

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, November 27, 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. 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.

**2. Closed Session****3. Agenda Overview****Staff Resource(s):**

Marcus Jones, City Manager

**4. Community Safety Update****Committee Chair:**

Julie Eiselt, Community Safety

**Staff Resource(s):**

Kerr Putney, Police

**Time:** 25 minutes

**Explanation**

- The purpose of this presentation is to provide an update on community safety activities throughout the city.

**Future Action**

This presentation is for information only.

**5. Housing and Neighborhood Services Update****Committee Chair:**

LaWana Mayfield, Housing and Neighborhood Development

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

**Time:** 20 minutes

**Explanation**

- Affordable and Workforce Housing remains a key initiative for the City. Housing & Neighborhood Services will provide an update on the City's Affordable Housing activities and the projected path forward, including a discussion on surplus property acquisition.

**Future Action**

This presentation is for information only.

[November 27 2017 Dinner Briefing Presentation\\_F](#)

## **6. 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.

**6:30 P.M. PUBLIC FORUM, CHARLOTTE MECKLENBURG  
GOVERNMENT CENTER, CHAMBER**

**7. Public Forum**

**7:00 P.M. BUSINESS MEETING, CHARLOTTE  
MECKLENBURG GOVERNMENT CENTER, CHAMBER**

***Call to Order***

***Roll Call***

***Introductions***

***Invocation***

***Pledge of Allegiance***

**8. Consent agenda items 21 through 54 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.

## ZONING

### 9. Rezoning Petition 2017-121 by Flywheel Group

**Action:**

**Render a decision on petition 2017-121 by Flywheel Group**

- **From I-2 (general industrial)**
- **To TOD-M(O) (transit oriented development - mixed use, optional)**

**Staff Resource(s):**

Ed McKinney, Planning

Tammie Keplinger, Planning

**Explanation**

- The public hearing on this rezoning petition was held on November 20, 2017.
- The property is approximately 19.12 acres located on the north side at the end of Raleigh Street, east of East Sugar Creek Road. (Council District 1 - Kinsey)
- The petition proposes to redevelop a site in the Howie Acres area to allow all uses in the TOD-M (transit oriented development - mixed use) district. Uses allowed in the TOD-M (transit oriented development - mixed use) district include residential, office, retail and civic uses.
- The City Council expedited the decision on this petition at the Zoning Meeting on November 20, 2017 meeting as an advertising error prevented the petition from meeting General Statute requirements to go to public hearing in October. The expedited decision to November 27, 2017 will allow the decision on the rezoning to be only one week later than originally planned, therefore, keeping the project on schedule.
- The petitioner addressed all outstanding issues as noted in the "Final Staff Analysis."
- The Zoning Committee found the petition to be consistent with the *Blue Line Extension Transit Station Area Plan* and was found to be reasonable and in the public interest based on information from the staff analysis and the public hearing.
- The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.
- Staff agrees with the recommendation of the Zoning Committee.

**Attachment**

Zoning Committee Recommendation

Final Staff Analysis

Statements of Consistency

Map

Site Plan

[2017-121 Reco 11-20-17.pdf](#)

[2017-121 Final staff 11-21-17.docx](#)

[2017-121 Statement of Consistency for City Council.pdf](#)

[2017-121 map revised](#)

[2017-121 RevSitePlan 11-22-17](#)

## POLICY

### 10. City Manager's Report

### 11. Clean Energy Resolution

**Action:**

**Adopt a non-binding Clean Energy Resolution.**

**Committee Chair:**

Patsy Kinsey, Environment Committee

**Staff Resource(s):**

Rob Phocas, Economic Development

**Explanation**

- The Clean Energy Resolution is a non-binding resolution in which the City of Charlotte resolves that the city should commit to a goal of 100 percent clean energy for all energy sectors by 2050.
- Municipalities have adopted similar resolutions across the United States (for example, Atlanta, GA, Columbia, SC, Orlando, FL, and Hillsborough, NC).
- The FY2018-2019 Environment Focus Area Plan commits the City of Charlotte to "become a global leader in environmental sustainability, balancing economic growth with preserving natural resources."

**Committee Discussion**

- On Monday, November 13, 2017, the Environment Committee voted 2-2 (Kinsey and Ajmera in favor and Driggs and Fallon against; Mitchell was not present) on a motion to recommend that full Council adopt the resolution. Committee Chairperson Kinsey referred the resolution with no objection to full Council.

**Attachment(s)**

Clean Energy Resolution

[Clean Energy Resolution](#)

### 12. Minority and Women Business Enterprise Disparity Study Adoption

**Action:**

**Adopt the Economic Development Committee recommendation to:**

- A. Accept and adopt findings and analysis of the 2017 City of Charlotte Minority and Women Business Enterprise (MWBE) Disparity Study Report, and**
- B. Amend Part A, Section 8 of the Charlotte Business INclusion (CBI) Policy to extend race-conscious measures and/or gender-conscious measures through January 1, 2023.**

**Staff Resource(s):**

Robert Hagemann, City Attorney

Randy Harrington, Management and Financial Services

Thomas Powers III, City Attorney's Office

Nancy Rosado, Management and Financial Services

**Explanation**

- On June 13, 2016, the City retained BBC Research and Consulting to conduct a Minority and Women Business Enterprise (MWBE) Disparity Study, reviewing the City's expenditures for the period

between July 1, 2011 and June 30, 2016.

- The purpose of the 2017 MWBE Disparity Study was to:
  - determine whether disparity exists between the number of MWBE firms available to perform on City contracts and the City's utilization of those firms;
  - determine if there is a legally defensible basis for the continued use of race-conscious and gender-conscious measures; and
  - provide data and information that could be used to consider modifications to the City's CBI Program.
- The City last conducted an MWBE Disparity Study in 2011.
- The 2011 MWBE Disparity Study provided the basis for the City Council's current race-conscious and gender-conscious measures in the CBI Policy. The use of race-conscious and gender-conscious measures in the CBI Policy sunsets December 31, 2017.

#### **Findings and Recommendations**

- According to existing case law, the following is required in order to continue using race-conscious and gender-conscious measures:
  - statistical data showing disparity,
  - anecdotal evidence of discriminatory barriers, and
  - evidence that a race-neutral and gender-neutral program will not be adequate to eliminate the disparity.
- BBC Research and Consulting concluded that:
  - there is statistical evidence showing disparity,
  - there is sufficient anecdotal evidence of discriminatory barriers, and
  - the City's use of race-conscious and gender-conscious measures has been effective in increasing the utilization of minority business enterprises and women business enterprises.
- With regard to the statistical analysis, BBC Research and Consulting compared contracts with subcontracting goals for minority businesses, women businesses, and small businesses ("Goal Contracts") to contracts with no subcontracting goals ("No-Goal Contracts").
- BBC Research and Consulting found disparity in all five of the City's contracting categories: Goods; Construction; Architecture & Engineering, Surveying; Professional Services; and Other Services.
- BBC Research and Consulting concluded that evidence exists to support the City's continuation of race-conscious and gender-conscious measures.
- The full report can be accessed at: <http://charlottenc.gov/mfs/cbi/Pages/Study%20Results.aspx>

#### **Committee Discussion**

- On November 9, 2017 BBC Research and Consulting presented its findings and analysis to the Economic Development Committee
- The Committee unanimously approved a motion to recommend that City Council accept and adopt the findings and recommendations set forth in BBC Research and Consulting's 2017 City of Charlotte MWBE Disparity Study Report (Mitchell, Eiselt, Mayfield, Ajmera, Ivory).
- On November 13, 2017 BBC Research and Consulting presented its findings and analysis to the City Council.

#### **Attachment(s)**

2017 City of Charlotte MWBE Disparity Study Executive Summary  
Disparity Study Presentation

[Disparity Study Executive Summary](#)

[Disparity Study Presentation FINAL](#)

## **13. Charlotte WALKS: Sidewalk Construction Ordinance Revisions**

#### **Action:**

**Adopt an ordinance amending the sidewalk construction requirements in Chapter 19 of the City Code.****Staff Resource(s):**

Liz Babson, Transportation  
Scott Curry, Transportation

**Explanation**

- Charlotte WALKS, Charlotte's first comprehensive pedestrian plan, was unanimously adopted by City Council on February 27, 2017.
- City staff conducted extensive public outreach (30 public input events attended by over 1,000 people) to support the development of that plan.
- Community input revealed that gaps in the sidewalk network and back-of-curb sidewalks (i.e. lacking a buffer between pedestrians and moving cars) are primary concerns of the public. These issues are most problematic on thoroughfares which have higher volumes and speeds of traffic.
- The Charlotte WALKS plan directs city staff to develop amendments to the sidewalk construction requirements in Chapter 19 of the City Code in order to address these two key issues.
- These proposed ordinance revisions were developed in coordination with the City's Development Services Technical Advisory Committee and the Unified Development Ordinance Advisory Committee. These committees are a resource and a liaison between city/county staff, the development community, and neighborhood/advocacy groups.
- The revisions focus specifically on new development activity along thoroughfares, as these are the locations where poor sidewalk infrastructure presents the greatest challenge for pedestrian safety and comfort.
- The Chapter 19 ordinance revision will go into effect upon adoption, and will only apply to newly submitted items.

**Public Comment**

- On November 13, 2017, City Council received public comments on the proposed amendments. Nine speakers spoke in support of the Charlotte WALKS amendments, and none opposed.

**Ordinance Revisions**

Revisions to the current sidewalk construction requirements include:

- Implementing new triggers when substandard/back-of-curb sidewalk on thoroughfares will be required to be upgraded to current standards. Those triggers are tailored to:
  - The scale of new development activity, and
  - The width of the existing sidewalk and planting strip.
- A new requirement that anytime a significant portion (>30 feet) of sidewalk is removed or damaged, that portion must be reinstalled according to current standards.
- A new requirement that any new development which removes more than half of its sidewalk along a thoroughfare, shall be required to bring all sidewalk along that thoroughfare into compliance with current city standards.
- New language that prevents applicants from phasing development to avoid the city's sidewalk and drainage requirements.

**Attachment(s)**

Revised ordinance

[CH 19 Amendments - COUNCIL DRAFT CAO11-06-17](#)

## BUSINESS

### 14. City Manager's Compensation

**Action:**

**Consider a 2017 Compensation Adjustment for the City Manager.**

**Staff Resource(s):**

Cheryl Brown, Human Resources

**Explanation**

- On November 27, 2017, the Mayor and City Council met to conduct the City Manager's performance evaluation and discuss a potential compensation adjustment.
- The Mayor and City Council evaluated the City Manager's FY 2017 performance and effectiveness in four criteria, as follows:
  - Assisting Council with its Policy-Making Role;
  - Internal Administration;
  - External Relations; and
  - Leadership Characteristics.
- The Human Resources Director assisted the Mayor and City Council on the details associated with the City Manager's compensation.

### 15. Solid Waste Services Multi-Family Refuse Collection Services

**Action:**

- A. Approve a unit price contract with Waste Pro of North Carolina for Multi-Family Refuse Collection Services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Victoria Johnson, Solid Waste Services

**Explanation**

- Solid Waste Services provides contracted refuse, recycling, and bulky item collection services to multi-family residential units and public facilities.
- This service is currently provided weekly to approximately 125,000 multi-family residential units at 1,000 complexes and 115 public facilities.
- Multi-family residential units and public facilities serviced by the contract receive garbage service via dumpster or compactor, recycling collection in stations of roll-out containers, scheduled bulky item collection, and seasonal live Christmas tree collection.
- The vendor provides all equipment needed to perform the collection services and delivery of materials to the properly designated disposal or materials recovery facilities.
- The current contract expires June 2018 and the timely award of a new contract is required to accommodate the transition and maintain seamless service to the covered properties.
- On July 13, 2017, the City issued a Request for Proposals (RFP) for Multi-Family Solid Waste Collection Services. In response to the RFP, the City received four proposals from interested service providers.
- Waste Pro of North Carolina best meets the City's needs in terms of qualifications, experience, cost, proposed solution, and responsiveness to RFP requirements.
- Staff anticipates renewing the contract for up to three additional, one-year terms.
- Estimated contract expenditures are \$5,800,000 annually.

**Charlotte Business INClusion**

No subcontracting goal was established because there are no subcontracting opportunities (Part D. Section 6 of the Charlotte Business INClusion Policy).

**Fiscal Note**

Funding: Solid Waste Services Operating Budget

**16. Appointments to the Bicycle Advisory Committee****Action:**

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

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning immediately and ending December 31, 2019.
  - Jack Cameron, nominated by Council members Driggs, Fallon, and Mitchell
  - Nadine Ford, nominated by Council members Ivory, Kinsey, and Mayfield
  - Brian Geathers, nominated by Council members Lyles and Mitchell

**Attachment(s)**

Bicycle Advisory Committee Applicants

**17. Appointments to Business Advisory Committee****Action:**

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

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a full term in the At-Large category beginning immediately and ending November 26, 2020.
  - Damiko Faulkner, nominated by Council members Ajmera and Phipps
  - Brian Geathers, nominated by Council members Driggs, Ivory, Mayfield, and Mitchell
  - Thomas Rothrock, nominated by Council members Fallon and Lyles

**Attachment(s)**

Business Advisory Committee Applicants

**18. Appointments to the Charlotte Housing Authority Board****Action:**

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

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term beginning December 18, 2017, and ending December 17, 2020.
  - Sheila Jones, nominated by Council members Driggs, Ivory, Kinsey, Lyles, and Mayfield
  - Carlenia Ivory has declined the nomination.

**Attachment(s)**

Charlotte Housing Authority Board Applicants

## 19. Appointments to the Civil Service Board

**Action:**

Vote on blue ballots and return to Clerk at dinner.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning immediately and ending May 15, 2018.
  - Harvey Katowitz, nominated by Council members Fallon and Smith
  - Carolyn Millen, nominated by Council members Ajmera and Kinsey
  - Victoria Watlington, nominated by Council members Driggs, Ivory, Mayfield, and Mitchell

**Attachment(s)**

Civil Service Board Applicants

## 20. Mayor and City Council Topics

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

## CONSENT

### 21. Federal Lobbying Services

**Action:**

- A. Approve a contract with Holland and Knight LLC for federal lobbying services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Randy Harrington, Management and Financial Services  
Dana Fenton, City Manager's Office

**Explanation**

- The City is seeking a firm to develop a comprehensive legislative program and to advocate it effectively to the legislative and executive branches.
- The vendor shall lobby the legislative and executive branches to assist the City in several key areas, such as Aviation, Transit, Water and Sewer, and Housing.
- The City received ten proposals in response to a Request for Proposal (RFP).
- Holland and Knight, LLC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- It is anticipated that the contract will be renewed for up to two additional, one-year terms at prices to be negotiated based on market conditions.
- Estimated contract expenditures are \$210,000 annually based on a monthly retainer of \$17,500 and will be split four ways between the General, Transit, Aviation, and Water and Sewer Funds.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: General Fund (40% or \$84,000 annually), Aviation Fund (25% or \$52,500 annually), Transit Fund (25% or \$52,500 annually), and Water and Sewer Fund (10% or \$21,000 annually)

### 22. Police Helicopter Maintenance Services and Fuel

**Action:**

- A. Approve a three-year contract with Ascent Aviation Group Inc. for helicopter fuel as authorized by the Gas, Fuel, and Oil exemption of G.S.143-129 (e) (5),**
- B. Approve a three-year contract with Standard Aero (Alliance) Inc. for turbine engine and maintenance services,**
- C. Approve a three-year contract with Bell Helicopter Textron Inc. for maintenance and training services,**
- D. Authorize the City Manager to negotiate and approve up to two, one-year renewal options with Ascent Aviation Group Inc., Standard Aero (Alliance) Inc., and Bell Helicopter Textron Inc., and**

- E. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Kerr Putney, Police  
Coerte Voorhees, Police  
Kenneth Anderson, Police

**Gas, Fuel, and Oil Exception**

- G.S.143-129 (e) (5) authorizes informal procedures for purchase of gas, fuel, and oil.
- This exemption is necessary to allow one supply source for quality control and accountability of product. Fuel purchasing and utilization is also shared with Carolinas Medical Center helicopters.

**Explanation**

- Bell 407 helicopters require Jet A fuel. The Charlotte-Mecklenburg Police Department (CMPD) has purchased fuel from Ascent Aviation Group Inc. for the past five years due to their competitive pricing, quality, consistency and accountability. The estimated annual expenditure for fuel is \$135,000.
- 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.
- CMPD's Aviation Division owns two Bell 407 helicopters, model years 1997 and 1998 which support CMPD and require periodic scheduled general maintenance, overhaul, and repair.
- Bell Helicopter Textron Inc. and Standard Aero were selected for these contracts due to quality of pilot training, safety practice requirements, pricing and proximity to Charlotte.
- The contract pricing is market rate:
  - Bell Helicopter Textron Inc. offers a five percent discount on parts.
  - Standard Aero (Alliance) Inc. offers a 10 to 15 percent discount on parts.
  - Estimated annual expenditure is \$200,000 each for Bell Helicopter Textron and Standard Aero (Alliance) Inc.

**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

## **23. South End Pedestrian/Bicycle Connector Project**

**Action:**

**Approve a contract in the amount of \$283,075 with Kimley-Horn and Associates, Inc. for planning services for the South End Pedestrian/Bicycle Connector Project.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
Jim Keenan, Engineering and Property Management  
Sharon Buchanan, Engineering and Property Management

**Explanation**

- Along the LYNX Blue Line, there is a distance of more than 3,100 feet between existing pedestrian/bicycle crossings at Tremont Avenue and Remount Road. The influx of residents and businesses in this area of South End has created a need for a safe pedestrian/bicycle crossing.
- This project will provide a new at-grade pedestrian/bicycle crossing of the tracks with protective crossing gates.
- Council approved funding in the amount of \$2,000,000 to be used for the design and construction of

- the pedestrian/bicycle crossing as part of the 2016 Community Investment Plan.
- The new crossing will be configured to allow future development of a possible light rail station in the same location.
  - This contract provides planning services that include, but are not limited to:
    - Public involvement,
    - Data collection,
    - Alternatives analysis, and
    - Design parameters.
  - On April 19, 2017, the City issued a Request for Qualifications (RFQ); three proposals were received from interested professional service providers.
  - Kimley-Horn and Associates, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

**Charlotte Business INCLUSION**

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INCLUSION Policy). Kimley-Horn and Associates, Inc. has committed 15.96% (\$45,165) of the total contract amount to the following firms:

- Hinde Engineering, Inc. (SBE) (\$12,518) (utility coordination)
- CES Group Engineers, LLP (SBE) (WBE)(\$27,321) (survey and mapping)
- Boyle Consulting Engineers, PLLC (SBE) (\$5,326) (geotechnical investigations)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - South End Pedestrian-Bicycle Connector Project](#)

## 24. Providence Road Sidewalk Project

**Action:**

**Award a contract in the amount of \$456,982 to the lowest responsive bidder Sonny Development LLC for the Providence Road Sidewalk project.**

**Staff Resource(s):**

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

**Explanation**

- This contract will construct 0.5 mile of sidewalk on the southwest side of Providence Road, filling in several gaps between Providence Village Lane and East Barden Road.
- The project supports the City's Sidewalk Program to enhance connectivity, offer transportation choices, and improve pedestrian safety.
- This project is eligible for reimbursement of up to \$750,000 from the North Carolina Department of Transportation through the Federal Congestion Mitigation and Air Quality Improvement Program for right-of-way, utility relocation, and construction. The City is responsible for \$325,000 as part of the grant agreement. The total project cost is \$1,075,000.
- On September 18, 2017 the City issued an Invitation to Bid; two bids were received from interested service providers.
- Sonny Development LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed by second quarter 2018.

**Disadvantaged Business Enterprise (DBE) Opportunity**

Established DBE Goal: 5.00%

Committed DBE Goal: 5.00%

Sonny Development met the established subcontracting goal, and has committed 5% (\$22,849.10) of the total contract amount to the following certified firms:

- RRC Concrete (DBE, SBE) (\$22,849.10) (concrete)

**Fiscal Note**

Funding: Federal Congestion Mitigation and Air Quality Improvement Program and the General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Providence Road Sidewalk Project](#)

## 25. Fire Station 4 Roof Replacement

**Action:**

**Award a contract in the amount of \$208,500 to the lowest responsive bidder Davco Roofing and Sheet Metal, Inc. for the Fire Station 4 Roof Replacement project.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

William Haas, Engineering and Property Management

Pete Key, Fire Department

Kevin Gordon, Fire Department

**Explanation**

- The existing roof will be removed and a new roof and insulation will be installed at Fire Station 4, located at 525 North Church Street.
- The existing roof was installed in 1994 and has exceeded its life expectancy with recurring water leaks in the kitchen and sleeping areas.
- The new roof, insulation, and windows will be in compliance with current building codes, improve energy efficiency of the facility, and provide better occupant comfort.
- The new roof will have a 20-year manufacturer's warranty for water intrusion.
- On September 26, 2017 the City issued an Invitation to Bid for the Fire Station 4 Roof Replacement project; seven bids were received from interested service providers.
- Davco Roofing and Sheet Metal, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2018.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Fire Station 4 Roof Replacement](#)

## 26. Spectrum Center Architectural Amendment #1

**Action:**

**Approve contract amendment #1 for \$475,000 to LS3P Associates, Ltd for architectural services**

**for the Spectrum Center Upgrades.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

William Haas, Engineering and Property Management

**Explanation**

- On November 24, 2014, City Council authorized the City Manager to enter into a contract with AECOM in the amount of \$2,300,000 for design services for capital repairs and improvements to the Spectrum Center.
- Over the past three years, work has been assigned to the design team on a task order basis. Construction has occurred each summer and completed prior to the Hornets season beginning.
- On June 30, 2017, AECOM assigned the contract to LS3P Associates, Ltd, a design firm located in Charlotte. AECOM had been performing much of the design work in its Kansas City office but agreed it was more cost-effective to assign contract responsibilities to LS3P, who had previously been a sub-consultant to AECOM. Through this assignment, AECOM transitioned to a sub-consultant role under LS3P.
- This amendment is needed to design the remaining projects planned over the next two years; such as repairs to the plumbing system, and modifications to the large restaurant on the Founders level to make it more accessible to all patrons in the building.
- Recent repairs and improvements include refurbishment of interior finishes, replacement of the center-hung scoreboard, upgrades to two small restaurants, suite renovations, mechanical/electrical system upgrades, and the relocation of the ticket office and team store.
- On September 8, 2014, City Council approved a five-year, \$27,500,000 capital repair and improvement plan to the Spectrum Center.
- In addition to the \$27,500,000 from the City's Tourism Fund, the Charlotte Hornets contributed \$1,800,000 for the renovation of the premium suites.
- The total value of this contract, including contract amendment #1, is \$2,775,000 and is available in the project budget.

**Fiscal Note**

Funding: Tourism Operating Fund

**Attachment(s)**

Map

[Location Map - Architectural Services for the Spectrum Center Upgrades](#)

## **27. Real Estate Appraisal Services**

**Action:**

**Approve contracts with the following companies for real estate appraisal services for a three-year term:**

- **Locally Funded Projects (totaling \$5,205,000)**
  - **BBG, Inc. (\$450,000)**
  - **Cushman & Wakefield of North Carolina (\$525,000)**
  - **Fortenberry Lambert, Inc. (\$600,000)**
  - **Integra Realty Resources-Charlotte, LLC (\$825,000)**
  - **JD Parker & Associates, LLC (\$450,000)**
  - **James Owens Appraisal (\$600,000)**
  - **T.B. Harris, Jr. & Associates (\$915,000)**
  - **The Hopkins-McElhannon Group, Inc. (\$600,000)**
  - **Valbridge Property Advisors dba John Bosworth & Associates, LLC (\$240,000),**
- **Federal Highway Administration/North Carolina Department of Transportation Funded Projects (totaling \$2,175,000)**

- **BBG, Inc. (\$150,000)**
- **Cushman & Wakefield of North Carolina (\$300,000)**
- **Fortenberry Lambert, Inc. (\$300,000)**
- **Integra Realty Resources-Charlotte, LLC (\$375,000)**
- **JD Parker & Associates, LLC (\$300,000)**
- **James Owens (\$300,000)**
- **T.B. Harris, Jr. & Associates (\$150,000)**
- **The Hopkins-McElhannon Group, Inc. (\$150,000)**
- **Valbridge Property Advisors dba John Bosworth & Associates, LLC (\$150,000),**
- **Federal Transit Administration Funded Projects (totaling \$1,230,000)**
  - **BBG, Inc. (\$150,000)**
  - **Cushman & Wakefield of North Carolina (\$150,000)**
  - **Fortenberry Lambert, Inc. (\$150,000)**
  - **Integra Realty Resources-Charlotte, LLC (\$150,000)**
  - **JD Parker & Associates, LLC (\$150,000)**
  - **James Owens (\$150,000)**
  - **T.B. Harris, Jr. & Associates (\$90,000)**
  - **The Hopkins-McElhannon Group, Inc. (\$150,000)**
  - **Valbridge Property Advisors dba John Bosworth & Associates, LLC (\$90,000), and**
- **Housing and Urban Development Funded Projects (totaling \$1,200,000)**
  - **BBG, Inc. (\$150,000)**
  - **Cushman & Wakefield of North Carolina(\$150,000)**
  - **Fortenberry Lambert, Inc. (\$150,000)**
  - **Integra Realty Resources-Charlotte, LLC (\$150,000)**
  - **JD Parker & Associates, LLC (\$150,000)**
  - **James Owens (\$150,000)**
  - **T.B. Harris, Jr. & Associates (\$150,000)**
  - **The Hopkins-McElhannon Group, Inc. (\$150,000)**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

Tony Korolos, Engineering and Property Management

**Explanation**

- As part of the real estate acquisition phase, real estate appraisal services are required for all federal, state, and locally funded Community Investment Plan projects. These are routine contracts with consultant selection every three years.
- Real estate appraisal is required during the real estate acquisition phase of public projects to determine impacts to real property.
- Certified independent real estate appraisers have expertise in eminent domain appraisal disciplines. Appraisers are necessary for assistance with determining market value and establishing fair and just compensation for property owners.
- On April 3, 2017, the City advertised Request for Proposals. Nine firms were selected using a competitive proposal selection process to provide real estate appraisal services.
- Projects will be assigned to firms on a work-order basis using unit prices provided for in the contract.
- Total expenditures for real estate appraisal services with the firms selected are anticipated to total \$3,270,000 annually, with a total of \$9,810,000 for the contract term.

**Charlotte Business INclusion**

No subcontracting goals were established because there are no subcontracting opportunities (Part B:

Section 2.3 of the Charlotte Business INclusion Policy). However The Hopkins-McElhannon Group (SBE) is a city certified firm.

**Fiscal Note**

Funding: General Community Investment Plan

## 28. Real Estate Appraisal Review Services

**Action:**

**Approve contracts with the following companies for real estate appraisal review services for a three-year term:**

- **Locally Funded Projects (totaling \$1,695,000)**
  - **Kathryn Bunker (\$225,000)**
  - **T.B. Harris, Jr. & Associates (\$60,000)**
  - **The Hanes Group, Inc. (\$675,000)**
  - **Valbridge Property Advisors dba John Bosworth & Associates, LLC (\$60,000)**
  - **William R. Morgan Company (\$675,000),**
- **Federal Highway Administration/North Carolina Department of Transportation Funded Projects (totaling \$600,000)**
  - **Kathryn Bunker (\$150,000)**
  - **The Hanes Group, Inc. (\$225,000)**
  - **William R. Morgan Company (\$225,000),**
- **Federal Transit Administration Funded Projects (totaling \$570,000)**
  - **Kathryn Bunker (\$150,000)**
  - **T.B. Harris, Jr. & Associates (\$60,000)**
  - **The Hanes Group, Inc. (\$150,000)**
  - **Valbridge Property Advisors dba John Bosworth & Associates, LLC (\$60,000)**
  - **William R. Morgan Company (\$150,000), and**
- **Housing and Urban Development Funded Projects (totaling \$300,000)**
  - **Kathryn Bunker (\$75,000)**
  - **The Hanes Group, Inc. (\$75,000)**
  - **Valbridge Property Advisors dba John Bosworth & Associates, LLC (\$75,000)**
  - **William R. Morgan Company (\$75,000)**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

Tony Korolos, Engineering and Property Management

**Explanation**

- As part of the real estate acquisition phase, real estate appraisal review services are required for all federal, state, and locally funded Community Investment Plan projects to determine impacts to real property. These are routine contracts with consultant selection every three years.
- Appraisal services are used to conduct an appraisal of a property. The function of the appraisal review is to analyze the contents of the appraisal report for credibility and market support. Appraisers are always under close scrutiny to provide accurate reports and the appraisal review is one tool to help with this.
- Independent real estate appraisal review services serve as an important quality control measure.
- On April 3, 2017, the City advertised Request for Proposals. Five firms were selected using a competitive proposal selection process to provide real estate appraisal review services.
- Projects will be assigned to firms on a work-order basis using unit prices provided for in the contract.

- Total expenditures for real estate appraisal review services with the firms selected are anticipated to total \$1,055,000 annually, with a total of \$3,165,000 for the contract term.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: General Community Investment Plan

## **29. Real Estate Right-of-Way Acquisition and Relocation Services**

**Action:**

**Approve contracts with the following companies for right-of-way acquisition and relocation services for a three-year term:**

**A. Locally Funded Projects (totaling \$15,750,000)**

- Cityscape Acquisition, Inc., (\$3,150,000)
- Gulf Coast, LLC (\$3,150,000)
- Michael Ryan Realty, Inc., (\$3,150,000)
- Professional Land Management, LLC, (\$3,150,000)
- Telecommunication & Industrial Consulting Services Corporation (TELICS) (\$3,150,000),

**B. Federal Highway Administration/North Carolina Department of Transportation Funded Projects (totaling \$6,000,000)**

- Gulf Coast, LLC, (\$2,000,000)
- Professional Land Management, LLC, (\$2,000,000)
- Telecommunication & Industrial Consulting Services Corporation (TELICS) (\$2,000,000),

**C. Federal Transit Administration Funded Projects (totaling \$1,500,000)**

- Professional Land Management, LLC, (\$750,000)
- Telecommunication & Industrial Consulting Services Corporation (TELICS) (\$750,000),

**D. Housing and Urban Development Funded Projects (totaling \$750,000)**

- Gulf Coast, LLC (\$750,000).

**Staff Resource(s):**

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

**Explanation**

- As part of the real estate acquisition phase, real estate related services are required for all federal, state, and locally funded Community Investment Plan projects. These are routine contracts with consultant selection every three years.
- Right-of-way acquisition and relocation services are required to obtain the title to the properties necessary for the construction and operation of various projects and to relocate any firms or persons displaced as a result of the projects.
- The firms will negotiate with all impacted private property owners to acquire any rights needed from the owners.
- The firms also will provide relocation assistance to all eligible individuals and businesses displaced by the projects.
- All selected firms are provided training in City negotiation policies and procedures and are monitored closely for compliance. Firms are provided with written policies, procedures, and training to ensure

they meet the City's expectations of proper behavior, courtesy, and professionalism towards citizens.

- On April 3, 2017, the City advertised Request for Proposals. Five firms were selected using a competitive proposal selection process to provide real estate services.
- Projects will be assigned to firms on a work-order basis using unit prices provided for in the contract.
- Total expenditures for right-of-way acquisition and relocation services with five firms are anticipated to be \$8,000,000 annually, with a total of \$24,000,000 for the contract term.

**Charlotte Business INclusion**

No subcontracting goals were established because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INclusion Policy). However, CityScape Acquisition (SBE, WBE), Gulf Coast (SBE) and Michael Ryan Realty (SBE) are city certified firms.

**Fiscal Note**

Funding: General Community Investment Plan

## **30. Manchester NC Coliseum, LLC Developer Infrastructure Reimbursement Agreement**

**Action:**

**Approve an infrastructure reimbursement agreement in an amount up to \$250,000 with Manchester NC Coliseum, LLC for storm drainage improvements at 3702-3750 East Independence Boulevard.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
Daryl Hammock, Engineering and Property Management

**Explanation**

- Manchester NC Coliseum, LLC is redeveloping the Coliseum Shopping Center located at 3702-3750 East Independence Boulevard as a mixed-use development project.
- The current drainage system located on the property was installed in the 1950's and is at the end of its useful life. The aging drainage system qualifies for public rehabilitation or replacement.
- The drainage system replacement spans two adjacent properties in addition to the property being redeveloped.
- The City and Manchester NC Coliseum, LLC have determined it would be mutually beneficial for the developer to design and construct the infrastructure improvements, in conjunction with the development's construction schedule.
- The agreement provides that the City will reimburse the developer for the construction of the drainage system improvements up to a maximum amount of \$250,000.
- North Carolina General Statute §160A-320 authorizes the City to contract with a developer or property owner for public improvements that are adjacent or ancillary to a private land development project when the City determines that coordination of separately constructed improvements would be impractical. It further allows the City to reimburse the developer for those improvements up to \$250,000, exempt from public bid requirements, providing the public cost will not exceed the estimated cost if it were bid and constructed by the City.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Storm Water Community Investment Plan

**Attachment(s)**

Map

[Location Map - Manchester NC Coliseum LLC Developer Infrastructure Reimbursement Agreement](#)

## **31. Electronic Document Management System Amendment**

**Action:**

- A. Approve contract amendment #3 to the Hyland OnBase Electronic Document Management System for the purchase of additional licenses and services,**
- B. Authorize the City Manager to purchase maintenance and support under the existing OnBase contract for as long as the City uses the system, and**
- C. Authorize the City Manager to purchase additional software licenses, services, and hardware as needed from time to time to optimize the City's use of the system and to approve other amendments consistent with the City's purpose for which the contract was approved, including price adjustments.**

**Staff Resource(s):**

Barry Gullet, Charlotte Water

Victoria Johnson, Solid Waste Services

**Explanation**

- On March 23, 2015, City Council approved a master services contract with Imaging Solutions and Services, Inc. for City departments to purchase software licensing and implementation services for an electronic document management system.
- The system is utilized by several City departments, including Charlotte Water, Solid Waste Services, and Housing and Neighborhood Services for their document management needs. The City is looking to expand this system to other City departments.
- The original contract was for the purchase and implementation of an electronic document management system for Charlotte Water.
  - Amendment #1 was to add scope of services for Solid Waste Services;
  - Amendment #2 was to add scope of services for Housing and Neighborhood Services; and
  - The City is seeking Council approval to purchase additional licenses and services to expand the system to other City departments.
- An electronic document management system enables organizations to manage a large volume of documents and records throughout the document life-cycle, from creation to destruction.
- This request will provide greater capacity for records retention, document search and retrieval efficiency, and document management processes.
- The system provides a reduction in physical storage costs, paper waste and a toolset to fulfill public records requests.
- Estimated annual expenses are \$180,000 for ongoing services and maintenance.
- This contract will expire in June 2020.

**Fiscal Note**

Funding: Various departments' budgets

## **32. FY 2018 Water Main Replacements**

**Action:**

- A. Award a contract in the amount not to exceed \$1,527,663.69 to the lowest responsive bidder RH Price, Inc. for the FY 2018 Water Main Replacements project, and**
- B. Authorize the City Manager to approve up to two renewals in the same amount stated**

**above, plus or minus possible price adjustments based on the Engineering News Record Construction Cost Index and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Barry Gullet, Charlotte Water

Ron Hargrove, Charlotte Water

**Explanation**

- The Water Replacement Program allows replacement of water distribution infrastructure as needed. The primary function is to replace water distribution lines to meet water quality and flow requirements throughout the distribution system.
- For the 2017 fiscal year, approximately 21,778 feet of water main was installed and aged and/or redundant water mains were abandoned.
- Bids are unit price and based on estimated quantities for items needed for this type of work.
- On September 11, 2017, the City issued an Invitation to Bid; five bids were received from interested service providers.
- RH Price, Inc. was selected as the lowest responsive, responsible bidder.
- The contract may be renewed for two renewals of \$1,527,663.69 each, plus or minus possible price adjustments based on the Engineering News Record Construction Cost Index.

**Charlotte Business INclusion**

Established MSBE Goal: 7%

Committed MWSBE Goal: 7.20%

RH Price, Inc. met the established subcontracting goal and has committed 7.20% (\$110,000) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- C and D Utility (SBE) (\$55,000) (pipeline installation)
- Wallace Brothers Construction, Inc. (SBE) (\$55,000) (pipeline installation)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

### 33.

**Action:**

- A. Award a contract in the amount not to exceed \$2,336,510 to the lowest responsive bidder State Utility Contractors Inc. for the installation of water and sewer services, and**
- B. Authorize the City Manager to approve up to two renewals in the same amount stated above, plus or minus possible price adjustments based on Engineering News Record Construction Cost Index, and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Barry Gullet, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- Charlotte Water outsources the majority of new water and sewer service installations, using construction contracts in order to ensure timely installation.
- These installations will include:
  - Water service connections extending from the Charlotte Water main to the meter at the property, including a meter, meter box/vault, applicable valves and fittings, and
  - Sewer service connections extending from the Charlotte Water sewer line to the cleanout, which is typically just outside the road right-of-way.

- The work covered by each term of this contract should provide approximately 900 total service connections within approximately 12 months.
- Customers pay connection fees for new services, which are based on costs incurred by Charlotte Water in these contracts.
- On September 5, 2017, the City issued an Invitation to Bid; three bids were received from interested service providers.
- State Utility Contractors Inc. was selected as the lowest responsive, responsible bidder.
- The contract may be renewed for two renewals (approximately one year per renewal) at unit prices based on the Engineering News Record Construction Cost Index.

**Charlotte Business INClusion**

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

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

## **34. Irvins Creek Tributary Trunk Line Design-Build Services**

**Action:**

**Approve a contract in the amount of \$838,276.96 with Garney Companies, Inc. for Phase 1 design-build services for the Irvins Creek Tributary Trunk Line Project.**

**Staff Resource(s):**

Barry Gullet, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- The purpose of this project is to alleviate sewer capacity needs identified through Charlotte Water's Capacity Assurance Program. Irvins Creek Tributary Trunk Line project will create a larger receiving sewer for both a proposed sewer lift station, as well as increasing proposed development demand in Mint Hill.
- The contract will include the following services:
  - project coordination,
  - pipeline sizing and alignment determination, as needed,
  - field condition assessment,
  - survey services and plat preparation,
  - easement acquisition and related real estate services,
  - produce design drawings and specifications,
  - permitting,
  - prepare a detailed "critical path" schedule, and
  - produce a Guaranteed Maximum Price (GMP)
- Council will receive a subsequent Request for Council Approval in 2018 for Phase 2 services, following the establishment of a GMP, to approve a contract amendment for construction of the sewer facilities respective to both contracts.
- On June 27, 2017 the City issued a Request for Qualifications (RFQ) for Progressive Design Build Services for the Irvins Creeks Tributary Trunk Line, Wilmore Drive/Park Avenue, and Little Sugar Creek Tributary Trunk Sewer to North Tryon Street Sanitary Sewer projects. In response to the RFQ, the City received seven proposals from interested professional service providers.
- Garney Companies, Inc. was determined to be the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

**Charlotte Business INClusion**

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1

(h) of the Charlotte Business INclusion Policy).

Garney Companies, Inc. has committed 6.74% (\$56,525) of the total contract to the following certified firms:

- Hinde Engineering, Inc. (SBE) (\$31,800) (traffic control, NCDOT encroachment permits)
- Sweetwater Utility Exploration (SBE) (\$22,500) (subsurface utility locates)
- Mid-Carolina Reprographics (SBE, WBE) (\$2,225) (reproduction/copying services)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Irvins Creek Tributary Trunk Map

[Irvins Creek Tributary Trunk Line Map](#)

## **35. Wilmore Drive/Park Avenue and Little Sugar Creek Tributary Trunk Sewer to North Tryon Street Sanitary Sewer Design-Build Services**

**Action:**

**Approve a contract in the amount of \$1,979,256.83 with Sanders Utility Construction Co., Inc. for Phase 1 design-build services for the Wilmore Drive/Park Avenue Sanitary Sewer Replacement Project and the Little Sugar Tributary Trunk Sewer to North Tryon Sewer Replacement Project.**

**Staff Resource(s):**

Barry Gullet, Charlotte Water

Ron Hargrove, Charlotte Water

**Explanation**

- The purpose of these projects is to alleviate sewer capacity needs identified through Charlotte Water's Capacity Assurance Program, allow for future development, and rehabilitate aging sections of sewer.
- Both projects are anticipated to be activated by the end of 2019. Utilizing a Progressive Design-Build project delivery method will allow Charlotte Water to work collaboratively with the Design-Build team and meet a demanding schedule.
- The contract will include progressive design-build Phase 1 services including:
  - project coordination,
  - pipeline sizing and alignment determination, as needed,
  - field condition assessment,
  - survey services and plat preparation,
  - easement acquisition and related real estate services,
  - produce design drawings and specifications,
  - permitting,
  - prepare a detailed "critical path" schedule, and
  - produce a Guaranteed Maximum Price (GMP)
- Council will receive a subsequent Request for Council Approval in 2018 for Phase 2 services, following the establishment of a GMP, to approve a contract amendment for construction of the sewer facilities.
- On June 27, 2017 the City issued a Request for Qualifications (RFQ) for Progressive Design Build Services for the Irvins Creeks Tributary Trunk Line, Wilmore Drive/Park Avenue, and Little Sugar Creek Tributary Trunk Sewer to North Tryon Street Sanitary Sewer projects. In response to the RFQ, the City received seven proposals from interested professional service providers.

- Charlotte Water evaluated the proposals and determined that Sanders Utility Construction Co. is the best qualified firm to meet the City's needs for these projects 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).

Sanders Utility Construction Co., Inc. has committed 11.42% (\$226,190) of the total contract to the following certified firms:

- CES Group Engineers, LLP (SBE, WBE) (\$153,432) (surveying)
- Gavel & Dorn Engineering, PLLC (SBE) (\$72,758) (geotechnical)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Wilmore Drive/Park Avenue Map

Little Sugar Tributary Trunk Map

[Wilmore Dr/Park Ave & Little Sugar DB Projects - Map](#)

## **36. McAlpine Creek Wastewater Treatment Plant Project Owner's Advisor Services**

**Action:**

**Approve a contract in the amount of \$499,465 with CDM Smith, Inc. for Owner's Advisor Services for the McAlpine Creek Wastewater Treatment Plant Nutrient Harvesting Project.**

**Staff Resource(s):**

Barry Gullet, Charlotte Water

Ron Hargrove, Charlotte Water

**Explanation**

- Charlotte Water owns and maintains five major wastewater treatment plants in Mecklenburg County. The McAlpine Creek Wastewater Treatment Plant is the largest and is located in the southern part of Mecklenburg County.
- The nutrient harvesting project will enhance existing treatment processes by removing and marketing of phosphorus recovered from the wastewater stream.
- This project is planned to be a Public-Private Partnership (P3), the details of which will be determined with the assistance of the Owner's Advisor.
- CDM Smith, Inc. will develop the criteria and assist with the procurement and evaluation process of a P3 team that will deliver a turnkey solution.
- On July 21, 2017 the City issued a Request for Qualifications; three proposals were received from interested service providers.
- CDM Smith, Inc. was determined as the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services.
- CDM Smith, Inc. was selected to serve as Charlotte Water's Owner's Advisor for the Project. Services to be provided include assisting Charlotte Water through the procurement phase, participating in design and integration oversight as well as P3 administration and negotiation.
- Future Council approval will be required for the contract establishing the parameters of the Public-Private Partnership.

**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). CDM Smith, Inc. has committed 5.21% (\$26,000) of the total

contract amount to the following certified firms:

- Southern Engineering and Testing, P.C. (SBE) (\$10,000) (geotechnical)
- Sweetwater Utility Exploration, LLC (SBE) (\$9,000) (subsurface utility excavation)
- CES Group Engineers, LLP (SBE, WBE) (\$7,000) (surveying)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

[McAlpine Creek WWTP Map](#)

## **37. Wastewater Lift Station Pump Parts and Grinder Unit Replacements**

**Action:**

- A. Approve the purchase of Grundfos Pump products, as authorized by the sole source exemption of G.S. 143-129 (e)(6),**
- B. Approve a contract with Carolina Pumpworks for the one time purchase of replacement pump parts and grinder units for six Lift Stations.**

**Staff Resource(s):**

Barry Gullet, Charlotte Water  
Ron Hargrove, Charlotte Water  
John Huber, Charlotte Water

**Sole Source Exemption**

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

**Explanation**

- Charlotte Water has six critical lift stations that are aging. Pump parts are worn out and need replacing to ensure proper performance.
- Maintaining the current mechanical equipment inside the lift stations reduces risk of sewer overflow.
- During the initial design, this equipment was selected based on performance operating conditions, design criteria, and cost.
- Estimated cost to replace pump parts and grinder units for all six lift stations is \$900,000.

**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: Charlotte Water Community Investment Plan

## **38. Waste Removal and Container Rental Services**

**Action:**

- A. Approve a unit price contract with Republic Services Inc. for Waste Removal and Container Rental Services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to one, two year renewal term and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Barry Gullet, Charlotte Water

Ron Hargrove, Charlotte Water

**Explanation**

- Solid waste, paper, plastics, organic and inorganic debris are collected and removed at Charlotte Water locations.
- Collection containers of various sizes, some with special modifications, are used to hold debris.
- These containers are rented from the contracted waste hauler due to required repair, maintenance, and occasional replacement.
- Collected material from certain locations must be disposed of at specially permitted landfills.
- Solid Waste Services does not provide the type of services needed for these facilities.
- On September 18, 2017, the City issued a Request for Proposals (RFP); one proposal was received from interested service providers.
- Republic Services Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The fee schedule for this contract is comprised of four elements: container rental, hauling fees, disposal or tipping fee (per ton), and fuel.
  - Container rental and hauling fees are set flat monthly charges.
  - Disposal/tipping cost are set per ton cost.
  - Fuel surcharge fees are capped at 10 percent of total combined expenses.
- Estimated contract expenditures are \$460,000 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: Charlotte Water Operating Budget

## **39. Charlotte Water Partnership with Discovery Place**

**Action:**

- A. Approve a contract with Discovery Place for the development and delivery of the *Charlotte Water Everywhere* student education program for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to three 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):**

Barry Gullet, Charlotte Water

Jennifer Frost, Charlotte Water

**Explanation**

- Discovery Place, in partnership with Charlotte Water and Charlotte-Mecklenburg Schools (CMS) will develop and deliver an educational program focused on water issues to all CMS 5th grade classrooms.
- Leveraging an existing partnership with CMS, over the next four years Discovery Place will visit every CMS elementary school to present information to 5th graders about the water cycle, water

supply and treatment, water distribution, wastewater collection and treatment, protecting the environment, biosolids recycling, and water conservation.

- In Year 1, Discovery Place will visit half of the CMS 5th grade classrooms. In Year 2, the other half of CMS 5th grade classrooms will receive the presentation. Years 3 and 4 will repeat the cycle.
- By developing the curriculum with Discovery Place and CMS, Charlotte Water will educate future customers about water issues. Fifth graders are targeted because state curriculum standards focus on the water cycle and water related issues. This partnership will engage children and families as an important part of Charlotte Water's many education and outreach efforts.
- 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.
- Budget for Year 1 is \$112,628 and includes program development, evaluation tool development, supplies and per student delivery costs. The budgets for the following year include supplies and per student delivery costs and are estimated at \$80,128 each year.
- Estimated contract expenditures are \$353,012 over the four year term.
- This program will be funded by the City through the Charlotte Water operating budget.

#### **Charlotte Business INclusion**

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

#### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## **40. Blue Line Extension Construction Contract Amendments**

#### **Action:**

- A. Approve contract amendment #5 for \$2,900,000 to Balfour Beatty Infrastructure, Inc. / Blythe Development Company, Joint Venture (BBJV) to complete civil construction for Segment A of the LYNX Blue Line Extension, and**
- B. Approve contract amendment #3 for \$900,000 to Edison Foard for the Blue Line Extension Station Finishes contract.**

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

John Lewis, CATS

Jill Brim, CATS

#### **Explanation**

##### **Action A**

- On January 27, 2014, the City Council approved a contract with Balfour Beatty Infrastructure, Inc. / Blythe Development Company, Joint Venture (BBJV) to complete civil construction in the railroad right-of-way in Segment A (Civil-A) of the Blue Line Extension (BLE).
- This work includes the relocation of a segment of freight track near 36th Street.
- The City's agreement with Norfolk Southern Railway (NSR) requires that the contractor comply with NSR requirements.
- The Civil-A contractor's work has been increased due to the additional testing, inspections, and approvals required by NSR.
- Based upon these additional NSR requirements, as well as NSR work upon their own freight tracks, the Civil-A schedule has been extended from January 31, 2018 to an estimated completion date of July 31, 2018.
- The delay in the Civil-A schedule does not impact the opening of the BLE project, which is expected to begin revenue service in March 2018.
- Contract amendment #5 in the amount of \$2,900,000 is needed to
  - Address extended overhead costs (field office, staff, supplies, utilities, etc.) for the additional contract time due to delays by NSR. This amount was set at \$5,000 per day by

amendment #3.

- Replenish contingency for changes due to NSR requirements and unforeseen conditions.
- The new total value of the contract, including this amendment, will be \$130,917,958.13, which is within the current BLE project budget.
- Further detail on prior contract amendments is provided as an attachment.

#### Action B

- On January 26, 2015, the City Council awarded a contract in the amount of \$20,177,750 to Edison Foard for construction of the BLE Station Finishes work. The work includes the station platforms, canopies, benches, windscreens, lighting, and other passenger amenities for the 11 BLE stations.
- Contract amendment #3 in the amount of \$900,000 is needed due to the extended completion schedule of the Station Finishes project and to replenish contingency for changes due to design modifications, unforeseen conditions, and additional work items.
  - Contract amendment #2, in the amount of \$380,000, was approved by the City Council on November 14, 2016. Amendment #2 settled contractor claims through November 1, 2016, including schedule delays, re-sequencing and acceleration of work to meet completion dates required for follow-on contracts.
  - Contract amendment #1 modified the payment provisions of the contract and was executed on October 12, 2016. Contract amendment #1 did not change the contract amount.
- The new total value of the contract, including this amendment, will be \$22,657,750, which is within the current BLE project budget.

#### **Disadvantaged Business Enterprise Opportunity**

The work performed pursuant to these contract amendments will be held to the original contract DBE goals, as shown below.

BBJV: 17.50%

Edison Foard: 7.3%

#### **Fiscal Note**

Funding: CATS Community Investment Plan

#### **Attachment(s)**

Blue Line Extension Civil-A Contract Amendment History

[Attachment\\_xx.12.11.2017.doc.docx](#)

## **41. Blue Line Extension Support Services Contract Amendments**

#### **Action:**

- A. Approve contract amendment #7 for up to \$8,300,000 to HNTB North Carolina PC for construction management services for the Blue Line Extension project,**
- B. Approve contract amendment #8 for up to \$2,900,000 to STV Engineers Inc. for design and construction administration services for the Blue Line Extension project, and**
- C. Approve contract amendment #9 for up to \$300,000 to Kleinfelder Southeast, Inc. for construction materials testing and special inspection services for the Blue Line Extension project.**

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

John Lewis, CATS

Jill Brim, CATS

#### **Explanation**

Action A

- City Council received an update on November 13, 2017, about the Blue Line Extension (BLE) project, expected to open in March 2018.
- Construction on the Civil-A contract is estimated to be complete in July 2018, and the closeout process for the BLE construction contract is expected to extend to the end of 2018.
- HNTB North Carolina PC contract amendment #7 is needed due to the following:
  - Extended duration of the Civil-A construction contract,
  - Additional technical support services related to the Track and Systems contract,
  - Allowance for litigation support, and
  - Extended overall completion schedule of the BLE project.
- On November 12, 2012, the City Council approved Phase One of the construction management agreement in the amount of \$3,000,000. Phase One was executed to allow work to begin while the primary contract was negotiated.
- Six contract amendments have been approved to date.
- The new total value of the contract, including this amendment, is an amount up to \$70,264,506, which is within the current BLE project budget.

Action B

- STV Engineers Inc. contract amendment #8 provides additional design services during construction, including:
  - Additional technical support services related to the Track and Systems contract, and
  - Services for an extended duration related to the Civil-A contract, which has been affected by increased work due to additional testing, inspections, and approvals required by Norfolk Southern Railway (NSR).
- On March 26, 2012, the City Council approved up to \$38,500,000 to provide design and construction administration services for the BLE project.
- Seven contract amendments have been approved to date.
- The new total value of the contract, including this amendment, is an amount up to \$53,500,000, which is within the current BLE project budget.

Action C

- Kleinfelder Southeast, Inc. contract amendment #9 is needed due to the extended completion schedule of the BLE project, particularly the Civil-A construction contract, which has been affected by increased work due to additional testing, inspections, and approvals required by NSR.
- On April 17, 2012, City Council awarded a contract in an amount up to \$9,000,000 for Materials Testing and Special Inspections Services for the BLE project.
- Eight contract amendments have been approved to date.
- The new total value of the contract, including this amendment, is an amount up to \$11,000,000, which is within the current BLE project budget.

**Disadvantaged Business Enterprise Opportunity**

The work performed pursuant to these contract amendments will be held to the original contract DBE goals, as shown below.

**HNTB North Carolina PC: 9.0%**

- Kelville Enterprises (Project Controls Support)
- McFarland Construction (Civil Construction Inspections)
- Rohadfox Construction (Project Controls Support)
- DiCon Consulting ( Public Utility Construction Inspection)

**STV Engineers Inc.: 15.80%**

- Envision Consultants Ltd (Project Controls)
- Neighboring Concepts (Parking Garages= Architecture)
- Sepi Engineering (Civil Infrastructure)

- Christian Engineering (Design Plans)
- LTArchitecture (Engineering services)
- Capstone Engineering (Erosion Control)
- Simpson Engineering (Structural Design)
- Trimat Materials Testing (Testing services)

Kleinfelder Southeast Inc.: 11.75%

- Sepi Engineering (Materials testing & inspections)

**Fiscal Note**

Funding: CATS Community Investment Plan

**Attachment(s)**

Blue Line Extension Support Services Contract Amendment History

[Attachment\\_yy.12.11.2017.doc.docx](#)

## 42. Aviation Building Operating Systems Contract

**Action:**

- A. Approve a unit price contract with Johnson Controls Inc. for Building Operating Systems services for an initial term of five years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- Aviation requires enhanced building operating system services to assist in monitoring building automation, fire monitoring, and camera access systems.
- This contract will provide personnel to monitor and respond to alerts or operational malfunctions with building operating system equipment on a 24 hours/7 days a week basis. In addition, the contract provides the ability for Aviation to purchase additional monitoring equipment and installation services if the need arises over the term of the contract.
- On August 11, 2017, the City issued a Request for Proposals (RFP); three proposals were received from interested service providers.
- Johnson Controls Inc. was selected in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Estimated first year contract expenditures are \$1,940,000.

**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).

Johnson Controls, Inc. has committed 2.86% (\$300,880) of the total contract amount to the following firms:

- Besco Electrical, Inc. (MBE) (\$161,745) (fire alarm testing and inspection)
- Data Communications of NC, Inc. (SBE) (\$139,135) (camera cleaning and inspection)

**Fiscal Note**

Funding: Aviation Operating Budget

## 43. Aviation On-Call Electrical Service Contracts

**Action:**

- A. Approve unit price contracts with the following companies for on-call electrical service work for an initial term of three years:**
- Besco Electrical ,
  - AKW Electrical Contractors, and
- B. Authorize the City Manager to renew the contracts for up to two additional, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- Aviation provides facility maintenance on approximately 88 buildings including the Terminal and CLT Administration Center.
- These contracts will provide electrical service work for these buildings.
- On August 8, 2017, the City issued a Request for Proposals (RFP); seven proposals were received from interested service providers.
- Besco Electrical and AKW Electrical Contractors best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The contract gives the City the option to renew for two additional, one-year terms.
- Estimated contract expenditures for all contracts are \$300,000 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).

However, Besco Electrical is a City MBE.

**Fiscal Note**

Funding: Aviation Operating Budget

## **44. Airport Terminal Reimbursement Agreement**

**Action:**

- A. Approve a reimbursement agreement between Aviation and XpresSpa in an amount not-to-exceed \$250,000 for building modifications in the Airport Terminal, and**
- B. Adopt a budget ordinance appropriating \$250,000 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

**Staff Resource(s):**

Brent Cagle, Aviation

Haley Gentry, Aviation

**Explanation**

- XpresSpa is an existing subtenant to Paradies Lagardere, the Airport's retail concessionaire.
- XpresSpa is upfitting a concession venue to a spa that is located at the Airport Terminal Concourse A-B connector.
- In the same area, Aviation requires that building modifications occur to improve access and visibility. These building modifications include reconfiguring a stairway and partition wall and completing finishing work necessary to tie-in the concession venue and common use area of the Airport Terminal.

- To ensure these building modifications are completed in an efficient manner and with minimal disruption to passengers, Aviation has requested that XpresSpa incorporate these modifications into the scope of its work.
- XpresSpa has engaged a general contractor to perform the work on the City's behalf through a competitive bidding process that complied with applicable state public bidding laws.
- The Airport has agreed to reimburse XpresSpa for this work in an amount not-to-exceed \$250,000.

**Fiscal Note**

Funding: Aviation Community Investment Plan

**Attachment(s)**

Budget Ordinance

[Airport ORD112717 - Airport Terminal Stair Modifications](#)

## 45. Airport Vertical Trash Compactor Electrical Services

**Action:**

**Award a contract in the amount of \$310,633 to the lowest responsive bidder Besco Electrical to provide electrical services for the Vertical Trash Compactor project.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- On May 22, of 2017, the City Council approved a contract with Becker Complete Compactor, Inc. for the purchase of vertical compactors throughout the Airport Terminal ramps.
- This contract will provide the power and data line electrical services to the new compactors.
- On September 22, 2017, the City issued an Invitation to Bid for Airport Vertical Trash Compactor installation services; one bid was received from an interested service provider.
- Besco Electrical was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the fourth quarter of Fiscal Year 2018.

**Charlotte Business INclusion**

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

However, Besco Electrical is a City MBE.

**Fiscal Note**

Funding: Aviation Community Investment Plan

## 46. Airport Concourse E Design Services Contract Amendment

**Action:**

**Approve contract amendment #4 in the amount of \$858,266 with LS3P Associates LTD for design services for the Concourse E project.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- Concourse E has been constructed in multiple phases to meet the growing demands of the airline partners. The first phase of construction on Concourse E began in 1999.
- Contract amendment #4 in the amount of \$858,266 includes additional design services to add approximately 8,200 square feet to Concourse E and an additional aircraft gate. The expansion will

include additional food, beverage, and retail concession space.

- The new total value of the contract including this amendment is \$1,945,391.

#### **Charlotte Business INclusion**

All additional work involved in this amendment will be performed by LS3P Associates LTD and their existing sub-consultants (Part D: Section 6 of the Charlotte Business INclusion Policy).

LS3P Associates LTD has committed 39.18% (\$336,300) of the total contract amendment amount to the following certified firms:

- Wilson Group Architects, PA (SBE) (\$174,000) (architectural services)
- McCracken & Lopez, PA (SBE) (\$162,300) (MEP services)

#### **Fiscal Note**

Funding: Aviation Community Investment Plan

## **47. Vehicles and Equipment Cooperative Purchasing Contracts**

#### **Action:**

- A. Approve the purchase of vehicles from the North Carolina Sheriff's Association cooperative purchasing contract 18-04-0912 as authorized by G.S. 143-129(e)(3) for the term of one year with the following vendors:**
- Asheville Ford Lincoln,
  - Modern Ford of Boone,
  - Cooper Ford,
  - Piedmont Truck Center,
  - Ilderton Dodge,
  - Capital Chevrolet,
- B. Approve the purchase of heavy equipment from the North Carolina Sheriff's Association cooperative purchasing contract 18-02-0428 with Carolina Tractor as authorized by G.S. 143-129(e)(3) for the term of one year,**
- C. Approve the purchase of vehicles from the National Joint Powers Alliance cooperative purchasing contract 120716-NAF with National Auto Fleet Group as authorized by G.S. 143-129(e)(3) for the term of one year,**
- D. Approve the purchase of sewer cleaning equipment from the Houston-Galveston Area Council Buy purchasing contract SC01-15 with Rodders and Jets Supply Co. as authorized by G.S. 143-129(e)(3) for the term of one year, and**
- E. Authorize the City Manager to extend the contracts for additional one-year terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

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

Randy Harrington, Management and Financial Services

Chris Trull, Management and Financial Services

#### **Cooperative Purchasing Exemption**

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

#### **Explanation**

- The City assesses vehicles and equipment on an annual basis to determine replacement needs based on a rating of vehicle usage, age, maintenance costs, and condition.
- Cooperative purchasing contracts aggregate purchasing power at a regional and national level to provide goods to public agencies at best value.
- The vendors above have contracts awarded through the North Carolina Sheriff's Association,

National Joint Powers Alliance, and Houston-Galveston Area Council Buy that offer competitively obtained contracts to public agencies regionally and nationally for public works vehicles and equipment.

- Vehicles and equipment being purchased include hybrid sedans, light and medium duty pickup trucks, mid-size and large SUVs, heavy duty cab and chassis, passenger and cargo vans, backhoes, excavators, and sewer cleaning equipment.
- Purchases are estimated to be \$5,610,000.

**Charlotte Business INClusion**

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

**Fiscal Note**

Funding: General and Enterprise Capital Equipment Replacement Funds

## 48. Refund of Property Taxes

**Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$68,950.51.**

**Staff Resource(s):**

Randy Harrington, Management and Financial Services  
Kay Elmore, 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 November 13, 2017, totaled \$26,086.06.

**Attachment(s)**

Taxpayers and Refunds Requested  
Resolution Property Tax Refunds

[List of Taxpayers and Refunds Requested](#)

[Resolution](#)

## 49. Meeting Minutes

**Action:**

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

- **October 23, 2017, Business Meeting and Recessed Zoning Meeting**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

### 50. FedEx Cargo and Parking Facility Lease

**Action**

- A. Approve a 10-year lease with FedEx Corporation for cargo space,**
- B. Approve a 10-year lease with FedEx Corporation for a parking facility, and**
- C. Authorize the City Manager to approve up to two additional, five-year renewal terms for each lease consistent with the purpose for which the lease was approved.**

**Staff Resource(s):**

Brent Cagle, Aviation

Haley Gentry, Aviation

**Explanation**

- FedEx Corporation currently leases two cargo facilities from the Airport; the leases are set to expire in September 2018.
- Under the new leases, FedEx will combine its two cargo facilities into one existing facility located at 4100 Yorkmont Road and construct a 4,500 square foot maintenance facility addition. Additionally, FedEx requires a separate tractor trailer parking facility.
- Aviation will construct the addition to the existing cargo facility and the tractor trailer parking lot. The estimated cost for both facilities is \$2,400,000. Actual costs upon construction completion for each facility will be calculated on a 10-year amortization schedule.
- The facility lease of the existing cargo facility inclusive of facility rent, ground rent, and airport services fee is \$533,355 annually or \$5,333,550 for a 10-year total.
- The parking facility lease is estimated to be \$215,530 annually inclusive of improvements, ground rent, and airport service fee or \$2,155,300 for a 10-year total.

### 51. Sale of City-owned Property on Belmont Avenue and Harrill Street

**Action:**

- A. Adopt a resolution approving the private sale of two City-owned parcels located at 919/923 Belmont Avenue and 1025/1035 Harrill Street (parcel identification numbers 081-129-02 and 081-124-10) to MPV II, LLC, for \$440,300,**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the sale of property, and**
- C. Adopt a budget ordinance appropriating the proceeds to the Affordable Housing Program.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

Pat Mumford, Economic Development

Tony Korolos, Engineering and Property Management

Todd DeLong, Economic Development

**Explanation**

- MPV II, LLC, has proposed to purchase and redevelop two City-owned parcels in the Belmont Neighborhood; 1025 and 1035 Harrill Street (parcel identification number 081-124-10), is 0.52 acres and contains a residential duplex and former convenience store, and 919 and 923 Belmont Avenue (parcel identification number 081-129-02), is 0.32 acres and contains a single-family residence and

former automotive garage.

- The two properties were purchased in 2014, with plans to demolish the structures and dispose of the properties to further the City's housing diversity goals.
- Based on market conditions and feedback from the Belmont community, City Council approved a solicitation process on June 27, 2016, authorizing staff to seek proposals from developers interested in preserving and repurposing the commercial structures for more vibrant economic uses instead of the original housing plan.
- The solicitation was released on March 8, 2017, with proposals due on April 21, 2017. Four proposals were received, and the proposed redevelopment by MPV II, LLC, was the most consistent with the objectives of the Belmont Area Revitalization Plan, adopted by City Council in 2003.
- The proposal by MPV II, LLC, includes plans to demolish the residential structures on both properties, and to preserve the commercial structures for retail and restaurant use while preserving the building façades.
- The two City-owned parcels were appraised together in May 2016 for \$440,300.
- The offer from MPV II, LLC, includes the following terms:
  - Price of \$440,300,
  - Earnest money deposit of \$15,000,
  - Due diligence of 180 days, with the option for two, 30 day extensions for an applicable \$2,500 each, and
  - Closing shall occur no later than 30 days after the expiration of due diligence.
- Since the property was originally purchased using \$295,000 from the Affordable Housing Program's Housing Trust Fund, the sale price of \$440,300 will reimburse the Housing Trust Fund for the original cost and provide an additional \$145,300 to help achieve the City's housing goals.
- As part of the mandatory referral process, the Planning Commission reviewed the transaction on February 16, 2016, and provided no additional comments.
- These transactions are consistent with the *City-Owned Real Estate and Facilities Policy*, adopted by City Council in June 2017.

**Fiscal Note**

Funding: Proceeds to be deposited into the Affordable Housing Program's Housing Trust Fund

**Attachment(s)**

Map

Budget Ordinance

Resolution

[Location Map - Sale of City-owned Property on Belmont Avenue and Harrill Street](#)

[EPM ord 11-27-17 Belmont Ave properties](#)

[Belmont-Harrill Resolution 10.10.17](#)

## 52. 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

## **53. 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

## 54. Airport Property Transactions - 9021 Snow Ridge Lane

**Action:**

**Approve the following Property Acquisition: 9021 Snow Ridge Lane**

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

**Owner(s):** Warner and Ilse Rodriquez

**Property Address:** 9021 Snow Ridge Lane

**Total Parcel Area:** .921 acres

**Property to be acquired by Easements:** N/A

**Structures/Improvements to be impacted:** Single-family Home

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 141-111-48

**Purchase Price:** \$130,000 and all relocation benefits in compliance with federal, state, or local regulations

**Council District:** N/A

## Adjournment

## REFERENCES

### 55. 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.

## **56. 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.

## **57. 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.