

City of Charlotte

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



Meeting Agenda

Monday, June 26, 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*

DINNER BRIEFING**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. Community Safety Briefing**Committee Chair:**

Julie Eiselt, Community Safety

Staff Resource(s):

Ann Wall, City Manager's Office

Bob Hagemann, City Attorney

Stephanie Kelly, City Clerk

Kerr Putney, Police

Time: 45 minutes

Explanation

- The purpose of this presentation is to provide updates on several community safety-related initiatives that are currently underway.
- The presentation will include updates on efforts to revise the Extraordinary Events ordinance and proposed revisions to the Citizens Review Board.

Future Action

- On June 26, 2017, revisions to the Extraordinary Events ordinance that repeal the current ordinance and amend the Picketing and Public Assembly ordinances will be brought to the City Council for approval.
- On June 26, 2017, revisions to the Citizens Review Board ordinance will be brought to the City Council for approval.
- Additional information provided is for informational purposes only.

[20170626Extraordinary Events](#)

[20170626CRB Final Council Presentation](#)

4. Hospitality and Tourism Update

Staff Resource(s):

Debra Campbell, City Manager's Office
Randy Harrington, Management and Financial Services
Michael Marsicano, Foundation for the Carolinas
Ron Kimble, City Manager's Office

Time: 30 minutes

Explanation

- The purpose of this presentation is to discuss the role of hospitality and tourism investments in supporting jobs and economic growth.
- The presentation will include an overview of facility investments, community benefits, and funding sources.

Future Action

Referral to the Economic Development Committee for review and discussion.

[Tourism Taxes Overview FY17 9.0.0 6.26.17](#)

[Tourism Taxes Overview FY17 9.0.0 6.26.17](#)

5. Bojangles-Ovens Link Facility

Committee Chair:

James Mitchell, Economic Development

Staff Resource(s):

Debra Campbell, Assistant City Manager
Randy Harrington, Management and Financial Services
Mike Davis, Engineering and Property Management
Tom Murray, Charlotte Regional Visitors Authority

Time: 15 minutes

Explanation

- The purpose of the presentation is to update City Council on recommendation for the remaining \$18.5M in Bojangles/Ovens Area Redevelopment Community Investment Plan Funds.
- The proposed Bojangles Link connector facility will support additional operational and programming needs at the coliseum and the auditorium.
- The proposed facility will also benefit the Eastside community by improving the use of existing entertainment facilities and building strong public/private partnerships.
- On December 12, 2016, City Council received a Dinner Briefing presentation on the Bojangles Coliseum/Ovens Auditorium Area, which included the Bojangles-Ovens Link Facility.
- On May 11, 2017, the Economic Development Committee received a presentation on The LINK and the Committee voted unanimously (Mitchell, Eiselt, Ajmera, Driggs, and Mayfield) to support the project request.
- Staff will share with City Council the highlights of the proposed project and the next steps necessary to implement.

Future Action

City Council will be asked to approve a design contract for the Bojangles-Ovens Link Facility at the July 24, 2017 Business meeting.

6. 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.

BUSINESS MEETING

7. Public Forum

CALL TO ORDER

ROLL CALL

INTRODUCTIONS

INVOCATION

PLEDGE OF ALLEGIANCE

8. Consent agenda items 23 through 66 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.

9. District 2 Public Forum

Committee Chair:

Kenny Smith, Governance and Accountability

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- Council member Al Austin, representing District 2, has submitted his resignation effective July 16, 2017.
- Public Forum to receive comments from qualified applicants interested in filling the vacancy in City Council District 2.
- Each candidate will be allotted three minutes to make their respective comments.

Future Action

- Monday, July 24, 2017: Council appointment
 - Council will vote to appoint a qualified individual to fill the vacancy.
- Tuesday, July 25, 2017: Swearing-In
 - The person appointed to fill the vacancy will be sworn in by the Mayor or City Clerk.
- Monday, August 28, 2017: Formal Swearing-In Ceremony
 - A formal swearing-in ceremony will be held where the new Council member will join the full Council at the dais for the August 28 Business Meeting.

PUBLIC HEARING

10. Public Hearing on a Resolution to Close a Portion of Barnette Place

Action:

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

Staff Resource(s):

Danny Pleasant, Transportation
Jeff Boenisch, Transportation

Explanation

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

Petitioners

Novant Health

Right-of-Way to be Abandoned

The portion of Barnette Place is located off of E. 4th Street between Queens Road and S. Caswell Road.

Reason

The petitioner owns all of the abutting property and intends to reassemble this land in order to accommodate the expansion of Presbyterian Hospital's medical and parking facilities. The abandonment of this right-of-way along with the proposed expansion project is consistent with rezoning petition #2013-043, which was approved by City Council on June 17, 2013.

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 the petitioner.

Neighborhood/Business Association(s)

Elizabeth Community Association (ECA) - No objections

Private Utility Companies - No objections

City Departments

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

- Be contrary to the public interest;
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map

Resolution

[CityCouncilROWAbandonmentMap_2013-05](#)

[Resolution to Close a portion of Barnette Place](#)

11. Public Hearing on a Resolution to Close a Portion of Myrtle Avenue

Action:

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

Staff Resource(s):

Danny Pleasant, Transportation
Jeff Boenisch, Transportation

Explanation

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

Petitioners

Mrs. Judith Overstreet and Mr. Michael Overstreet

Right-of-Way to be Abandoned

The portion of Myrtle Avenue is located within the side yard of the property at 728 Lexington Avenue.

Reason

This abandonment will enable the petitioner to correct a historic building encroachment into the Myrtle Avenue right-of-way by taking a small portion of right-of-way and reverting it into real property. Furthermore, this abandonment will not negatively impact any existing street(s) or sidewalk(s).

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 the petitioner.

Neighborhood/Business Association(s)

Dilworth Community Association (DCA) - Supports

Private Utility Companies - No objections

City Departments

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

- Be contrary to the public interest;
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map

Resolution

[CityCouncilROWAbandonmentMap_2017-05](#)

[Resolution to Close a portion of Myrtle Avenue](#)

12. Public Hearing on a Resolution to Close a Portion of S. Poplar Street

Action:

- A. Conduct a public hearing to close a portion of S. Poplar Street, and**
- B. Adopt a resolution to close a portion of S. Poplar Street.**

Staff Resource(s):

Danny Pleasant, Transportation
Jeff Boenisch, Transportation

Explanation

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

Petitioners

GSLH Charlotte Realty Holdings, LLC - John W. Harris, III

Right-of-Way to be Abandoned

The portion S. Poplar Street is located off of W. Stonewall Street between S. Mint Street and S. Church Street, and is also part of the old Charlotte Observer site.

Reason

The petitioner owns all of the abutting property and intends to reassemble this land to include a portion of S. Poplar Street in order to create a more contiguous property for redevelopment.

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 the petitioner.

Neighborhood/Business Association(s) - N/A

Private Utility Companies - No objections

City Departments

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

- Be contrary to the public interest;
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map
Resolution

[CityCouncilROWAbandonmentMap_2016-12](#)

[Resolution to Close a portion of S. Poplar Street](#)

POLICY**13. City Manager's Report****14. Extraordinary Events Ordinance****Action:**

Adopt an Ordinance repealing Article XIV of Chapter 15 of the City Code, entitled "Extraordinary Events."

Committee Chair:

Julie Eiselt, Community Safety

Staff Resource(s):

Ann Wall, City Manager's Office

Bob Hagemann, City Attorney

Kerr Putney, Police

Current Ordinance

- On January 23, 2012, the City Council adopted the current Extraordinary Events Ordinance,
- The ordinance addressed large-scale special events of national or international significance and/or an event expected to attract a significant number of people.
- The ordinance provided the following:
 - The City Manager may fix the boundaries and time period for the event,
 - Prohibits the possession of certain items that are deemed to be potentially dangerous, and
 - Provides for the defense of any necessary prosecution.
- Since the adoption of the Extraordinary Events Ordinance, the City Manager has declared 41 extraordinary events.
- On January 6, 2017, City Attorney, Bob Hagemann and Police Chief, Kerr Putney hosted a community forum to review the potential ordinance repeal with Charlotte residents and other key stakeholders.

Proposed Changes

- City staff has been in the process of reviewing the Extraordinary Events Ordinance, including its use and impact since February 2017.
- After considerable review, City staff recommends the repeal of the Extraordinary Events Ordinance.
- The Charlotte-Mecklenburg Police Department will work with organizers of large events to develop and execute public safety plans for large events considering current threats and intelligence.

Attachment(s)

Ordinance Repealing Article XIV of Chapter 15 of the Charlotte City Code

Ordinance Repealing Article XIV of Chapter 15 of the Charlotte City Code

[Ordinance Repealing Article XIV of Chapter 15 of the Charlotte City Code.pdf](#)

15. Revisions to the Citizens Review Board

Action:

Approve the Community Safety Committee's recommendation to revise Citizens Review Board membership requirements by amending Section 16-56 of Chapter 16 of the City Code.

Committee Chair:

Julie Eiselt, Community Safety

Staff Resource(s):

Ann Wall, City Manager's Office
Stephanie Kelly, City Clerk's Office
Bob Hagemann, City Attorney

Current Ordinance

- The Charlotte City Council established the Citizens Review Board in 1997 to review appeals challenging The Charlotte-Mecklenburg Police Department's (CMPD) disciplinary decisions.
- The Board reviews appeals filed by citizens concerning CMPD disciplinary decisions in five types of cases:
 - 1. Unbecoming conduct by an officer;
 - 2. Improper use of force by an officer;
 - 3. Unauthorized arrest, search, seizure by an officer;
 - 4. The discharge of a firearm by an officer that results in death or injury; and
 - 5. Arbitrary profiling (added in 2015).
- The Citizens Review Board has eleven members; three appointed by the Mayor, five appointed by the City Council, and three appointed by the City Manager.
- In order to qualify to serve, a person must be a registered voter and citizen of Mecklenburg County, have no conviction or nolo contendere plea to a felony or Class A misdemeanor or Class 1 or 2 misdemeanor within 3 years of nomination, execute a Confidentiality Agreement, and complete the CMPD Citizens' Academy.
- At the February 13, 2017 Dinner Briefing, staff provided a presentation to City Council reviewing the Citizens Review Board membership requirements and making recommendations for improvements including:
 - Review appointment process and requirements to ensure a diverse board,
 - Provide initial and annual training to board members,
 - Prepare easy to understand information on Citizens Review Board process and translate the information into other languages,
 - Direct complainants to resources to assist with filing complaint and participate in hearings, and
 - Publish data on officer complaints and disposition.

Proposed Changes

- The recommended ordinance revisions provide for the following:
 - Expressing focus on maintaining diversity on the board,
 - Providing for interviews of prospective board members prior to appointment,
 - Prohibiting appointment of current and former city employees and family members of current and former CMPD employees, and
 - Adding a requirement for eight hours of training which may include a Police ride along.

Committee Discussion

- On April 6, 2017; May 4, 2017; May 18, 2017; and June 1, 2017 the Community Safety Committee received presentations on improvements to the Citizens Review Board including revisions to the ordinance as well as administrative changes to expand recruitment efforts, expand community understanding of the board and its process and provide data on board use. The Community Safety

Committee voted unanimously to recommend the adoption of the revised ordinance at their June 1, 2017 meeting.

Attachment(s)

Ordinance Amending Section 16-56 of Chapter 16 of the Charlotte City Code

[2017 Ordinance Amendments - Section 16-56](#)

BUSINESS**16. Appointment to the Charlotte International Cabinet****Action:**

Vote on blue ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term in the At-Large category beginning July 1, 2017, and ending June 30, 2020.
 - Momina Faridi, nominated by Council members Fallon, Lyles, and Phipps.
 - Johnell Holman, nominated by Council members Austin and Eiselt.
 - David Lynn, nominated by Council members Driggs and Smith.

Attachment(s)

Charlotte International Cabinet Applicants

17. Appointments to the Charlotte Regional Visitors Authority**Action:**

Vote on blue ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term in the At-Large category beginning immediately and ending June 30, 2018.
 - Peter Grills, nominated by Council members Ajmera, Driggs, Fallon, Lyles and Phipps.
 - Leo Percopo, nominated by Council members Austin, Eiselt, Lyles, Mayfield and Phipps.

Attachment(s)

Charlotte Regional Visitors Authority Applicants

18. Appointments to the Citizens' Transit Advisory Group**Action:**

Vote on blue 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 July 1, 2017, and ending June 30, 2020.
 - Rebecca Cherry, nominated by Council members Driggs, Kinsey and Smith.
 - Daniel MacRae, nominated by Council members Ajmera and Phipps.
 - Adam Pasiak, nominated by Council members Fallon and Lyles.
 - Billy Roosenberg, nominated by Council members Austin and Eiselt.

Attachment(s)

Citizens' Transit Advisory Group Applicants

19. Appointment to the Domestic Violence Advisory Board

Action:

Vote on blue ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning immediately and ending September 21, 2018.
 - Alexis Kondratyk, nominated by Council members Austin and Mayfield.
 - Antoinette Mingo, nominated Council members Ajmera, Eiselt, Fallon, Lyles, and Phipps.

Attachment(s)

Domestic Violence Advisory Board Applicants

20. Appointments to Keep Charlotte Beautiful

Action:

Vote on blue ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning immediately and ending June 30, 2019.
- One appointment for a partial term beginning immediately and ending June 30, 2018.
 - Brenda Adams, nominated by Council members Eiselt, Fallon, Lyles and Phipps.
 - William Babb, nominated by Council members Fallon and Lyles.
 - J. Michael Haithcock, nominated by Council members Ajmera and Kinsey.

Attachment(s)

Keep Charlotte Beautiful Applicants

21. Appointment to the Public Art Commission

Action:

Vote on blue 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 July 1, 2017, and ending June 30, 2020.
 - Steve Copulsky, nominated by Council members Fallon, Kinsey and Lyles.
 - Gaurav Gupte, nominated by Council members Ajmera, Austin, Driggs, Eiselt, Mayfield.

Attachment(s)

Public Art Commission Applicants

22. Mayor and City Council Topics

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

CONSENT

23. Workers' Compensation Administration Services

Action:

- A. Approve a contract with Sedgwick Claims Management Services, Inc. for workers' compensation claims administration 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):

Randy Harrington, Management and Financial Services

Dan Pliszka, Management and Financial Services

Explanation

- The Risk Management Division of Management and Financial Services currently processes Workers' Compensation claims for the City of Charlotte, Mecklenburg County, Charlotte-Mecklenburg Board of Education, Charlotte Regional Visitors Authority, and MEDIC. Business, technology, resourcing, and regulatory needs have necessitated a review of the current Workers' Compensation service approach.
- Following year-long review by staff and the Privatization and Competition Advisory Committee (PCAC), it is recommended that the processing of City Workers' Compensation claims be transferred to a third-party administrator for the following reasons:
 - Avoids the cost of risk management computer system upgrades;
 - Enhances regulatory compliance with Medicare and Medicaid;
 - Enhances regulatory compliance with the North Carolina Industrial Commission;
 - Streamlines service delivery; and
 - Moves the workers' compensation system to a nearly paperless model.
- On February 9, 2017, the PCAC unanimously recommended this service model change. Sedgwick Claims Management Services, Inc. will supervise, administer, manage, and provide Workers' Compensation claims handling and claims management services to the City of Charlotte.
- Charlotte is currently one of only two local governments in North Carolina that administers workers' compensation claims in-house.
- As the third party administrator, the vendor will act as the City's representative in all matters related to the administration of workers' compensation claims and provide services including, but not limited to:
 - Reviewing and investigating claims, claim file reporting and administrative support;
 - Coordinating and authorizing appropriate medical treatment;
 - Coordinating and investigating litigated claims; and
 - Representing the City at workers' compensation mediations and/or hearings.
- A waiver of procurement process was obtained from the City Manager's Office to waive a competitive solicitation and award a contract directly with the vendor.
 - The North Carolina Department of Public Instruction conducted a Request for Proposals process that resulted in selecting Sedgwick Claims Management Services, Inc. to handle their workers' compensation claims administration services.
- Annual estimated expenditures are approximately \$625,000. The contract cost will be offset by creating efficiencies to streamline redundant tasks and positions after implementation.
 - Risk Management will coordinate with Human Resources to mitigate the impact to employees to the extent possible.

Charlotte Business INclusion

The City will negotiate with Sedgwick for MWSBE participation to be included as a part of the operational activity of the services.

Sedgwick has identified MWSBE opportunities in the following scopes of work:

- Field Case Management
- Medical Services, Laboratory
- Surveillance
- Translation
- Transportation
- Vocational and Occupational Rehabilitation

Fiscal Note

Funding: Risk and Liability Insurance Fund

24. High-Intensity Drug Trafficking Area Grant

Action:

- A. **Authorize the City Manager to accept a grant in the amount of \$80,813 with the Office of National Drug Control Policy for a regional High-Intensity Drug Trafficking Area Piedmont Initiative for Mecklenburg County, Gaston County, and Town of Matthews,**
- B. **Authorize the City Manager to accept three, additional annual High-Intensity Drug Trafficking Area grants for the City of Charlotte (FY 2018, FY 2019, and FY 2020) in the total estimated amount of \$250,000, and**
- C. **Adopt a budget ordinance appropriating \$80,813 into the FY 2017 Public Safety Grant Fund from the Office of National Drug Control Policy.**

Staff Resource(s):

Kerr Putney, Police

Mike Adams, Police

Explanation

- The High-Intensity Drug Trafficking Area (HIDTA) program improves the effectiveness and efficiency of drug control efforts by facilitating joint initiatives between law enforcement agencies, enabling them to share resources and information.
- Each HIDTA is governed by its own executive board, comprised of eight federal members and eight state or local members. The executive board facilitates interagency drug control efforts.
- The Piedmont HIDTA initiative is comprised of task force officers from the four participating agencies and will focus on black tar heroin: Charlotte-Mecklenburg Police Department, Gastonia Police Department, Town of Matthews Police Department, and Drug Enforcement Administration (DEA) officers.
- The DEA chooses which towns participate as HIDTA Task Force officers.
- The HIDTA funds will cover the cost of equipment, supplies, undercover activities, and other related expenses.
- The City of Charlotte will serve as the fiduciary for the Piedmont HIDTA initiative.
- The City has been awarded HIDTA grants annually since FY 2010.
- No matching City funds are required for this grant.

Fiscal Note

Funding: HIDTA Grant

Attachment(s)

Budget Ordinance

[HIDTA Grant Ord 6-26-17](#)

25. New Police Officers Grant Application

Action:

Authorize Charlotte-Mecklenburg Police Department to submit a grant application to the U. S. Department of Justice for \$1,874,924 over three years to fund 15 new police officer positions.

Staff Resource(s):

Kerr Putney, Police

Coerte Voorhees, Police

Paul Paskoff, Police

Explanation

- The Community Oriented Policing Services (COPS) Hiring Program offers \$137 million to law enforcement agencies to hire and/or rehire law enforcement officers in an effort to increase community policing capacity and crime prevention efforts.
- The Charlotte-Mecklenburg Police Department (CMPD) requests authorization to submit a grant application to fund 15 new police officer positions, which is the maximum number allowed for agencies serving populations under 1,000,000.
- The officer positions would increase the capacity of CMPD to implement community policing strategies that strengthen partnerships for safer Charlotte neighborhoods and enhance CMPD's capacity to prevent, solve, and control crime through the funding of these additional 15 officers.
- The U.S. Department of Justice COPS Office will notify grant awardees by January 1, 2018.
 - If CMPD is awarded grant funding, CMPD will hire the 15 new police officers in FY 2019.
 - It takes CMPD approximately six months to manage the vetting process of police officer applicants for the identification and selection of 15 new police officers.
- The grant application deadline is July 10, 2017. If this grant is awarded to CMPD, Council will be asked to accept and appropriate funding.
- Per grant requirements, grant proceeds cannot be used to cover previously funded positions.
- Per the City Council grant policy, applications must be approved prior to submission.
- This initiative aligns with the Community Letter.

Grant Provisions

- The COPS grant will cover up to 75% of the entry-level salary and fringe benefits of each newly hired full-time sworn officer over the three-year award period, with a minimum 25% local cash match requirement and maximum federal share of \$125,000 per officer position.
- The City must also fund equipment and training for the new officers.
- The City must agree to retain all positions added as a result of the grant for a minimum of one year after the grant funding ends.
 - The retention period for each position is based upon the actual hire date.
- At the end of the grant period, the City's number of police officer allocations must remain at the increased level after the addition of the 15 new officers.

Funding

- The total cost for the new officers from Fiscal Year 2019 through Fiscal Year 2021 is estimated to be \$3,696,027
- The Federal share is \$1,874,924.
- In the grant period, the City share of personnel and operating costs will be approximately:
 - FY 2019: \$597,825
 - FY 2020: \$382,740
 - FY 2021: \$617,338
- In addition, the City will fund capital cost (vehicles) of \$223,200
- The grant expires after three years.
- Beginning FY 2022, ongoing annual total personnel and operating costs are estimated to be \$1,188,757 per year.

- The previous COPS Hiring Grant was in FY 2016 for 15 officers. The amount of the grant award was \$1,875,000.

Fiscal Note

Funding: COPS Grant and Police Operating Budget

26. Fire Rescue Service Apparatus

Action:

- A. Approve a unit price contract with Super Vacuum Manufacturing Company Inc. for the purchase of fire rescue trucks for a term of one year under the Houston-Galveston Area Council Buy contract FS12-15, and**
- B. Authorize the City Manager to extend the contract for additional one-year terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

Staff Resource(s):

Jon Hannan, Fire

Kevin Gordon, Fire

Cooperative Purchasing Exemption

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

Explanation

- The Charlotte Fire Department uses fire rescue trucks for a variety of emergencies such as vehicle pin-ins, water rescue, high angle rescue, trench emergencies, and building collapses. Each truck carries all needed equipment to respond to each unique call.
- Purchase two fire rescue trucks to replace the two 1999 model year trucks currently in use. The trucks currently in use will be used in reserve status.
- Super Vacuum Manufacturing Company Inc. has a cooperative contract awarded through the Houston-Galveston Area Council Buy that offers competitively-obtained contracts to public agencies nationwide to provide goods to public agencies at best value.
- The unit price for each rescue truck is \$886,703. Fire anticipates purchasing two rescue trucks and additional purchases will be subject to the availability of funding and need.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Capital Equipment Replacement Fund

27. Fire Station 16 Roof Replacement

Action:

Award a contract in the amount of \$228,788 to the lowest responsive bidder Tecta America Carolinas, LLC, for the Fire Station 16 Roof Replacement project.

Staff Resource(s):

Jon Hannan, Fire Department
Mike Davis, Engineering and Property Management
William Haas, Engineering and Property Management
Kevin Gordon, Fire Department

Explanation

- The existing roof will be removed and a new roof, gutters and downspouts will be installed at Fire Station 16, located at 6623 Park South Drive.
- The existing roof for Station 16 was installed in 1992 and had a 20 year warranty, and is leaking.
- On April 28, 2017, the City issued an Invitation to Bid; four bids were received from interested service providers.
- Tecta America Carolinas, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2017.

Charlotte Business INclusion

Construction contracts estimated to be less than \$300,000 are informal and are exempt from the goal setting process (Part A: Section 3.1 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Fire Station 16 Roof Replacement](#)

28. Aberdeen, Carolina, and Western Railway (ACWR) Track Realignment Funding

Action:

Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation in an amount not to exceed \$300,000 for preparation of an environmental document for the ACWR Track Realignment

Staff Resource(s):

Danny Pleasant, Transportation
Timothy Gibbs, Transportation

Explanation

- Funding for the environmental document will be provided from the City's Northeast Corridor Infrastructure (NECI) Program that is part of the FY 2014 Community Investment Plan.
- The track realignment project (also known as the North Yard Lead Realignment) was first identified in the Charlotte Railroad Improvement and Safety Program (CRISP) in 2010. CRISP identified a variety of rail projects on intercity rail corridors citywide.
- The realignment of the ACWR tracks was included in the Blue Line Extension Transit Station Area Plan adopted by City Council in 2013.
- This project will allow the development of compatible land uses and transportation infrastructure to accommodate pedestrian, bicycle, and vehicular traffic in the area.
- A 2015 study completed by the City identified the realignment of the ACWR tracks east of the Sugar Creek Blue Line Extension light rail station that would best fit into the future area development plan.
- The project will:
 - Improve railroad operations north of the Norfolk Southern (NS) Yard near the current Amtrak Station on N. Tryon St.;
 - Simplify rail yard switching operations; and
 - Eliminate a number of unsafe neighborhood at-grade rail-street crossings.
- NCDOT Rail Division staff will oversee the preparation of the environmental document in conjunction with the City.
- Environmental documentation is needed before the ACWR track realignment project can become eligible for State or Federal funding.

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map
Resolution

[ACWR Track Realignment \(3\)](#)

[06 25 17 Resolution for N Yard Lead RCA \(3\)](#)

29. Pedestrian Bridge Easement

Action:

- A. Adopt a resolution granting an Air Rights Passageway Easement for a Pedestrian Bridge across South Church Street between West Stonewall Street and West Hill Street,**
- B. Accept \$67,350 for an Air Rights Passageway Easement over South Church Street from GSLH Charlotte Realty Holdings, LLC., and**
- C. Adopt a budget ordinance appropriating \$67,350 from GSLH Charlotte Realty Holdings, LLC.**

Staff Resource(s):

Danny Pleasant, Transportation

Johanna Quinn, Transportation

Explanation

- GSLH Charlotte Realty Holdings, LLC is redeveloping the old Charlotte Observer site on both sides of South Church Street between West Stonewall Street and West Hill Street.
- GSLH Charlotte Realty Holdings, LLC is proposing a pedestrian bridge, linking the two blocks comprising the development.
- The proposed development will include up to 5,000,000 square feet, including office, hotel, retail, residential and open space components.
- Staff supports the request to grant an Air Rights Passageway Easement be granted for the pedestrian bridge over South Church Street in exchange for the fair market value of that easement.
- The proposed pedestrian bridge is in conformance with the City's Overstreet Walkway Policy.
- Engineering & Property Management has determined the cost of the easement and the value has been agreed to by the City and GSLH Charlotte Realty Holdings, LLC.

Fiscal Note

Funding: Developer payment

Attachment(s)

Budget Ordinance

Resolution

[CDOT ord 6-26-17 Easement](#)

[Church Street Air Rights Resolution](#)

30. LED Traffic Signal Bulbs

Action:

- A. Award a unit price contract to the lowest responsive bidder LeoTek Electronics USA, LLC for the purchase of LED Signal Light Modules for a 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 purpose for which the contract was approved.**

Staff Resource(s):

Danny Pleasant, Transportation

Ronnie Ashburner, Transportation

Explanation

- The Department of Transportation manages over 760 traffic signals within the City limits, all of which use LED bulbs.
- LED bulbs reduce energy consumption by approximately 40%, saving the City about \$50,000 per year. LEDs also last five to seven years versus traditional incandescent bulbs' two year service life.
- LED modules are used in traffic signal lights at intersections. The City requires eight-inch and 12 -inch modules in red, yellow, and green colors.
- On May 15, 2017, the City issued an Invitation to Bid; four bids were received from interested service providers.
- LeoTek Electronics USA, LLC was selected as the lowest responsive, responsible bidder.
- Estimated annual expenditures are \$200,000.

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: Charlotte Department of Transportation Operating Budget

31. Street Maintenance Deicing Salt

Action:

- A. Award a unit price contract to the lowest responsive bidder, Cargill Inc., for the purchase of Sodium Chloride Road Salt for one year, and
- B. Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

Danny Pleasant, Transportation

Capryce Crowder, Transportation

Explanation

- Deicing Salt is used by the Charlotte Department of Transportation for the purposes of pretreating roadways during snow and ice conditions.
- On April 12, 2017, the City issued an Invitation to Bid; four bids were received from interested service providers.
- Cargill Inc. was selected as the lowest responsive, responsible bidder.
- Bidding for this solicitation was conducted using a reverse auction handled by a third party vendor Peralta Garcia.
 - A reverse auction is a type of auction in which the roles of buyer and seller are reversed, and sellers compete to obtain business from the buyer by decreasing their unit pricing bids over the duration of the auction.
- The reverse auction process resulted in a reduced bid price of \$80.89 per ton, approximately an 18 percent savings over previous pricing.
- Estimated annual expenditures are \$300,000.

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: Charlotte Department of Transportation Operating Budget

32. Traffic Signal Loop Sealant

Action:

- A. Award a unit price contract to the lowest responsive bidder Rosenblatt & Associates, Inc., for the purchase of Traffic Signal Loop Sealant for a term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two additional one year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Danny Pleasant, Transportation
Ronnie Ashburner, Transportation

Explanation

- The Department of Transportation manages over 760 traffic signals within the City limits, of which over 500 have in-pavement loops to detect the presence of cars, motorcycles, and bicycles.
- Traffic Signal Loop Sealant is used to seal traffic signal detector slots in the pavement at various City intersections against water, dirt, and general wear.
- On April 4, 2017, the City issued an Invitation to Bid; two bids were received from interested service providers.
- Rosenblatt & Associates Inc. dba RAI Products was selected as the lowest responsive, responsible bidder.
- The company will be paid \$18.75 per gallon of loop sealant.
- Estimated annual expenditures are \$75,000.

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: Charlotte Department of Transportation Operating Budget

33. Independence Boulevard Area Sidewalk and Bike Facilities-North

Action:

Approve a contract in the amount of \$509,775 with AECOM Technical Services of North Carolina, Inc. for planning services for Independence Boulevard Sidewalk and Bike Facilities-North.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Bette Frederick, Engineering and Property Management

Explanation

- In November 2016, voters approved a \$218.4 million bond referendum that included \$2.0 million for the Southeast Corridor Sidewalk and Bikeway Improvement Program.
- This contract will provide planning services for 5.64 miles of sidewalk with two projects identified in the Independence Boulevard Sidewalk and Bike Facilities-North:
 - North Pedestrian Bike Boulevard - Independence Boulevard Area Project (paralleling Independence Boulevard from Morningside Drive to the proposed Campbell Creek greenway, 4.75 miles).
 - Eastway Drive/Wendover Road Connector (Woodland Drive to Monroe Road, 0.89 miles).
- On February 17, 2014, a Request for Qualifications (RFQ) was issued for advanced preliminary planning to begin work on the 2014 Community Investment Plan.
- On April 28, 2014, City Council approved a contract in the amount of \$175,000 to URS Inc. (now AECOM) for sidewalk and bikeway improvement projects.
- AECOM Technical Services of North Carolina, Inc., was selected as the best qualified firm to meet the City's needs.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). AECOM has committed 19.95 percent (\$101,698) of the total contract amount to the following certified firms:

- CES Group Engineers, LLP (SBE, WBE) (\$33,624) (survey/mapping)
- Neighboring Concepts, PLLC (MBE) (\$33,196) (land development)
- CMW Design Strategies, PLLC (SBE) (\$26,372) (planning)
- Joel E. Wood & Associates, PLLC (SBE) (\$8,506) (geotechnical)

Fiscal Note

Funding: General Transportation Community Investment Plan

Attachment(s)

Map

[Location Map - Independence Boulevard Sidewalk and Bike Facilities](#)

34. Mint Museum Uptown Energy Efficiency and Humidification Controls Upgrade

Action:

- A. Award a contract in the amount of \$746,724.05 to the lowest responsive bidder McKenney's Inc. for the Mint Museum Uptown Humidification and Controls Upgrade project,**
- B. Authorize the City Manager to enter into a cost sharing agreement with Mint Museum for the mechanical system upgrade at Mint Museum Uptown, and**
- C. Adopt a budget ordinance appropriating \$746,724.05 from the Cultural Facilities Operating fund for the purpose of replacing the humidification control system in the Mint Museum Uptown.**

Staff Resource(s):

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

Explanation

- This action allows for the replacement of the 10-year-old mechanical humidification and controls system at the Mint Museum Uptown, 500 South Tryon Street, for the following reasons:
 - The existing humidification system requires annual maintenance in excess of \$20,000 annually with high operating costs.
 - The artwork in the Mint Museum requires strict humidity control on a 24/7 basis.
 - The proposed water vaporizing humidification system will be more reliable, require less frequent maintenance, and will be significantly more energy efficient.
- The City's maintenance agreement with Mint Museum Uptown is modeled after a traditional owner-tenant relationship where the owner has responsibility for the structure and core infrastructure and the tenant has responsibility for the operating costs.
- Upon completion of the upgrade there will be a significant reduction in energy use at the Museum, resulting in lower utility expenses for the Mint Museum.
- The Mint Museum has agreed to share in the cost of the mechanical system upgrade in return for the expected long-term savings, predicted to be approximately \$140,000 annually.
- The cost sharing agreement specifies that:
 - The Mint Museum will be responsible for \$500,000 and the City will be responsible for \$246,724.05.
 - The City will advance \$500,000 for the Mint Museum's share of the cost that will be repaid to the City over a five-year period.
 - The City will be responsible for managing the project.
- The full cost of \$746,724.05 to complete the upgrade will be funded from the City's Cultural Facilities Operating Fund.
- Mint Museum's five annual payments totaling \$500,000 will be returned to the Cultural Facilities Operating Fund.
- On May 4, 2017 the City issued an Invitation to Bid; two bids were received from interested service providers.
- McKenney's Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the end of the year. The Mint Museum will remain open during this time.

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).

- McKenney's, Inc. has committed 13.50% (\$84,569) of the total contract amount to the following

certified firm:

- Electric System Specialists, Inc. (SBE) (\$84,569) (electrical)

Fiscal Note

Funding: Cultural Facilities Operating Fund Balance

Attachment(s)

Cost Share Agreement

Map

Budget Ordinance

Attachment(s)

Cost Share Agreement

Map

Budget Ordinance

[Humidification Agreement Mint Signed](#)

[Location Map - Mint Museum Uptown Humidification and Controls Upgrade](#)

[EPM ord 062617 Mint Museum Humidification Control](#)

35. Cross Charlotte Trail Planning Services

Action:

- A. Approve a contract in the amount of \$200,000 with LandDesign, Inc. for planning services for the Craighead Road to Wellingford Street segment of the Cross Charlotte Trail Project; and**
- B. Approve a contract in the amount of \$199,000 with Alta Planning and Design, Inc. for planning services for the Wellingford Street to Orr Road segment of the Cross Charlotte Trail Project.**

Staff Resource(s):

Mike Davis, Engineering and Property Management
Joe Frey, Engineering and Property Management
Fran West, Engineering and Property Management
Walta Brumskine, Engineering and Property Management

Explanation

- On June 10, 2013, City Council approved an \$816.4 million General Community Investment Plan (CIP), which included the Cross Charlotte Trail (XCLT).
- The completed XCLT will consist of a combination of new and existing greenways connected by new urban trails to form a continuous pathway extending approximately 26 miles across the city of Charlotte.
- These contracts provide planning services for two segments of the Cross Charlotte Trail as identified in the XCLT Master Plan:
 - Craighead Road to Wellingford Street, through an area that is quickly re-developing along the Blue Line Extension (approximately one mile of trail). The contract with LandDesign, Inc. is task order based to allow the City the ability to quickly react to the development community and most efficiently plan this section of the trail.
 - Wellingford Street to Orr Road through the Hidden Valley Neighborhood (approximately 1.4 miles of trail).
- The planning services include, but are not limited to:
 - Public involvement,
 - Various analyses (e.g. storm drainage, traffic, etc.),
 - Conceptual plans, and
 - Cost estimates.
- On October 25, 2016, the City issued a Request for Qualifications (RFQ); eight proposals were received from interested professional service providers.
- LandDesign, Inc. and Alta Planning and Design, Inc. are the best qualified firms to meet the City's needs.

Charlotte Business INclusion

LandDesign, Inc.

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). LandDesign, Inc. has identified MSBE firms to participate as project scopes are defined with task orders, and have committed 10 percent of the total contract amount to the following certified firms:

- Carolina Wetland Services, Inc. (SBE) (natural resources)
- LDSI, Inc. (SBE) (surveying services)
- RM Rutherford and Associates, Inc. (SBE) (cost estimating)
- Richa Graphics (SBE) (graphics)

Alta Planning and Design, Inc.

The City negotiates subcontracting participation after the proposal selection process (Part C: Section

2.1(h) of the Charlotte Business INclusion Policy). Alta Planning and Design, Inc. has committed 9.90 percent (\$19,700) of the total contract amount to the following firms:

- The Dodd Studio (SBE) (\$19,700) (landscape architecture)

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Cross Charlotte Trail Planning Services](#)

36. Lease of 2145 Suttle Avenue from Mecklenburg County

Action:

Authorize the City Manager to negotiate and execute a lease agreement with Mecklenburg County for use of approximately 3,300 square feet of space in the Mecklenburg County facility at 2145 Suttle Avenue.

Staff Resource(s):

Mike Davis, Engineering & Property Management

Tony Korolos, Engineering & Property Management

Barry Gullet, Charlotte Water

Ed McKinney, Planning

Explanation

- In December 2015, Mecklenburg County's Land Use and Environmental Services Agency relocated from the Hal Marshall Services Center to the facility at 2145 Suttle Avenue. City staff from several departments supporting permitting services were also located at Hal Marshall and moved to the Suttle Avenue facility in February 2016.
- The co-location of County and City departments in the same facility provides comprehensive access to land development and permitting services.
- Lease terms have been in negotiation since City staff relocated to the County facility.
- Lease terms:
 - Term: 10 years
 - Square footage: approximately 3,300 square feet
 - Commencement: July 1, 2017
 - Termination: City may terminate on 12 months' notice
 - Rent: \$11.40/square foot, including base rent, maintenance, repair and utility costs
 - Escalation: 2% annually
- This lease is consistent with the Council [City-Owned Real Estate and Facilities Policy](#) because it enables inclusive delivery of services to residents through co-location with other agencies.

Fiscal Note

Funding: Charlotte Water Operating Budget, Engineering and Property Management Operating Budget, and Planning Department Operating Budget

Attachment(s)

Map

[Location Map - Lease of 2145 Suttle Avenue from Mecklenburg County](#)

37. Karenstone Drive Storm Drainage Improvements

Action:

Award a contract in the amount of \$544,202.63 to the lowest responsive bidder Hall Contracting Corporation for the Karenstone Drive Storm Drainage Improvements project.

Staff Resource(s):

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

Explanation

- This project will install approximately 230 feet of new storm drainage, 330 feet of sanitary sewer, and replace associated utilities along Karenstone Drive.
- This project is bordered by The Plaza, East W.T. Harris Boulevard, and Milton Road.
- This work will include, but is not limited to:
 - Storm drainage,
 - Curb and gutter,
 - Driveways, and
 - Asphalt pavement replacement.
- On May 2, 2017, the City issued an Invitation to Bid; four bids were received from interested service providers.
- Hall Contracting Corporation was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the end of first quarter 2018.

Charlotte Business INclusion

Established SBE Goal: 12.00%

Committed SBE Goal: 28.64%

Hall Contracting Corporation exceeded the established SBE subcontracting goal, and has committed 28.64% (\$155,877.40) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Whitesell Trucking, Inc. (SBE) (\$33,475) (clearing and grubbing)
- Axiom Foundations, LLC (SBE) (\$33,050) (foundation protection)
- On Time Construction, Inc (SBE, MBE) (\$29,700) (concrete)
- Trull Contracting, LLC (SBE, WBE) (\$18,900) (asphalt)
- D's Trucking Service, Inc (SBE, WBE) (\$16,365) (hauling)
- Abram Construction INC. (SBE, MBE) (\$9,878.40) (curb and gutter)
- Maybury Fencing, Inc (SBE, WBE) (\$9,030) (fence)
- P and TL, Inc (SBE) (\$5,479) (erosion control)

Established MBE Goal: 5.00%

Committed MBE Goal: 7.27%

Hall Contracting Corporation exceeded the established MBE subcontracting goal, and has committed 7.27% (\$39,578.40) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc (SBE, MBE) (\$29,700) (concrete)
- Abram Construction INC. (SBE, MBE) (\$9,878.40) (curb and gutter)

Fiscal Note

Funding: Storm Water Community Investment Plan

Attachment(s)

Map

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

38. Oakdale, Miranda, and Sunset Road Intersection Project

Action:

Approve a contract in the amount of \$263,000 with American Structurepoint, Inc. for planning services for the Oakdale Road-Miranda Road-Sunset Road Intersection Project.

Staff Resource(s):

Mike Davis, Engineering and Property Management

Fran West, Engineering and Property Management

Explanation

- In November 2014, voters approved a bond referendum including \$20 million for the Comprehensive Neighborhood Improvement Program (CNIP).
- The Oakdale-Miranda-Sunset Intersection Project was selected to move forward under the Sunset-Beatties Ford CNIP.
- This project includes the planning and conceptual design for intersection improvements at this five-leg intersection consisting of Oakdale Road, Miranda Road, Sunset Road, Lawing Road and Simpson Road.
- This contract will provide planning services which include but are not limited to:
 - Traffic analysis,
 - Alternative analysis,
 - Conceptual plans,
 - Public involvement,
 - Cost estimates, and
 - Storm drainage analysis.
- City Council approved the projects as part of the City Fiscal Years 2015-2019 General Community Investment Plan.
- On February 24, 2016, the City issued a Request for Qualifications (RFQ); 20 proposals were received from interested professional service providers.
- American Structurepoint, Inc. was selected as the most qualified firm to meet the City's needs.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). American Structurepoint, Inc. has committed 10.76% (\$28,294) of the total contract amount to the following firms:

- Carolina Wetland Services, Inc. (SBE) (\$5,279) (environmental resource investigation)
- Hinde Engineering, Inc. (SBE) (\$14,725) (utility coordination)
- Sikes Design PLLC (SBE) (\$3,000) (landscape architecture)
- Southern Engineering and Testing, PC (SBE) (\$5,290) (geotechnical investigation)

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Oakdale-Miranda-Sunset Intersection Project](#)

39. SouthPark Comprehensive Neighborhood Improvement Projects

Action:

Approve a contract in the amount of \$440,000 with AECOM Technical Services of North Carolina, Inc. for planning services for the SouthPark Comprehensive Neighborhood Improvement Projects.

Staff Resource(s):

Mike Davis, Engineering and Property Management

Leslie Bing, Engineering and Property Management

Explanation

- \$5.0 million for the SouthPark Comprehensive Neighborhood Improvement Projects (CNIP) was approved by voters as a part of the City's 2016 Bond Referendum, and an additional \$5.0 million will be included in the 2018 Bond Referendum for a total of \$10.0 million.
- The goals of the SouthPark CNIP include creating a well-connected network of streets, sidewalks, greenways, and bike lanes that link and enhance existing community assets.
- This contract will provide preliminary planning services for the SouthPark CNIP which will include, but is not limited to:
 - Community engagement,
 - Project identification and prioritization,
 - Cost estimates, and
 - Conceptual design.
- The CNIP plan will be developed in coordination with other current community investments in SouthPark, including the Cross Charlotte Trail (Brandywine to Tyvola Segment) and the Park South Drive Extension project.
- On November 30, 2016, the City issued a Request for Qualifications (RFQ); six proposals were received from interested professional service providers.
- AECOM Technical Services of North Carolina, Inc. was selected as the best qualified firm to meet the City's needs.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). AECOM has committed 24.85 percent (\$109,336) of the total contract amount to the following firms:

- CMW Design Strategies, PLLC. (SBE) (\$27,254) (urban planning consulting, streetscaping services)
- City Explained, Inc. (SBE) (\$71,960) (zoning, land use studies)
- Neighboring Concepts, PLLC (MBE) (\$10,122) (architectural services, streetscaping services)

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - SouthPark Comprehensive Neighborhood Improvement Projects](#)

40. City-Owned Fountain Maintenance Services

Action:

Approve a five-year contract for \$303,006 for fountain maintenance services with Danny Franklin Hood, Charlotte Specialty Services.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Quin Hall, Engineering and Property Management

Explanation

- The contract includes operation, maintenance, cleaning and repair services for three fountains located in City-owned Uptown Green Spaces:
 - Arequipa Park at Sixth Street and Tryon Street
 - Ninth Street and Poplar Street
 - Thomas Polk Park at Trade Street and Tryon Street.
- The contract period is for five years with no renewals.
- On April 24, 2017, the City issued a Request for Proposal (RFP); one proposal was received from an interested service provider.
- Danny Franklin Hood, doing-business-as Charlotte Specialty Services, met the City's needs in terms of qualifications, experience, cost and responsiveness to the proposal package.
- Charlotte Specialty Services was selected using the Council-approved, qualifications-based selection process.

Charlotte Business INclusion

No subcontracting goal was established because there are no opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy). However, 100% of this contract will be awarded to Danny Franklin Hood, dba Charlotte Specialty Services (SBE).

Fiscal Note

Funding: Engineering and Property Management Operating Budget

Attachment(s)

Map

[Location Map - Fountain Maintenance Services](#)

41. City Data Center Generator Upgrade

Action:

Award a contract in the amount of \$298,500 to the lowest responsive bidder McFarland Building Group, LLC, dba McFarland Construction, for the Data Center Generator Upgrade project.

Staff Resource(s):

Mike Davis, Engineering and Property Management
William Haas, Engineering and Property Management
Jeff Stovall, Innovation and Technology
Dan Heller, Innovation and Technology

Explanation

- The project consists of adding a new primary generator and automatic transfer switch to the City's Data Center to ensure adequate redundancy in case of power loss. This system must operate without interruption during periods of electrical outages.
- Due to age, the current generator is no longer sufficient to serve as primary generator. It will remain to serve as backup generator.
- On March 17, 2017, the City issued an Invitation to Bid for the Data Center Generator Upgrade project; one bid was received from an interested service provider.
- McFarland Building Group, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2017.

Charlotte Business INclusion

The City solicited bids only from City certified SBEs, therefore 100% of the project participation is being committed to the following certified firm: McFarland Building Group, LLC (M/SBE) (Part A: Section 2.3 of the Charlotte Business INclusion Policy).

Additionally, McFarland Building Group, LLC has committed 37.68% (\$112,481.10) of the total contract amount to the following certified firm:

- Blew, Inc. (SBE) (\$112,481.10) (electrical)

Fiscal Note

Funding: Government Facilities Community Investment Plan

42. Charlotte Water Laboratory Supplies and Equipment Purchases

Action:

- A. Approve the purchase of laboratory equipment and supplies, as authorized by the sole source exemption of G.S. 143-129 (e)(6), and
- B. Approve a contract with Horizon Technology, Incorporated, for the purchase of laboratory equipment and supplies for the term of three years.

Staff Resource(s):

Barry Gullet, Charlotte Water

David Czerr, Charlotte Water

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 standardization and compatibility with existing equipment and analytical methods is the overriding consideration.
- The City Council must approve purchases made under the sole source exception.

Explanation

- Laboratory Services of Charlotte Water conducts approximately 200,000 tests per year using supplies from various manufacturers.
- The Laboratory's regulatory certification requires staff to use a specific set of proprietary testing supplies from Horizon Technology, Inc. to fulfill some of these analytical responsibilities.
- Horizon Technology, Inc. gives Charlotte Water volume-based discounts for these supplies.
- The first year's expenditures include replacement of one aging piece of equipment included in the FY 2017 Capital Equipment Replacement List.
- Annual expenditures under the contract are estimated to be \$64,000 in the first year and \$28,000 in the following years.

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: Charlotte Water Operating Budget

43. Resolution to Increase Clean Water State Revolving Fund Loan for Combined Heat and Power Project

Action:

- A. Adopt a resolution authorizing the City to request an increase in the Clean Water State Revolving Fund program loan not to exceed \$1,300,000 for the Combined Heat and Power Project at the McAlpine Creek Wastewater Treatment Plant,**
- B. Authorize the City Manager to take necessary actions to accept and complete the financing, including applying to the State of North Carolina Department of Environmental Quality and obtaining Local Government Commission approval, and**
- C. Adopt a budget ordinance appropriating \$1,300,000 from the Clean Water State Revolving Fund Program.**

Staff Resource(s):

Barry Gullet, Charlotte Water
Randy Harrington, Management and Financial Services
Ronald Hargrove, Charlotte Water
Scott Greer, Management and Financial Services

Explanation

- On June 24, 2015 the City Council authorized the acceptance of a Clean Water State Revolving Fund Loan of \$3,226,736 to fund the Combined Heat and Power Project at the McAlpine Creek Wastewater Treatment Plant (WWTP). There is no interest on this loan due to qualifying as a "Green" Project under the energy production classification. The loan is for 20 years.
- The loan funds were used to build a project at the McAlpine Creek WWTP which utilizes methane gas to run a power generating engine. The engine will generate approximately one milliwatt of continuous power (equivalent to ~1,000 homes) from methane currently being flared as a waste product.
- When the construction contract was originally awarded in 2015, bids were higher than the preliminary estimate used to apply for the 0% interest loan from the state. This caused the total project cost to exceed the loan amount by \$1.3 million.
- All costs above were initially funded by a revenue bond anticipation note and reimbursed by the State Revolving Fund (SRF) Loan.
- Prior communications with the State on this matter have confirmed there is additional available money to borrow to pay for the increased cost of the project. Paying for this project with SRF money saves money in comparison to traditional bond financing.
- If additional loan amount is not approved, funding will be obtained through a revenue bond anticipation note, with the current variable interest rate of approximately one percent.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Budget Ordinance
Resolution

[Ordinance CHP 2.0](#)

[ResolutionREVB](#)

44. Lee S. Dukes Water Treatment Plant Tank Rehabilitation

Action:

Award a contract in the amount of \$378,769 to the lowest responsive bidder, Superior Industrial Maintenance Company, for the Lee S. Dukes Water Treatment Plant Clarifiers and Thickener Rehabilitation project.

Staff Resource(s):

Barry Gullet, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- The City owns and maintains three water treatment plants in Mecklenburg County. The Lee S. Dukes Water Treatment Plant (WTP) is in Huntersville.
- Clarifiers and thickeners are large cylindrical concrete tanks used in the water treatment process. This contract provides for the routine inspection, mechanical maintenance, and restoration of these tanks, which are required on a 15- to 20-year maintenance cycle.
- On April 18, 2017 the City issued an Invitation to Bid for Lee S. Dukes Water Treatment Plant Clarifier and Thickener Rehabilitation project; three bids were received from interested service providers.
- Superior Industrial Maintenance Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the first quarter of 2018.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Lee S. Dukes WTP Map](#)

45. Charlotte Water Cone Valve Rehabilitation

Action:

Approve a contract with VAG USA LLC for rehabilitation of cone valves for a term of one year to have rehabilitation work completed.

Staff Resource(s):

Barry Gullet, Charlotte Water

John Huber, Charlotte Water

Explanation

- Charlotte Water uses cone valves to control pumping and distribution of drinking water.
- This contract will refurbish three 16"-20" diameter cone valves.
- Work includes cleaning, replacing parts, sand blasting and re-painting the valves.
- The manufacturer has evaluated each valve and has determined these valves can be successfully restored. Restoring valves can occur at approximately 20 percent of the cost of new valves.
- On May 4, 2017, the Charlotte Water Director approved the waiver of solicitation, which was required as only one service provider can rehabilitate these valves.
- These valves were originally manufactured by Allis Chalmers. VAG USA LLC has since purchased all remaining stock and the original molds/casting of these valves, therefore it is considered the original equipment manufacturer. No other known company has the ability to provide replacement parts or to reproduce the Allis Chalmers valves.
- Estimated contract expenditures are \$111,927.

Charlotte Business INclusion

No subcontracting goals were set 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

46. Water Pipeline Easement Clearing

Action:

- A. Approve unit price contracts with the following companies for Easement Clearing and Mowing for an initial term of one year:**
- **L&M Construction of Blairs LLC; and**
 - **North American Lawn & Landscape LLC, 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 purpose for which the contracts were approved.**

Staff Resource(s):

Barry Gullet, Charlotte Water

John Huber, Charlotte Water

Explanation

- Service Providers are responsible for mowing, clearing, removing, and disposal of all vegetation and other debris from within the raw water easement areas that supply untreated water to the water treatment plants.
- On April 25, 2017 the City issued a Request for Proposal (RFP); three proposals were received from interested service providers.
- L&M Construction of Blairs, LLC and North American Lawn & Landscape, LLC best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to the RFP requirements.
- The contract provides the option to renew for two additional, one-year terms with a price increase that will not exceed 5% per year.
- Estimated contract expenditures for all contracts are \$70,000 annually and \$210,000 over the three-year term.

Charlotte Business INclusion

No subcontracting goals were set 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

47. Upper Little Sugar Creek Sewer Replacement, Phase 1

Action:

Award a contract in the amount of \$1,281,525 to the lowest responsive bidder State Utility Contractors, Inc. for the Upper Little Sugar Creek Sewer Replacement, Phase 1 project.

Staff Resource(s):

Barry Gullet, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- The Upper Little Sugar Creek Sewer Replacement Phase 1 project begins at Wellingford Street and extends to Bilmack Avenue in the Hidden Valley neighborhood of Charlotte.
- This phase of the project will consist of 3,600 feet of 18-inch sewer, 300 feet of 8-inch sewer, and 23 new manholes to address aging infrastructure of the existing sewer system, which is approximately 55 years old and has reached the end of its useful life.
- On April 4, 2017, the City issued an Invitation to Bid for Upper Little Sugar Creek Sewer Replacement, Phase 1; four bids were received from interested service providers.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the first quarter of 2018.
- Phase 2 of the Upper Little Sugar Creek Sewer Replacement is currently in design, and will start construction following phase 1, in the first quarter of 2018.

Charlotte Business INclusion

Established MSBE Goal: 6%

Committed SBE Goal: 6.02%

State Utility Contractors, Inc. met the established subcontracting goal and has committed 6.02% (\$77,100) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Barton Contracting (SBE) (\$41,000) (asphalt)
- Maybury Fencing, Inc. (SBE, WBE) (\$16,100) (fencing)
- P&TL, Inc. (SBE) (\$7,000) (silt fence)
- All Points Trucking, Inc. (SBE, WBE) (\$6,500) (hauling)
- D's Trucking Service, Inc. (SBE, WBE) (\$6,500) (hauling)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[ULSC Phase 1 Construction RCA Map](#)

48. Vest Water Treatment Plant Power Generation System

Action:

Award a contract in the amount of \$2,399,990 to the lowest responsive bidder Carolina Tractor & Equipment Company for the purchase of a Power Generation System.

Staff Resource(s):

Barry Gullet, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- The City owns and maintains three water treatment plants in Mecklenburg County. The Vest Water Treatment Plant (WTP), located in West Charlotte, is a National Historic Landmark and is the oldest WTP Charlotte.
- This contract will provide a generator system and related equipment for the Vest WTP, as the existing system does not provide sufficient auxiliary power to meet the current and future demands of essential equipment.
- On-site power generation is necessary to keep essential facilities, such as water treatment plants, operating during power outages and to reduce load on the Duke Energy electrical grid during peak usage.
- Replacing generators is a continuation of an ongoing plan in an effort to ensure reliability and resiliency in treatment processes. Additional contracts to purchase on-site power generation systems for other water and wastewater assets will be coming for approval in the next fiscal year.
- On March 24, 2017, the City issued an Invitation to Bid; two bids were received from interested service providers.
- Carolina Tractor & Equipment Company (Carolina CAT) was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

No subcontracting goals were set 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

Attachment(s)

Map

[Power Generation System for Vest Water Treatment Plant Map](#)

49. Steele Creek Lift Station Replacement Project Change Order #3

Action:

- A. Approve Change Order #3 to the construction contract with English Construction Company, Inc. to add \$1,097,750 and 58 days, and**
- B. Approve Amendment #1 to the Brown and Caldwell contract to add \$514,871 for professional engineering services.**

Staff Resource(s):

Barry Gullet, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- Located in southwestern Mecklenburg County, the Steele Creek Lift Station is one of the largest wastewater lift stations in the sewer system. This lift station was originally constructed in 1971; it was replaced in 1981 to expand its capacity.
- The Lift Station now has to be expanded again to keep pace with growth in Southwest Mecklenburg County. The existing station conveys wastewater to the McAlpine Wastewater Treatment Plant in Pineville.
- The new Lift station is expected to be completed in the summer of 2018.

Action A

- On July 27, 2015, City Council awarded a construction contract to English Construction Company, Inc. for \$44.3M for replacement of the current lift station, and for construction of more than six miles of 36- and 63-inch diameter pipe.
- Due to weather delays and unforeseen conditions, Charlotte Water has issued two change orders to English Construction to extend the contract term, adding a total of 4 months to the original contract term of 24 months.
- English Construction's contract includes a unit price for rock. Based on construction to date, the actual quantity of rock is estimated to be significantly more than the quantity estimated during design, resulting in the request for additional funds.

Action B

- On December 8, 2014, Council approved a contract with Brown and Caldwell for \$3.8M to provide engineering services during construction. The contract amount was based on providing services for two years. Because the construction is now expected to take 25% longer than anticipated, an amendment of 14% is needed to provide services through the end of construction.

Charlotte Business Inclusion

Action A

Work will be performed by English Construction Company, Inc. and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

Action B

Work will be performed by Brown and Caldwell and their existing subconsultants (Part D: Section 6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Map Steele Creek Pump Station](#)

50. Ayrsley Gravity Sewer Replacement Phase 2

Action:

Award a contract in the amount of \$2,503,865 to the lowest responsive bidder Dellinger, Inc. for the Ayrsley Gravity Sewer Replacement, Phase 2 project.

Staff Resource(s):

Barry Gullet, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- An eight-inch collection main was constructed in 1980 to serve newly annexed areas of Charlotte known as the Ayrsley Town Center area. Subsequent to the original annexation and collection system construction, changes in land use zoning have allowed for increased development and population density greater than the original zoning during annexation and collection system construction.
- The project provides for the removal and replacement of 1,261 linear feet of 8-inch collection main with an 18-inch collection main, construction starting at the Coffey Creek interceptor and tunneling under Interstate I-485 where it will connect to the increased pipe size of the Phase 1 project, already in service.
- On March 21, 2017 the City issued an invitation to Bid; four bids were received. Review of the bids revealed that required documents were inadvertently omitted in several bids. All bids were rejected and the project was re-advertised in accordance with state public procurement rules.
- On May 12, 2017, the City of Charlotte re-issued an Invitation to Bid; two bids were received from interested service providers.
- Dellinger, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the fourth quarter of calendar year 2017.
- This is the second of three construction phases to provide sanitary sewer capacity to the service area.
- City Council approved Phase 1 construction on November 23, 2015.
- A Phase 3 project, the pipeline upstream of Phase 1, may be initiated as soon as 2018. The determination of Phase 3 timing will be made utilizing system monitoring and analysis to ensure adequate collection system capacity.

Charlotte Business INclusion

Established MSBE Goal: 2.00%

Committed SBE Goal: 2.34%

Dellinger, Inc. met the established subcontracting goal and has committed 2.34% (\$58,600) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Erosion Defence, LLC (SBE) (\$14,000) (silt fence)
- CES Group Engineers, LLP (SBE, WBE) (\$12,600) (layout)
- D's Trucking Service, Inc. (SBE, WBE) (\$12,000) (hauling)
- Sanders Constructors, Inc. (SBE) (\$12,000) (clearing)
- Erosion Defence, LLC (SBE) (\$8,000) (seeding)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Ayrsley Phase 2 MAP1](#)

51. Blue Line Extension - Amendment to CSX Transportation Inc. Reimbursement Agreement

Action:

Approve contract amendment #3 of the Reimbursement Agreement with CSX Transportation Inc. in the amount of \$251,976 for services related to the Blue Line Extension project.

Staff Resource(s):

John Lewis, CATS

Jill Brim, CATS

Explanation

- On March 26, 2012, the City Council authorized a reimbursement agreement with CSX Transportation Inc. (CSX) to reimburse CSX for costs associated with the Blue Line Extension (BLE) project.
- The BLE crosses over the CSX right-of-way on a bridge just south of 16th Street. The crossing requires that CATS construct drainage improvements under the CSX railroad. CSX has approved the design and is providing additional flagging, engineering, and inspection services during construction.
- Amendment #3 is needed due to a substantial increase in flagging needs and project duration.
 - On March 27, 2012, the reimbursement agreement was executed in the amount of \$402,000.
 - On April 20, 2016, amendment #1 was executed amending the terms of the agreement related to the drainage work. Amendment #1 did not change the contract amount.
 - On September 12, 2016, City Council approved amendment #2 for \$176,801 for additional time and flagging.
- The new value of the contract, including this amendment, will be \$830,777.

Fiscal Note

Funding: CATS Community Investment Plan

52. Transit Vehicle Location System Maintenance Contract

Action:

Authorize the City Manager to enter into a five-year contract with Trapeze, Inc. for maintenance services for the software system that provides automatic vehicle location (AVL) functions for CATS buses.

Staff Resource(s):

John Lewis, CATS

Mike Haddad, CATS

Explanation

- CATS is seeking a five-year contract to ensure the vehicle location system for its bus fleet is maintained in a state of good repair.
- All CATS buses are required to have an AVL unit to locate buses and communicate with drivers in emergency situations.
- In addition, the system monitors on-time performance of buses, allows customers to locate buses and tracks ridership information by route and stop.
- Currently, the system is maintained by Trapeze Inc.
- Trapeze was selected to provide this maintenance because it is a proprietary system and therefore there are no other vendors authorized to support the software.
- The estimated annual cost of the maintenance contract is \$317,626.

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: CATS Operating Budget

53. Phase 2 of CityLYNX Gold Line Electrical Testing Services

Action:

Authorize the City Manager to negotiate and execute an agreement with STV Engineers, Inc. for electrical testing for the CityLYNX Gold Line Phase 2 Project in an amount up to \$300,000.

Staff Resource(s):

John Lewis, CATS

David McDonald, CATS

Explanation

- Specialized engineering support is required to monitor and test the electrical systems constructed as a part of the CityLYNX Gold Line Phase 2 project.
- On November 15, 2016, the City issued a Request for Proposal; a single proposal was received from STV Engineers, Inc.
- STV Engineers, Inc. was selected as the best qualified firm to meet the City's needs.
- The contract will provide for electrical testing and inspection services related to the electrical power and control systems for the extended segments of the CityLYNX Gold Line.
- The contractor will provide the following:
 - Specialized testing and quality control testing as the City's agents, and
 - Ensure that the components and systems being provided by the construction contractor meet the project specifications and safety certifications.

Disadvantaged Business Enterprise (DBE) Opportunity

Pursuant to the United States Department of Transportation DBE Program, Subpart C, no DBE utilization goal was set for this contract because there are no subcontracting opportunities.

Fiscal Note

Funding: CATS Community Investment Plan

54. LYNX North and West Corridor Alternative Analysis and Center City Integration Study

Action:

Approve the professional services contract in an amount not to exceed \$3,200,000 with WSP USA Inc., for the LYNX North and West Corridor Alternative Analysis and Center City Integration Study.

Staff Resource(s):

John Lewis, CATS

David McDonald, CATS

Jason Lawrence, CATS

Explanation

- On March 3, 2017, the City issued a Request for Proposals; four proposals were received from interested service providers.
- A multi-disciplinary team, including representatives from the towns of Cornelius, Davidson, Huntersville and representatives from CDOT, Aviation, Planning and CATS evaluated the firms based on qualifications, and selected WSP USA Inc.
- The studies will:
 - Define the rapid transit alignments for the North and West Corridors,
 - Finalize the modal technology (i.e. Light Rail, Commuter Rail, Streetcar, etc.) for both corridors,
 - Update how the corridors will integrate with the existing LYNX Blue Line, CityLYNX Gold Line, and bus services, including the future Charlotte Gateway Station and LYNX Silver Line,
 - Provide preliminary cost estimates to build the remaining 3 rapid transit corridors in the 2030 Transit Corridor System Plan.
- A proactive public engagement process will be used to inform the community and address any concerns. The study will take approximately 18 months with an anticipated completion date of December 2018.

Charlotte Business INclusion

Established MWSBE Goal: 7%

Committed MWSBE Goal: 7%

WSP USA, Inc., met the established subcontracting goal and committed 7% (an estimated \$224,000) of the total contract amount to the following MWSBE firm (Part B: Section 3 of the Charlotte Business INclusion Policy).

- Neighboring Concepts PLLC (MBE) (\$224,000) (stakeholder outreach and urban design)

Fiscal Note

Funding: CATS Community Investment Plan

55. Airport Comprehensive Sustainability Plan

Action:

Approve a contract in the amount of \$380,100 with Integral Group Consulting (BC) LLC for the development of a Comprehensive Sustainability Plan.

Staff Resource(s):

Brent Cagle, Aviation

Explanation

- The Comprehensive Sustainability Plan (CSP) will allow Aviation to align the City of Charlotte's Policy for Sustainable Standards with existing and future Airport-owned and operated facilities.
- Aviation will use the CSP to:
 - Incorporate sustainability principles and performance goals into all aspects of Airport business, and
 - Develop a monitoring and tracking system for reporting progress to both internal and external stakeholders.
- On January 20, 2017, the City issued a Request for Qualifications; three proposals were received from interested service providers.
- Integral Group Consulting (BC) LLC was selected based on demonstrated experience by the firm and its subcontractor partners in providing similar services for comparable airport projects.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). Integral Group Consulting (BC) LLC has committed 9.21% (\$35,000) of the total contract amount to the following certified firm:

- Lyerly Agency (WBE) (\$35,000) (stakeholder engagement and communications material production)

Fiscal Note

Funding: Aviation Community Investment Plan

56. Airport Concourse B Renovations

Action:

Award a contract in the amount of \$ 12,321,925.20 to the lowest responsive bidder Messer Construction Co. for the Concourse B Renovation project.

Staff Resource(s):

Brent Cagle, Aviation

Explanation

- Concourse B was opened as part of the new terminal in 1982, and was expanded in the late 1980's. Some of the original finishes and equipment are still in place and require updating.
- The Concourse B Renovation project will include new ceiling systems and lighting, heating ventilation and air conditioning equipment, fire sprinklers, a generator, wall and floor finishes, terrazzo in the passenger circulation areas, and renovation of all restrooms.
- On April 4, 2017, the City issued an Invitation to Bid for Concourse B Renovations; 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 May 16, 2017; two bids were received from interested service providers.
- Messer Construction Co. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the fourth quarter of 2018.

Charlotte Business INclusion

Established SBE Goal: 7.00%

Committed SBE Goal: 8.48%

Messer Construction Co. exceeded the established subcontracting goal, and has committed 8.48% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy);

- Steven's Interiors (SBE) (\$651,796) (drywall and acoustic)
- Mekki Modular Systems, Inc. (SBE, MBE) (\$241,523) (flooring)
- United Painting (SBE, MBE) (\$62,900) (painting)
- Berry's Container Service (SBE) (\$49,400) (dumpster services)
- Absolute Cleaning and Restoration (SBE) (\$20,000) (cleaning services)
- Sweetwater Utility Exploration (SBE) (\$12,500) (ground penetrating radar/utility locating)
- Sir Speedy (SBE) (\$4,000) (temporary signage, printing)
- Richa Graphics (SBE) (\$1,000) (printing services)

Established MBE Goal: 5.00%

Committed MBE Goal: 21.79%

Messer Construction Co. exceeded the established subcontracting goal, and has committed 21.79% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Superior Mechanical Systems Inc. (MBE) (\$2,326,000) (heating ventilation and air conditioning)
- Mekki Modular Systems, Inc. (MBE, SBE) (\$241,253) (flooring)
- United Painting Services, Inc. (MBE, SBE) (\$62,900) (painting)
- All Points Waste Service (MBE) (\$49,075) (dumpster services)

Fiscal Note

Funding: Aviation Community Investment Plan

Initial funding is 2016 Bond Anticipation Notes to be replaced by a future debt issuance.

57. Brush Mowing and Trash and Debris Removal Services

Action:

- A. Approve a unit price contract with Leisure Time Lawn Care, LP for Brush Mowing and Trash and Debris Removal 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 with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

Staff Resource(s):

Brent Cagle, Aviation

Explanation

- The Aviation Department owns and maintains multiple outlying parcels of land consisting of vacant land, fields, and drainage areas, which requires regular brush mowing and as necessary, trash and debris removal.
- On April 24, 2017, the City issued a Request for Proposal (RFP); four proposals were received from interested service providers.
- Leisure Time Lawn Care was selected based on its qualifications, experience, cost, and responsiveness to RFP requirements.
- Estimated contract expenditures are \$125,000 annually, \$375,000 in aggregate over the three-year term.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process; however, Leisure Time Lawn Care, LP has submitted a Self-Performance Affidavit with their proposal (Part C: Section 2.3 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Aviation Operating Budget

58. Funders' Network Partners for Places Grant

Action:

- A. Authorize the City Manager to accept grants from the following organizations for the Partners in Places Project:**
- **The Funders' Network (\$75,000)**
 - **The Knight Foundation (\$50,000)**
 - **OrthoCarolina (\$25,000)**
- B. Adopt a budget ordinance appropriating \$50,000 from the Knight Foundation for the Partners in Places Project. The remaining grants have already been appropriated.**

Staff Resource(s):

Kim Eagle, City Manager's Office
Rob Phocas, City Manager's Office
Pat Mumford, Economic Development

Explanation

- In May 2017, The Funders' Network for Smart Growth and Livable Communities awarded the City of Charlotte \$75,000 through its Partners for Places Matching Grant Program to help fund sustainability work in the North End Smart District. The grant's match was provided by the Knight Foundation and OrthoCarolina with contributions of \$50,000 and \$25,000 respectively.
- The Partners for Places program creates opportunities for cities in the United States and Canada to improve communities by building partnerships between local government sustainability programs and philanthropic organizations.
- The city applied for the one-year grant, which will allow residents to collaborate with government, nonprofit and private sector partners on projects including:
 - **Healthy communities:** Focuses on reducing the amount of household waste by concentrating on helping residents to develop healthier eating habits.
 - **Neighborhood transportation:** Creation of better connectivity between the residents and employees in the North End Smart District and the Blue Line Extension.
 - **Technology training programs:** Collaboration among the City, Charlotte-Mecklenburg Schools, Microsoft and other partners to create a workforce development pipeline for technical education on topics such as computer science, cybersecurity and financial services technology.
 - **Smart homes and neighborhoods:** Collaboration among the City, Duke Energy, Lowe's and other partners to help residents understand their utility usage and to reduce their energy consumption through the use of technology.
- The Funders' Network developed the initiative to support its commitment to equity and inclusion, while supporting local efforts to advance sustainability and climate action.
- The projects mostly benefit low-income neighborhoods.
- The list of selected cities also included Berkeley, California, Cleveland, Ohio, and Minneapolis, Minnesota.
- No City matching funds are required for this grant and it was anticipated in FY 2017.

Fiscal Note

Funding: Funders' Network's \$75,000 grant with matching funds from the Knight Foundation (\$50,000) and OrthoCarolina (\$25,000)

[Grant Ordinance - Revised](#)

59. Market Salary Data Services

Action:

- A. **Approve contract amendment #2 with Pay Scale, Inc. to provide market salary data services, and**
- B. **Authorize the City Manager to approve other amendments consistent with the purpose for which the contract was approved, including price adjustments for as long as the City uses the Pay Scale, Inc. software system.**

Staff Resource(s):

Cheryl Brown, Human Resources

Explanation

- The City Council-approved policy is that market competitiveness for a specific job is based on the median of actual salaries paid in the applicable recruitment area for jobs of a similar nature.
- Market competitiveness is determined through local, regional, and national pay surveys. The market rate is calculated in market pricing software. Pay Scale, Inc. provides the software tool used to calculate the market rates.
- Pay Scale, Inc. provides data integration services to manage and extract comparative survey data used in setting pay scales from numerous market salary surveys purchased by the City annually.
- This amendment extends the initial agreement to allow the City continued access to market rate surveys to gain insight to the latest information available for current market rates for City salaries.
- The original contract with the vendor was for three years.
 - Contract Amendment #1 extended the original term for one year.
 - Total expenditures to-date have been \$99,999.
 - The City is seeking Council approval to extend the contract for as long as the Pay Scale, Inc. software is in use to provide market salary survey data.
 - Services provided by Pay Scale, Inc. will be reviewed by the City on an annual basis.
- Annual ongoing contract expenditures are estimated at \$29,500.

Fiscal Note

Funding: Human Resources Operating Budget

60. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$206.76.

Staff Resource(s):

Randy Harrington, Management and Financial Services

Teresa Smith, Management and Financial Services

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested

Resolution Property Tax Refunds

[List of Taxpayers and Refunds Requested](#)

[Resolution](#)

61. Meeting Minutes

Action:

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

- May 22, 2017, Business Meeting
- May 24, 2017, Straw Votes
- June 5, 2017, Workshop
- June 12, 2017, Business Meeting

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS**62. Land Purchase for Tree Canopy Preservation Program****Action:**

- A. Approve the purchase of an approximately 27-acre parcel (parcel identification number 047-351-02) located at 9022 Research Drive in University Research Park for the amount of \$1,200,000, and**
- B. Authorize the City Manager to negotiate and grant a conservation easement to Catawba Lands Conservancy.**

Staff Resource(s):

Mike Davis, Engineering and Property Management
Tim Porter, Engineering and Property Management
Tony Korolos, Engineering and Property Management

Explanation

- The City's Tree Ordinance allows developers to pay into the Tree Ordinance Mitigation Fund, administered by the City, in lieu of saving trees on site. The City uses these funds for property acquisition and expenditures associated with ongoing tree preservation and maintenance.
- Staff identified this property as a good candidate for the Tree Canopy Preservation Program due to location, forest quality, conservation value, and partnership opportunities. The property adjacent to Mallard Creek Greenway features mature forest habitat important for conservation and offers a partnership opportunity with the Catawba Lands Conservancy, meeting the program criteria.
- Staff negotiated the purchase price with the property owner based on appraised value and the desired sales price.
- The City will donate a conservation easement to the Catawba Lands Conservancy to ensure stewardship of the tree canopy and monitoring of the property in perpetuity.
- The Charlotte-Mecklenburg Planning Commission recommended approval for the City to purchase the land on March 21, 2017.
- This transaction is consistent with the Council City-Owned Real Estate and Facilities Policy because it fulfills a City ordinance requirement and addresses Council's priority for 50% tree canopy coverage by 2050.

Fiscal Note

Funding: Tree Ordinance Mitigation Fund

Attachment(s)

Map

[RCA MAP ATTACHMENT 9022 RESEARCH DRIVE](#)

63. Sale of City Surplus Properties adjacent to Interstate 77 to the North Carolina Department of Transportation

Action:

Approve the sale of City surplus properties totaling 3.623 acres to the North Carolina Department of Transportation (NCDOT) for \$130,925.

Staff Resource(s):

Mike Davis, Engineering and Property Management

Tony Korolos, Engineering and Property Management

Explanation

- The NCDOT I-77 Express Lanes Project is a road infrastructure project that will improve 26 miles of I-77 North between Uptown Charlotte and the Lake Norman area.
- NCDOT has identified portions of 27 City surplus properties that must be acquired to complete the project. All properties are vacant lots zoned R-8 located in Council District 2:
 - PID 075-094-01, 0.239 acres
 - PID 075-094-10, 0.256 acres
 - PID 075-096-11, 0.070 acres
 - PID 075-096-12, 0.053 acres
 - PID 075-096-13, 0.055 acres
 - PID 075-096-14, 0.071 acres
 - PID 075-096-15, 0.072 acres
 - PID 075-096-16, 0.072 acres
 - PID 075-096-17, 0.072 acres
 - PID 075-096-18, 0.073 acres
 - PID 075-096-19, 0.073 acres
 - PID 075-096-20, 0.073 acres
 - PID 075-096-21, 0.074 acres
 - PID 075-096-22, 0.079 acres
 - PID 075-097-12, 0.080 acres
 - PID 075-097-13, 0.071 acres
 - PID 075-097-14, 0.151 acres
 - PID 075-097-15, 0.152 acres
 - PID 075-097-16, 0.077 acres
 - PID 075-097-17, 0.232 acres
 - PID 075-097-18, 0.163 acres
 - PID 075-098-06, 0.085 acres
 - PID 075-098-07, 0.074 acres
 - PID 075-098-08, 0.063 acres
 - PID 075-098-09, 0.990 acres
 - PID 075-098-09, 0.080 acres
 - Right-of-way, 0.074 acres
 - Right-of-way, 0.079 acres
- NCDOT will pay \$130,925 for the parcels.
- The City's real estate appraiser determined the purchase price is representative of fair market value.
- North Carolina General Statute §160A-274 permits the City to sell property to another governmental unit, including the State, upon such terms and conditions as it deems wise, and the North Carolina Department of Administration has approved this state transaction.
- These parcels are not suitable for affordable housing because Duke Energy has a perpetual easement and right-of-way on the properties which renders them unbuildable.
- This proposed sale has been through the Mandatory Referral process and the Planning Commission is expected to recommend the sale on June 20, 2017.
- This proposed sale is consistent with City Council's City-Owned Real Estate and Facilities Policy because the properties are underutilized, not appropriate for other uses, and revenue is maximized through a sale at market value.

Fiscal Note

Funding: Proceeds from the sale will be deposited into the General Capital Pay-As-You-Go Fund to support future capital investments per City Council policy.

Attachment(s)

Map

[Sale of Surplus Properties to NCDOT](#)

64. Aviation Property Transaction

Action:

Approve the following Property Acquisition - 7728 Steel Creek Road

Project: Airport Environmental Impact Statement Mitigation Land

Owner(s): Steel Creek Presbyterian Church, Inc.

Property Address: 7728 Steele Creek Road (This is the manse and accompanying land)

Total Parcel Area: 17.028 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: 141-112-06

Purchase Price: \$1,580,000 and all relocation benefits in compliance with federal, state, or local regulations.

Council District: N/A

65. Property Transactions - Little Rock Road Sidewalk, Parcel #9

Action: Approve the following Condemnation: Little Rock Road Sidewalk, Parcel #9

Project: Little Rock Road Sidewalk, Parcel #9

Owner(s): Nai Tina Touprong Hole

Property Address: 2133 Little Rock Road

Total Parcel Area: 97,781 sq. ft. (2.245 ac.)

Property to be acquired by Fee: 939 sq. ft. (.022 ac.) in Fee Simple, plus 7,660 sq. ft. (.176 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 2,569 sq. ft. (.059 ac.) in Sidewalk and Utility Easement, plus 6,624 sq. ft. (.152 ac.) in Temporary Construction Easement, plus 66 sq. ft. (.002 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential - Rural Acreage

Tax Code: 059-172-02

Appraised Value: \$3,000

Property Owner's Counteroffer: \$9,900

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

City's Response to Property Owner's Concerns: Staff informed the property owners that they can obtain their own appraisal in order to justify their counter offer.

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

Council District: 3

66. Property Transactions - Little Rock Road Sidewalk, Parcel #33

Action: Approve the following Condemnation: Little Rock Road Sidewalk, Parcel #33

Project: Little Rock Road Sidewalk, Parcel #33

Owner(s): Deborah N. Johnson, Stephanie Bailey, Jonathan Allen, Deniece Ingram, Darryl Allen and Gefferi Allen

Property Address: 6740 Rocklake Drive

Total Parcel Area: 12,000 sq. ft. (.275 ac.)

Property to be acquired by Easements: 79 sq. ft. (.002 ac.) in Sidewalk and Utility Easement, plus 481 sq. ft. (.011 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 059-191-20

Appraised Value: \$150

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

Council District: 3

ADJOURNMENT

REFERENCES

67. 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.

68. 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.

69. 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.