

City of Charlotte

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



Meeting Agenda

Monday, September 11, 2017

Council Chambers

City Council Business Meeting

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

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

1. Closed Session

2. Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Mayor and Council Consent Item Questions

Staff Resource(s):

Danny Pleasant, 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.

4. Charlotte Convention Center Expansion and Updates

Staff Resource(s):

Randy Harrington, Management and Financial Services

Tom Murray, Charlotte Regional Visitors Authority

William Haas, Engineering and Property Management

Time: 30 minutes

Explanation

- On September 12, 2016, City Council received a presentation on Charlotte Convention Center long-term needs, including investments for additional and reconfigured meeting space, enhanced technology and increased connection to Uptown hospitality, tourism locations and amenities.
- On January 9, 2017, City Council approved \$1.6 million for Convention Center schematic design (35% design phase).
- Schematic design is now complete, and City/CRVA staff is ready to complete the design.
- CRVA staff will present an overview of the proposed investments and next steps.

Future Action

- At the September 25 Council Business meeting, City Council will be asked to take these actions:
 - Approve a contract with the CRVA to reimburse expenditures incurred from a design contract with an architectural firm and a pre-construction contract with a construction management firm. Reimbursement will occur upon issuance of COPs for construction of the Convention Center Improvements.
- In early 2019, Council will be asked to approve a full construction contract with a construction management firm.

[Council Update on CCC Expansion 9 11 17 CRVA Final Edit2](#)

5. Camp North End Infrastructure Reimbursement

Committee Chair:

James Mitchell, Economic Development

Staff Resource(s):

Debra Campbell, City Manager's Office

Patrick Mumford, Economic Development

Time: 15 minutes

Explanation

- Staff has been in discussions with the developer of the Camp North End site (formerly known as the Rite Aid and Hercules site) regarding a partnership opportunity to use a portion of the Applied Innovation Corridor Community Investment Plan funds to reimburse the developer for certain infrastructure improvements.
- At build-out the Camp North End redevelopment could include up to 280,000 square feet of retail and entertainment uses, 1,500,000 square-feet of office space and 1,500 multifamily units. In total, the development is estimated to increase the tax base by nearly \$600 million.

Future Action

City Council will be asked to approve a Memorandum of Understanding for the project at the September 25 Business meeting.

[Dinner Briefing 9-11-17 Camp North End Draft 2.0 \(2\)](#)

6. River District Infrastructure Reimbursement

Committee Chair:

James Mitchell, Economic Development

Staff Resource(s):

Debra Campbell, City Manager's Office

Patrick Mumford, Economic Development

Time: 15 minutes

Explanation

- Staff has been in discussions with the River District development team regarding their request for City financial participation in public infrastructure improvements through two infrastructure reimbursement agreements. Funding for the reimbursement has been proposed using the City's Tax Increment Grant Program and the Community Investment Plan.
- The infrastructure improvements are part of Phase 1 of the development, which includes one million square-feet of office and retail space, a hotel, and 900 residential units. This phase of the project is expected to increase the tax base by \$422 million.
- This presentation is a referral from the Economic Development Committee's August 17, 2017 meeting and is an overview of agreement terms between the City and project developers.

Future Action

City Council will be asked to approve a Memorandum of Understanding for the project at the September 25 Business meeting.

[Dinner Briefing 9-11-17 River DistrictDraft 2.0](#)

7. Tree Canopy Update

Committee Chair:

Patsy Kinsey, Environment

Staff Resource(s):

Michael Davis, Engineering and Property Management

Erin Oliverio, Engineering and Property Management

Chuck Cole, TreesCharlotte

Time: 30 minutes

Explanation

- City and TreesCharlotte staff will provide a briefing on the following topics as they pertain to the Urban Forest Master Plan (UFMP).
 - Current planting and maintenance efforts;
 - UFMP recommended tasks currently underway;
 - UFMP recommended tasks planned for the next year, and
 - TreesCharlotte FY 2017 successes and plans for FY 2018.

Future Action

The City Council will be asked to consider adoption of the completed UFMP during City Council's regular business meeting on September 25, 2017.

8. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Danny Pleasant, City Manager's Office

Time: 10 minutes

Synopsis

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

Call to Order

Roll Call

Introductions

Invocation

Pledge of Allegiance

9. Consent agenda items 20 through 53 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

Consideration of Consent Items shall occur in the following order:

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

7:00 P.M. AWARDS AND RECOGNITION

10. September 11, 2001 Remembrance Day Proclamation

Action:

Mayor Roberts will read a proclamation in remembrance of September 11, 2001.

11. North Carolina Music Hall of Fame Inductee Anthony Hamilton Day

Action:

Mayor Roberts will read a proclamation recognizing Anthony Hamilton as an inductee into the North Carolina Music Hall of Fame.

POLICY

12. City Manager's Report

13. Solid Waste Ordinance Amendment

Action:

Approve the Environment Committee's recommendation to adopt an ordinance amending Chapter 10 - Health and Sanitation of the City Code, with an effective date of January 1, 2018.

Committee Chair:

Patsy Kinsey, Environment Committee

Staff Resource(s):

Victoria Johnson, Solid Waste Services

Pamela Wideman, Housing and Neighborhood Services

Ben Krise, Housing and Neighborhood Services

Ellen Price, Solid Waste Services

Thomas Powers, City Attorney's Office

Explanation

- During the FY 2017 budget process, City Council referred the review of the Health and Sanitation (Chapter 10) ordinance to the Environment Committee.
- On August 14, 2017, the Environment Committee approved a revised Solid Waste (SW) ordinance and recommended full Council adoption.
- The goals of the revised SW Ordinance are:
 - Simplify the structure to create stand-alone ordinances each for Solid Waste Services and Code Enforcement,
 - Modernize the language and update terms and definitions,
 - Provide greater flexibility in service provisions,
 - Update the fines schedule for enforcement, and
 - Provide authority for exploring options for service delivery.
- The proposed draft for a revised SW Ordinance includes the following major changes:
 - Categorizes service types into primary and secondary collection services,
 - Defines types of waste containers,
 - Assigns new multifamily developments with 12 or more units to dumpster/compactor service,
 - Provides discretionary powers and additional authority to the Solid Waste Services department head,
 - Assesses all general civil penalties violations at \$150,
 - Assesses penalties for signs violations at \$100, and
 - Defines chronic and repeat offenders with escalating violation penalties of \$250 and \$500.

Attachment(s)

Solid Waste Ordinance

[Solid Waste Ordinance](#)

BUSINESS

14. Nominations to Charlotte Community Capital Loan Fund

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning October 2, 2017 and ending September 30, 2020.
 - Bernadette Johnson is not interested in being reappointed.

Attachment(s)

Charlotte Community Capital Loan Fund Applicants

15. Nominations to the Domestic Violence Advisory Board

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year beginning September 23, 2017 and ending September 22, 2020.
 - Beatrice Cote has served two full terms; therefore, she is not eligible for reappointment.
- One appointment for a partial term beginning immediately and ending September 21, 2018.
 - Alex Kondratyk, a County employee, is not eligible to serve.

Attachment(s)

Domestic Violence Advisory Board Applicants

16. Nominations to the Housing Appeals Board

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment in the At-Large category for a partial term beginning immediately and ending December 31, 2018.
 - Amanda Cutliff has resigned.

Attachment(s)

Housing Appeals Board Applicants

17. Nominations to Keep Charlotte Beautiful

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning immediately and ending June 30, 2018.
 - Mitchell Hughes did not meet attendance requirements.
- One appointment for a partial term beginning immediately and ending June 30, 2019.
 - Daniel Herrera did not meet attendance requirements.
- One appointment for a partial term beginning immediately and ending June 30, 2019.
 - Cory A. Watson has resigned.

Attachment(s)

Keep Charlotte Beautiful Applicants

18. Nominations to the Zoning Board of Adjustment

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning immediately and ending January 31, 2019.
 - Nichelle Bonaparte resigned.

Attachment(s)

Zoning Board of Adjustment Applicants

19. Mayor and City Council Topics

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

CONSENT

20. Governor's Highway Safety Program Grant for Traffic Safety

Action:

Adopt a resolution authorizing the Charlotte-Mecklenburg Police Department to accept the grant award of \$43,000 from the Governor's Highway Safety Program.

Staff Resource(s):

Kerr Putney, Police

David Sloan, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) has an opportunity to accept the grant award of \$43,000 from the Governor's Highway Safety Program (GHSP), which will provide the following:
 - \$14,000 to purchase four additional dual antenna radar units used in police vehicles to help enforce speed limit laws;
 - \$23,000 to purchase a Driving While Impaired (DWI) prevention simulator, which is used to demonstrate the effect of alcohol and other drugs on driving skills;
 - \$5,000 for the Regional Law Enforcement Liaison travel, training, and meetings expenses:
 - Local traffic safety meetings coordinated by CMPD;
 - Meetings throughout North Carolina and out-of-state; and
 - Training for other departments in the region, and annual, national traffic safety enforcement conference.
 - \$600 to cover the data plan expenses for the GHSP issued technology equipment; and
 - \$400 to support law enforcement county coordinators' public relations efforts.
- The grant is for a period of one year. No matching funds are required from the City.
- GHSP requires that the City Council pass a resolution authorizing the acceptance of grant funding.

Fiscal Note

Funding: Governor's Highway Safety Program

Attachment(s)

Resolution

[Local Government Resolution NC GHSP Traffic Safety 1](#)

21. Governor's Highway Safety Program Grant for Driving While Impaired Task Force

Action:

Adopt a resolution authorizing the Charlotte-Mecklenburg Police Department to accept the fifth year grant award for \$187,479 from the Governor's Highway Safety Program for a Driving While Impaired Task Force.

Staff Resource(s):

Kerr Putney, Police

David Sloan, Police

Explanation

- On October 28, 2013, City Council authorized a grant acceptance from the Governor's Highway Safety Program (GHSP) to offset costs of a Driving While Impaired (DWI) Task Force to focus on mitigating DWI and informing the dangers associated with DWI for four years.
- GHSP modified the grant offering and offered a fifth year of funding for the FY 2018 grant for \$187,479, which funds 25 percent of the Task Force's personnel costs for six officers and one sergeant assigned to the DWI Task Force.
 - A City match of \$562,438 is required from the Charlotte-Mecklenburg Police Department's (CMPD) operating budget to fund the remaining costs not funded by the grant.
- The grant funded the DWI Task Force at 100 percent in FY 2014 (\$797,304), 85 percent in FY 2015 (\$488,350), 70 percent in FY 2016 (\$418,415), 50 percent in FY 2017 (\$359,847), and will fund 25 percent in FY 2018 (\$187,479), which equals a net savings of \$2,251,395 over the five-year grant award period.
- In FY 2019, the City will resume the total costs of the DWI Task Force.
- The DWI Task Force continues to be a significant factor in the number of enforcement actions taken by CMPD with less City funds as a result of the multiple NC GHSP grants received.
- The DWI Task Force conducted over 30 educational awareness sessions with area high school students and instructed over 100 officers in standardized field sobriety testing.
- In FY 2017, the DWI Task Force charged 681 drivers with DWI, issued 2,500 traffic citations, and assisted with 22 DWI related fatality cases.
- GHSP requires that City Council pass a resolution to authorize CMPD to apply and accept the grant funding.

Fiscal Note

Funding: Police Operating Budget and FY 2018 GHSP DWI Task Force grant

Attachment(s)

Resolution

[Local Government Resolution NC GHSP DWI Task Force](#)

22. Voluntary Annexations Public Hearing Date

Action:

- A. Adopt resolutions setting public hearings for October 9, 2017 for the following voluntary annexation petitions:**
- **Rocky River MPV,**
 - **Berewick Commons,**
 - **Winget Park/Nature Preserve, and**
 - **Reedy Creek Nature Preserve,**
- B. Adopt a resolution setting a public hearing for October 9, 2017 for annexation of the City-owned Byrum/NC160 property.**

Staff Resource(s):

Ed McKinney, Planning

Jonathan Wells, Planning

Explanation

- The City has received two petitions for voluntary annexation of private properties and two petitions for voluntary annexation of public (County-owned) properties.
- In addition, it is proposed to annex a tract of City-owned property.
- Public hearings are required prior to City Council action on annexation requests.
- All of these properties are located within Charlotte's extraterritorial jurisdiction.
- Areas proposed for annexation share boundaries with current city limits.
- Annexation of these areas at this time will allow for more orderly land development review, extension of City services, capital investments, and future annexation processes.
- The 87.555-acre "Rocky River MPV" site is located off Rocky River Road east of I-485 in eastern Mecklenburg County.
 - The property is currently vacant and contains a portion of I-485 state-maintained right-of-way.
 - The petitioner has plans to construct a mixed use development on the site.
 - The property is zoned CC - Commercial Center (Petition 2017-042).
 - The property is located immediately adjacent to City Council District 4.
 - Petitioned area consists of three parcels plus some interstate right-of-way.
- The 17.850-acre "Berewick Commons" site is located off Berewick Commons Parkway in southwestern Mecklenburg County.
 - The property is currently vacant and contains a small portion of street right-of-way.
 - The petitioner has plans for a 107-unit townhome development on the property
 - The property is zoned CC - Commercial Center.
 - The property is located immediately adjacent to City Council District 3.
 - Petitioned area consists of three parcels.
- The 108.446-acre "Winget Park/Nature Preserve" site is located off Winget Road in southwestern Mecklenburg County.
 - The property is largely vacant but contains a rural farmhouse.
 - The petitioner has plans to continue to operate the property as a public park and nature preserve.
 - The property is zoned R-3 - Residential and MX-1(Innov) - Mixed Use, Innovative.
 - The property is located immediately adjacent to City Council District 3.
 - Petitioned area consists of four parcels.
- The 96.470-acre "Reedy Creek Nature Preserve" site is located adjacent to Reedy Creek Park off Rocky River Road in eastern Mecklenburg County.
 - The property is currently vacant.
 - The petitioner has plans to continue to operate the property as a public park and nature preserve.
 - The property is zoned R-3 - Residential and MX-1 - Mixed Use.

- The property is located immediately adjacent to City Council District 4.
 - Petitioned area consists of two parcels.
- The City-owned 44.330-acre "Byrum/NC160" site is located at the Byrum Drive/West Boulevard intersection in western Mecklenburg County.
 - The property is vacant and is located within the Byrum Drive and West Boulevard rights-of-way.
 - The City acquired the property to serve as part of the future airport runway protection zone and will likely not be developed.
 - The property is zoned I-2 - Industrial and I-2(CD) - Industrial, Conditional.
 - The property is located immediately adjacent to City Council District 3.
 - Petitioned area consists of two parcels, segments of three other parcels plus some road right-of-way.

Consistency with City Council Policies

- These annexations are generally consistent with City voluntary annexation policies approved by the City Council on March 24, 2003; more specifically they:
 - Will not adversely affect the City's ability to undertake future annexations;
 - Will not have undue negative impact on City finances or services; and
 - Will not result in a situation where unincorporated areas will be encompassed by new City limits.

Public Hearing Date

The resolutions set Monday, October 9, 2017 for the public hearings.

Attachment(s)

Maps

Resolutions

[Map for Council Rocky River](#)

[Resolution setting hearing Rocky River MPV](#)

[Map for Council Berewick](#)

[Resolution to set hearing Berewick Commons](#)

[Map for Council Winget](#)

[Resolution setting hearing Winget](#)

[Map for Council Reedy Creek](#)

[Resolution setting hearing Reedy Creek](#)

[Map for Council Byrum 160](#)

[Resolution setting hearing Byrum 160](#)

23. Intelligent Transportation System Project Grant

Action:

- A. Approve a resolution authorizing the City Manager to execute a municipal agreement with the North Carolina Department of Transportation accepting a Congestion Mitigation and Air Quality Grant for Intelligent Transportation System in the amount of \$1,580,000, and
- B. Adopt a budget ordinance appropriating \$1,580,000 to the General Community Investment Plan.

Staff Resource(s):

Liz Babson, Transportation
Angela Berry, Transportation

Explanation

- The Charlotte Regional Transportation Planning Organization allocated Congestion Mitigation and Air Quality (CMAQ) funding for the construction of five Intelligent Transportation System (ITS) projects.
- ITS projects are part of the implementation of the Intelligent Transportation System Master Plan identified in the Transportation Action Plan.
- ITS projects consist of items such as fiber optic cabling, traffic signal interconnection, and video traffic management cameras. These items, as a system, provide the ability to remotely adjust traffic signals in the response to traffic flow and emergency conditions.
- This grant will be used on five ITS construction projects:
 - Harris Boulevard from University City Boulevard to Rocky River Road and Old Concord Road to Mclean Road;
 - Wilkinson Boulevard from Morehead Street to Josh Birmingham Parkway;
 - Steele Creek Road from Westinghouse to South Tryon;
 - Arrowood Road from South Tryon to South Boulevard; and
 - Mallard Creek Road from Harris Boulevard to Governor Hunt Road.
- CMAQ funding for construction is \$1,580,000 (79%) and the City's match for construction is \$420,000 (21%).
- Council will be asked to approve construction contracts with general contractors as the projects are designed and bid.

Fiscal Note

Funding: North Carolina Department of Transportation Congestion Mitigation Air Quality Grant (\$1,580,000) and Transportation Community Investment Plan (City's match of \$420,000)

Attachment(s)

Budget Ordinance
Resolution

[CDOT ord 9-11-17 CRTPO CMAQ contribution](#)

[09 11 2017 Resolution for ITS CMAQ RCA](#)

24. Idlewild Road/Rama Road and Monroe Road Municipal Agreement

Action:

- A. **Authorize the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for construction of various improvements at the intersection of Idlewild Road/Rama Road and Monroe Road,**
- B. **Adopt a resolution accepting funds from the North Carolina Department of Transportation to the City of Charlotte for the project in the amount of \$3,400,000, and**
- C. **Adopt a budget ordinance appropriating \$3,400,000 in North Carolina Department of Transportation funds.**

Staff Resource(s):

Liz Babson, Transportation

Felix Obregon, Transportation

Explanation

- The Idlewild Road/Rama Road intersection project was a named 2014 bond project.
- The Project will provide vehicular capacity and amenities for vehicles, pedestrians and bicyclists at the intersection. The widening will:
 - Construct a multi-use path on the north side of Monroe Road from McMullen Way to Idlewild Road as part of the future Independence Boulevard Area Sidewalk and Bike Facilities South Capital project,
 - Add left and right turn lanes to increase vehicular capacity,
 - Provide pedestrian improvements by constructing curb ramps and pedestrian islands, and
 - Add bicycle facilities on all approaches.
- The anticipated total project cost is \$9.5 million. The cost share is:
 - North Carolina Department of Transportation: \$3,400,000
 - City of Charlotte: \$6,100,000
- A Municipal Agreement between the City and the State is necessary for the City to be reimbursed. This Municipal Agreement is consistent with past agreements.

Fiscal Note

Funding: North Carolina Department of Transportation (\$3,400,000) and General Transportation Community Investment Plan (City's match of \$6,100,000)

Attachment(s)

Map

Budget Ordinance

Resolution

[Idlewild and Monroe](#)

[CDOT ord 9-11-17 NCDOT Contribution](#)

[Idlewild Rd and Monroe Rd Budget Resolution](#)

25. Beatties Ford Road Widening

Action:

Award a contract in the amount of \$10,281,606.23 to the lowest responsive bidder J. T. Russell and Sons, Inc. for the Beatties Ford Road Widening project.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Imad Fakhreddin, Engineering and Property Management

Explanation

- This project will widen Beatties Ford Road from two lanes to four and include turning lanes, planted median, bicycle lanes, sidewalk, planting strips and lighting. The project limits are from Capps Hill Mine Road to Pauline Lane (approximately 2.2 miles).
- The work will improve the horizontal alignment along the roadway and provide a new traffic signal at the intersection of Beatties Ford Road and Capps Hill Mine Road.
- Initial bids were received on May 4, 2017 from three bidders. All bids were rejected due to not meeting bid requirements.
- On July 12, 2017, the City re-advertised the Invitation to Bid. Five bids were received from interested service providers.
- J.T. Russell and Sons, Inc. was selected as the lowest responsive, responsible bidder.
- Utility companies have been working on relocating facilities since spring, 2014. It is expected that utility relocation will be complete by fall, 2017.
- This project is funded by 2010 transportation bonds as a Capital Improvement Project.
- Construction is anticipated to be complete by second quarter 2020.

Charlotte Business INclusion

Established SBE Goal: 19.00%

Committed SBE Goal: 49.99%

JT Russell & Sons, Inc. exceeded the established SBE subcontracting goal, and has committed 49.99% (\$5,139,822.86) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- B & N Grading, Inc. (SBE) (\$4,316,611.20) (grading and storm drainage)
- R.R.C. Concrete Inc (SBE, MBE) (\$281,000) (concrete)
- Silverback Brothers LLC (SBE, MBE) (\$272,211.66) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$250,000) (hauling)
- Mid-Atlantic Erosion Control, Inc (SBE, MBE) (\$20,000) (erosion control)

Established MBE Goal: 8.00%

Committed MBE Goal: 8.01%

JT Russell & Sons, Inc. exceeded the established MBE subcontracting goal, and has committed 8.01% (\$823,211.66) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (SBE, MBE) (\$281,000) (concrete)
- Silverback Brothers LLC (SBE, MBE) (\$272,211.66) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$250,000) (hauling)
- Mid-Atlantic Erosion Control, Inc (SBE, MBE) (\$20,000) (erosion control)

Fiscal Note

Funding: General Transportation Community Investment Plan

Attachment(s)

Map

[Location Map - Beatties Ford Road Widening](#)

[Summary of Bids - Beatties Ford Rd Wid](#)

26. Heating, Ventilation, and Air Conditioning Maintenance and Repair Services

Action:

Approve unit price contracts with the following companies for heating, ventilation and air conditioning maintenance and repair services for a three-year term:

- **Armstrong Mechanical Services, Inc.,**
- **Redblue, Inc., and**
- **Southern Comfort of Charlotte, Inc.**

Staff Resource(s):

Mike Davis, Engineering and Property Management

William Haas, Engineering and Property Management

Explanation

- The contracts will provide repairs and maintenance services for heating, ventilation, and air conditioning systems in approximately 4.5 million square feet of City-owned space.
- Contractors are used to ensure peaks in heating, ventilation, and air conditioning workload can be addressed in a timely manner by qualified technicians.
- On June 20, 2017, the City issued a Request for Proposals; three proposals were received from interested technical service providers.
- Armstrong Mechanical Services, Inc., Redblue, Inc., and Southern Comfort of Charlotte, Inc. all meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- As needs arise, the City will issue work orders based on unit prices established by the contract.
- Estimated contract expenditures for all contracts are each \$150,000 annually/\$1.35 million in the aggregate over the three-year term.

Charlotte Business INclusion

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

Fiscal Note

Funding: Engineering and Property Management Operating Budget

27. Charlotte Fire Logistics Pavement Repair

Action:

Award a contract in the amount of \$474,935.22 to the lowest responsive bidder Carolina Site Concepts, Inc. for the Charlotte Fire Department Logistics Pavement Repair project.

Staff Resource(s):

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

Explanation

- Charlotte Fire Logistics, located at 1501 North Graham Street, is a centralized warehouse for all 42 fire stations. Charlotte fire trucks enter the parking lot daily to replenish supplies, swap out equipment and perform ladder testing.
- The current parking lot pavement is too thin and does not support the load of the trucks.
- This project includes removal of the existing asphalt pavement and replacing it with 10-inch thick reinforced concrete pavement.
- On July 10, 2017, the City issued an Invitation to Bid; one bid was received from interested service providers.
- Carolina Site Concepts, Inc. 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: Carolina Site Concepts, Inc. (SBE) (Part A: Section 2.3 of the Charlotte Business INClusion Policy).

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Charlotte Fire Department Logistics Pavement Repair](#)

28. Landscape Installation Services

Action:

Approve one-year contracts with the following companies for landscape installation services:

- The Metrolina Landscape Company, \$150,000
- Roundtree Companies, LLC, \$225,000
- Carolina Outdoor Maintenance, Inc., \$75,000
- Leisure Time Lawn Care, LP, \$75,000
- Southern Shade Tree Co., Inc., \$75,000
- New Beginning Landscape, LLC, \$100,000

Staff Resource(s):

Mike Davis, Engineering and Property Management

Quin Hall, Engineering and Property Management

Tim Porter, Engineering and Property Management

Explanation

- These contracts provide continuous landscape installation services for City right-of-way and in coordination with TreesCharlotte plantings in schools and parks.
- Services include, but are not limited to:
 - Plant material installation in the right-of-way planting strip (between the curb and sidewalk), behind sidewalk and in medians,
 - Stump grinding, debris removal and disposal on specific projects where tree replacement is occurring, and
 - Mulching and clean-up.
- The City will issue work orders for specific individual projects separately to each contractor.
- On June 28, 2017, the City issued a Request for Proposals; seven proposals were received from interested service providers.
- Firms selected were the best qualified firms to meet the City's needs on the basis of demonstrated competence and qualification of services in response to the RFP requirements.
- Estimated contract expenditures for all contracts are \$700,000 annually.

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). Four contracts will be awarded to the following certified firms, resulting in \$475,000 (67.86%) total MSBE utilization:

- Roundtree Companies, LLC (SBE) (\$225,000)
- New Beginnings Landscape, LLC (SBE, MBE) (\$100,000)
- Carolina Outdoor Maintenance, Inc. (SBE) (\$75,000)
- Leisure Time Lawn Care, LP (SBE) (\$75,000)

Fiscal Note

Funding: General Community Investment Plan

29. Cross-Charlotte Trail Design Services

Action:

Approve contract Amendment #3 in the amount of \$352,439 for the Cross Charlotte Trail with Kimley-Horn and Associates, Inc. for additional design services.

Staff Resource(s):

Mike Davis, Engineering and Property Management

Joe Frey, Engineering and Property Management

Explanation

- The completed Cross Charlotte Trail (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.
- On October 26, 2015, the City Council approved a contract for \$978,179 with Kimley-Horn and Associates, Inc. (Kimley-Horn) for the design of the following trail sections:
 - Brandywine Road to Tyvola Road (design services)
 - South Charlotte Connector (design services)
 - Davidson Street to 25th Street (planning services)
- On November 17, 2016, staff executed contract amendment #1, adding a specialty sub-consultant for geotechnical/foundation/wall services. Amendment #1 was administrative in nature with no associated costs.
- On December 12, 2016, City Council approved contract amendment #2 for \$680,760, allowing Kimley-Horn to provide services on:
 - Davidson Street to Matheson Avenue segment (design, real estate, and construction services)
 - Matheson Avenue to Craighead Road segment (planning services)
- Amendment #3 will allow Kimley-Horn to provide the following services:
 - Brandywine Road to Tyvola Road segment:
 - Design, real estate, and construction services for Storm Water Best Management Practices (BMP's) required per the Post Construction Storm Water Ordinance for permitting entire trail segment.
 - Design services for a pocket park at a trail access point at 3938 Selwyn Avenue (corner of Selwyn Avenue and Park Road)
 - Matheson Avenue to Craighead Avenue segment: Matheson Avenue Retaining Walls (expedited design revisions in order to accommodate schedule and site plan of adjacent private development)
- In order to expedite multiple segments concurrently and respond to rezoning petitions and private developments along the XCLT alignment, the services of Kimley-Horn are being utilized for multiple segments of the Trail under the same contract as described above.
- The total contract amount to date, including contract amendment #3 is \$2,011,378 and is available in the project budget.

Charlotte Business INclusion

All additional work involved in this amendment will be performed by Kimley-Horn and Associates and their existing sub-consultants (Part D: Section 6 of the Charlotte Business INclusion Policy). Kimley-Horn has committed 14.47% (\$51,000) of the total amendment amount to the following certified firms:

- CES Group Engineers (WBE, SBE) (\$40,500) (real estate phase services)
- James Mauney & Associates (SBE) (\$8,000) (mapping services)
- Boyle Consulting Engineers (SBE) (\$2,500) (geotechnical services)

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

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

30. Seneca Place and Wedgewood Drive Intersection and Storm Drainage Improvements

Action:

Award a contract in the amount of \$915,200 to the lowest responsive bidder Zoladz Construction Co., Inc. for the Seneca Place and Wedgewood Drive Intersection and Storm Drainage Improvements project.

Staff Resource(s):

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

Explanation

- This project will rebuild the intersection of Wedgewood Drive and Seneca Place with new curb and gutter, sidewalk and curb ramps to improve pedestrian safety. This project will also install a new storm drainage system including box culverts, headwalls, pipes and catch basins along Seneca Place between Wedgewood Drive and Lamont Drive.
- This project is an opportunity to minimize construction impacts by addressing requests for pedestrian safety and storm drainage improvements simultaneously in the neighborhood.
- On June 27, 2017, the City issued an Invitation to Bid; four bids were received from interested service providers.
- Zoladz Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2018.

Charlotte Business INclusion

Established SBE Goal: 15.00%

Committed SBE Goal: 15.92%

Zoladz Construction Co., Inc. exceeded the established SBE subcontracting goal, and has committed 15.92% (\$145,740) 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) (\$91,000) (masonry)
- McCloud Construction, LLC (SBE) (\$36,740) (concrete)
- Trull Contracting, LLC (SBE, WBE) (\$18,000) (asphalt/paving)

Established MBE Goal: 5.00%

Committed MBE Goal: 9.94%

Zoladz Construction Co., Inc. exceeded the established MBE subcontracting goal, and has committed 9.94% (\$91,000) 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) (\$91,000) (masonry)

Fiscal Note

Funding: General and Storm Water Community Investment Plans

Attachment(s)

Map

[Location Map - Seneca Place and Wedgewood Drive Intersection](#)

31. Long Creek Stream Restoration

Action:

Award a contract in the amount of \$1,045,969.18 to the lowest responsive bidder North State Environmental, Inc. for the Long Creek Stream Restoration project.

Staff Resource(s):

Barry Gullet, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- Long Creek is eroding and has changed its alignment since the sewer line was installed in 2007. The City needs to perform stream restoration in order to protect the 54-inch sewer line. If the sewer line and easement area are not stabilized the stream could undermine the sewer line and cause a major spill.
- The current flow on the 54-inch Long Creek outfall is four million gallons per day average and up to seven million gallons per day maximum.
- This project will provide survey, erosion control, grading, construction materials, and work necessary to perform the restoration of the Long Creek stream banks. The project limits are from the intersection of Long Creek and Belmeade Drive to a point approximately one mile South down Long Creek.
- On June 9, 2017, the City issued an Invitation to Bid for Long Creek Stream Restoration; five bids were received from interested service providers.
- North State Environmental, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by December 2018.

Background

- On March 28, 2016, City Council authorized the application of the Long Creek Grant and for acceptance by the City Manager if awarded.
- The North Carolina's Clean Water Management Trust Fund Grant was awarded in the amount of \$450,000 in October 2016.

Charlotte Business INclusion

Established MSBE Goal: 4.00%

Committed MSBE Goal: 4.10%

North State Environmental, Inc. met the established subcontracting goal and has committed 4.10% (\$42,928) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Habitat Assessment & Restoration Professionals (SBE) (\$30,500) (live stakes)
- Jones Grading & Fencing, Inc. (SBE, MBE) (\$12,428) (hauling)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Long Creek Map](#)

32. Professional Services for Charlotte Water Relocations and Improvements

Action:

- A. Approve a contract in the amount of \$1,500,000 with Hinde Engineering, Inc., for general engineering services for Charlotte Water infrastructure, and
- B. Approve a contract in the amount of \$500,000 with STV Engineers, Inc. for general engineering services for Charlotte Water infrastructure.

Staff Resource(s):

Barry Gullet, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- Whenever a water or sewer line is located within a NCDOT right-of-way and conflicts with an improvement project, the City is required to relocate its facilities as a part of the right-of-way use agreement obtained when the pipe line was installed.
- These contracts will provide the design of new and relocated water and sewer infrastructure as required by public agencies.
- The NCDOT projects that are identified at this time include:
 - Future Independence Widening;
 - I-77 HOT lanes;
 - Local Widening and Intersection Improvements; and
 - HOV Lane Additions to Interstate-485 (Charlotte South Outer Loop) from Hwy 16 to US-74 (Independence Blvd).
- These contracts will be used on an as-needed basis in order to expedite the design of miscellaneous water and sewer relocations.
- On May 24, 2017, the City issued a Request for Qualifications (RFQ); two proposals were received from interested professional service providers on June 20, 2017.
- It was determined that Hinde Engineering, Inc. and STV Engineers, Inc. are both qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy).

- Hinde Engineering, a City SBE, has committed 20% (\$300,000) of the total contract amount to the following certified firm(s):
 - DiCon Consulting, PC (SBE) (\$285,000) (construction management and inspection services)
 - Avioimage Mapping Services, Inc. (SBE) (\$15,000) (aerial mapping services)
- STV Engineers, Inc. has committed 20% (\$100,000) of the total contract amount to the following certified firm:
 - DiCon Consulting, PC (SBE) (\$100,000) (construction observation/as-built plans)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

33. CATS Passenger Information Display System Upgrade

Action:

- A. Approve contract amendment #5 in the amount of \$138,200 to Signature Technologies, Inc. d/b/a Com-Net Software for an upgrade of the CATS Passenger Information Display System (PIDS) and one year of annual maintenance and support, and
- B. Authorize the City Manager to approve the purchase of maintenance and support for as long as the City uses the system.

Staff Resource(s):

John Lewis, CATS

Larry Kopf, CATS

Explanation

- In order to be compliant with the City's new Sentinel One information technology security protection, the Passenger Information Display System (PIDS) application needs to be upgraded by October 2017.
- Com-Net Software is the only company that can provide this service due to the software being proprietary to Com-Net.
- A waiver of a competitive solicitation process may be granted when deemed appropriate and in the City's best interest. Such a finding has been made and a waiver granted for this procurement.
- Expenditures for upgrading the system are estimated to be \$93,200.
- Expenditures for maintenance and support are estimated to be \$45,000 per year, subject to adjustments as authorized by the contract or by the City Manager.

Background

- In 2006, CATS procured, through a request for proposal process, the PIDS to provide transit schedule and arrival information to patrons within the Charlotte Transit Center and park and ride locations at a cost of \$427,271.
- In 2008, the contract was amended twice to provide additional equipment and real time interfaces for an additional cost of \$36,670.
- In 2009 the contract was amended to provide maintenance and support services at an estimated cost of \$45,000.
- In 2010, the contract was amended to integrate the real-time component for an additional cost of \$25,737.

Charlotte Business INclusion

No subcontracting goal was established for this amendment because there are no subcontracting opportunities (Part D: Section 6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: CATS Operating Budget

34. LYNX Blue Line Extension Service Agreements with UNC Charlotte

Action:

- A. **Authorize the City Manager to negotiate and execute a five-year agreement with UNC Charlotte for an all-access pass to use CATS services,**
- B. **Authorize the City Manager to negotiate and execute a five-year agreement with UNC Charlotte for addressing safety and security issues within the CATS light rail easement and adjacent areas, and**
- C. **Authorize the City Manager to negotiate and execute a five-year agreement with UNC Charlotte for landscaping and maintenance services within the CATS light rail easement including the UNC Charlotte Main Station.**

Staff Resource(s):

John Lewis, CATS

Olaf Kinard, CATS

Jill Brim, CATS

Explanation

- The University of North Carolina at Charlotte (UNC Charlotte) was instrumental in the LYNX Blue Line Extension project, as funding was contingent on the anticipated ridership demand from University members and students.
- In partnership with the Charlotte Area Transit System (CATS), UNC Charlotte has committed more than \$6 million in funding and land for the project.

Action A

- An all-access pass will provide UNC Charlotte students, faculty and staff with the opportunity to utilize all modes of the CATS' system.
- The Pass Agreement will establish an annual rate (\$50.00) for students, faculty and staff to pay for the use of CATS services.
- The anticipated annual revenue from the all access pass is approximately \$1,050,000.
- Key terms of the Agreement are attached

Action B

- The BLE reaches its terminus at the UNC Charlotte Main Station near Cameron Boulevard on the UNC Charlotte campus.
- As authorized by law, UNC Charlotte has established its own law enforcement agency (University Police Department) with territorial jurisdiction on campus and adjoining property.
- The Security Agreement will outline mutual responsibilities such as first response obligations, emergency calls, crimes in progress, felony calls, arrest and detention and the sharing of information such as camera feeds and radio communications.
- The service agreement for security is to establish the distribution of responsibilities between UNC Charlotte and the City along the Blue Line Extension on the Campus. There is no monetary exchange.

Action C

- The UNC Charlotte Main Station will become an important landmark for the University. Consequently an agreement is needed to designate various landscaping and maintenance responsibilities.
- All landscaping and maintenance on the platform will be managed by CATS. The landscaping and maintenance around the station will be managed by UNC Charlotte.
- The service agreement for landscaping/maintenance is to establish the distribution of responsibilities between UNC Charlotte and the City along the Blue Line Extension on the Campus at UNC Charlotte.

As such, no money will change hands.

Fiscal Note

Funding: CATS Operating Budget

Attachment(s)

Key Terms of the Agreement

[Key Terms Attachment UNCC RCA](#)

35. Transportation Management and City Strategic Planning Consulting Services

Action:

- A. Approve a contract in the amount not to exceed \$203,000 with TransPro Consulting LLC. for transportation management consulting services,
- B. Approve a contract in the amount not to exceed \$68,200 with TransPro Consulting LLC for City strategic planning consulting services, and
- C. Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.

Staff Resource(s):

John Lewis, CATS

Daniel Edes, CATS

Explanation

Action A:

- In August 2016, the City contracted with TransPro to assist CATS with developing performance scorecard evaluation and improvements for a total of \$60,000.
- Over the course of fiscal year 2017, TransPro worked with CATS to develop a performance measurement system known as CATS TRAX Performance Scorecard and CATS will now focus on populating the scorecard with the results.
- TransPro will assist CATS for the first two quarters of fiscal year 2018 with three objectives in assessing the results of the Performance Scorecard measurements:
 - Quarterly analysis, predictive analytics and ongoing evaluation and prioritization of strategic goals;
 - Community engagement; and
 - Employee engagement.
- The project will provide results that CATS can use to plan and target areas for improvements to better serve its customers.
- In addition, TransPro will assist with conducting customer surveys of CATS' fixed route, LYNX, and Special Transportation Services (STS).
- A waiver of a competitive solicitation process may be granted when deemed appropriate and in the City's best interest. Such a finding has been made and a waiver granted for this procurement.
- The waiver was granted because the initial tracking effort was performed by TransPro and they will continue using their method of tracking these performance indicators. TransPro also has the knowledge and experience unique to this project.
- Total estimated contract expenditures are \$203,000, including the \$60,000 spent last fiscal year.

Action B:

- TransPro will provide the City Manager's Office with strategic planning consulting services in the amount of \$68,200. This work will include:
 - Updating the framework for the City's traditional balanced scorecard performance measurement system,
 - Incorporating community outcomes, and
 - Completing customer satisfaction surveys for various City services.

Charlotte Business INclusion

This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: CATS and City Manager's Office Operating Budgets

36. Aviation Passenger Boarding Bridge and Baggage Conveyor System Parts

Action:

- A. Approve the purchase of passenger boarding bridge and baggage conveyor system parts, as authorized by the sole source exemption of G.S. 143-129 (e)(6),**
- B. Approve a unit price contract with ThyssenKrupp Airport Systems for the purchase of passenger boarding bridge and baggage conveyor system parts for the term of five years, and**
- C. Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Sole Source Exemption

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

Explanation

- The Airport relies heavily on passenger boarding bridges and baggage carousels to provide service to the traveling public.
- ThyssenKrupp is the vendor for these passenger boarding bridges, and this contract will provide for the purchase of spare parts that are compatible to these systems.
- Total contract expenditures are estimated at \$1,250,000 for the five-year period and \$250,000 for each optional year.

Charlotte Business INClusion

This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INClusion Policy).

Fiscal Note

Funding: Aviation Operating Budget

37. Airport Enclosed Regional Boarding Ramps

Action:

- A. Approve the purchase of regional boarding ramps, as authorized by the sole source exemption of G.S. 143-129 (e)(6),**
- B. Approve a contract in the amount of \$775,420 with East Island Aviation Services, Inc. for the purchase and the installation of enclosed regional boarding ramps, and**
- C. Adopt a budget ordinance appropriating \$665,420 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s):

Brent Cagle, Aviation

Sole Source Exemption

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

Explanation

- Currently, passengers at Airport concourse gates E4 and E5 are exposed to the outdoor elements while walking to/from and waiting to board the aircraft.
- At the request of American Airlines, the Airport is purchasing and installing two enclosed regional boarding ramps to provide a covered walkway for passengers from the gate to the aircraft.
- The enclosed boarding ramps are an alternate solution to using passenger boarding bridges due to space limitations at these particular gates.
- East Island Aviation Services, Inc. is the only manufacturer of regional boarding ramp systems that provide a fully enclosed option.
- This project is partially funded by passenger facility charge funds (\$110,000). The budget appropriation of \$665,420 will fund the remaining portion of this project.

Charlotte Business INclusion

This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Aviation Community Investment Fund

The Aviation Department intends to seek Federal Aviation Administration approval to use future Passenger Facility Charge funds for reimbursement of the total project costs.

Attachment(s)

Budget Ordinance

[Airport ORD091117 - Airport Enclosed Regional Boarding Ramps](#)

38. Airport Federal Aviation Administration Grant Acceptance

Action:

- A. Adopt a resolution accepting a grant in the amount of \$14,610,809 from the Federal Aviation Administration for Airport projects, and**
- B. Adopt a budget ordinance appropriating \$14,610,809 in grant funds from the Federal Aviation Administration and \$2,870,270 in local share from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- Each year, the Federal Aviation Administration provides Airport Improvement Program entitlement grant funding based on the Airport's operations and number of boarded passengers.
- The total amount of the entitlement grant funding for this year is \$14,610,809.
- Per the grant terms, proceeds from this grant will fund 75 percent of the projects costs for the reimbursement of Taxiway A Rehabilitation, Runway 18R/36L Airport Joint Sealant Improvements, Runway 18R/36L Safety Area Grading Improvements, and West Ramp Expansion Phase I.
- Local funds (Aviation) will pay for the remaining 25 percent of the project costs, which is \$2,870,270.
- The Aviation Department intends to seek approval from the Federal Aviation Administration to reimburse local funds spent with future Passenger Facility Charge funds.

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment(s)

Budget Ordinance

Resolution

[Airport ORD091117 -Airport Federal Aviation Administration Grant Acceptance](#)[FAA Grant Resolution](#)

39. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$7,732.15.

Staff Resource(s):

Randy Harrington, Management and Financial Services

Mark Goodman, Management and Financial Services

Explanation

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

Pearson Review Update

- In accordance with the ordinance approved by the City Council on August 25, 2014, and the North Carolina law, a list of refunds, which have been paid since the last City Council Business Meeting as a result of the Pearson Review, is available at the City Clerk's Office.
- The amount of Pearson Review refunds paid since the last City Council Business Agenda Meeting on August 28, 2017, totaled \$9,905.22.

Attachment(s)

Taxpayers and Refunds Requested

Resolution Property Tax Refunds

[List of Taxpayers and Refunds Requested](#)

[Resolution](#)

PROPERTY TRANSACTIONS

40. In Rem Remedy 619 Sheryl Circle

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Complaint: (619 Sheryl Circle)

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (619 Sheryl Circle) (Neighborhood Profile Area 54).

Attachment(s)

In Rem Packet for (619 Sheryl Circle)

[In Rem Remedy 619 Sheryl Cr.pdf](#)

41. In Rem Remedy 2029 Queens Road, East

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Field Observation: (2029 Queens Road, East)

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (2029 Queens Road, East) (Neighborhood Profile Area 392).

Attachment(s)

In Rem Packet for (2029 Queens Road, East)

[In Rem Remedy 2029 Queens Rd East.pdf](#)

42. Aviation Property Transaction - 8200/8210 Tuckaseegee Road

Action:

Approve the following Property Acquisition - 8200/8210 Tuckaseegee Road

Project: Airport Master Plan Land

Owner(s): William Ladd Shaw Jr. & Kimberly Shaw Quisenberry

Property Address: 8200/8210 Tuckaseegee Road

Total Parcel Area: 11.34 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: Residential Home

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 055-381-08

Purchase Price: \$900,000 and all relocation benefits in compliance with federal, state, or local regulations

Council District: 3

43. Aviation Property Transaction - Corner of N Josh Birmingham Parkway and Wilkinson Boulevard

Action:

Approve the following Property Acquisition - corner of N Josh Birmingham Parkway and Wilkinson Boulevard

Project: Airport Area Master Plan (Project AMP)

Owner(s): Fuller Family Limited Partnership and John and Irene Blackmon

Property Address: Corner of N Josh Birmingham Parkway and Wilkinson Boulevard

Total Parcel Area: 5.03 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: Residential Home

Landscaping to be impacted: Trees and shrubs

Zoned: I-2

Use: Industrial

Tax Code: 061-282-06

Purchase Price: \$4,820,000

Council District: 3

44. Property Transactions - 25th Street Connection, Parcel #3.1

Action:

Approve the following Acquisition: 25th Street Connection, Parcel #3.1

Project: 25th Street Connection, Parcel #3.1

Owner(s): William Caldwell and Pamela Caldwell

Property Address: 413 East 25th Street

Total Parcel Area: 3,822 sq. ft. (.088 ac.)

Property to be acquired by Easements: 588 sq. ft. (.013 ac.) in Utility Easement, plus 555 sq. ft. (.013 ac.) in Gas Line Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 083-053-06

Purchase Price: \$22,825

Council District: 1

45. Property Transactions - Clems Branch Pump Station Improvements, Parcel #1

Action:

Approve the following Acquisition: Clems Branch Pump Station Improvements, Parcel #1

Project: Clems Branch Pump Station Improvements, Parcel #1

Owner(s): Jared James and Janna James

Property Address: 16790 Lancaster Highway

Total Parcel Area: 307,220 sq. ft. (7.053 ac.)

Property to be acquired by Fee: 305,676 sq. ft. (7.017 ac.) in Fee Simple

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 223-511-11

Purchase Price: \$180,000

Council District: 7

46. Property Transactions - Goose Creek Pump Station, Parcel #12

Action:

Approve the following Acquisition: Goose Creek Pump Station, Parcel #12

Project: Goose Creek Pump Station, Parcel #12

Owner(s): Peter J. Jugis, Bishop of the Roman Catholic Diocese of Charlotte, NC

Property Address: 13700 Lawyers Road

Total Parcel Area: 1,450,488 sq. ft. (33.298 ac.)

Property to be acquired by Easements: 19,848 sq. ft. (.456 ac.) in Sanitary Sewer Easement, plus 35,837 sq. ft. (.823 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Concrete walkway

Landscaping to be impacted: Trees

Zoned: R

Use: Single-family Residential

Tax Code: 195-151-01

Purchase Price: \$18,950

Council District: N/A (Mint Hill)

47. Property Transactions - South Tryon Sidewalk Improvement Project Phase II, Parcel #11

Action:

Approve the following Condemnation: South Tryon Sidewalk Improvement Project Phase II, Parcel #11

Project: South Tryon Sidewalk Improvement Project Phase II, Parcel #11

Owner(s): Elbert Wayne Collins and Lunette Pace Collins

Property Address: 13721 South Tryon Street

Total Parcel Area: 49,253 sq. ft. (1.131 ac.)

Property to be acquired by Easements: 1,244 sq. ft. (.029 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 219-124-15

Appraised Value: \$1,525

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

Council District: 3

48. Property Transactions - South Tryon Sidewalk Improvement Project Phase II, Parcels #16 and 18

Action:

Approve the following Condemnation: South Tryon Sidewalk Improvement Project Phase II, Parcels #16 and 18

Project: South Tryon Sidewalk Improvement Project Phase II, Parcels #16 and 18

Owner(s): Christ the King Lutheran Church

Property Address: 13501 South Tryon Street

Total Parcel Area: 817,354 sq. ft. (18.764 ac.)

Property to be acquired by Easements: 3,001 sq. ft. (.069 ac.) in Sidewalk and Utility Easement, plus 4,108 sq. ft. (.094 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Irrigation System

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Rural Homesite

Tax Code: 219-124-01 and 219-121-14

Appraised Value: \$7,775

Recommendation: Staff is currently waiting on signed documents but 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

49. Property Transactions - South Tryon Sidewalk Improvement Project Phase II, Parcel #21

Action:

Approve the following Condemnation: South Tryon Sidewalk Improvement Project Phase II, Parcel #21

Project: South Tryon Sidewalk Improvement Project Phase II, Parcel #21

Owner(s): Danita A Brigantino, Kitra J. Leach, Jaquelyn F. Brigantino, Carly J. Brigantino and Gloris J. Brigantino

Property Address: 13121 South Tryon Street

Total Parcel Area: 37,434 sq. ft. (.859 ac.)

Property to be acquired by Easements: 67 sq. ft. (.002 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: NS

Use: Commercial

Tax Code: 219-123-04

Appraised Value: \$100

Outstanding Concerns: Property owner is non-responsive.

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

50. Property Transactions - South Tryon Sidewalk Improvement Project Phase II, Parcel #22

Action:

Approve the following Condemnation: South Tryon Sidewalk Improvement Project Phase II, Parcel #22

Project: South Tryon Sidewalk Improvement Project Phase II, Parcel #22

Owner(s): Sicilian, LLC

Property Address: 13105 South Tryon Street

Total Parcel Area: 105,041 sq. ft. (2.411 ac.)

Property to be acquired by Easements: 143 sq. ft. (.003 ac.) in Storm Drainage Easement, plus 569 sq. ft. (.013 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Use: Commercial

Tax Code: 219-123-03

Appraised Value: \$1,525

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

Council District: 3

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

Action:

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

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

Program: Flood Control

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

Property Address: 6520 Randy Drive

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

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

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings.

Zoned: R-3

Use: Single-family Residential

Tax Code: 107-161-08

Appraised Value: \$675

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

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

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

Council District: 5

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

Action:

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

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

Program: Flood Control

Owner(s): Ronald Lee Stading

Property Address: 7400 Oakwood Lane

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

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

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings.

Zoned: R-3

Use: Single-family Residential

Tax Code: 107-172-23

Appraised Value: \$875

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

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

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

Council District: 5

53. Property Transactions - North Tryon Business Corridor, Parcel #64 and 66

Action: Approve the following Acquisition: North Tryon Business Corridor, Parcel #64

Project: North Tryon Business Corridor, Parcel #64 and #66

Owner(s): Lonnie C. Hanna, Sr. and Kathy Hanna

Property Address: 114 West 28th Street

Total Parcel Area: 33,641 sq. ft. (.772 ac.)

Property to be acquired by Fee: 6,193 sq. ft. (.142 ac.) in Fee Simple

Property to be acquired by Easements: 1,637 sq. ft. (.038 ac.) in Storm Drainage Easement, plus 4,095 sq. ft. (.094 ac.) in Sidewalk and Utility Easement, plus 12,870 sq. ft. (.295 ac.) in Temporary Construction Easement, plus 146 sq. ft. (.003 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Tax Code: 079-088-01 and 079-088-02

Purchase Price: \$41,500

Council District: 1

Adjournment

REFERENCES

54. Reference - Charlotte Business INClusion Policy

The following excerpts from the City's Charlotte Business INClusion Policy are intended to provide further explanation for those agenda items which reference the Charlotte Business INClusion Policy in the business meeting agenda.

Part A: Administration & Enforcement

Appendix Section 20: Contract: For the purposes of establishing an MWSBE subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the City procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration and remodeling; (b) architectural work, engineering, surveying, testing, construction management and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services) , and (d) apparatus, supplies, goods or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, MBE or WBE Goal has been set.
- Financial Partner Agreements, Development Agreements, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INClusion Program Policy.

Appendix Section 27: Exempt Contracts: Contracts that fall within one or more of the following categories shall be "Exempt Contracts" from all aspects of the Charlotte Business INClusion Policy, unless the Department responsible for procuring the Contract decides otherwise:

No Competitive Process Contracts: Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the City shall be Exempt Contracts, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

Managed Competition Contracts: Managed competition contracts pursuant to which a City Department or division competes with Business Enterprises to perform a City function shall be Exempt Contracts.

Real Estate Leasing and Acquisition Contracts: Contracts for the acquisition or lease of real estate shall be Exempt Contracts.

Federal Contracts Subject to DBE Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation shall be Exempt Contracts.

State Contracts Subject to MWBE Requirements: Contracts for which a minority and women business participation goal is set pursuant to G.S. 143-128.2(a) due to a building project receiving funding from the State of North Carolina shall be Exempt Contracts.

Financial Partner Agreements with DBE or MWBE Requirements: Contracts that are subject to a disadvantaged business development program or minority and women business development program maintained by a Financial Partner shall be Exempt Contracts.

Interlocal Agreements: Contracts with other units of federal, state, or local government shall be Exempt Contracts.

Contracts for Legal Services: Contracts for legal services shall be Exempt Contracts, unless otherwise indicated by the City Attorney.

Contracts with Waivers: Contracts for which the SBO Program Manager or the City Manager waives the SBO Program requirements shall be Exempt Contracts (such as when there are no SBE subcontracting

opportunities on a Contract).

Special Exemptions: Contracts where the Department and the Program Manager agree that the Department had no discretion to hire an SBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

Appendix Section 35: Informal Contracts: Contracts and purchase orders through which the City procures services from a Business Enterprise that fall within one of the following two categories:

Construction Contracts Less Than or Equal To \$500,000:

Service and Commodities Contracts That Are Less Than or Equal To \$100,000:

Part B: Formal Construction Bidding

Part B: Section 2.1: When the City Solicitation Documents for a Construction Contract contain an MWSBE Goal, each Bidder must either: (a) meet the MWSBE Goal, or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements. Failure to do so constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities.

The City shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no SBEs, MBEs or WBEs (as applicable) to perform scopes of work or provide products or services that the City regards as realistic opportunities for subcontracting.

Part C: Services Procurement

Part C: Section 2.1: When the City Solicitation Documents for a Service Contract do not contain an SBE Goal, each Proposer must negotiate in good faith with each MWSBE that responds to the Proposer's solicitations and each MWSBE that contacts the Proposer on its own accord. Additionally, the City may negotiate a Committed SBE Goal with the successful Proposer after the Proposal Opening.

Part C: Section 2.1: No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish an MWSBE Goal for Service Contracts where there are no MWSBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part D: Post Contract Award Requirements

Part D: Section 6: New Subcontractor Opportunities/Additions to Scope, Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the City as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the City shall either:

- Notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or
- Establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

55. Reference - Property Transaction Process

Property Transaction Process Following 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.

56. Reference - Property Acquisitions and Condemnations

- The City has negotiated in good faith to acquire the properties set forth below
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
 - Sending introductory letters via regular and certified mail,
 - Making several site visits,
 - Leaving door hangers and business cards,
 - Seeking information from neighbors,
 - Searching the internet,
 - Obtaining title abstracts, and
 - Leave voice messages.
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If the City Council approves the resolutions, the City Attorney's office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to a trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross," such as public utility easement.
- The definition of fee simple is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited, commonly, synonym for ownership.