

City of Charlotte

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



Meeting Agenda

Monday, January 23, 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*

CITY COUNCIL MEETING

Monday, January 23, 2017

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

Item#	Title
32	Property Transactions - Arrowood/Nations Ford Road Intersection Improvements, Parcel #5.1

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

1. Mayor and Council Consent Item Questions

Staff Resource(s):

Kim Eagle, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Fiscal Year 2016 Comprehensive Annual Financial Report and External Audit

Staff Resource(s):

Randy Harrington, Management & Financial Services

Robert Campbell, Management & Financial Services

Teresa Smith, Management & Financial Services

Betty Mattos, Management & Financial Services

Eddie Burke, Cherry Bekaert LLP

Time: 20 minutes

Explanation

- The Comprehensive Annual Financial Report (CAFR) is a summary of the City's financial results and position at the end of each fiscal year in accordance with state law and the standard framework for financial accounting. Staff will present highlights of the Fiscal Year 2016 Report.
- As required by state law GS 159-34(a), the City's fiscal year financial statements are audited by an independent, external auditor. Cherry Bekaert LLP will present the Audit Report.
- The City Council Governance & Accountability Committee received a preliminary briefing on the external audit at its meeting on November 28, 2016.
- Auditing standard SAS 114 specifies that the auditors are required to communicate to those charged with governance each year.
- Following the presentation, the Fiscal Year 2016 CAFR can be viewed online at:
<http://charlottenc.gov/mfs/finance/Pages/publications.aspx>.

Future Action

The presentation is for informational purposes only.

3. Charlotte-Mecklenburg Opportunity Task Force Update

Staff Resource(s):

Debra Campbell, City Manager's Office

Dr. Ophelia Garmon Brown, Co-Chair Charlotte-Mecklenburg Opportunity Task Force

Brian Collier, Foundation for the Carolinas

Time: 30 minutes

Explanation

- The Charlotte-Mecklenburg Opportunity Task Force (OTF) is a community-wide effort begun in May 2015 with the goal of studying the issue of economic mobility and opportunity in Charlotte-Mecklenburg. The City of Charlotte is a funding partner for the effort.
- The purpose of this presentation is to provide City Council an overview and status update of the work of the Charlotte-Mecklenburg Opportunity Task Force.
- The presentation will include:
 - Task Force progress to date,
 - Draft findings regarding the determinants, or underlying factors, for economic mobility and opportunity,
 - A timeline for disseminating the report to the community, and
 - Considerations for implementation.

Future Action

For informational purposes only.

4. City Council Retreat Planning Committee Report

Committee Chair:

Kenny Smith

Staff Resource(s):

Katie McCoy, City Manager's Office

Time: 5 minutes

Explanation

- The 2017 City Council Retreat is scheduled for January 25-27, 2017 at the Hilton North Raleigh/Midtown.
- The Chair of the Retreat Planning Committee will provide an update to the full City Council on the Committee's work.
- Staff will distribute Retreat binders to include the final agenda, directions, and speaker biographies.

Future Action

The presentation is for informational purposes only.

5. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Kim Eagle, City Manager's Office

Time: 10 minutes

Synopsis

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

6. Closed Session

Action:

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

Call to Order

Roll Call

Introductions

Invocation

Pledge of Allegiance

7. Swearing in of Council Member Dimple Ajmera, District 5

6:30 P.M. CITIZENS' FORUM

8. Consent agenda items 18 through 32 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.

PUBLIC HEARING

9. Public Comment on the Transportation Action Plan

Action:

Receive public comments on the Transportation Action Plan.

Committee Chair:

Vi Lyles, Transportation & Planning

Staff Resource(s):

Norm Steinman, Transportation

Explanation

- The Transportation Action Plan (TAP) is Charlotte's long-range, comprehensive, multimodal transportation plan.
- The TAP describes goals, policies and objectives to achieve the City's vision of becoming the premier city in the nation for integrating transportation and land use. The TAP was first adopted in 2006, and was last updated in 2011.
- The TAP also describes eight categories of transportation investments including maintenance, streets, signals, safety, pedestrian, and bicycle projects and advance planning activities necessary to help accommodate Charlotte's growth and provide more transportation choices.
- In 2016, the Transportation & Planning Committee discussed the TAP five times and Charlotte WALKS three times. These two plans were developed jointly and directly complement each other as Charlotte strives to better integrate land use and provide more transportation choices.

Community Input

- Since early 2015, staff has collected public comments at a number of events held throughout the city, including hosting a transportation fair; small pop-up meetings, joint workshops with the City's Planning Department, presentations to the Charlotte Chamber's Transportation Committee and Sustain Charlotte's Transportation Choices Alliance, and community events such as Open Streets 704.
- Staff gathered information from the City's 2016 Transportation Survey and is collecting comments on the draft TAP using an online survey accessed through the City's website.

TAP Recommendations

- The 2016 TAP Update recommends investing \$5.1 billion in the city's transportation network over a 25-year period. This level of investment is necessary to build, maintain, and operate a travel network with safe options for pedestrians, bicyclists, transit riders, and motorists in Charlotte.
- Key investments include building 100 multimodal arterial projects, 40 multimodal intersections, 250 miles of new sidewalks, 250 miles of new bicycle facilities, and 150 traffic-calming projects over the next 25 years. The TAP also recommends maintaining city streets at a 12-year street resurfacing cycle.

Transportation & Planning Committee Discussion

- Throughout calendar year 2016, staff provided information about the TAP to the Transportation & Planning Committee. Several discussions took place involving goals, policies, and implementation strategies.
- The Transportation & Planning Committee discussed the TAP five times throughout calendar year 2016.
- On December 12, 2016, the Committee voted unanimously (Lyles, Phipps, and Smith voted yes; Autry and Kinsey were not present) to recommend the TAP to the full City Council for public comment.

Next Steps

- The Transportation & Planning Committee is expected to make a recommendation on the TAP at its

regular meeting on February 13, 2017.

- Staff will ask City Council to adopt the TAP at the Business Meeting on February 27, 2017.

Attachment

The Transportation Action Plan can be found online at:

<http://charlottenc.gov/Transportation/Programs/Documents/TAP%20Draft%20Plan.pdf>

10. Public Comment on Charlotte WALKS

Action:

Receive public comments on Charlotte WALKS.

Committee Chair:

Vi Lyles, Transportation & Planning

Staff Resource(s):

Scott Curry, Transportation

Explanation

- Charlotte WALKS is Charlotte's first comprehensive pedestrian plan. It brings together a number of existing walkability initiatives and identifies new strategies for meeting the pedestrian safety and walkability goals described in the Transportation Action Plan (TAP).
- Charlotte WALKS will become the guiding document for the City's ongoing efforts related to walkability.
- The Transportation & Planning Committee discussed the TAP five times and Charlotte WALKS three times during calendar year 2016. These two plans were developed jointly and directly complement each other as Charlotte strives to better integrate land use and provide more transportation choices.

Community Input

- Since February 2015, City staff has conducted 30 public input events attended by over 1,000 people.
- Public input events were held throughout the city and included large transportation fairs, small pop-up meetings, walking tours, and specifically targeted sessions for youth and seniors.

Charlotte WALKS Recommendations

- Charlotte WALKS includes specific action items, ranging from future capital investments and suggested policy changes, to potential amendments to the City's development ordinances.
- The action items are grouped into three chapters: Safe, Useful, and Inviting. These chapters correspond to the results of the public input for Charlotte WALKS.
- Charlotte WALKS includes three high-priority action items:
 - Back-of-curb sidewalks (i.e. lacking a buffer between pedestrians and moving traffic);
 - Filling gaps in the sidewalk network; and
 - Installing more pedestrian crossings (especially on busy, high-speed thoroughfares).

Transportation & Planning Committee Discussion

- The Transportation & Planning Committee discussed Charlotte WALKS three times during calendar year 2016.
- On December 12, 2016, staff provided information about Charlotte WALKS to the Transportation & Planning Committee regarding ongoing public engagement and key goals, policies, and implementation strategies.
- The Committee voted unanimously (Lyles, Phipps, and Smith voted yes; Autry and Kinsey were not present) to recommend Charlotte WALKS to the full City Council for public comment.

Next Steps

- The Transportation & Planning Committee will consider approving a recommendation on Charlotte WALKS at its regular meeting on February 13, 2017.
- Staff will ask the City Council to adopt Charlotte WALKS at the Business Meeting on February 27, 2017.

Attachment

The Charlotte WALKS Plan can be found online at:

<http://charlottenc.gov/Transportation/Programs/Documents/Charlotte%20WALKS%20-%202011.14.16%20DRAFT%20-%20reduced.pdf>

11. JELD-WEN, Inc. Business Investment Grant

Action:

- A. Conduct a public hearing regarding approval of an economic development Business Investment Grant for JELD-WEN, Inc., and**
- B. Approve the City's share of a Business Investment Grant to JELD-WEN, Inc. for an estimated amount of \$438,106 over five years.**

Staff Resource(s):

Kevin Dick, Neighborhood & Business Services

Explanation

- On November 4, 2016, JELD-WEN, Inc. announced its selection of Charlotte for an investment of \$38 million for the expansion and development of a new headquarters campus and training center. The expansion will create 206 new jobs. Other competitive locations considered were York and Lancaster Counties in South Carolina and Kiamath Falls, Oregon.
- The total City/County combined grant is estimated to be \$1,184,635 over five years. Staff is requesting that City Council approve the City's share estimated at \$438,106.
 - In a closed session on October 10, 2016, the City Council indicated its intent to approve a Business Investment Grant of \$438,106 to JELD-WEN.
 - In a closed session on October 18, 2016, the Mecklenburg County Board of Commissioners indicated its intent to approve a Business Investment Grant of \$746,529 to JELD-WEN and subsequently approved its portion of the grant at its December 20, 2016 meeting.
 - In addition to the local contribution, the State of North Carolina has approved a \$2.4 million Job Development Investment Grant and \$350,200 in community college training funds.
- In addition to the \$38 million capital investment, JELD-WEN has committed to:
 - 206 new jobs over five years with an average annual wage of \$75,000 (155% of the regional average wage). Of those positions, 155 will be hired locally.
 - 124 corporate administration workers (legal, human resources, finance, sales, marketing and procurement).
 - 82 manufacturing related workers (engineering, information technology, and product line management).
 - 157 current employees to be retained for the term of the grant.

Background

- JELD-WEN, headquartered in Charlotte, is one of the world's leading manufacturers of doors and windows. The company moved from Oregon to Charlotte in 2012 but did not make a grant request at that time.
 - The company plans a 15-year lease for a new 120,000 square foot, Class A office building in Ayrsley. The office building is being developed by a private developer and leased back to JELD-WEN through a build-to-suit transaction.
 - The office building will be located at 2645 Silver Crescent Drive in Ayrsley (outside the Business Investment Zone).

Business Investment Grant

- The request meets the City Council approved criteria for a five-year, 50% headquarters expansion grant.
- The general terms and conditions of this grant include:
 - The company will be asked to coordinate job fairs and recruitment events with the City and County for both temporary and permanent jobs. Community organizations and residents will receive ample notice of these employment activities in addition to training opportunities

with Goodwill Industries of the Southern Piedmont, the Urban League of Central Carolinas and other City partners. This training will include career counseling, job readiness, intensive case management, computer and vocational training, as well as employment search and placement assistance.

- Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
- All property taxes due from JELD-WEN must be paid before a grant payment is made.
- If JELD-WEN removes the investment from Charlotte during the grant term, it shall reimburse 100% of the investment grant paid to date.
- If JELD-WEN moves the investment from Charlotte within five years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
 - Within One Year of the end of the BIP Term - 90% of grant payments
 - Within Two Years of the end of the BIP Term - 75% of grant payments
 - Within Three Years of the end of the BIP Term - 60% of grant payments
 - Within Four Years of the end of the BIP Term - 45% of grant payments
 - Within Five Years of the end of the BIP Term - 30% of grant payments

Fiscal Note

Funding: Business Investment Grant

12. Lending Tree, LLC Business Investment Grant

Action:

- A. Conduct a public hearing regarding approval of an economic development Business Investment Grant for Lending Tree, LLC, and**
- B. Approve the City's share of a Business Investment Grant to Lending Tree, LLC for an estimated amount of \$245,064 over five years.**

Staff Resource(s):

Kevin Dick, Neighborhood & Business Services

Explanation

- On November 2, 2016, Lending Tree, LLC announced its selection of Charlotte for an investment of \$22 million for the expansion of its headquarters in Charlotte. The expansion will create 314 new jobs. Other competitive locations considered were Lancaster County, South Carolina, Round Rock, Texas and Nashville, Tennessee.
- Total City/County combined grant is estimated to be \$662,650 over five years. Staff is requesting that City Council approve the City's share of the grant estimated to be \$245,064.
 - In a closed session on October 10, 2016, the City Council indicated its intent to approve a Business Investment Grant of \$245,064 to Lending Tree.
 - In a closed session on October 18, 2016, the Mecklenburg County Board of Commissioners indicated its intent to approve a Business Investment Grant to Lending Tree and approved a grant of \$417,586 at its December 20, 2016 meeting.
 - In addition to the grant for the headquarters expansion, the State of North Carolina has approved a \$3.8 million Job Development Investment Grant and \$519,000 in community college training funds.
- In addition to the \$22 million capital investment, Lending Tree has committed to:
 - 314 new jobs hired locally over five years and with an average annual wage of \$81,857 (169% of the regional average wage).
 - 123 corporate administration workers (legal, finance, marketing, sales & support, product managers);
 - 121 customer service staff; and
 - 70 technology staff.
- In addition to adding 314 new positions, 287 current employees will be retained for the term of the grant.

Background

- Lending Tree, headquartered in Charlotte, is a leading online marketplace for home mortgages, personal loans, credit cards, business, automobile, and student loans. The company currently employs 287 persons in Charlotte.
 - The company plans to purchase two existing office buildings in the SouthPark area and invest \$22 million in building improvements and personal property.
 - The office buildings are located at 2100 & 2115 Rexford Road in SouthPark (outside the Business Investment Zone).

Business Investment Grant

- The request meets the City Council approved criteria for a five-year, 50% headquarters expansion grant.
- The general terms and conditions of this grant include:
 - The company will be asked to coordinate job fairs and recruitment events with the City and County for both temporary and permanent jobs. Community organizations and residents will receive ample notice of these employment activities in addition to training opportunities with Goodwill Industries of the Southern Piedmont, the Urban League of Central Carolinas,

and other City partners. This training will include career counseling, job readiness, intensive case management, computer and vocational training, as well as employment search and placement assistance.

- Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
- All property taxes due from Lending Tree must be paid before a grant payment is made.
- If Lending Tree removes the investment from Charlotte during the grant term, it shall reimburse 100% of the investment grant paid to date.
- If Lending Tree moves the investment from Charlotte within five years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
 - Within One Year of the end of the BIP Term - 90% of grant payments
 - Within Two Years of the end of the BIP Term - 75% of grant payments
 - Within Three Years of the end of the BIP Term - 60% of grant payments
 - Within Four Years of the end of the BIP Term - 45% of grant payments
 - Within Five Years of the end of the BIP Term - 30% of grant payments

Fiscal Note

Funding: Business Investment Grant

POLICY

13. City Manager's Report

14. Passenger Vehicle for Hire Ordinance

Action:

Approve the Community Safety Committee's recommendation to adopt a Passenger Vehicle for Hire ordinance, with an effective date of July 1, 2017.

Committee Chair:

Julie Eiselt, Community Safety Committee

Staff Resource(s):

Thomas Powers III, City Attorney's Office

Daniel Buckley, Police

Explanation

- On January 9, 2017, the City Council received a Dinner Briefing presentation on the proposed draft for a revised Passenger Vehicle for Hire ordinance (PVH Ordinance).
- The goals of the PVH Ordinance are:
 - Provide parity between the PVH Industry and Transportation Network Companies (Uber & Lyft);
 - Simplify organization and language, establishing clearer expectations and responsibilities; and
 - Eliminate redundancy.
- The proposed draft for a revised PVH Ordinance includes the following major changes:
 - Modifying criminal background check standards and procedures;
 - Requiring PVH companies to provide driver training program and to perform drug testing upon drivers;
 - Standardizes citation amount at \$100 for permittees and additional \$500 for illegal third parties;
 - Establishing a new standard of review for PVH appeals;
 - Authorizing vehicle infotainment systems, roof-mounted digital advertising, and vehicle panel advertising;
 - Authorizing a PVH driver to assess a one-time fee in an identical amount if the PVH driver is assessed a fee for Airport pickup/drop off.
 - Shrinking the PVH Board from eleven members to five members;
 - Authorizing PVH Chair to rule on citations under a specific dollar amount;
 - Instituting a new audit and enforcement focus by the PVH office;
 - Consolidating ten divisions into six new divisions; and
 - Eliminating 19 pages due to redundancy or duplication.

Previous Actions

- On July 25, 2011, the City Council adopted revisions to Chapter 22 of the City Code, the PVH Ordinance.
- On October 6, 2015, the PVH Board sent a letter requesting the City Council review the PVH Ordinance due to changes in the PVH industry and the recent state legislation authorizing Transportation Network Companies, such as Uber and Lyft.
- The Community Safety Committee received a referral to review and consider the current PVH regulations. The Committee discussed the PVH ordinance throughout calendar year 2016.
- On January 29, February 18, and March 22, 2016, City staff sought input from PVH stakeholders during City Council public forums, totaling 117 attendees, and 44 speakers. The stakeholders' feedback was presented to the Committee along with the City staff's recommendations.
- City staff conducted information sessions, totaling 42 attendees, with the PVH industry to communicate proposed changes to the framework and the proposed revised PVH Ordinance on the following dates: July 15, July 29, August 2, December 8, and December 14, 2016.
- On December 15, 2016, the Community Safety Committee voted (Eiselt, Phipps, and Smith voted

yes; Fallon voted no; and Austin was not present) to recommend approval of the revised PVH ordinance to the full Council.

Attachment

Revised PVH Ordinance

[PVH Ordinance \(2017-01-23\)](#)

15. Amend the 2017 City Council Meeting Schedule

Action:

Approve the amendment to the 2017 City Council and Budget Meeting Schedule.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- North Carolina General Statute 143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule shall be posted to the City's Web site. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- The North Carolina League of Municipalities Annual Conference normally scheduled in October has instead been scheduled for September in 2017. The aforementioned conference will be rescheduled to the following dates and location:
 - September 20-22, 2017, NC League of Municipalities Annual Conference, Greenville Conference Center
- The following meeting will be added to the 2017 Meeting Schedule:
 - October 23, 2017, Citizens' Forum and Business Meeting, Meeting Chamber

Attachment

Amended 2017 City Council Meeting Schedule

[2017 Amended Council and Budget Mtg Calendar v6.pdf](#)

BUSINESS

16. Discovery Place Science Facilities Master Plan

Action:

- A. Approve an allocation of \$950,000 to Discovery Place to fund a Facilities Master Plan, and**
- B. Adopt a budget ordinance appropriating \$950,000 from the Cultural Facilities Operating (Tourism II) Fund for the Discovery Place Facilities Master Plan**

Staff Resource(s):

Catherine Horne, Discovery Place

Randy Harrington, Management & Financial Services

Explanation

- Discovery Place consists of four museums: Discovery Place Science, Discovery Place Nature, and two Discovery Place Kids.
- On January 9, 2017, the City Council received a Dinner Briefing on the Discovery Place Science Facilities Master Plan.
- Discovery Place Science opened in 1981 and is located on North Tryon Street. The City owns the facility.
- Previous capital investments by the City totaling \$35.8 million for upgrades, renovations and other infrastructure improvements to Discovery Place include:
 - \$3.5 million in FY2016 for technology-related upgrades to lab content and exhibit space;
 - \$31.6 million in FY2007 for facility renovations and new exhibits;
 - \$540,000 in FY2000 for the Dining Room Expansion;
 - \$88,795 in FY2000 for Phase II lighting improvements; and
 - \$40,000 in FY1999 for Phase I lighting improvements.
- Last year approximately 500,000 people visited Discovery Place Science.
- Discovery Place plays a vital role in growing Charlotte's workforce and preparing its students for jobs of the future in science, technology, engineering, and math (STEM).
- Discovery Place priorities include expanding exhibition and program space for a growing audience of citizens and visitors, creating public engagement with and community access to science, preparing students and educators for the growing STEM economy, and introducing the new wonders of science and innovation.
- To determine how best to maximize its Discovery Place Science facility on Tryon Street to meet these priorities and serve the needs of a growing and changing community, Discovery Place proposes to conduct a facilities master planning process that will identify facility needs and plan for the future of Discovery Place Science as an integral component of the North Tryon Vision Plan.
- The Discovery Place Science Facilities Master Plan will accomplish the following:
 - Analyze the visitor experience and business model to ensure the continued financial health of Discovery Place Science;
 - Engage the community and stakeholders, including City Council, in the planning and study;
 - Forecast how citizens use science museums to determine needs relating to facilities, content, and programs; and
 - Develop a vision for reimagining Discovery Place Science with a facility plan, budget and timeline.
- The Facilities Master Plan will be completed in approximately 18-24 months.
- Any recommended improvements to Discovery Place facilities will come to the City Council for consideration following completion of the Facilities Master Plan.
- While specific facility investment costs are not known at this time, the types of potential infrastructure improvements could include:
 - Redesigned facade and public amenities on Tryon Street, including but not limited to lobbies, access to parking deck, and public spaces
 - Improved functionality of building interior

- Expanded facility to meet growing visitation and expectations of audiences for museum experiences, meetings, offices, and events
 - Longer term plan for second block of Discovery Place Science
 - Feasibility of commercial development over/on top of a portion of the property
 - Outdoor experiences and reimagined futures for two theaters
- The source of funding for the Discovery Place Science Facilities Master Plan will be the Cultural Facilities Operating (Tourism II) Fund, which is supported by revenues equivalent to 4% Vehicle Rental Car Tax revenues. Eligible uses of these funds include City-owned cultural and arts facilities, including Levine Center for the Arts Campus, Discovery Place, and other tourism assets.

Charlotte Business INclusion

The action is only to approve the appropriation of funds and therefore no subcontracting goals are required at this time. MWSBE subcontracting goals will be established during subsequent contract approval phases.

Fiscal Note

Funding: Cultural Facilities Operating (Tourism II) Fund

Attachment

Discovery Place Master Plan Dinner Briefing Presentation on January 9, 2017
Budget Ordinance

[DiscoveryPlace NTryonVision DB 1-9-17 1-23-17](#)

[EPM ord 012317 Discovery Place](#)

17. Mayor and City Council Topics

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

CONSENT

18. Veterinary Services

Action:

- A. Approve a unit price contract with Chantilly Veterinary Services, Inc. for veterinary services at the animal shelter for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to four 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):

Karl Bannerman, Police

Sherie Pearsall, Police

Explanation

- Animal care and Control (AC&C) is responsible for the welfare of animals under its care which requires the services of a full time veterinarian.
- The shelter veterinarian will:
 - Provide preventative and diagnostic veterinary services for animals housed at the shelter or in foster care as well as for dogs assigned to the Police K-9 Unit;
 - Conduct wellness exams and complete medical records for animals being offered for adoption;
 - Assist in writing and updating medical and sanitation protocols;
 - Consult on animal cruelty and inadequate care investigations, including testifying in court as an expert witness; and
 - Train shelter staff on the administration of vaccinations and medications.
- On October 17, 2016, the City issued a Request for Proposals (RFP) for veterinary services.
- In response to the RFP, the City received one proposal from interested service providers despite extensive vendor outreach and discussion.
 - Vendors that did not submit a proposal indicated that they were not interested in providing the services due to the City's need of a veterinarian being onsite for 40 hours per week.
- The Project Team, consisting of staff from Police and Management & Financial Services, evaluated the proposal and determined that Chantilly Veterinary Services, Inc. meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Chantilly Veterinary Services, Inc. has provided these services for the past four years.
- The contract gives the City the option to renew for four additional, one-year terms with a price increase as negotiated in the contract.
- The company will be paid at the unit price set forth in the contract, a copy of which is available upon request.
- Estimated contract expenditures are \$85,000 annually.

Charlotte Business INclusion

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

Fiscal Note

Funding: Police Operating Budget

19. Roadway Improvements Reimbursement Municipal Agreement

Action:

- A. **Authorize the City Manager to execute a municipal agreement in an amount not to exceed \$1,830,000 with the University of North Carolina at Charlotte for roadway improvements along John Kirk Drive, and**
- B. **Adopt a resolution for the North Carolina Department of Transportation to use North Carolina State discretionary funds in the amount of \$500,000 for roadway improvements along John Kirk Drive.**

Staff Resource(s):

Johanna Quinn, Transportation

Explanation

- The University of North Carolina at Charlotte (UNCC), the City of Charlotte, and the North Carolina Department of Transportation (NCDOT) are partnering to improve John Kirk Drive, between Cameron Boulevard and University City Boulevard.
 - The work will improve traffic, bicyclist, and pedestrian mobility and safety along and across John Kirk Drive, which is a City-maintained street.
- Improvements at John Kirk Drive and Cameron Boulevard include (see item "A" on the attached map):
 - Realigning both streets to accommodate a future fourth leg into east campus, and
 - Adding traffic and pedestrian signals to facilitate vehicular, pedestrian, and bicyclist access.
- Improvements at John Kirk Drive and Van Landingham Road include (see item "B" on the attached map):
 - Constructing a median on John Kirk Drive to restrict left turns out of Van Landingham Road, and
 - Adding a pedestrian traffic signal to facilitate pedestrian and bicycle movements across John Kirk Drive.
- Improvements at John Kirk Drive and University City Boulevard include widening for a second left turn lane from John Kirk Drive onto University City Boulevard (see item "C" on the attached map).
- The total estimated cost for improvements is \$4,470,000, divided as follows:
 - UNCC will provide funding of \$2,140,000;
 - The City of Charlotte will contribute up to \$1,830,000; and
 - NCDOT will contribute \$500,000.
- UNCC will design the project, secure required permits and construct the improvements.

Action A

- The Agreement will provide for the City's reimbursement to UNCC not to exceed \$1,830,000 towards the total cost of the project.

Action B

- NCDOT will contribute \$500,000 from North Carolina State Discretionary Funds towards the project.
- The NCDOT requires that City Council adopt a resolution in support of using these discretionary funds.

Fiscal Note

Funding: Transportation Community Investment Plan

Attachment

Map

Resolution

[Phase 1 UNCC John Kirk cropped](#)

[Resolution proposed for UNCC Project city rev JQ](#)

20. Rocky River Road West Improvements Contract Amendment

Action:

Approve contract amendment #1 for \$238,603 with STV Engineers, Inc. for additional planning and design services on the Rocky River Road West Improvements project.

Staff Resource(s):

Jim Keenan, Engineering & Property Management

Keith Bryant, Engineering & Property Management

Explanation

- On June 22, 2015, the City Council approved a contract with STV Engineers, Inc. in the amount of \$625,000 for engineering services for the Rocky River Road West Improvements.
- This project is included in the Northeast Corridor Infrastructure Program and will include upgraded roadway, pedestrian and bicycle facilities along Rocky River Road West between North Tryon Street and Rockland Drive and Toby Creek.
- A 10-foot-wide bicycle/pedestrian facility connecting the Toby Creek Greenway, Newell Elementary School, and future facilities on North Tryon Street will also be included as part of the project.
- Amendment #1, in the amount of \$238,603, is needed for additional design efforts identified during the planning phase including:
 - Additional stream, storm drainage and retaining wall design to mitigate private property and environmental impacts,
 - Design efforts to comply with updated ordinance requirements and design guidelines, and
 - Water and sewer utility relocation design.
- The total contract amount to date, including amendment #1 is \$863,603.
- The additional cost is available in the project budget.

Charlotte Business INclusion

All additional work involved in this amendment will be performed by STV Engineers and their existing subconsultants (Part D: Section 6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Community Investment Plan

Attachment

Map

[Location Map - Rocky River Road West Improvements](#)

21. Waterproofing Services

Action:

Approve unit price contracts with the following companies for waterproofing services for a term of three years:

- **Strickland Waterproofing Co., Inc., and**
- **Watertight Systems, Inc.**

Staff Resource(s):

William Haas, Engineering & Property Management

Steve Marlowe, Engineering & Property Management

Explanation

- The City's Engineering & Property Management Building Maintenance staff maintains approximately 4.5 million square feet of City buildings and parking deck structures that require waterproofing, including Police and Fire Stations, the Charlotte-Mecklenburg Government Center and cultural facilities.
- There are ongoing needs for unspecified waterproofing services, including emergency repairs across the portfolio of facilities.
- These contracts will include waterproofing walls and foundations to provide protection against water, water vapor and water-borne contamination.
- On October 27, 2016, the City issued a Request for Proposals (RFP) for Waterproofing Services. In response to the RFP, the City received four proposals from interested service providers.
- Engineering & Property Management Building Maintenance staff evaluated the proposals and determined that Strickland Waterproofing Co., Inc. and Watertight Systems, Inc. best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total expenditures for the contract with Strickland Waterproofing Co., Inc. are estimated to be \$450,000 over the three-year term, and total expenditures for the contract with Watertight Systems, Inc. are estimated to be \$75,000 over the three-year term, for an aggregate total of all contracts of \$525,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Community Investment Plan

22. Landscape Maintenance Services

Action:

Approve landscaping maintenance contracts with each of the following vendors:

- **West District A Median: A-1 Services and John Todd Landscaping, \$275,340;**
- **North District B Median: Pristine Properties of NC, Inc., \$63,804;**
- **West District B Median: A-1 Services and John Todd Landscaping, \$340,860;**
- **East District A Median: The Byrd's Group, Inc., \$391,274;**
- **East District B Median: Champion Landscapes, Inc., \$247,390;**
- **South Corridor Infrastructure Project Area: Taylor's Landscaping Service, Inc., \$134,082,**
- **West Elmwood Cemetery Grounds: Roundtree Companies, LLC, \$315,000;**
- **East Elmwood Cemetery Grounds: Pristine Properties of NC, Inc., \$186,600;**
- **Center City East District Grounds: Taylor's Landscaping Service, Inc., \$183,300;**
- **Central District Grounds Maintenance: Pristine Properties of NC, Inc., \$377,520; and**
- **CATS South Tryon Bus Facility Grounds Maintenance: Roundtree Companies, LLC, \$41,262.**

Staff Resource(s):

Quin Hall, Engineering & Property Management

Explanation

- These contracts provide continuous landscape maintenance services for City-owned facilities and properties.
- On November 1, 2016, four separate Requests for Proposals were advertised, 28 proposals were received from 10 interested service providers, for a total of 11 contracts, for the following areas:
 - City-owned properties located in the Central District and the Center City East District;
 - City-maintained medians in the north, west, east, and South Corridor Infrastructure Project districts;
 - City-owned cemeteries; and
 - CATS South Tryon Bus Facility
- The Evaluation Committee which included City staff from Engineering & Property Management and CATS selected the firms based on qualifications and experience of the firm in providing similar services for similar projects, qualifications and relevant experience of key team members, availability of team members, available equipment resources, price, and responsiveness of proposal package.
- Three of the City's SBE vendors included 50.91% utilization with the following firms:
 - Pristine Properties of NC, Inc.,
 - Taylor's Landscaping Service, Inc., and
 - Roundtree Companies, LLC.
- Work is anticipated to begin March 1, 2017.

Cemeteries

- These contracts include turf, shrub, and limited tree maintenance, trash and debris removal, storm cleanup, insect, disease and weed control, and mulching.

Median

- These contracts include turf, shrub, groundcover, perennial and limited tree maintenance, trash and debris removal, insect, disease and weed control, and mulching.

Center City East District

- The contract consists of medians and rights-of-way in the center city east district.
- The contract includes turf, shrub, groundcover, perennial and limited tree maintenance, trash and debris removal, storm cleanup, insect, disease and weed control, and mulching.

Central District

- The contract consists of 15 facilities including Fleet Management - Sweden Road Shop, Landscape Management, Building Services - Spratt Street, Charlotte Department of Transportation Street Maintenance Division (Sweden Road), Charlotte Department of Transportation Street Maintenance Division (Northpointe Industrial Boulevard), Wilmore Center, Wingate Center, Charlotte-Mecklenburg Police Department - Metro Division, Charlotte-Mecklenburg Police Department - Westover Division, Charlotte - Mecklenburg Police Department - SWAT, Greenville Center, Police Athletic League, Charlotte Fire Department Administration Headquarters, Charlotte Fire Department Logistics and Investigations, and Queens Table Monuments.
- The contract includes turf, shrub, groundcover, perennial and limited tree maintenance, trash and debris removal, storm cleanup, insect, disease and weed control, snow and ice removal, irrigation operation, maintenance, and repair, and mulching.

CATS South Tryon Bus Facility

- The contract includes turf, shrub, groundcover, perennial and tree maintenance, trash and debris removal, storm cleanup, insect, disease and weed control, snow and ice removal, and irrigation operation, maintenance, and repair.

Charlotte Business INClusion

No subcontracting goals were established because there are no opportunities (Part C: Section 2.1(a) of the Charlotte Business INClusion Policy). However, 50.91% (\$1,301,568) of these contracts will be awarded to the following certified firms:

- Pristine Properties of NC, Inc. (SBE)
- Roundtree Companies, LLC (SBE)
- Taylor's Landscaping Services, Inc. (SBE)

This project was one of a number of upcoming projects highlighted at the Landscape Management Division's 10th annual landscape contractors outreach event held on September 21, 2016, that encourages MWSBSE firms to participate as prime contractors.

Fiscal Note

Funding: Engineering & Property Management Operating Budget

Attachment

Map

[Median Landscape Maintenance Contracts with Council Districts](#)

23. Greenhaven Lane and Pierson Drive Storm Drainage Improvement Project

Action:

Award a contract in the amount of \$1,516,698.15 to the lowest responsive bidder B&N Grading, Inc. for the Greenhaven Lane and Pierson Drive Storm Drainage Improvement project.

Staff Resource(s):

Matthew Gustis, Engineering & Property Management

Explanation

- The Greenhaven Lane and Pierson Drive Storm Drainage Improvement project will reduce flooding of streets, properties, and structures.
- The project area is located in the Briar Creek watershed with boundaries of Pierson Drive to the north and east, Albemarle Road to the south and Independence Boulevard to the west.
- The work will include:
 - Storm drainage,
 - Curb and gutter,
 - Driveways,
 - Asphalt pavement and replacement,
 - Traffic control, and
 - Water and sanitary sewer installation.
- On December 20, 2016, the City issued an Invitation to Bid for Greenhaven Lane and Pierson Drive Storm Drainage Improvements; seven bids were received from interested service providers.
- B&N Grading, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter of 2018.

Charlotte Business INclusion

Established SBE Goal: 19%

Committed SBE Goal: 23.01%

B&N Grading exceeded the established subcontracting goal, and has committed 23.01% (\$349,000) of the total contract amount to the following certified firms: (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Silverback Brothers (SBE) (MBE) (\$110,000) (select & backfill material)
- Streeter Trucking (SBE, MBE) (\$65,000) (hauling)
- Landmark Materials (SBE) (\$64,000) (excavation)
- RRC Concrete (SBE) (\$57,000) (\$45,000) (concrete work)
- Jones Grading & Fencing (SBE, MBE) (\$8,000)

Established MBE Goal: 4%

Committed MBE Goal: 12.06%

B&N Grading exceeded the established subcontracting goal, and has committed 12.06% (\$183,000) of the total contract amount to the following certified firms: (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Silverback Brothers (SBE) (MBE) (\$110,000) (select & backfill material)
- Streeter Trucking (SBE, MBE) (\$65,000) (hauling)
- Jones Grading & Fencing (SBE, MBE) (\$8,000)

B & N Grading, Inc. is a City SBE

Fiscal Note

Funding: Storm Water Community Investment Plan

Attachment

Map

[Location Map - Greenhaven Lane and Pierson Drive Storm Drainage Improvements](#)

24. Information Technology Hosting, Managed Services, and Associated Professional Services Contract

Action:

- A. Approve a three-year contract with R&M Computer Consultants, Inc. d/b/a rmsource to provide application hosting, website hosting, managed services, and associated professional services,
- B. Authorize the City Manager to approve up to two, one-year renewals of the contract 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;
- C. Authorize the City Manager to approve expenditures for the provision of future project implementation services;
- D. Authorize the City Manager to purchase hosting and managed services for as long as the City uses the hosted websites and applications, and
- E. Authorize the City Manager to purchase such additional hosting, managed services, development, and other professional services as needed from time to time to optimize the City's use of the hosted software and systems.

Staff Resource(s):

Bellverie Ross, Innovation & Technology

Jeffrey Stovall, Innovation & Technology

Explanation

- The City contracts with rmsource to provide application hosting, website hosting, and managed services.
 - Under this technology provisioning model, websites, software applications, and associated content is hosted on remote servers and other hardware is owned and operated by the vendor and accessed by the City and the public through a web browser or other desktop application.
 - In many circumstances, City departments have found this to be a cost-effective alternative instead of hosting websites, software, and content on hardware operated on premise by the City.
- Several departments currently use rmsource to host software applications and City websites under multiple contracts.
- The contract submitted for approval will create a master consolidated contract under which rmsource will provide all enterprise services purchased by the City.
- Should other Departments need services with the vendor in the future, their projects can be amended into the consolidated master contract, if appropriate.
- Benefits of a consolidated master contract include reduced costs by sharing private cloud infrastructure, and application licensing
- The vendor will continue to provide the following under the consolidated master contract:
 - Support and development resources for management of the infrastructure,
 - Protection for the City's websites from Internet security attacks,
 - Hosting the City's Internet presence in the vendor's data center, and
 - Training resources.
- The City has contracted with rmsource services since 2011.
 - The initial contract with rmsource was approved by City Council on November 28, 2011, to transition the hosting services for CharMeck.org (subsequently replaced by Charlottenc.gov). This contract was awarded after a competitive solicitation process in

which rmsource was deemed to provide the best value.

- On August 30, 2016, a waiver of solicitation process was approved by the City Manager's Office to forego a solicitation for hosting, managed services, and associated professional services with rmsource because of the overall complexity of the managed services, and high cost to move to another vendor. As a result, City management deemed it to be in the City's best interest to continue to use rmsource under an enterprise master agreement
 - Specific services provided by this waiver include hosting and development services for CharlotteNC.gov, mobile and web application development for N&BS' Microsoft CRM platform, enterprise project management applications on the City's intranet, and hosting of the City's Emergency Operations Plan.
- Estimated expenditures are as follows:
 - Expenditures for ongoing hosting and managed services are estimated to be \$650,000 annually. Approval is requested for the City Manager to purchase the hosting and managed services for as long as the City uses the website and hosted applications.
 - Expenditures for development and professional services are estimated to be \$350,000.
 - Professional services include hosting, managed services, configuration and customization, upgrade and migration assistance, consulting, and support. Departments using rmsource have access to a monthly block of 40 professional services hours for support and development.
 - Developmental services involves application development, modifications, and enhancements needed for the products on the hosting service platform that require additional support beyond the standard 40 hour block, up to and including the development of new applications and pages.
- Approval is also sought for the City Manager to purchase such additional application hosting, managed services, and professional services as needed from time to time to optimize the City's use of the hosted software and systems.

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).

Fiscal Note

Funding: Various Departments' Operating Budgets

25. Standby Power and Electrical Improvements at the Lee S. Dukes Water Treatment Plant

Action:

Award a contract in the amount of \$1,307,565 to the lowest responsive bidder Hall Contracting Corporation for the transport and installation of a City-owned generator to the Lee S. Dukes Water Treatment Plant, and appropriate interconnections to the plant's electrical control system.

Staff Resource(s):

Carl Wilson, Charlotte Water

Explanation

- Charlotte Water owns and maintains three water treatment plants in Mecklenburg County. The Lee S. Dukes Water Treatment Plant (WTP) is in Huntersville.
- This project will move an existing 900 kilowatt Caterpillar generator from a decommissioned lift station to be used as a redundant power source at the Lee S. Dukes WTP.
- This contract will provide for the relocation of this generator to the Lee S. Dukes WTP, and interconnection into the WTP's electrical control system.
- On October 24, 2016, the City issued an Invitation to Bid for Standby Power and Electrical Improvements at the Lee S. Dukes WTP; one bid was received from an interested service providers.
 - In accordance to North Carolina General Statute 143-132, if three bids are not received from reputable and qualified contractors, the project must be re-advertised and the contract may then be let to the lowest responsible bidder even though only one bid is received.
- The project was re-advertised on November 17, 2016; four bids were received from interested service providers.
 - Wharton-Smith, Inc. failed to meet the established SBE goal and Good Faith Efforts and therefore their bid was deemed non-responsive.
 - Wharton-Smith, Inc.'s bid was \$1,206,450. Hall Contracting Corporation was the second lowest bidder at \$1,307,565 and exceeded the established SBE subcontracting goal.
- The project is anticipated to be complete by summer 2017.

Charlotte Business INclusion

Established SBE Goal: 4.00%

Committed SBE Goal: 7.27%

Hall Contracting Corporation exceeded the established subcontracting goal and has committed 7.27% (\$95,090) 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) (\$83,500) (concrete)
- RAM Pavement Services Inc. (SBE) (\$8,910) (asphalt work)
- D's Trucking Service Inc. (SBE, WBE) (\$2,680) (hauling)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

26. Wastewater Odor Control Chemicals Contract

Action:

- A. Award a unit price contract to the lowest responsive bidder Evoqua Water Technologies LLC for the purchase of Calcium Nitrate for up to 16 months, 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):

John Huber, Charlotte Water

Explanation

- Charlotte Water currently operates 82 sewage lift stations in the wastewater collection system.
- Lift stations pump sewage from low areas up to the gravity mains which then flow to the various Wastewater Treatment Plants.
- During normal operations hydrogen sulfide, an odor that resembles rotten eggs, is produced and emitted from the system due to the retention times and the pump action.
- Charlotte Water would like to use calcium nitrate, an environmentally safe chemical, to effectively prevent sulfide from forming thereby eliminating odor from and corrosion in the wastewater collection system.
- On November 15, 2016, Charlotte Water issued an Invitation to Bid; one bid was received from an interested service provider.
 - One bid is acceptable per the North Carolina General Statutes for commodities. Furthermore, it is not unusual to receive one bid for a chemical due to the limited number of suppliers.
- Evoqua Water Technologies LLC was selected as the lowest responsive, responsible bidder.
- Unit prices may adjust at the renewal period based on the Producer Price Index.
- Estimated annual expenditures are \$627,900 based on the current number of sites and dosage.

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

27. Checked Baggage Inline System Parts and Software Maintenance and Support Services

Action:

- A. Approve the purchase of Allen-Bradley brand electrical control parts, as authorized by the sole source exemption of G.S. 143-129 (e)(6),
- B. Approve a contract with McNaughton-McKay Southeast, Inc. for the purchase of parts and software maintenance and support for the term of three years, and
- C. 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):

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 because standardization or compatibility is the overriding consideration.
- The City Council must approve purchases made under the sole source exception.

Explanation

- The Checked Baggage In-line System (CBIS) sorts and screens over four million pieces of checked baggage annually, and requires software system updates and part replacements to ensure ongoing operations and maintenance.
- Rockwell Automation software and Allen-Bradley products are used in the operation of CBIS at the Airport.
 - Allen-Bradley is a brand of electrical control parts produced by Rockwell Automation.
 - McNaughton-McKay Electric is the authorized distributor in the Charlotte area.
 - Full factory products and support is made available only to the local authorized distributor.
- The support agreement with McNaughton-McKay Electric provides technical support services, including product updates for hardware and software components.
 - The service also provides software updates as well as online support to troubleshoot hardware and software issues.
- The company will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- Annual expenditures under the contract are estimated to be \$125,000.

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: Aviation Operating Budget

28. Refund of Property and Business Privilege License Taxes

Action:

- A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$4,982.34, and**
- B. Adopt a resolution authorizing the refund of business privilege license payments in the amount of \$1,721.47.**

Staff Resource(s):

Robert Campbell, Management & Financial Services

Explanation

- Notification of Property Tax and Business Privilege License Tax refunds due to clerical or assessor error are provided to the City by Mecklenburg County.

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 January 9, 2017, totaled \$3.94.

Attachment

Taxpayers and Refunds Requested

Business Privilege License Refunds Requested

Resolution Property Tax Refunds

Resolution Business Privilege License Refunds

[List of Taxpayers and Refunds Requested](#)

[Biz Privilege License Tax Refund Requests List 1-23-17](#)

[Resolution](#)

[Resolution Bus](#)

29. Resolution of Intent to Abandon an Unopened Alleyway between E. 24th Street and E. 25th Street to Close

Action:

- A. Adopt a Resolution of Intent to abandon an unopened alleyway between E. 24th Street and E. 25th Street, and**
- B. Set a public hearing for February 27, 2017.**

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

- An unopened alleyway between E. 24th Street and E. 25th Street is located in Council District 1.

Attachment

Map

Resolution

[Council Map Alleyway between E. 25th and E. 24th](#)

[Resolution of Intent to Close an unopened alleyway between E. 24th Street and E. 25th Street](#)

30. Meeting Minutes

Action:

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

- **December 12, 2016, Business Meeting**
- **December 19, 2016, Zoning Meeting**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

31. Aviation Property Transactions - 3401 Stafford Drive

Action: Approve the following Property Acquisition.

Project: Airport Masterplan Land

Program:

Owner(s): Charlotte Board of Education

Property Address: 3401 Stafford Drive

Total Parcel Area: 38.47 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: Trees and shrubs

Zoned: I-2 & I-1

Use: Industrial (Vacant wooded lot)

Tax Code: 061-266-01

Purchase Price: \$4,500,000 and all relocation benefits in compliance with federal, state, or local regulations.

Council District: 3

32. Property Transactions - Arrowood/Nations Ford Road Intersection Improvements, Parcel #5.1

Action: Approve the following Property Acquisition: Arrowood/Nations Ford Road Intersection Improvements, Parcel #5.1

Project: Arrowood/Nations Ford Road Intersection Improvements, Parcel #5.1

Owner(s): OSEI Enterprises, LLC

Property Address: 9001 Nations Ford Road

Total Parcel Area: 72,284 sq. ft. (1.659 acres)

Property to be acquired by Easements: 8,890 sq. ft. (.204 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-1

Use: Commercial

Tax Code: 205-171-17

Purchase Price: \$23,400

Council District: 3

Adjournment

REFERENCES

33. 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.

34. 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.

35. 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.