

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, May 8, 2017**

**Council Chambers**

### **City Council Business Meeting**

*Mayor Jennifer W. Roberts  
Mayor Pro Tem Vi Lyles  
Council Member Dimple Ajmera  
Council Member Al Austin  
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*

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

### **1. Agenda Overview**

**Staff Resource(s):**

Marcus Jones, City Manager

### **2. Mayor and Council Consent Item Questions**

**Staff Resource(s):**

Debra Campbell, 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.

### **3. Extraordinary Events Ordinance**

**Staff Resource(s):**

Bob Hagemann, City Attorney's Office

Kerr Putney, Police

**Time:** 30 minutes

**Explanation**

- At the Dinner Briefing on February 13, 2017, City Council reviewed the Extraordinary Events ordinance, including its origin, substance, and usage.
- Based on feedback from the City Council, an ordinance has been drafted that would repeal the current Extraordinary Events ordinance and amend the Picketing and Public Assembly ordinances to prohibit a list of items that can be used as weapons in large event settings.

**Future Action**

Unless City Council directs otherwise, the proposed ordinance will be on the Council's May 22, 2017 agenda for action.

**Attachment(s)**

Proposed Ordinance

[EE Repeal and Chapter 19 Amendments](#)

[Extraordinary Events Presentation](#)

#### **4. Answers to Mayor and Council Consent Item Questions**

**Staff Resource(s):**

Debra Campbell, City Manager's Office

**Time:** 10 minutes

**Synopsis**

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

#### **5. Closed Session**

**Action:**

**Adopt a motion pursuant to North Carolina General Statute 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.**

***Call to Order***

***Roll Call***

***Introductions***

***Invocation***

***Pledge of Allegiance***

**6. Consent agenda items 14 through 37 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

## **5:30 P.M. PUBLIC HEARING**

## **7. Public Hearing on Proposed Fiscal Year 2018 Operating Budget and Fiscal Years 2018-2022 Community Investment Plan**

### **Action:**

**Receive public comment on the City Manager's Proposed Budget**

### **Committee Chair:**

Greg Phipps, Budget Committee

### **Staff Resource(s):**

Marcus Jones, City Manager's Office

Kim Eagle, City Manager's Office

### **Explanation**

- On May 1, 2017, the City Manager presented the Proposed Fiscal Year 2018 Operating Budget and Fiscal Years 2018-2022 Community Investment Plan. The May 1st recommendation represents the proposed City operating and capital budgets for next fiscal year, beginning on July 1, 2017.
- State law requires the City to hold a public hearing following presentation of the Manager's Recommended Budget (May 1, 2017) and prior to the City Council adoption of the budget (currently scheduled for June 12, 2017).

### **Fiscal Year 2018 Operating and Capital Recommended Budgets Summary**

- The City Manager's proposed Fiscal Year 2018 Operating Budget and Fiscal Years 2018-2022 Community Investment Plan were developed using the lens of meeting the goals of the City Council's letter to the community, the City Council's five Focus Areas, and the 10 Traits of Winning Cities. These priorities served as the foundational elements against which all FY 2018 budget decisions were measured.
- The proposed budget does not include a recommendation for a property tax increase. The FY 2018 Proposed Budget maintains the current FY2017 tax rate of 47.87 cents.
- The proposed budget for the City next year consists of three major components supported by general tax revenues:
  - A General Fund budget of \$668.5 million for Fiscal Year 2018, representing an increase of 5.3% above Fiscal Year 2017, to address the Mayor and Council's priorities and accommodate the resource needs of a dynamic, growing City;
  - A \$113.7 million Municipal Debt Service Fund, increasing 4.7% due to higher bond interest costs and debt issuance expense, supporting long-term capital investments as outlined in a revised General Community Investment Plan; and
  - A \$751.8 million General Community Investment Plan, decreasing 17.0% from the FY2017-2021 Community Investment Plan which invests in City of Charlotte infrastructure to meet the needs of a growing community
- Enterprise Funds' combined operating and capital budgets total \$1.34 billion in Fiscal Year 2018 (net of transfers), a 6.2% increase above the prior year, primarily due to growth in the Aviation capital program.
- City-wide total budget is \$2.39 billion in Fiscal Year 2018, a 2.5% decrease below the prior year, which addresses the infrastructure and service needs of a dynamic, growing community.

### **General Fund Budget Highlights**

- \$3.4 million to fund 91 positions in Police, including 62 sworn positions, 4 additional Airport Law Enforcement Officers, and 25 civilian positions to support the officers.
- \$0.9 million in Fire to fund Engine Company 65 to help address response time issues in the area surrounding Eastland Mall.
- 29 additional General Fund positions that are fully or partially funded by external funding sources,

such as the Community Investment Plan, user fees, and Enterprise Funds.

**Enterprise Funds Revenue Recommendations**

- Charlotte Water: Changes in Residential and Non-Residential Water and Sewer Administrative charge and availability fees. The total water and sewer bill for a typical residential customer would increase 2.84%, or \$1.73 per month.
- Storm Water: No changes to the current Storm Water rate and rate structure. The rate structure adjustment from two tiers to four tiers approved in FY2016 continues to support Storm Water Services' multi-year plan to reduce the backlog of service requests.
- Aviation: Only slight changes to select fees (for example, landing fees). Charlotte-Douglas International will remain the lowest cost, large hub airport in the United States.
- Charlotte Area Transit System: No increase to base fares. The Blue Line Extension is scheduled to implement revenue operations to UNC-Charlotte during FY2018. Ridership growth is projected to increase 24.4%.

**Recommended Employee Compensation and Benefits**

- 2.0% Public Safety market adjustment,
- 2.5% or 5.0% Public Safety step adjustment based on rank and current step,
- 3.0% Broadband merit budget (for all exempt/salaried general employees),
- 1.5% merit budget and 1.5% market adjustment for Non-exempt/hourly employees, and
- Increase minimum pay to \$31,200 (equivalent to \$15.00 per hour).

**Recommendations for Financial Partners & Outside Agencies**

- General Fund Financial Partners remain flat at their FY 2017 funding levels with the exception of the Charlotte Regional Partnership.
  - Charlotte Regional Partnership includes a recommended \$3,230 increase in FY 2018, which is based on a per capita funding formula that is used to determine City and County funding levels for the agency.
- Funding for Dedicated Revenue Financial Partners, including the Charlotte Regional Visitors Authority (CRVA) and the Municipal Service Districts is generally determined by revenue projections for the upcoming fiscal year.
  - FY 2018 revenue projections for the CRVA include an additional \$3 million to assist with destination marketing programs to attract new convention and tourism business to the City.
- Housing and Neighborhood Services' Housing and Community Development Partnerships remain flat with the exception of a recommended \$100,000 reduction to the Charlotte-Mecklenburg Housing Partnership.
- Housing and Neighborhood Services' Crisis Assistance agencies are recommended to remain flat at FY 2017 levels.
- FY 2018 represents the first year of the FY 2018 - FY 2019 bi-annual process for Out of School Time Financial Partners. The total annual out of School Time Partner funding of \$979,934 maximizes the eligible Community Development Block Grant allocation of \$815,007, with the remaining \$164,924 being funded by the Pay-As-You-Go (PAYGO) capital program.

**Recommended Fiscal Years 2018-2022 Community Investment Plan**

- The five-year total recommended Community Investment Plan is \$4.1 billion.
- The General Community Investment Plan totals \$751.8 million (debt-funded projects and PAYGO cash-funded projects) within the Fiscal Years 2018-2022 five-year planning period, including:
  - \$290.8 million in Street, Neighborhood, and Housing Bonds over two General Obligation bond referenda in November of 2018 and 2020 to support three, core quality of life elements of Livability, Getting Around, and Job Growth.
  - \$105.7 million in Certificates of Participation to construct public safety and other City operations facilities.
  - \$203.3 million in General PAYGO funding to support facilities maintenance and renovation, technology infrastructure, and other one-time capital needs



- \$152.0 million in Transit PAYGO funding to support CATS Maintenance of Effort and the CityLYNX Gold Line
- Enterprise Capital programs over five years:
  - CATS totals \$464.4 million, a 18.4% decrease
  - Aviation totals \$1.5 billion, a 5.0% decrease
  - Storm Water totals \$350.5 million, a 1.2% decrease
  - Water and Sewer totals \$944.0 million, a 44.1% increase

**Budget Process**

- On May 10, the City Council will meet to discuss and consider possible changes to the Manager's Proposed FY 2018 Budget. Proposed adjustments by the City Council that received five or more votes will move on to the May 24 Straw Votes meeting for consideration and final direction to the City Manager.
- Budget adoption is scheduled for June 12, 2016, at 7:00 p.m., during the City Council Business Meeting.
- State law requires local governments to adopt a budget by July 1 of each year.
- A complete copy of the proposed budget is available online at:  
<http://charlottenc.gov/budget/Pages/default.aspx>

**Attachment(s)**

City Manager's Transmittal Letter

Executive Summary for the Proposed FY 2018 Budget

Proposed FY 2018 Property Tax Rates

[CM message 5-1 FINAL with SIGNATURE](#)

[Proposed FY2018 Strategic Operating Plan Executive Summary](#)

[Proposed FY 2018 Property Tax Rates](#)

## **AWARDS AND RECOGNITIONS**

### **8. Small Business Month Proclamation**

**Action:**

Council member Mitchell will read a proclamation recognizing May 2017 as Small Business month.

### **9. Mecklenburg Declaration of Independence Week**

**Action:**

Council member Smith will read a proclamation recognizing May 14 - 20, 2017, as Mecklenburg Declaration of Independence Week.

## **POLICY**

### **10. City Manager's Report**

## 11. Fiscal Year 2018 Annual Action Plan for Housing and Community Development

**Action:**

**Approve the Housing and Neighborhood Development Committee's recommendation to accept the Fiscal Year 2018 Annual Action Plan for Housing and Community Development.**

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

Warren Wooten, Housing and Neighborhood Services

**Policy**

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of an Annual Action Plan to receive federal funding for housing and community development activities.
- The FY18 Annual Action Plan for Housing and Community Development (Plan) is the City's strategy for the use of federal funds in providing housing and community development activities.
- The Plan, which follows the federal fiscal year (October 1 - September 30), supports the City's housing policy to preserve existing housing, expand the supply of low and moderate-income housing, and support family self-sufficiency.

**Explanation**

- The Plan includes housing and community development needs and resources for the City and Regional Housing Consortium.
- The Regional Housing Consortium is a partnership among the City, Mecklenburg County and the towns of Cornelius, Pineville, Matthews, Mint Hill, Huntersville, and Davidson.
- In FY 2018, the City expects to receive a total of \$10,283,239 in federal funding allocations:
  - Community Development Block Grant (CDBG): \$5,351,235
  - HOME Investment and Partnerships (HOME): \$2,299,536
  - Emergency Solution Grants: \$466,608
  - Housing Opportunity for Persons with AIDS (HOPWA): \$2,165,860
- These estimated allocations are based on FY 2017 levels.
- The final budget is expected to be determined in the next 60 to 90 days.

**Community Input**

- Public forums were convened on February 14 and February 21, 2017, to receive input for the Plan's development.
- A copy of the draft Plan was placed in Charlotte Housing Authority's main office, Old City Hall, and several libraries throughout the City.

**Council Input**

- On March 8, 2017, the Housing and Neighborhood Development Committee was briefed on the Plan and voted unanimously (Mayfield, Ajmera, Driggs and Kinsey voted yes; Austin was not present) to proceed to public hearing.
- On April 24, 2017, the City Council held a public hearing for this item.

**Next Steps**

- The Plan is scheduled for adoption on May 8, 2017, and will be submitted to HUD on or before May 15, 2017.

**Fiscal Note**

Funding: HUD

**Attachment(s)**

FY 2018 Annual Action Plan Presentation

[FY18 Annual Action Plan 5-8-17](#)

## **BUSINESS**

## 12. Nominations to Business Advisory Committee

### **Action:**

**Nominate citizens to serve as specified.**

### **Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

### **Explanation**

- One recommendation by the Carolinas Asian American Chamber of Commerce for a full term beginning April 29, 2017 and ending April 28, 2020.
  - Nimish Bhatt has served two full terms; he is not eligible for reappointment.
  - The Carolinas Asian American Chamber of Commerce has recommended Parth Gandhi.
  - The letter of recommendation is included with the application.
- One recommendation by the Black Chamber of Commerce for a full term beginning April 29, 2017 and ending April 28, 2020.
  - Lester Selby is eligible and interested in being reappointed.
  - The Black Chamber of Commerce has recommended Shante Williams.
  - The letter of recommendation is included with the application.
- One recommendation by the Charlotte Chamber of Commerce for a partial term beginning immediately and ending April 30, 2019.
  - Hilary Greenberg has resigned.
  - The Chamber of Commerce has recommended Tonia Woodbury.
  - The letter of recommendation is included with the application.
- One recommendation by the Hispanic Contractors Association for a partial term beginning immediately and ending April 28, 2017, then followed by a full three-year term until April 28, 2020.
  - Milagritos Aguilar did not meet attendance requirements.
  - No recommendation has been provided.
- One recommendation by the Metrolina Minority Contractors Association for a full term beginning April 18, 2017 and ending April 17, 2020.
  - Edward Roper did not meet attendance requirements for reappointment.
  - The Metrolina Minority Contractors Association has recommended William Abram.
  - The letter of recommendation is included with the application.
- One recommendation by the Native American Association for a full term beginning April 29, 2017 and ending April 28, 2020.
  - Walter Baucom III has served two full terms; he is not eligible for reappointment.
  - The Native American Association has recommended Rebecca Laclaire.
  - The letter of recommendation is included with the application.
- One recommendation by the National Association of Women Business Owners for a full term beginning April 29, 2017 and ending April 28, 2020.
  - Julie Ayers is eligible, but not interested in reappointment.
  - The National Association of Women Business Owners has recommended Michelle Smith.
  - The letter of recommendation is included with the application.
- One appointment for a partial term beginning immediately and ending April 28, 2017, and then continuing for a full three-year term until April 28, 2020.
  - Amanda Brown did not meet attendance requirements.

- One appointment for a partial term beginning immediately and ending April 30, 2019.
  - Sophia Matthews resigned.
- One appointment for a partial term beginning immediately and ending April 28, 2018.
  - Matthew DeBoer has declined appointment.

**Attachment(s)**

Business Advisory Committee Applicants

### **13. Mayor and City Council Topics**

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



## CONSENT

### 14. Racial Equity Institute Contract

**Action:**

- A. Approve a contract with Racial Equity Institute to offer the racial equity workshops for the initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.**

**Staff Resource(s):**

Kerr Putney, Police  
Diego Anselmo, Police  
Fran Cook, Police

**Explanation**

- This initiative aligns with City Council's Letter to the Community.
- The Charlotte-Mecklenburg Police Department (CMPD) has partnered with Race Matters for Juvenile Justice (RMJJ) since 2010, serving on RMJJ's Leadership Team and participating in the Racial Equity Workshop (formerly called Dismantling Racism).
  - RMJJ's mission is to build a collaboration of community stakeholders who will bring their constituencies to the table and partner in the court's effort to reduce disproportionality and disparities.
- RMJJ partners with the Race Equity Institute (REI) to facilitate Racial Equity Workshops within the community.
- Under this contract, REI will reserve seven seats in each workshop to be designated by CMPD as follows:
  - Five sworn CMPD officers,
  - One non-sworn CMPD employee, and
  - One community leader selected by CMPD.
- Because of the longstanding partnership with RMJJ, a solicitation waiver is recommended to continue this work with REI.
- Annual expenditures under this contract are estimated to be \$55,300.

**Fiscal Note**

Funding: Police Operating Budget and Police Asset Forfeiture Funds

## 15. MPH Industries Dual Antenna Radar Packages

### **Action:**

- A. Approve the purchase of dual antenna radar packages authorized by the sole source exemption of G.S. 143-129 (e)(6),**
- B. Approve a contract with MPH Industries for the purchase of dual antenna radar packages for the initial term of one year, and**
- C. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.**

### **Staff Resource(s):**

Kerr Putney, Police

Jeff Estes, Police

David Sloan, Police

### **Sole Source Exemption**

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

### **Explanation**

- Dual antenna radar units are used in police vehicles to help enforce speed limit laws while the officer is driving or parked.
- On June 1, 2017, due to changes in state standards, the state of North Carolina will no longer approve the use of the Python II radar units that the Charlotte-Mecklenburg Police Department (CMPD) currently uses.
- CMPD has over 100 Python II radar units that need to be replaced by May 31, 2017.
- CMPD has evaluated various radar units in the last few years and determined that BEE III Ka-Band dual antenna radar packages best meets the State's requirement and CMPD's needs in terms of cost, size, ease of use, and feasibility.
- CMPD currently has more than 40 BEE III radar units in use and the majority of CMPD's patrol officers are already trained on using this equipment.
- The company will be paid \$1,899 per package, which includes the BEE III Ka-Band dual antenna radar unit, accessories, and three-year limited factory warranty.
- Annual expenditures under the contract are estimated to be \$153,000, of which \$141,000 will be funded by Police Asset Forfeiture funds and \$12,000 by the North Carolina Highway Governor's Safety Grant.
- Law enforcement agencies may use asset forfeiture funds for purposes, such as law enforcement operations and investigations, law enforcement training and education, or law enforcement equipment.

### **Charlotte Business INclusion**

This is a sole source contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Police Asset Forfeiture Funds (\$141,000) and North Carolina Governor's Highway Safety Program Grant (\$12,000)



## 16. Bridge Structure Repairs

**Action:**

**Award a contract in the amount of \$1,509,196.75 to the lowest responsive bidder Lee Construction Company of the Carolinas, Inc. for the Fiscal Year 2017 Bridge Structure Repairs project.**

**Staff Resource(s):**

Danny Pleasant, Transportation

Gus Jordi, Transportation

**Explanation**

- The Federal Highway Administration mandates that bridges and culverts be inspected every two years for structural adequacy, safety, and functionality.
- The City is responsible for the inspection and maintenance of 213 bridges within Charlotte's city limits.
- This contract provides for routine construction and maintenance work to 46 bridges identified in the inspection process.
- Work includes but is not limited to:
  - Superstructure replacement,
  - Concrete pavement repairs,
  - Asphalt surface sealing, repair, or replacement,
  - Brush and tree control,
  - Debris removal,
  - Soil and erosion repairs,
  - Barrier rail, hand railing installation and repairs,
  - Retaining wall repairs and replacement,
  - Culvert repairs,
  - Removal, containment and disposal of the existing materials,
  - Traffic control, and
  - Erosion and sediment control.
- On March 6, 2017, the City issued an Invitation to Bid for the Bridge Structure Repairs FY 2017 project; two bids were received from interested service providers. Since a minimum of three bidders are required to open per North Carolina General Statute, the project was re-advertised on April 4, 2017; two bids were received from interested service providers. During the re-advertisement, the contract may be awarded to the lowest responsible bidder even if only one bid is received from an interested service provider.
- Lee Construction Company of the Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- Bridge repair funding is provided through the 2016 Bond Referendum and included in the Community Investment Plan.

**Charlotte Business INclusion**

Established SBE Goal: 15.00%

Committed SBE Goal: 20.03%

Lee Construction Company of the Carolinas, Inc., exceeded the established SBE subcontracting goal, and has committed 20.03% (\$302,279.15) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Oliver Paving Company (SBE, WBE) (paving) (\$226,709.17)
- Jones Grading & Fencing (SBE, MBE) (hauling, stone, and pipe) (\$75,569.98)

Established MBE Goal: 5.00%

Committed MBE Goal: 5.01%

Lee Construction Company of the Carolinas, Inc., met the established subcontracting goal, and has

committed 5.01% (\$75,569.98) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INClusion Policy):

- Jones Grading & Fencing (SBE, MBE) (hauling, stone, and pipe) (\$75,569.98)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

List of Bridges

[List of Bridges for Repairs](#)

## 17. Bridge Painting Services

**Action:**

**Award a contract in the amount of \$1,154,710.26 to the lowest responsive bidder Astron General Contracting Company, Inc. for the Fiscal Year 2017 Bridge Painting Services project.**

**Staff Resource(s):**

Danny Pleasant, Transportation

Gus Jordi, Transportation

**Explanation**

- The Federal Highway Administration mandates that bridges and culverts be inspected every two years for structural adequacy, safety and functionality.
- The City is responsible for the inspection and maintenance of 213 bridges within Charlotte's city limits.
- The paint service contract provides for routine maintenance work to 17 bridges identified in the inspection process.
- Painting maintenance protects and preserves the steel components of the structure.
- Work includes, but is not limited to:
  - Removal, containment and disposal of the existing paint,
  - Surface preparation,
  - Painting,
  - Traffic control, and
  - Pollution control.
- On March 7, 2017, the City issued an Invitation to Bid for Bridge Painting Services Fiscal Year 2017 project; two bids were received from interested service providers. Since a minimum of three bidders are required to open per North Carolina General Statute, the project was re-advertised on April 4, 2017; two bids were received from interested service providers. During the re-advertisement, the contract may be awarded to the lowest responsible bidder even if only one bid is received from an interested service provider.
- Astron General Contracting Company, Inc. was selected as the lowest responsive, responsible bidder.
- Bridge repair funding is provided through the 2016 Bond Referendum and it is included in the General Community Investment Plan.

**Charlotte Business INclusion**

Established SBE Goal: 14.00%

Committed SBE Goal: 14.03%

Astron General Contracting Company, Inc., met the established SBE subcontracting goal, and has committed 14.03% (\$162,000) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- GDC Supplies, Equipment & Contracting LLC (SBE, MBE) (\$65,000) (Traffic Control Service)
- Access Services, Inc. (SBE, MBE) (temp agency) (\$52,000)
- Oliver Paving Company (SBE, WBE) (milling/paving) (\$45,000)

Established MBE Goal: 6.00%

Committed MBE Goal: 10.13%

Astron General Contracting Company, Inc., exceeded the established subcontracting goal, and has committed 10.13% (\$117,000) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- GDC Supplies, Equipment & Contracting LLC (SBE, MBE) (\$65,000) (Traffic Control Service)
- Access Services, Inc. (SBE, MBE) (temp agency) (\$52,000)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

List of Bridges

[List of Bridges for Bridge Painting FY2017](#)

## **18. Traffic Signal Work Associated with the Independence Boulevard Widening Project**

**Action:**

**Adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with the North Carolina Department of Transportation for performing traffic signal work associated with the Independence Boulevard Widening project.**

**Staff Resource(s):**

Danny Pleasant, Transportation

Charles Abel, Transportation

**Explanation**

- The North Carolina Department of Transportation (NCDOT) has authorized the City to perform all traffic signal work for the installation of a new traffic signal at the intersection of Independence Boulevard and Sharon Forest Drive associated with the Independence Boulevard widening project.
- The signal is being installed to eliminate a recurring crash pattern for left turning vehicles from Independence Boulevard onto Sharon Forest Drive, and to serve the increased U-turns at this intersection after multiple median closures along Independence Boulevard.
- This signal will serve left turning vehicles in both directions as well as pedestrians crossing Independence Boulevard.
- The need for a signal at this intersection was identified after the original municipal agreement was approved.
- A Supplemental Agreement with NCDOT is needed in order for the City to be fully reimbursed for the work it performs.
- On April 8, 2013, a Municipal Agreement for traffic signal work associated with the widening of Independence Boulevard in an amount up to \$472,000 was approved by City Council.
- This Supplemental Agreement is for reimbursement of up to \$148,800 for a maximum reimbursement of \$620,800.
- The format and cost sharing philosophy is consistent with past Municipal Agreements

**Fiscal Note**

Funding: Reimbursement by North Carolina Department of Transportation

**Attachment(s)**

Map

Budget Ordinance

Resolution

[Independence Traffic Signal Improvements 042417](#)

[CDOT ord 5-8-17 NCDOT Contribution](#)

[Resolution for Independence Blvd U209 supplemental agreement 20170403](#)

## 19. Back Creek Church Road Farm-To-Market Road Project

**Action:**

**Award a contract in the amount of \$2,086,981.58 to the lowest responsive bidder B & N Grading, Inc. for the Back Creek Church Road Farm-To-Market Road project.**

**Staff Resource(s):**

Jennifer Smith, Engineering and Property Management

Imad Fakhreddin, Engineering and Property Management

**Explanation**

- The Back Creek Church Road Farm-to-Market project will upgrade Back Creek Church Road, from Rocky River Road to Scott Creek Drive, to improve safety, reduce congestion, support existing and proposed land uses, and provide accommodations for pedestrians and bicyclists.
- Three public involvement meetings were held during the planning and design phase; recommendations from area residents and property owners were incorporated into the project plans.
- The project includes:
  - Construction of a concrete multi-use path for pedestrians and bicyclists on the west side and a sidewalk on the east side of Back Creek Church Road,
  - Left turn lanes on Back Creek Church Road at Rocky River Road and at Scott Creek Drive,
  - A new storm drainage system along the entire project from Rocky River Road to Scott Creek Drive, and
  - Sanitary sewer extension.
- Landscaping and street lights will be installed after construction is complete.
- On February 9, 2017, the City issued an Invitation to Bid; four bids were received from interested service providers.
- B & N Grading, Inc. was selected as the lowest responsive, responsible bidder.
- Project completion is anticipated by fourth quarter 2018.

**Charlotte Business INclusion**

Established SBE Goal: 19.00%

Committed SBE Goal: 24.00%

B & N Grading, Inc. exceeded the established SBE subcontracting goal, and has committed 24.00% (\$500,875.58) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc. (SBE) (\$275,000) (concrete)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$225,875.58) (hauling)

Established MBE Goal: 5.00%

Committed MBE Goal: 10.82%

B & N Grading, Inc. exceeded the established MBE subcontracting goal, and has committed 10.82% (\$225,875.58) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Streeter Trucking Company, Inc. (SBE, MBE) (\$225,875.58) (hauling)

B & N Grading, Inc. is a City SBE.

**Fiscal Note**

Funding: General Transportation Community Investment Plan

**Attachment(s)**

Map

[Location Map - Back Creek Church Road Farm-To-Market Road Project](#)



## 20. Private Developer Funds Appropriation

**Action:**

**Adopt a budget ordinance appropriating \$72,600 in private developer funds for signal modifications from Dilworth Ventures LLC and REO Funding Solutions III, LLC.**

**Staff Resource(s):**

Danny Pleasant, Transportation

Scott Putnam, Transportation

**Explanation**

- Dilworth Ventures LLC contributed \$12,300 for signal modifications and Pedestrian signals at the intersection of East Morehead and Kenilworth Avenue.
- REO Funding Solutions III, LLC contributed \$60,300 for signal modifications at the intersection of Wilkinson Boulevard and Sam Wilson Road.
- Payments made by the developers are in response to estimates of work prepared by the Charlotte Department of Transportation (CDOT) and supplied to the developers.
- The \$72,600 is restricted to traffic signals, upgrades, and related work associated with the developers' projects.
- Any funding contributed by developers for signal projects that is unused by the City will be refunded after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

**Fiscal Note**

Funding: Private Developer Contributions

**Attachment(s)**

Map

Budget Ordinance

[Traffic Signal Improvements 042117](#)

[CDOT ord 5-8-17 Developer Contributions](#)

## 21. Utility Closed Circuit Television Truck

### **Action:**

- A. Approve the purchase of a Closed Circuit Television truck from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3),**
- B. Approve a contract, in an amount not to exceed \$303,000, with Atlantic Machinery, Inc. for the purchase of one closed circuit television truck off the National Joint Powers Alliance Cooperative contract #022014-AMI.**

### **Staff Resource(s):**

Jennifer Smith, Engineering and Property Management

Stewart Edwards, Engineering and Property Management

### **Cooperative Purchasing Exemption**

NC S.L. 2001-328, effective January 1, 2002, authorizes competitive group purchasing.

### **Explanation**

- Storm Water Services staff will use this closed circuit television equipment to inspect storm drainage assets for potential failures, blockages, and pipe conditions.
- Atlantic Machinery, Inc. has a contract awarded through the National Joint Powers Alliance that offers competitively obtained contracts to public agencies nationwide.
- Cooperative purchasing contracts aggregate purchasing power at a regional or national level to provide goods to public agencies at best value.
- Progress on storm drainage repairs has been delayed due to the availability and responsiveness of pipe video inspection contractors. The purchase of this truck will allow City staff to perform this work so that projects are completed in a timely and efficient matter.
- Use of contractors is anticipated during peak periods and for routine inspections.

### **Charlotte Business INclusion**

These are cooperative purchasing contracts and are exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Storm Water Operating Budget

## 22. Outdoor Site Accessories Contracts

### **Action:**

- A. Approve unit price contracts with the following companies for Playground Equipment, Site Accessories, Outdoor Fitness Equipment and Related Products and Services for an initial term of five years:**
- Playcore Wisconsin, Inc., d/b/a Gametime
  - Kompan
- B. Authorize the City Manager to renew the contracts for up to two additional, two-year terms with possible price adjustments and to amend the contracts consistent with the City's business needs and the purpose for which the contract was approved.**

### **Staff Resource(s):**

Randy Harrington, Management and Financial Services

Teresa Smith, Management and Financial Services

### **Explanation**

- The City's primary use of these contracts will be for outdoor site accessories, such as benches, bicycle racks, litter receptacles, tables and shelters at various City facilities.
- On January 25, 2017, the City issued a Request for Proposals (RFP); the City received five proposals from interested service providers.
- The City is issuing this contract on behalf of U.S. Communities Government Purchasing Alliance, which selected the City of Charlotte as Lead Public Agency to solicit proposals for these goods and services on behalf of all states, local governments, school districts, and higher education institutions in the United States.
- The City of Charlotte will serve as the Lead Agency, which includes responsibility for the solicitation process, contract management, and consulting with participating public agencies regarding the contract. Serving as the Lead Agency does not include purchasing on behalf of other public agencies.
- Playcore Wisconsin, Inc. and Kompan best meet the needs of the City and participating public agencies in terms of products lines, warranties, background and experience, cost, responsiveness to RFP requirements and ability to provide products and services to public agencies in all 50 states.
- Annual expenditures under the total contract are estimated to be \$150,000.

### **Background**

- U.S. Communities Government Purchasing Alliance is sponsored by the National League of Cities, The National Association of Counties, the Association of School Business Officials International, the United States Conference of Mayors and the National Governors Associations.
- U.S. Communities is available to over 90,000 local governments and public agencies and reduces costs by combining the volumes and purchasing power of the public agencies nationwide.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Various Departments' Operating Budgets

## 23. American Airlines Storeroom Heating, Ventilation, and Air Conditioning System

**Action:**

- A. Award a contract in the amount of \$152,467 to the lowest responsive, responsible bidder Colonial Webb Contractors Company for the purchase and installation of a HVAC system, and
- B. Adopt a budget ordinance appropriating \$152,467 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

**Staff Resource(s):**

Brent Cagle, Aviation

**Explanation**

- This contract will provide for the purchase and installation of a new heating ventilation and air conditioning (HVAC) system for American Airline's store room.
- On March 31, 2017, the City issued an Invitation to Bid for American Airlines Storeroom HVAC system, two bids were received from interested service providers.
- Colonial Webb Contractors Company was selected as the lowest responsive, responsible bidder.

**Charlotte Business INclusion**

Established SBE Goal: 3.00%

Committed SBE Goal: 12.63%

Colonial Webb Contractors Company exceeded the established subcontracting goal, and has committed 12.63% (\$19,259) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- BLEW Inc. (SBE) (\$19,259) (electrical)

**Fiscal Note**

Funding: Aviation Community Investment Plan

**Attachment(s)**

Budget Ordinance

[Airport ORD050817 - American Airlines HVAC System](#)

## 24. Boiler System Preventative Maintenance and Repair Services

### **Action:**

- A. Approve a contract with Mitcham and Company for the preventative and corrective maintenance services for boiler systems at Charlotte Water Facilities for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two additional, one-year terms and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.**

### **Staff Resource(s):**

Barry Gullet, Charlotte Water

Jackie Jarrell, Charlotte Water

### **Explanation:**

- Charlotte Water uses boiler systems to provide process heat for the water treatment process. Regular preventative maintenance and repair services are required to ensure the safe and reliable operation of this equipment.
- On January 24, 2017, the City issued a Request for Proposal (RFP) for Boilers, Gas System and Gas Safety Preventative Maintenance and Repair Services. In response to the RFP, the City received three proposals from interested service providers.
- Mitcham and Company best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Estimated contract expenditures for the quarterly and annual preventative maintenance services are \$195,000 combined over the three-year term. In addition, there will be additional costs for repair services on a time and materials basis. These costs will be determined at the time of service.

### **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: Charlotte Water Operating Budget

## 25. Blower Preventative Maintenance and Repair Services

**Action:**

**Approve a contract with Gardner Denver Nash LLC for Blower Preventative Maintenance and Repair services for a term of three years.**

**Staff Resource(s):**

Barry Gullet, Charlotte Water

Ron Hargrove, Charlotte Water

**Explanation**

- To ensure effluent permit limits are met, Charlotte Water uses blowers to supply oxygen and support the biological treatment process at its wastewater treatment plans.
- The Charlotte Water Director approved a waiver of solicitation for this contract since Gardner Denver Nash LLC is the only authorized, certified, and trained vendor to service Gardner Denver Hoffman and Lamson blowers.
- Estimated contract expenditures are \$195,000 annually over the three-year term.

**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: Charlotte Water Operating Budget

## 26. Water Management Software

### **Action:**

- A. Approve a contract with Hach Company to provide software licensing and training services for the Water Information Management System application,**
- B. Authorize the City Manager to approve expenditures for the provision of implementation services and purchase maintenance and support for as long as the City uses the system, and**
- C. Authorize the City Manager to purchase such additional software licenses, and services consistent with the City's business needs and the purpose for which the contract was approved.**

### **Staff Resource(s):**

Barry Gullet, Charlotte Water  
David Czerr, Charlotte Water

### **Explanation**

- This project will expand the use of the Water Information Management System (WIMS) application for all of Charlotte Water's treatment plants.
- The WIMS software will allow Charlotte Water to create a comprehensive picture of its water and wastewater system. Specifically the software will allow staff to collect data, streamline reporting and user-defined alerts, and provide staff tools for complex charting, graphing, and mapping.
- Software licensing and training services are estimated at \$100,803 for the first two years.
- Maintenance and support services are estimated at \$8,901 per year.
- The Charlotte Water Director approved a waiver of solicitation because the software system will be used for all treatment plants.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

## 27. Electrical Power System Improvements and Generator Replacement Project

### **Action:**

**Approve a contract with Southeastern Consulting Engineers, Inc. to provide professional engineering services for:**

- **Lee S. Dukes Water Treatment Plant Generator project in the amount of \$521,098, and**
- **Mallard Creek Wastewater Treatment Plant Generator project in the amount of \$658,224.**

### **Staff Resource(s):**

Barry Gullet, Charlotte Water

Ron Hargrove, Charlotte Water

### **Explanation**

- The contract with Southeastern Consulting Engineers, Inc. will provide professional engineering services for the replacement of the existing generator systems, related equipment, and structures at the Lee S. Dukes water treatment plant and the Mallard Creek wastewater treatment plant.
- The current generators at the plants do not provide sufficient power for the pumps to run at their full capacities, which is essential to support current and future water demands.
- On December 16, 2016, the City issued a Request for Qualifications (RFQ) for Professional Engineering Services for Standby Generator Facilities. In response to the RFQ, the City received four proposals from interested professional service providers for the Standby Generator Facility at the Mallard Creek WWTP and three proposals from interested professional service providers for the Standby Generator Facility at the Lee S. Dukes WTP.
- Southeastern Consulting Engineers, Inc. is the best qualified firm to meet the City's needs for both projects on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Charlotte Water will bring forth a contract for construction administration services in fall 2018.

### **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). Southeastern Consulting Engineers, Inc., a City SBE, committed \$41,621 or 3.52% of the total contracts to the following certified firms:

#### **Lee S. Dukes Water Treatment Plant Contract**

- Capstone Civil Group, PA (MBE, SBE) (\$9,654) (geotechnical)
- Dunbar Geomatics Group, PLLC (SBE) (\$6,875) (surveying and underground locates)
- Maloney Engineering (SBE) (\$2,500) (mechanical engineering)

#### **Mallard Creek Wastewater Treatment Plant Contract**

- Dunbar Geomatics Group, PLLC (SBE) (\$10,455) (surveying and underground locates)
- Capstone Civil Group, PA (MBE, SBE) (\$9,637) (geotechnical)
- Maloney Engineering (SBE) (\$2,500) (mechanical engineering)

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

### **Attachment(s)**

Mallard Creek WWTP Map

Lee S. Dukes WTP Map



[Mallard Creek WWTP Map](#)

[Lee S. Dukes WTP Map](#)

## 28. Refund of Property and Business Privilege License Taxes

**Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$58,892.87.**

**Staff Resource(s):**

Randy Harrington, Management and Financial Services

Susan Walker, Management and Financial Services

**Explanation**

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

**Attachment(s)**

Taxpayers and Refunds Requested

Resolution Property Tax Refunds

[List of Taxpayers and Refunds Requested](#)

[Refund of Prop and Biz Priv License Taxes Resolution 5-8-17](#)

## 29. Meeting Minutes

**Action:**

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

- **April 10, 2017, Business Meeting**
- **April 12, 2017, Budget Workshop**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

### 30. In Rem Remedy: 1401 Choyce Avenue (Accessory Building)

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

**Public Purpose:**

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

**Policy:**

- Housing & Neighborhood Development and Community Safety

**The In Rem Remedy items were initiated from 3 categories:**

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

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

**Complaint: (1401 Choyce Avenue-Accessory Building)**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (1401 Choyce Avenue-Accessory Building) (Neighborhood Profile Area 54).**

**Attachment**

In Rem Packet for (1401-OB Choyce Avenue)

[In Rem Remedy 1401-OB Choyce Av.pdf](#)

### **31. In Rem Remedy: 1201 Fordham Road**

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

**Public Purpose:**

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

**Policy:**

- Housing & Neighborhood Development and Community Safety

**The In Rem Remedy items were initiated from 3 categories:**

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

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

**Public Safety: (1201 Fordham Road)**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (1201 Fordham Road) (Neighborhood Profile Area 317).**

**Attachment**

In Rem Packet for (1201 Fordham Road)

[In Rem Remedy 1201 Fordham Rd.pdf](#)

## 32. In Rem Remedy: 9413 Spruce Pine Place

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

**Public Purpose:**

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

**Policy:**

- Housing & Neighborhood Development and Community Safety

**The In Rem Remedy items were initiated from 3 categories:**

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

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

**Field Observation: (9413 Spruce Pine Place)**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (9413 Spruce Pine Place) (Neighborhood Profile Area 142).**

**Attachment**

In Rem Packet for (9413 Spruce Pine Place)

[In Rem Remedy 9413 Spruce Pine Pl.pdf](#)

### **33. In Rem Remedy: 3809 Tennessee Avenue**

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

**Public Purpose:**

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

**Policy:**

- Housing & Neighborhood Development and Community Safety

**The In Rem Remedy items were initiated from 3 categories:**

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

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

**Field Observation: (3809 Tennessee Avenue)**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (Tennessee Avenue) (Neighborhood Profile Area 141).**

**Attachment**

In Rem Packet for (3809 Tennessee Avenue)

[In Rem Remedy 3809 Tennessee Av.pdf](#)

### 34. Aviation Property Transactions -5100 Shopton Road

**Action:** Approve the following Property Acquisition.

**Project:** Airport Environmental Impact Statement Mitigation Land

**Owner(s):** Joe & Jean M. Furr

**Property Address:** 5100 Shopton Road

**Total Parcel Area:** .418 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:** 141-111-03

**Purchase Price:** \$150,000 and all relocation benefits in compliance with federal, state, or local regulations

**Council District:** N/A

### 35. Aviation Property Transaction - 5110 Shopton Road

**Action:** Approve the following Property Acquisition.

**Project:** Airport Environmental Impact Statement Mitigation Land

**Owner(s):** Sharon Furr and Sheldon L. Groner

**Property Address:** 5110 Shopton Road

**Total Parcel Area:** 2.36 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:** 141-111-25

**Purchase Price:** \$181,200 and all relocation benefits in compliance with federal, state, or local regulations

**Council District:** N/A

### 36. Aviation Property Transaction - 5120 Shopton Road

**Action:** Approve the following Property Acquisition.

**Project:** Airport Environmental Impact Statement Mitigation Land

**Owner(s):** Joe & Jean M. Furr

**Property Address:** 5120 Shopton Road

**Total Parcel Area:** .29 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:** 141-111-23

**Purchase Price:** \$146,400 and all relocation benefits in compliance with federal, state, or local regulations

**Council District:** N/A

## 37. Property Transactions - CityLYNX Gold Line Phase 2, Parcel #209

**Action:** Approve the following Property Acquisition: CityLYNX Gold Line Phase 2, Parcel #209

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 Transit Administration reimbursement.

**Project:** CityLYNX Gold Line Phase 2, Parcel #209

**Owner(s):** St. John's Baptist Church

**Property Address:** 300 Hawthorne Lane

**Total Parcel Area:** 153,347 sq. ft. (3.520 acres)

**Property to be acquired by Fee:** 980 sq. ft. (.022 ac.) in Fee Simple

**Property to be acquired by Easements:** 1,628 sq. ft. (.037 ac.) in Temporary Construction Easement, plus 350 sq. ft. (.008 ac.) in Utility Easement, plus 270 sq. ft. (.006 ac.) in easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** O-2

**Use:** Office

**Tax Code:** 127-037-01

**Purchase Price:** \$130,000

**Council District:** 1

## REFERENCES



## 38. 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.

## 39. Reference - Property Transaction Process

### Property Transaction Process Following City Council Approval for Condemnation

The following overview is intended to provide further explanation for the process of property transactions that are approved by City Council for condemnation.

Approximately six weeks of preparatory work is required before the condemnation lawsuit is filed. During this time, City staff continues to negotiate with the property owner in an effort to reach a mutual settlement.

- If a settlement is reached, the condemnation process is stopped, and the property transaction proceeds to a real estate closing.
- If a settlement cannot be reached, the condemnation lawsuit is filed. Even after filing, negotiations continue between the property owner and the City's legal representative. Filing of the condemnation documents allows:
  - The City to gain access and title to the subject property so the capital project can proceed on schedule.
  - The City to deposit the appraised value of the property in an escrow account with the Clerk of Court. These funds may be withdrawn by the property owner immediately upon filing, and at any time thereafter, with the understanding that additional funds transfer may be required at the time of final settlement or at the conclusion of litigation.
- If a condemnation lawsuit is filed, the final trial may not occur for 18 to 24 months; however, a vast majority of the cases settle prior to final trial. The City's condemnation attorney remains actively engaged with the property owner to continue negotiations throughout litigation.
  - North Carolina law requires that all condemnation cases go through formal non-binding mediation, at which an independent certified mediator attempts to facilitate a successful settlement. For the minority of cases that do not settle, the property owner has the right to a trial by judge or jury in order to determine the amount of compensation the property owner will receive.

## 40. 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.

***Adjournment***