcement, and
 - Customer Service.

Action C

- On December 14, 2015, Governor Patrick McCrory asked the CRTPO to vote to reaffirm or reverse the Charlotte metropolitan region's managed lanes strategy.
- On January 20, 2016, the CRTPO will vote to reaffirm or reverse the regional managed lanes strategy.
- Action C will direct Charlotte City Council's representative on the CRTPO to vote to affirm the Charlotte region's support of a managed lane strategy at the CRTPO meeting on January 20, 2016.

Implications of Reversing the Strategy

- If the regional managed lanes strategy is reversed, the following will occur:
 - Additional capacity and the ability to provide express transit service along Interstate-77 would be forfeited.
 - Financial penalties ranging from \$80-\$300 million would be owed to the concessionaire.
 - As per the Governor's letter, he anticipates the General Assembly could ask local governments to absorb the costs of the penalties in some manner. This could include reductions to transportation funds, sales taxes, and/or other funding sources.
 - The State Board of Transportation might lose confidence in the Charlotte region, and the other managed lanes projects could fail to receive support or funding.
 - Alternative plans for additional capacity would be set back many years, effectively resulting in no additional capacity for already congested critical corridors (Interstate-485, U.S. 74 (Independence), and Interstate-77 South), and
 - Charlotte would lose the long-term strategy for developing a network of travel lanes that offer reliable travel times along the region's critical travel corridors.

Background

- The managed lanes strategy was conceived from a regional, multi-jurisdictional effort that produced three managed lanes studies.
- The regional managed lanes studies recommended building HOT Lanes in the Interstate-77 North, U.S. 74 (Independence), and Interstate-485 South corridors.
- In July 2011, the CRTPO (formerly Mecklenburg Union Metropolitan Planning Organization) took action to amend the 2035 Long-Range Transportation Plan, to include projects consistent with the recommendations of the managed lanes studies.
- In June 2012, May 2013, and April 2014, the CRTPO voted to reaffirm the managed lanes strategy for I-77 North.
- On August 19, 2015 the CRTPO voted to adopt the 2016-2025 Transportation Investment Plan, which included funds to create a network of HOT Lanes in and around Charlotte.
- Through the implementation of the State Transportation Improvement Program, NCDOT developed a public/private partnership strategy to advance the Interstate-77 North HOT Lanes project identified in the 2040 Metropolitan Transportation Plan.
- On June 26, 2014, NCDOT entered into a contract with Interstate-77 Mobility Partners, LLC (Cintra) to design, build, finance, operate, and maintain HOT Lanes along 26 miles of Interstate-77 North from Interstate-277 to just north of Exit 36 in Mooresville.

Attachment

Report to Mayor and Charlotte City Council on Implementation of Managed Lanes in Charlotte

[01.04.16 TAP Committee Meeting Attachment](#)

POLICY

14. City Manager's Report

15. Amend Stormwater Ordinance

Action:

Amend Chapter 18 - Stormwater Ordinance to exempt the City from paying a stormwater fee for public street rights-of-way.

Committee Chair:

Greg Phipps

Staff Resource(s):

Kim Eagle, Management & Financial Services
Daryl Hammock, Engineering & Property Management

Explanation

- The City Ordinance exempts certain categories of property from paying a stormwater fee.
- Although state roads have been exempt from paying a fee since the program began, the City's public street rights-of-way were not exempt.
- Early in the program, the City's General Fund paid a contribution to the program in lieu of paying a fee specifically based on City street impervious area.
- The General Fund contribution rose proportionately with the percentage of annual fee increases, but did not rise to reflect increases in impervious area.
- In Fiscal Year 2007, the City Council capped future contributions from the City's General Fund to the Storm Water Enterprise Fund at the Fiscal Year 2006 level of approximately \$5.7 million.
- The City's General Fund often invests in stormwater system improvements through neighborhood and transportation improvement and transit projects.
- It is uncommon for large NC cities to pay a stormwater fee based on impervious surface for public street rights-of-way. Raleigh, Durham, and Winston Salem do not pay stormwater fees for city-maintained streets.
- The six surrounding towns in Mecklenburg County do not pay municipal stormwater fees to themselves for their own City maintained streets.
- Charlotte and all six towns do pay County stormwater fees based on impervious surface for their public street rights-of-way.
- The amendment would allow an exemption for public rights-of-way within the City, and result in the Ordinance being consistent with the current collection practice for stormwater fees.
- The ordinance change will not affect the payment amount from the General Fund to Storm Water Enterprise Fund, which is \$5.7 million in Fiscal Year 2016.
- On May 11, 2015, a public hearing was held on the Stormwater Ordinance. There were no comments.

Budget Committee Discussion

- On September 28, 2015, the Budget Committee (Committee) voted unanimously (Phipps, Driggs, Lyles, and Mayfield; Kinsey was not present) to amend the Stormwater Ordinance.
- Additionally, the Committee requested that the Council review the City contribution during the budget process.

Background

- Under North Carolina law for public enterprises, cities are authorized to set and collect fees to fund storm drainage maintenance and replacement, and to comply with Federal Clean Water Act requirements.
- The City and Mecklenburg County together established a combined stormwater utility in January 1993 and began assessing fees to most public and private property.

Attachment

Amended Stormwater Ordinance

[Amend Stormwater Ordinance File #15-2093 1-11-16](#)

BUSINESS

16. Irwin Creek Wastewater Treatment Plant - Phase Two Improvements and Upgrades

Action:

Award a contract in the amount of \$39,732,000 to the lowest responsive bidder Ulliman Schutte Construction, LLC for the Phase Two Improvements and Upgrades to the Irwin Creek Wastewater Treatment Plant.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- The Irwin Creek Wastewater Treatment Plant (WWTP) Phase Two project is located in West Charlotte near Billy Graham Parkway. The project will provide repairs and replacement of equipment and structures throughout the plant such as:
 - Replacement of the aeration blowers, pumps, grit removal equipment, and filter valves;
 - New aeration basins, a secondary clarifier tank, and blower building will be constructed; and
 - Improvements to the plant power distribution system.
- Overall this project will:
 - Improve the energy efficiency of the plant;
 - Add nutrient removal to meet environmental permits and improve the quality of the treated water; and
 - Replace critical infrastructure that is past its service life.
- Staff presented the project to the Environment Committee on June 10, 2015.
- On September 25, 2015, the City issued an Invitation to Bid for Construction; four bids were received from interested service providers.
- Ulliman Schutte Construction, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the spring of 2019.
- Given that the scope of this project is very heavily weighted with mechanical equipment replacements and did not provide many MWSBE subcontracting opportunities, Charlotte Water contracted with M & H Associates, a City of Charlotte SBE and MBE, to assist with administering the Charlotte Business INclusion process on this project. Their services included facilitating an outreach session to connect prime contractors and SBE/MBEs prior to the bid opening.

Charlotte Business INclusion

Established SBE Goal: 2%

Committed SBE Goal at time of Bid: 2.10%

Committed SBE Utilization to date: 2.21%

Established MBE Goal: 2%

Committed MBE Goal at time of Bid: 2.31%

Committed MBE Utilization to date: 2.43%

Ulliman Schutte Construction, LLC exceeded both the established SBE and MBE subcontracting goals, committing 2.21% (\$879,983) and 2.43% (\$963,644), respectively, to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- CITI, LLC (MBE) (\$915,344) (instrumentation and programming)
- Oliver Paving Company, Inc. (SBE, WBE) (\$748,547) (paving)
- B & B Concrete Construction of Charlotte Inc. (SBE) (\$73,136) (curb & gutter)
- Capstone Civil Group, P.A. (SBE, MBE) (\$48,300) (rock anchor installation & testing)
- Ace Trucking Company (SBE, WBE) (\$2,500) (hauling)
- All Points Trucking, Inc. (SBE) (\$2,500) (hauling)

- D's Trucking Service, Inc. (SBE, WBE) (\$2,500) (hauling)
- RJJ Construction LLC (SBE) (\$2,500) (hauling)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment

Map

[Irwin Creek WWTP Map](#)

17. SouthPark National Technical Assistance Panel

Action:

Authorize the City Manager to enter into a contract with the Urban Land Institute for \$125,000 for a National Technical Assistance Panel to assist in identifying goals and strategies for mobility, land development, and investment in the SouthPark area.

Staff Resource(s):

Ron Kimble, City Manager's Office
Debra Campbell, City Manager's Office
Ed McKinney, Planning
Danny Pleasant, Transportation
Sarah Hazel, City Manager's Office

Explanation

- The Urban Land Institute (ULI) offers a Technical Assistance Program to help find creative, practical solutions for some of the most challenging issues facing today's communities.
- Communities convene panels to provide timely, candid, and unbiased input from national land use and real estate experts; to kick-start critical conversations and to gain fresh insights; and discover innovative solutions to the most complex real estate development challenges.
- The ULI Technical Assistance Panel will assist the City with engaging the SouthPark community in a process to establish goals for the future. ULI will provide assistance with the following:
 - Envisioning the future of SouthPark as an evolving suburban, mixed-use activity center;
 - Establishing goals and expectations for future investment in the area; and
 - Identifying tools and next steps for implementation of Panel recommendations.
- The Panel will also address key opportunities in the SouthPark Area, including:
 - Economic Development - supporting the evolution of suburban activity center as a place for investment;
 - Community Design - shaping the transition from auto-oriented to a walkable mixed-use place;
 - Mobility - providing a balanced approach to mobility that creates choices and encourages walking, cycling, and public transit; and
 - Neighborhood Relationships - protecting and strengthening neighborhoods as valuable places to live on the edge of a vibrant center.
- In a concentrated one-week effort in March, a national panel of six to eight experts, chosen and facilitated by ULI, will provide results and work with the City, community stakeholders, private developers, community development corporations, and many other organizations to address the goals and opportunities.
- A detailed report and actionable recommendations will be prepared and published following the week-long work session.
- The initiative is a public-private collaborative effort sponsored by the City of Charlotte; Mecklenburg County; Developers; Landowners; Property Managers; Investors; Business Owners; and Corporations.
- Additional funds over and above the \$125,000 required for the Urban Land Institute contract will be raised to create seed money for implementation of the Report's recommendations.
- The City will advance the entire amount of the contract; however, the City's total share is \$60,000, with partner contributions covering the additional cost.

Fiscal Note

Funding: General Community Investment Plan - Short-term Road Congestion Improvements

Attachment

Map of SouthPark

[South Park Master ULI Map 1-11-16](#)

18. Nomination to the Planning Commission

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One recommendation by the Charlotte-Mecklenburg School Board for appointment by the City Council for an unexpired term beginning immediately and ending June 30, 2016.
 - Randall Fink has resigned.

Attachment

Charlotte-Mecklenburg School Board Recommendation
Planning Application of Sam Spencer

[CMBOE Appointee Spencer](#)

[0019 2 Sam Spencer Planning Commission Application](#)

19. Appointment to Keep Charlotte Beautiful

Action:

Vote on blue paper ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for an unexpired term beginning immediately and ending June 30, 2018.
 - Orlando Jacobs by Council member Fallon.
 - Taylor Lee by Council member Mitchell.
 - Dave Pettine by Council members Driggs, Phipps, and Smith.
 - Amy Villegas-McCleave by Council members Austin, Autry, and Mayfield.
 - Brian Withrow by Council member Kinsey.

Attachment

Keep Charlotte Beautiful Applicants

[Keep Charlotte Beautiful Applicants](#)

20. Appointments to Tree Advisory Commission

Action:

Vote on blue paper ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning immediately and ending December 13, 2018.
- One appointment for a three-year term beginning December 14, 2015 and ending December 13, 2018.
 - Patrick Bradey by Council member Kinsey.
 - Chris Breedlove by Council members Driggs and Kinsey.
 - Madeline DeGrace by Council members Austin, Fallon, Mayfield, Mitchell, and Phipps.
 - Kimberly Sanders by Council members Driggs, Mitchell, and Phipps.

Attachment

Tree Advisory Commission Applicants

[Tree Advisory Commission Applicants](#)

21. Mayor and City Council Topics

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

CONSENT

22. 2015 Assistance to Firefighters Grant Application

Action:

- A. **Authorize the Charlotte Fire Department to apply for a grant for the 2015 Assistance to Firefighters local grant program in the amount of \$1,750,000 for small equipment and protective gear, and**
- B. **Authorize the Charlotte Fire Department to apply for the 2015 Assistance to Firefighters regional grant program in the amount of \$1,864,000 to enhance regional radio communications.**

Staff Resource(s):

Kevin Gordon, Fire
Rich Granger, Fire

Explanation

- The Assistance to Firefighters Grant is a competitive federal grant program that the Charlotte Fire Department (CFD) applies for annually.
- Under the Assistance to Firefighters grant program, awards are granted at both the local and regional level. For calendar year 2016, CFD will apply for both the local and regional awards.

2015 Assistance to Firefighters Local Grant

- The 2015 Assistance to Firefighters local grant program allows fire and emergency medical service departments to apply for matching grants for equipment and protective gear.
- Fire will apply the local grant program funds toward purchase of the following:
 - 500 sets of replacement turnout gear worn by firefighters when responding to fire emergencies, and
 - Hand tools and power equipment used by firefighters during emergency response operations.
- The grant is a 90% federal share and a 10% local match. The federal 90% is \$1,575,000. The local 10% match is \$175,000, which will come from funds already appropriated in CFD's Operating Budget.

2015 Assistance to Firefighters Regional Grant

- The 2015 Assistance to Firefighters regional grant program allows fire and emergency medical service departments to apply for matching grants for regional projects.
- CFD will serve as the host applicant agency for a regional grant to enhance radio communications.
- Grant funds will be applied toward the purchase of new digital equipment that will:
 - Improve the coverage and resiliency of the emergency radio system throughout the region, and
 - Provide a redundant route across several counties (Cabarrus, Mecklenburg, Union, and Stanly) to the Urban Areas Security Initiative regional master site, enhancing the safety of first responders.
- The grant is an 85% federal share and a 15% local match. The federal 85% share is \$1,584,400. The local 15% match is \$279,600, which is funded by local municipalities that participate on the Regional Radio System.
- The City of Charlotte will pay \$48,930 of the local match using funding from the Public Safety Communication Capital Reserve Fund.
- A future City Council action will be requested to accept the grant awards.

Fiscal Note

Funding: 2015 Assistance to Firefighters Grant, Fire Operating Budget, Public Safety Communication Capital Reserve Fund; local match (10%) is coming from Fire Misc. Equipment; 15% funded by local municipalities coming from the Public Safety Reserve Fund.

23. Time Warner Cable Arena Scoreboard/Video Screens

Action:

Authorize the City Manager to negotiate and award a contract to YESCO/Samsung not to exceed \$7,200,000 for the Time Warner Cable Arena Scoreboard/Video Screens.

Staff Resource(s):

William Haas, Engineering & Property Management
Steve Bagwell, Charlotte Regional Visitors Authority

Explanation

- On September 8, 2014, the City approved \$27.5 million in capital investments for the Time Warner Cable Arena. The capital plan will be completed between years 2015 to 2019.
- Of the \$27.5 million, \$7.7 million was budgeted for replacement of the existing scoreboard and associated video and electrical needs.
- In addition, the National Basketball Association (NBA) requires the scoreboard be replaced as a condition that Charlotte host the NBA All Star Game scheduled for February 2017.
- On November 24, 2014, the City Council authorized the City Manager to award an architectural contract to AECOM, Inc. for design services related to the capital plan.
- The design team prepared detailed concept plans and specifications in conjunction with the Charlotte Hornets and the NBA.
- City staff solicited proposals for final design, fabrication, and installation services for the new scoreboard and associated video displays on November 17, 2015.
- The City received proposals from five firms: ANC, Daktronics, Panasonic, Mitsubishi, and YESCO/Samsung.
- A selection team consisting of representatives of the Charlotte Hornets, Charlotte Regional Visitors Authority, and City staff considered each firms' qualifications, experience, and pricing and determined YESCO/Samsung best meeting the stakeholder's needs in terms of overall design and functionality of the scoreboard system.
- The NBA supports the selection of YESCO/Samsung.
- The scope of work includes:
 - Replacement of the original center hung scoreboard structure with a state-of-the-art scoreboard with 14 high definition screens;
 - Relocate the four existing scoreboard video panels to other areas of the Arena;
 - New high definition video panels in the upper corners of the seating bowl; and
 - Replace 1,772 feet of ribbon board displays within the seating bowl.
- Installation of the new scoreboard and associated video displays will occur in the summer of 2016 in order to be ready for the 2017 NBA All Star game.
- The scope of this project is highly specialized with primarily the manufacturing and installing of scoreboard/video screens, and did not provide substantial subcontracting opportunities. The only identified subcontracting opportunity, electrical, accounted for less than 1% of the total contract.

Charlotte Business INclusion

No subcontracting goal was established because there were not substantial subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Tourism Capital Project Fund

Attachment

Time Warner Cable Arena Council Action Summary

[RCAattachmentArena](#)

24. Mooresville Radio Service Interlocal Agreement

Action:

Adopt a resolution approving an Interlocal Agreement for radio service with the Town of Mooresville and Mecklenburg County.

Staff Resource(s):

Jeff Stovall, Innovation & Technology

Explanation

- The Interlocal Agreement details radio services that the City of Charlotte, as the lead agency for the regional radio system, will provide to the Town of Mooresville.
- All services provided by the City under the Interlocal Agreement will be fully funded by Mooresville, including the funding for up to two full-time equivalent (FTE) positions and radio infrastructure support upon execution of the agreement. Annual charges of \$313,979 are anticipated as follows:
 - One FTE position and costs associated with providing network support for all of Mooresville's radio network equipment, \$74,817;
 - One FTE position for network technical support \$88,336 (optional);
 - Mooresville System Motorola contract cost \$58,236; and
 - Mooresville portion of regional master site (16.59%) \$92,590.
- The Town of Mooresville approved the Agreement in November 2015. The Mecklenburg County Board of Commissioners is scheduled to consider the Agreement on January 20, 2016.

Background

- The City of Charlotte and Mecklenburg County entered into an Interlocal Agreement consolidating all functions of the Public Safety Radio Network within Mecklenburg County under the City of Charlotte in December of 2003. The Interlocal Agreement anticipated the regionalization of the radio system by stating, "The City and the County shall work together to foster regional use of the Radio Network and will develop a regional plan for approval by the Radio Communications Council to promote regional participation. This plan will promote regional use of the Radio Network within the Network's present and future capacity. At all times public safety and homeland security users will have priority."
- The City is the lead agency for regional communications interoperability of public safety agencies within the Urban Area Security Initiative's 11-County region. As the lead agency, the City has completed establishing the infrastructure necessary for regional voice communications interoperability with the support of several grants.
- The City and Mecklenburg County have previously approved similar Interlocal Agreements for radio service with Cabarrus County, Stanly County, Union County, and the City of Gastonia.

Attachment

Interlocal Agreement
Resolution

[Radio Interlocal with Mooresville 01-04-2016](#)

[City Resolution approving Mooresville Radio Interlocal 12-3-2015](#)

25. Interlocal Agreement for the Greater Charlotte Regional Freight Mobility Plan

Action:

- A. **Accept Federal Highway Administration funds in the amount of \$200,000 on behalf of Charlotte Regional Transportation Planning Organization,**
- B. **Approve an interlocal agreement for up to \$325,000 with Centralina Council of Governments for the Greater Charlotte Regional Freight Mobility Plan, and**
- C. **Adopt a budget ordinance appropriating \$200,000.**

Staff Resource(s):

Robert Cook, Planning

Explanation

- The Centralina Council of Governments (CCOG) is seeking to complete the Regional Freight Mobility Plan Study, which will:
 - Assess the current state of truck and rail freight system operations;
 - Identify ways to effectively prioritize and address future freight needs;
 - Identify links that connect the mobility of freight modalities to regional economic development goals and address key opportunities; and
 - Align recommendations and action steps for regional partners.
- The CCOG requested funding from the Federal Highway Administration (FHWA) to support the project - the FHWA requests that a local metropolitan planning organization (MPO) serve as keeper of the funds, and the Charlotte Regional Transportation Planning Organization (CRTPO) is the most logical choice of the four MPOs for this region.
- The City of Charlotte provides staff support for CRTPO. One of the support functions is financial administration services (i.e., receiving and distributing CRTPO funds).
- For CCOG to take advantage of funding, the City must accept and appropriate the \$200,000 on CRTPO's behalf.
- The CRTPO has identified a regional freight study as a priority, and has committed \$125,000 in its annual work program, over two years for the study's completion.
 - \$100,000 of federal funds are part of an annual allocation to the CRTPO, and
 - \$25,000 of local match funds (The City's portion is \$15,250 and the balance is provided by the 23 cities, towns, and counties that are members of the CRTPO).
 - The annual allocation is included in the City's annual budget.

Charlotte Business INclusion

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

Fiscal Note

Funding: Federal Highway Administration Grant, CRTPO federal funds, City's Public Safety and Other Grant Fund, and CRTPO local jurisdictions funding.

Attachment

Budget Ordinance

[CDOT ord 011116 Freight Mobility Plan](#)

26. Private Developer Funds for Traffic Signal Improvements

Action:

- A. **Authorize the City Manager to execute Developer Agreements with Duke Energy, CRP/CW 1201 Central, LLC, and Childress Klein Properties, Inc., and**
- B. **Adopt a budget ordinance appropriating \$145,247 in private developer funds for traffic signal improvements.**

Staff Resource(s):

Scott Putnam, Transportation

Explanation

- The \$145,247 in private developer funding is for traffic signals/upgrades and related work associated with developer projects. The funding is restricted to these projects.
- The following developers are fully funding traffic signal installations and improvements to mitigate traffic impacts around their respective development projects:
 - Duke Energy contributed \$101,247 for mast arm signals at the intersection of S. Mint Street and W. 1st Street.
 - CRP/CW 1201 Central, LLC contributed \$37,500 for signal modification at the intersection of Central Avenue and Hawthorne Lane.
 - Childress Klein Properties, Inc. contributed \$6,500 for signal modification at the intersection of Cascade Point Boulevard and W. Tyvola Road.
- 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

Map

Budget Ordinance

[Traffic Signal Improvements 121615](#)

[CDOT ord 1-11-16 Developer Contributions](#)

27. Traffic Signal Cabinet Maintenance

Action:

Approve a contract for with Aegis ITS, Inc. for traffic signal cabinet maintenance.

Staff Resource(s):

Charles Abel, Transportation

Explanation

- The City is required to complete annual preventative maintenance on traffic signal cabinets; including maintenance on North Carolina Department of Transportation (NCDOT) owned cabinets within the City limits.
- NCDOT reimburses the City for this maintenance activity on their cabinets.
- The Charlotte Department of Transportation (CDOT) is unable to perform maintenance on NCDOT owned signal cabinets due to high priority work on the Transportation Community Investment Plan, Blue Line Extension, and developer projects.
- The contractor will perform maintenance on approximately 493 NCDOT signal cabinets.
- CDOT will perform maintenance on 262 City-owned signal cabinets.
- On October 22, 2015, the City issued a Request for Proposal (RFP) for Traffic Signal Cabinet Maintenance Services. In response to the RFP, the City received three proposals from interested service providers.
- The Project Team, consisting of staff from CDOT and NCDOT, evaluated the proposals and determined that Aegis ITS, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The Fiscal Year 2016 contract expenditure is anticipated to be approximately \$196,300.

Charlotte Business INclusion

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

Fiscal Note

Funding: Transportation Community Investment Plan

28. Airport Taxiway C Rehabilitation Design Contract

Action:

- A. **Approve a contract in the amount of \$646,555 to Delta Airport Consultants, Inc. for design and construction administration services for rehabilitation of Taxiway C, and**
- B. **Adopt a budget ordinance appropriating \$646,555 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s):

Jack Christine, Aviation

Explanation

- As part of its Pavement Management Program, the Airport has identified Taxiway C for rehabilitation of the concrete pavement to extend the useful life of the surface and maintain operational capacity of this heavily used taxiway.
- The professional services contract will include surveying, geotechnical investigation, engineering, construction administration, and construction materials testing.
- On April 14, 2014, the City issued a Request for Qualifications (RFQ) for general architectural and engineering services, including airfield engineering services. In response to the RFQ, the City received 14 proposals from interested professional service providers. Delta Airport Consultants, Inc. was one of three vendors selected to provide future airfield engineering services.
- Aviation staff evaluated and determined that Delta Airport Consultants, Inc. is the best qualified firm to meet the City's needs based on their experience on similar airfield projects.
- The Aviation Department will seek a grant from the Federal Aviation Administration for reimbursement of the project costs, up to 75%.

Disadvantaged Business Enterprise (DBE) Opportunity

The City negotiated subcontracting participation after the proposal selection process. For this contract, Delta Airport Consultants, Inc. has committed 35.50% (\$229,555) of the total contract amount to the following certified firms:

- On-Spec Engineering (DBE, SBE) (\$176,755) (design geotechnical and construction acceptance testing)
- Accutech Surveying and Mapping LLP (DBE, SBE) (\$47,800) (ground and construction surveys)
- Connico Incorporated (DBE, State WBE) (\$5,000) (plan QC review)

Fiscal Note

Funding: Aviation Community Investment Plan

The Aviation Department intends to seek a Federal Aviation Administration grant to pay for the grant-eligible portion of this project.

Attachment

Budget Ordinance

[Airport ORD011116 - Airport Taxiway C Rehabilitation Design Contract](#)

29. Airport General Aviation Ramp Rehabilitation Design Contract

Action:

- A. **Approve a contract in the amount of \$249,746 with WK Dickson & CO, Inc. for design and construction administration services for the Airport General Aviation Ramp Rehabilitation, and**
- B. **Adopt a budget ordinance appropriating \$249,746 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s):

Jack Christine, Aviation

Explanation

- The Aviation Department has identified the general aviation ramp as needing pavement rehabilitation for the corporate aircraft operating and parking areas. This pavement has not been renovated since the initial construction in 1983.
- The professional services contract will include surveying, geotechnical investigation, engineering, design engineering, construction administration, and construction materials testing.
- On April 14, 2014, the City issued a Request for Qualifications (RFQ) for general architectural and engineering services, including airfield engineering services. In response to the RFQ, the City received 14 proposals from interested professional service providers. WK Dickson & CO, Inc. was one of three of vendors selected to provide future airfield engineering services
- The Aviation Department determined that WK Dickson & CO, Inc. is the best qualified firm to meet the City's needs based on their experience on similar Airport projects.
- The Aviation Department will seek a grant from the Federal Aviation Administration for reimbursement of the project costs, up to 75%.

Disadvantaged Business Enterprise (DBE) Opportunity

The City negotiated subcontracting participation after the proposal selection process. For this contract, W.K. Dickson and CO, Inc. has committed 25.27% (\$63,105) of the total contract amount to the following certified firm:

- On-Spec Engineering (DBE, SBE) (\$63,105) (design geotechnical and construction acceptance testing)

Fiscal Note

Funding: Aviation Community Investment Plan

The Aviation Department intends to seek a Federal Aviation Administration grant to pay for the grant-eligible portion of this project.

Attachment

Budget Ordinance

[Airport ORD011116 - Airport General Aviation Ramp Rehabilitation Design Contract](#)

30. Subsurface Utility Locating Services

Action:

- A. Approve contracts for subsurface utility locating services for Engineering & Property Management with the following firms:**
- **Mulkey, Inc. (\$500,000),**
 - **E.S.P. Associates, P.A. (\$500,000), and**
 - **Taylor Wiseman & Taylor (\$500,000),**
- B. Approve contracts for subsurface utility locating services for Charlotte Water with the following firms:**
- **Mulkey, Inc. (\$500,000),**
 - **E.S.P. Associates, P.A. (\$500,000),**
 - **Taylor Wiseman & Taylor (\$500,000), and**
 - **Cardno Inc. (\$500,000), and**

Staff Resource(s):

Jennifer Smith, Engineering & Property Management
Jackie Brim, Engineering & Property Management
Barry Shearin, Charlotte Water

Explanation

- Typical utility subsurface locating services provide surface and subsurface horizontal utility locating services on an as-needed basis for various City projects.
- Services involve identifying, characterizing, and mapping underground utility facilities.
- On June 19, 2015, a Request for Qualifications was advertised; 15 proposals were received. The firms were selected using the Council-approved, qualifications-based selection process.
- The selection process consolidated the needs of Storm Water Services and Charlotte Water. Each area will administer its own contracts separately in order to maintain the integrity of accounting requirements connected to individual funding sources.
 - Storm Water Services Division of Engineering & Property Management selected Mulkey, Inc. and E.S.P. Associates, P.A.;
 - Survey Division of Engineering & Property Management selected Taylor Wiseman & Taylor; and
 - Charlotte Water selected Mulkey, Inc., E.S.P. Associates, P.A., Taylor Wiseman & Taylor, and Cardno Inc.

Charlotte Business INCLUSION

For these contracts, the City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INCLUSION Policy).

Mulkey, Inc.

Mulkey, Inc. committed 10% of the total contract amounts to the following SBE firms: Barry D. Davis Surveying, LLC (land surveying services), Sweetwater Utility Exploration LLC (underground utility locate services) and Roadmasters Traffic Control, LLC (traffic control and signage).

E.S.P. Associates, P.A.

E.S.P. Associates, P.A. committed 10.43% of the total contract amounts to the following SBE firms: The Survey Company, Inc. (survey support), Roadmasters Traffic Control, LLC (traffic control services), SAFETYMART (field equipment) and BrandRPM (apparel).

Taylor Wiseman & Taylor

Taylor Wiseman & Taylor committed 11% of the total contract amounts to the following SBE firms: Southeast Geomatics Group (land surveying services), SAFETYMART (safety supplies), Sweetwater Utility Exploration LLC (underground utility locate services), CES Group Engineers, LLP (underground utility locate services) and Roadmasters Traffic Control, LLC (traffic control and signage).

Cardno Inc.

Cardno Inc. committed 10% of the total contract amount to the following MSBE firms: Hinde Engineering, Inc. (utility coordination) and Lyons Utility locating, LLC (utility designating).

Fiscal Note

Funding: General Capital Investment Plan, Storm Water Capital Investment Plan, and Charlotte Water Community Investment Plan

31. Professional Services for Relocations and Improvements

Action:

Approve a contract in the amount of \$2,000,000 with Hinde Engineering, Inc. for general engineering services for Charlotte Water infrastructure.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- The contract with Hinde Engineering, Inc. will provide the design of relocations and installation of new water and sewer infrastructure within North Carolina Department of Transportation (NCDOT), Charlotte Department of Transportation, CATS and rail projects.
- Whenever a water or sewer line is located within a roadway or rail right-of-way and conflicts with an improvement project for the road or rail, Charlotte Water is required to relocate its facilities as a part of the right-of-way use agreement obtained when the pipe line was installed.
- The NCDOT projects that are identified at this time are:
 - Future Independence Widening;
 - Local Widening and Intersection Improvements; and
 - HOV Lane Additions to Interstate-485 (Charlotte South Outer Loop) from Interstate-77 to U.S.-74 (Independence Blvd).
- The balance of the funds will be used for any upcoming projects that require the relocation and/or installation of water and sewer infrastructure.
- The contract is hourly and will be used on an as-needed basis in order to expedite the design of miscellaneous water and sewer relocations.
- On November 11, 2015, the City issued a Request for Qualifications (RFQ) for General Engineering Services for NCDOT and Utility Projects. In response to the RFQ, the City received four proposals from interested professional service providers.
- The Project Team, consisting of staff from Charlotte Water and Storm Water, evaluated the proposals and determined that Hinde Engineering, 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.

Charlotte Business INclusion

The City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). For this contract, Hinde Engineering, Inc. has committed 14.00% (\$280,000) of the contract term to the following certified firms:

- DiCon Consulting, PC (SBE) (\$200,000) (engineering support, construction observation)
- Barry D. Davis Surveying, PLLC (SBE) (\$80,000) (surveying)

Hinde Engineering, Inc. is a City SBE.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

32. Water and Sewer Extensions and Replacements (FY2016 - Contract 2)

Action:

Award a contract in the amount of \$2,390,029.80 to the lowest responsive bidder Dallas 1 Construction LLC for the extension and replacement of water and sewer mains throughout the Charlotte Water service area.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- The Street Main Extensions Program provides services to residential customers within 1,000 feet of an existing water or sewer main. Each extension is provided at the request of the property owner with the only cost to the property owner being the cost of the water or sewer connection.
- The Water and Sewer Replacement Program replaces water distribution and sewer collection infrastructure as needed.
- Additional contracts will be bid through the fiscal year to meet responsiveness goals.
- Bids are unit price and based on estimated quantities for items needed for this type of work.
- On October 1, 2015, the City issued an Invitation to Bid for replacement of water and sewer mains; four bids were received from interested service providers.
- Dallas 1 Construction LLC was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Established SBE Goal: 6%

Committed SBE Goal: 6.03%

Dallas 1 Construction LLC exceeded the established subcontracting goal, and has committed 6.03% (\$144,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Barton Contracting (SBE) (\$113,500) (asphalt paving)
- Boyle Consulting Engineers, PLLC (SBE) (\$15,000) (soils testing)
- Gavel & Dorn Engineering, PLLC (SBE) (\$15,000) (soils testing)
- MTC Consultants Inc. (SBE) (\$500) (backflow testing)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

33. Auctioneer and Related Services

Action:

- A. Authorize the City Manager to negotiate and approve a contract with Rogers Realty & Auction Company for Auctioneer and Related Services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two additional, consecutive 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):

Robert Campbell, Management & Financial Services

Explanation

- Management & Financial Services provides asset recovery and disposal services to the City of Charlotte, Mecklenburg County, Emergency Management Services, and the Charlotte Housing Authority. The Asset Recovery and Disposal program manages all used, seized, and surplus assets at the end of their useful life through final disposition via live and electronic auction activities.
 - Live auctions for rolling stock, equipment, and miscellaneous items are held at least twice a year, and electronic auctions are used throughout the year for disposal of a variety of assets.
 - Annual gross sales from all Asset Recovery and Disposal auctions vary, with gross sales over the most recent fiscal years ranging between \$1,497,985 and \$2,066,993.
 - Resulting revenues are returned to each entity as appropriate. City revenue is reapportioned to both Enterprise Fund and General Fund, as may be required.
- The City contracts with a third party service provider to perform auction activities, including but not limited to advertising and marketing, auction preparation of all vehicles including cleaning and mechanical services, buyer registration and outreach, event coordination and support, auctioneer services, technical equipment and support, on-site records management and reporting, and other assorted pre- and post- auction activities as may be required in support of asset recovery and disposal operations.
- On August 18, 2015, the City issued a Request for Proposals (RFP) for Auctioneer and Related Services. In response to the RFP, the City received four proposals from interested service providers.
- The Project Team, consisting of staff from Management & Financial Services, Mecklenburg County Procurement Services, and the Charlotte-Mecklenburg Police Department evaluated the proposals and determined that Rogers Realty & Auction Company best meets the City's needs in terms of qualifications, proven experience based on past performance, overall low cost inclusive of commissions and fees, and responsiveness to RFP requirements.
- Staff anticipates renewing the contract for up to two additional, two-year terms at the same cost as the initial term.
- Estimated annual contract expenditures are \$200,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Management & Financial Services Operating Budget

34. Hydraulic Cylinder Repair Services

Action:

- A. **Approve contracts with the following companies for hydraulic cylinder repair services for an initial term of three years:**
 - **Hydraulics Express,**
 - **Advanced Electronic Services, and**

- B. **Authorize the City Manager to renew the contracts for up to two additional, one-year terms with possible price adjustments and to amend the contracts consistent with the City's business needs and the purpose for which the contracts were approved.**

Staff Resource(s):

Chris Trull, Management & Financial Services

Explanation

- Management & Financial Services provides services on a wide variety of vehicles including, but not limited to, light duty industrial trucks, medium duty trucks, solid waste heavy refuse trucks, heavy dump trucks, fire apparatus, and construction equipment.
- Hydraulic cylinder repair services are required to recondition and rebuild equipment to minimize downtime and ensure availability of fleet vehicles to provide essential and emergency services.
- On September 28, 2015, the City issued a Request for Proposal (RFP) for hydraulic cylinder repair services. In response to the RFP, the City received two proposals from interested service providers.
- Management & Financial Services staff evaluated the proposals and determined that Hydraulics Express and Advanced Electronic Services best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Awarding contracts to two service providers supports Management & Financial Services' objective of having multiple equipment repair sources available to ensure responsive service in a primary and alternate fashion on an as-needed basis.
- The companies will be paid the unit prices set forth in the contracts, copies of which are available upon request.
- Management & Financial Services staff anticipates renewing the contract for up to two additional, one-year terms based on quality of services provided and at prices to be negotiated based on market conditions.
- Estimated contract expenditures for all contracts are \$150,000 annually.

Charlotte Business INclusion

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

Fiscal Note

Funding: Management & Financial Services Operating Budget

35. Cummins Engine Diagnostics and Repair Services

Action:

- A. Approve a contract with Cummins Atlantic for diagnostics, warranty repair, and other repair services for an initial term of three years, 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 City's business needs and the purpose for which the contract was approved.**

Staff Resource(s):

Chris Trull, Management & Financial Services

Explanation

- The City's Solid Waste Services, Transportation, Charlotte Water, Engineering & Property Management, and Fire Departments currently own and operate a variety of equipment with Cummins brand engine products in support of daily operations.
- The City uses an outside service provider to obtain warranty related services, including diagnostics and repair services for Cummins engine products.
- The company is the only vendor in the City's service area that provides a one-stop-shop for all Cummins engine repair issues, which reduces fleet down-time, mitigates towing expenses, and minimizes delays in providing City services. Using a single-service center also allows the City to simplify management and coordination of all the various types of Cummins engine repairs, which in turn helps to maximize the availability of City equipment and vehicles on any given day.
- The selected company is a factory certified, authorized warranty and repair provider for all models of Cummins engine products.
- The company will be compensated for services performed at a negotiated hourly rate as stated in the contract. A copy of the hourly rates is available upon request.
- Estimated annual contract expenditures are \$400,000.
- A waiver of procurement process was obtained from the City Manager's Office as there are no other vendors within our local service area that provide the comprehensive service portfolio required by the City, including both diagnostics and warranty repairs.

Charlotte Business INclusion

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

Fiscal Note

Funding: Fleet Management Operating Budget

36. Meeting Minutes

Action:

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

- **November 23, 2015, Citizens Forum/Business Meeting**
- **December 7, 2015, Swearing In Ceremony**

Staff Resource(s):

Stephanie Kelly, City Clerk

PROPERTY TRANSACTIONS

37. In Rem Remedy: 2128 B 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.
- 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 Department
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: 2128 B Avenue

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2128 B Avenue (Neighborhood Profile Area 139).

Attachment

Ordinance Packet

[In Rem Remedy 2128 B Av .pdf](#)

38. In Rem Remedy: 3801/3803 Rosehaven Drive

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

Public Purpose:

- Eliminate a blighting influence.
- Reduce the proportion of substandard housing.
- Increase tax value of property by making land available for potential infill housing development.
- 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 Department
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: 3801/3803 Rosehaven Drive

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3801/3803 Rosehaven Drive (Neighborhood Profile Area 164).

Attachment

Ordinance Packet

[In Rem Remedy 3801 3803 Rosehaven Dr.pdf](#)

39. In Rem Remedy: 3805/3807 Rosehaven Drive

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

Public Purpose:

- Eliminate a blighting influence.
- Reduce the proportion of substandard housing.
- Increase tax value of property by making land available for potential infill housing development.
- 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 Department
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: 3805/3807 Rosehaven Drive

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3805/3807 Rosehaven Drive (Neighborhood Profile Area 164).

Attachment

Ordinance Packet

[In Rem Remedy 3805 3807 Rosehaven Dr.pdf](#)

40. In Rem Remedy: 3931 Tresevant 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.
- 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 Department
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: 3931 Tresevant Avenue

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3931 Tresevant Avenue (Neighborhood Profile Area 6).

Attachment

Ordinance Packet

[In Rem Remedy 3931 Tresevant Av.pdf](#)

41. In Rem Remedy: 4208-A Dinglewood 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.
- 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 Department
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: 4208-A Dinglewood Avenue

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4208-A Dinglewood Avenue (Neighborhood Profile Area 344).

Attachment

Ordinance Packet

[In Rem Remedy 4208-A Dinglewood Av.pdf](#)

42. In Rem Remedy: 4208-B Dinglewood 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.
- 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 Department
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: 4208-B Dinglewood Avenue

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4208-B Dinglewood Avenue (Neighborhood Profile Area 344).

Attachment

Ordinance Packet

[In Rem Remedy 4208-B Dinglewood Av.pdf](#)

43. Aviation Property Transaction - 9517 Dorcas Lane

Action: Approve the following property Acquisition.

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

Project: Aviation Master Plan

Owner(s): George Chapman and Kimberly

Property Address: 9517 Dorcas Lane

Total Parcel Area: 1.76 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: Single-family Home

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 141-261-66

Purchase Price: \$225,000

Council District: N/A

44. Property Transactions - Arlington Church 8' Sanitary Sewer 12' Water Main Combination, Parcel #1

Action: Approve the following Condemnation: Arlington Church 8' Sanitary Sewer 12' Water Main Combination, Parcel #1

Project: Arlington Church 8' Sanitary Sewer 12' Water Main Combination, Parcel #1

Owner(s): Belle Glade Holdings, LLC

Property Address: 10304 Arlington Church Road

Total Parcel Area: 1,910,241 sq. ft. (43.853 acres)

Property to be acquired by Easements: 17,032 sq. ft. (.391 ac.) in Waterline Easement, plus 5,677 sq. ft. (.13 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R

Tax Code: 139-313-20

Appraised Value: \$12,825

Property Owner's Counteroffer: \$15,800

Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation for clear title to acquire necessary property rights.

Council District: N/A (Mint Hill)

45. Property Transactions - Arlington Church 8' Sanitary Sewer 12' Water Main Combination, Parcel #6

Action: Approve the following Condemnation: Arlington Church 8' Sanitary Sewer 12' Water Main Combination, Parcel #6

Project: Arlington Church 8' Sanitary Sewer 12' Water Main Combination, Parcel #6

Owner(s): Kathy T. Hucks and Robert T. Hucks

Property Address: 10223 Arlington Church Road

Total Parcel Area: 37,371 sq. ft. (.858 ac.)

Property to be acquired by Easements: 1,212 sq. ft. (.028 ac.) in Sanitary Sewer Easement, plus 2,231 sq. ft. (.051 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R

Use: Single-family Residential - Rural Acreage

Tax Code: 139-101-22

Appraised Value: \$4,375

Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation for clear title to acquire necessary property rights.

Council District: N/A (Mint Hill)

46. Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #21

Action: Approve the following Condemnation: McKee Road and Providence Road Intersection Improvements, Parcel #21

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement and Federal Transit Administration reimbursement.

Project: McKee Road and Providence Road Intersection Improvements, Parcel #21

Owner(s): Car Providence Commons Two, LLC

Property Address: Providence Road

Total Parcel Area: 7,294 sq. ft. (.167 ac.)

Property to be acquired by Easements: 504 sq. ft. (.012 ac.) in Sidewalk and Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-1S (CD)

Use: Commercial

Tax Code: 225-112-98

Appraised Value: \$750

Property Owner's Concerns: The property owner was concerned that the location of the utility pole on the adjacent parcel would obstruct the view of the sign.

City's Response to Property Owner's Concerns: Staff was able to move the proposed utility pole to a different location. The property owner has no other concerns with the project and has sent all acquisition documents to their legal department for review.

Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation for clear title to acquire necessary property rights.

Council District: 7

47. Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #25

Action: Approve the following Condemnation: McKee Road and Providence Road Intersection Improvements, Parcel #25

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement and Federal Transit Administration reimbursement.

Project: McKee Road and Providence Road Intersection Improvements, Parcel #25

Owner(s): Car Providence Commons, LLC

Property Address: 10618 Providence Road

Total Parcel Area: 386,904 sq. ft. (8.882 acres)

Property to be acquired by Easements: 3,506 sq. ft. (.08 ac.) in Temporary Construction Easement, plus 2,213 sq. ft. (.051 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: CC

Use: Commercial

Tax Code: 225-112-30

Appraised Value: \$8,025

Property Owner's Concerns: The property owner was concerned that the location of the utility pole on the adjacent parcel would obstruct the view of the sign.

City's Response to Property Owner's Concerns: Staff was able to move the proposed utility pole to a different location. The property owner has no other concerns with the project and has sent all acquisition documents to their legal department for review.

Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation for clear title to acquire necessary property rights.

Council District: 7

48. Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #4

Action: Approve the following Acquisition: McKee Road and Providence Road Intersection Improvements, Parcel #4

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement and Federal Transit Administration reimbursement.

Project: McKee Road and Providence Road Intersection Improvements, Parcel #4

Owner(s): Duke Energy Carolinas, LLC

Property Address: 4911 McKee Road

Total Parcel Area: 273,557 sq. ft. (6.280 acres)

Property to be acquired by Fee: 23,270 sq. ft. (.534 ac.) in Fee Simple, plus 10,966 sq. ft. (.252 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 5,334 sq. ft. (.122 ac.) in Temporary Construction Easement, plus 13,372 sq. ft. (.307 ac.) in Utility Easement

Structures/Improvements to be impacted: Gate and fence

Landscaping to be impacted: None

Zoned: R-3

Tax Code: 231-045-02

Purchase Price: \$286,625

Council District: 7

49. Property Transactions - Sunset Road Sidewalk, Parcel #13

Action: Approve the following Acquisition: Sunset Road Sidewalk, Parcel #13

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement and Federal Transit Administration reimbursement.

Project: Sunset Road Sidewalk, Parcel #13

Owner(s): Bascom V. Belk, Jr. and Harriet C. Belk

Property Address: 5030 Sunset Road

Total Parcel Area: 54,764 sq. ft. (1.257 acres)

Property to be acquired by Easements: 2,654 sq. ft. (.061 ac.) in Sidewalk and Utility Easement, plus 2,053 sq. ft. (.047 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: CC

Use: Commercial

Tax Code: 041-242-12

Purchase Price: \$26,306

Council District: 2

50. Property Transactions - Cross Charlotte Trail Brandywine - Tyvola, Parcel #8

Action: Approve the following Acquisition: Cross Charlotte Trail Brandywine - Tyvola, Parcel #8

Project: Cross Charlotte Trail Brandywine - Tyvola, Parcel #8
Owner(s): Eric C. Rigsby and Danielle Rigsby
Property Address: 3938 Selwyn Avenue
Total Parcel Area: 16,200 sq. ft. (.372 ac.)
Property to be acquired by Fee: 16,200 sq. ft. (.372 ac.) in Fee Simple
Structures/Improvements to be impacted: Single-family residential dwelling
Landscaping to be impacted: None
Zoned: R-3
Use: Single-family Residential
Tax Code: 175-121-14
Purchase Price: \$520,000
Council District: 6

51. Property Transactions - Lyon Court Storm Drainage Improvement Project, Parcels #124 and 176

Action: Approve the following Condemnation: Lyon Court Storm Drainage Improvement project, Parcels #124 and 176

Project: Lyon Court Storm Drainage Improvement project, Parcels #124 and 176
Program: Flood Control
Owner(s): Lara E. Reeves
Property Address: 1559 Tippah Park Court
Total Parcel Area: 15,149 sq. ft. (.348 ac.)
Property to be acquired by Fee: 293 sq. ft. (.007 ac.) in Fee Simple within Existing Right-of-Way
Property to be acquired by Easements: 9,423 sq. ft. (.216 ac.) in Storm Drainage Easement, plus 1,575 sq. ft. (.036 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: Foot bridge
Landscaping to be impacted: Trees and various plantings
Zoned: R-22MF
Use: Single-family Residential
Tax Code: 095-072-04, 095-072-08
Appraised Value: \$74,327
Property Owner's Counteroffer: \$155,000
Property Owner's Concerns: Property owner is concerned with the compensation amount and the impacts to the existing shed and fence.
City's Response to Property Owner's Concerns: Staff informed the property owner they could obtain their own appraisal for review, which they did. Both appraisals were sent for an independent dual review, which supported the City's original appraised amount. The plans were revised to avoid impact to the fence and shed.
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

52. Property Transactions - Lyon Court Storm Drainage Improvement Project, Parcel #125

Action: Approve the following Condemnation: Lyon Court Storm Drainage Improvement project, Parcel #125

Project: Lyon Court Storm Drainage Improvement project, Parcel #125

Program: Flood Control

Owner(s): Ralph R. McMillan and Sally H. McMillan

Property Address: 2108 Randall Street

Total Parcel Area: 10,675 sq. ft. (.245 ac.)

Property to be acquired by Easements: 3,634 sq. ft. (.083 ac.) in Storm Drainage Easement, plus 1,443 sq. ft. (.033 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Trees and various plantings

Use: Single-family Residential

Tax Code: 095-072-01

Appraised Value: \$23,027

Property Owner's Counteroffer: \$60,000

Property Owner's Concerns: The property owner is concerned with the compensation amount and how the project may impact the future development of the property.

City's Response to Property Owner's Concerns: Staff informed the property owner they could provide their own appraisal for review. Staff directed the property owners to the appropriate representatives from Zoning and Mecklenburg County Storm Water to provide them with current regulations for redevelopment.

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

53. Property Transactions - Lyon Court Storm Drainage Improvement Project, Parcel #126

Action: Approve the following Condemnation: Lyon Court Storm Drainage Improvement project, Parcel #126

Project: Lyon Court Storm Drainage Improvement project, Parcel #126

Program: Flood Control

Owner(s): Carl B. Leonard

Property Address: 1526 Landis Avenue

Total Parcel Area: 11,326 sq. ft. (.260 ac.)

Property to be acquired by Fee: 547 sq. ft. (.013 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 3,555 sq. ft. (.082 ac.) in Storm Drainage Easement, plus 2,433 sq. ft. (.056 ac.) in Temporary Construction Easement, plus 16 sq. ft. (ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Use: Single-family Residential

Tax Code: 095-072-02

Appraised Value: \$23,506

Property Owner's Counteroffer: \$60,000

Property Owner's Concerns: The property owner is concerned with the compensation amount and how the project may impact the future development of the property.

City's Response to Property Owner's Concerns: Staff informed the property owner they could provide their own appraisal for review. Staff directed the property owners to the appropriate representatives from Zoning and Mecklenburg County Storm Water to provide him with current regulations for redevelopment.

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

REFERENCES

54. 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.

55. Reference - Property Transaction Process

Property Transaction Process Following 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.

56. 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.