

City of Charlotte

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



Meeting Agenda

Monday, January 8, 2018

Council Chambers

City Council Business Meeting

*Mayor Vi Lyles
Mayor Pro Tem Julie Eiselt
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Ed Driggs
Council Member Larken Egleston
Council Member Justin Harlow
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Matt Newton
Council Member Greg Phipps
Council Member Braxton Winston II*

5:00 P.M. ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, ROOM 267

1. Mayor and Council Consent Item Questions

Staff Resource(s):

Kim Eagle, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Council Committee Structure and Process Overview

Time: 20 minutes

4. City Council Retreat Discussion

Staff Resource(s):

Marcus Jones, City Manager

Time: 20 minutes

5. Charlotte Gateway Station

Staff Resource(s):

John Lewis, CATS

Time: 20 minutes

Explanation

- The Charlotte Gateway Station project is a partnership between the City of Charlotte, the North Carolina Department of Transportation and the Norfolk Southern Railroad.
- The project is funded with a variety of federal, state, and local funds.
- Staff will provide a project overview and status update.

Future Action

- Council action will be required at a subsequent business meeting to approve construction, maintenance agreements, and appropriation of a federal railroad administration grant.

6. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Kim Eagle, City Manager's Office

Time: 10 minutes

Synopsis

Staff responses to questions from the beginning of the Action Review meeting.

7. Closed Session (as necessary)

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

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

CALL TO ORDER

ROLL CALL

INTRODUCTIONS

INVOCATION

PLEDGE OF ALLEGIANCE

8. Swearing in of Council Member Matt Newton, District 5

9. Consent agenda items 25 through 52 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.

AWARDS AND RECOGNITIONS

10. Junior Achievement Proclamation

Action:

Council member Mitchell will read a proclamation recognizing the month of January as Junior Achievement Alumni Month in light of the City's support of the Opportunity Taskforce.

11. Charlotte Community Building Day Proclamation

Action:

Council member Mayfield will read a proclamation recognizing January 16, 2018, as Charlotte Community Building Day.

PUBLIC HEARING

12. Public Hearing on Voluntary Annexation

Action:

- A. Hold a public hearing for the Sutton Farms voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of January 8, 2018 to extend the corporate limits to include this property and assign it to the adjacent City Council District 2.**

Staff Resource(s):

Ed McKinney, Planning
Bryman Suttle, Planning

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 71.855-acre property located at 6815 Pleasant Grove Road east of Brookshire Blvd. in western Mecklenburg County.
- The property is owned by D.R. Horton, Inc.
- The property currently contains a rural farmhouse, but is largely vacant and zoned (R-3) Single Family Residential at 3 dwelling units per acre.
- The petitioned area consists of one parcel.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable the development of a 159 unit single-family residential subdivision and the ability to master plan the development with internal street network consistent with City of Charlotte street design guidelines.
- The effective annexation date for this property is January 8, 2018.
- The Annexation Ordinance assigns the annexed area to adjacent City Council District 2.

Consistent with City Council Policies

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

Attachment(s)

Map
Annexation Ordinance

[Map for Council](#)

[Ordinance - SuttonFarms_Final](#)

POLICY

13. City Manager's Report

BUSINESS

14. 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 will provide all new trucks to perform these services. This new fleet is comprised of both compressed natural gas and clean diesel refuse trucks designed to support the City's environmental focus area.
- Waste Pro of North Carolina's solution also included a route optimization process to more effectively balance the pick-up schedule and ensure more timely customer service.
- Waste Pro of North Carolina has committed to a 15% certified M/W/SBE utilization goal.
- Staff anticipates renewing the contract for up to three additional, one-year terms.
- Estimated contract expenditures are \$5,800,000 annually.

Charlotte Business INclusion

The City negotiates subcontracting participation after the selection process (Part C: 2.1 (h) of the Charlotte Business Inclusion Policy). Waste Pro of North Carolina has committed to 15% of the total contract amount with MWSBE firms in the various scopes of services:

- Facilities Maintenance (HVAC, Roofing, Welding, Painting)
- Supplies (Office supplies, shop rags, bathroom supplies)
- Janitorial/Cleaning Services
- Pest Control
- Vehicle Maintenance/Repair/Upkeep
- Truck Wash/Detail
- Hauling & Delivery Services

Fiscal Note

Funding: Solid Waste Services Operating Budget

15. Resolution Supporting the Julius Chambers Memorial Highway Designation

Action:

Adopt a resolution supporting the North Carolina Department of Transportation's Julius Chambers Memorial Highway designation.

Staff Resource(s):

Debra Campbell, City Manager's Office

Explanation

- Through the adoption of this resolution, Charlotte's City Council indicates its support for the North Carolina Department of Transportation (NCDOT) to vote on the designation of the Julius Chambers Memorial Highway.
- Local support is required by the North Carolina Board of Transportation to vote on designating a portion of US I-85 through Charlotte the Julius Chambers Memorial Highway.
- The portion of US I-85 being designated Julius Chambers Memorial Highway is from the I-77 interchange to the I-85 Connector.
- Julius Chambers advanced the rights of minorities and low-income people through his tireless advocacy in the forms of litigation, scholarly research, and grassroots activism, and enhanced racial equality throughout the nation from his home state of North Carolina.
- Julius Chambers was born in 1936 in Mount Gilead, North Carolina and graduated summa cum laude from what is now North Carolina Central University. After obtaining a master's degree in history from the University of Michigan, Julius Chambers returned to his native North Carolina to study law at the University of North Carolina at Chapel Hill. He graduated first in his class and served as Editor-in-Chief of the Law Review.
- Julius Chambers was one of the first two NAACP Legal Defense Fund scholarship recipients and was the Legal Defense Fund's first Legal Fellow. After working as an intern and lawyer, cooperating attorney, board member, and board chair, Julius Chambers served as Director-Counsel of the Legal Defense Fund from 1984 to 1993.
- Julius Chambers founded the first integrated law firm in the State of North Carolina, where he worked to advance civil rights and litigated landmark civil rights cases in the United States Supreme Court. Julius Chambers won numerous cases before the United States Supreme Court, including Swann v. Charlotte-Mecklenburg Board of Education and Griggs v. Duke Power Company.

Attachment(s)

Map

Resolution

[Julius Chambers Memorial Highway designation Map](#)

[Julius Chambers Resolution_01082018](#)

16. Nominations to the Charlotte International Cabinet

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term in the At-large category beginning immediately and ending June 30, 2019.
 - Yolanda Perry has resigned.

Attachment(s)

Charlotte International Cabinet Applicants

17. Nominations to the Charlotte Mecklenburg Public Access Corporation

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning immediately and ending July 18, 2019.
 - Binh Phu did not meet attendance requirements.

Attachment(s)

Charlotte Mecklenburg Public Access Corporation Applicants

18. Nominations to the Community Relations Committee

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Three appointments for partial terms beginning immediately and ending June 30, 2019.
 - Carrie Taylor has resigned.
 - Passion Graham has resigned.
 - Mel Hartsell has resigned.

Attachment(s)

Community Relations Committee Applicants

19. Nominations to Domestic Violence Advisory Board

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning immediately and ending September 21, 2019.
 - Kawana Davis did not meet attendance requirements.

Attachment(s)

Domestic Violence Advisory Board Applicants

20. Nominations to Firemen's Relief Board of Trustees

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a two-year term beginning January 19, 2018 and ending January 18, 2020.
 - Henry Donaghy is eligible and interested in reappointment.

Attachment(s)

Firemen's Relief Board of Trustees Applicants

21. Nominations to the Mint Museum Board of Trustees

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning immediately and ending July 31, 2019.
 - Marc Jensen has resigned.

Attachment(s)

Mint Museum Board of Trustees Applicants

22. Nominations to Transit Services Advisory Committee

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term in the Neighborhood Organizational Leader category beginning February 1, 2018 and ending January 31, 2021.
 - Michael Warner has completed two full terms; therefore, he is not eligible for reappointment.
- One appointment for a three-year term the Suburban Employer Served By Charlotte Transit category beginning February 1, 2018 and ending January 31, 2021.
 - Chris Maloy is eligible and interested in reappointment.

Attachment(s)

Transit Services Advisory Committee Applicants

23. Nominations to the Zoning Board of Adjustment

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One reappointment for a three-year term beginning January 31, 2018 and ending January 30, 2021.
 - Eric Sanderson is eligible and interested in reappointment.
- Two appointments for three-year terms as alternate members beginning January 31, 2018 and ending January 30, 2021.
 - John Lambert is eligible, but not interested in reappointment.
 - John Powell is eligible, but not interested in reappointment.

Attachment(s)

Zoning Board of Adjustment Applicants

24. Mayor and City Council Topics

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

CONSENT

25. 2017 Urban Area Security Initiative Grant Acceptance

Action:

- A. Authorize the Charlotte Area Homeland Security Director (Charlotte Fire Chief) to accept a grant for \$2,269,600 from the United States Department of Homeland Security for the 2017 Urban Area Security Initiative Grant Program, and**
- B. Adopt a budget ordinance appropriating \$2,269,600 from the Department of Homeland Security to the General Grants and LTD Projects Fund.**

Staff Resource(s):

Pete Key, Fire
Richard Granger, Fire

Explanation

- The 2017 Urban Areas Security Initiative (UASI) Grant Program allowed eligible applicants to apply for funding to aid in the prevention, protection, response, and recovery from terrorist attacks.
- The City of Charlotte, which has been a recipient of funding from this program since 2004, has once again been awarded the grant by the United States Department of Homeland Security.
 - In previous years, the main focus of spending has been on regional communications, including individual portable and mobile radios for regional partners, in addition to infrastructure equipment and improvements, hazardous materials monitoring equipment, and law enforcement tactical equipment.
- In developing a regional approach, as mandated by the grant guidelines, the following 10 counties were included as part of a regional implementation concept: Cabarrus, Catawba, Gaston, Iredell, Lincoln, Lancaster (SC), Mecklenburg, Stanly, Union, and York (SC).
- The total amount of the grant awarded to the Charlotte UASI was \$2.83 million.
 - The North Carolina Division of Emergency Management is eligible to retain up to 20 percent of the funds under the program guidelines. As such, the Division has elected to retain the full \$567,400 for the management and administration of the grant program and provide continued support to the North Carolina Voice Interoperability Plan for the Emergency Responder radio system.
 - The remaining \$2.26 million has been awarded to the City of Charlotte.
- The focus of these funds will be on terrorism preparedness activities such as equipment acquisition, planning, training courses, and drills. Equipment specifics include:
 - Equipment to supplement existing Urban Search and Rescue and Hazardous Materials (HAZMAT) capabilities, including replacement of expired Bomb Squad personal protective equipment;
 - Equipment to continue the expansion of the regional radio system;
 - UASI Conference costs;
 - Hazmat, Bomb Team, and FEMA Training courses for UASI members; and
 - The Grants Administrator and Hazmat/Rescue planner positions.
- There are no City matching funds required for this grant.

Fiscal Note

Funding: 2017 Urban Area Security Initiative Grant

Attachment(s)

Memorandum of Agreement
Budget Ordinance

[Signed UASI2017](#)

[Fire Assistance Budget Ordinance 11.27.17](#)

26. Medical Supplies for Animal Care and Control

Action:

- A. Award a unit price contract to the lowest responsive bidder MWI Veterinary Supply for the purchase of medicals supplies for one year, and

- B. Authorize the City Manager to renew the contracts for up to four, one year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

Kerr Putney, Police

Charles Bannerman, Police

Explanation

- A variety of medical supplies are needed for the Animal Care and Control Division of the Charlotte-Mecklenburg Police Department to treat animals for injuries, illness, and to maintain the health of animals in their care for court cases, rabies, quarantines, reclaims, and adoptions.
- On July 14, 2017, the City issued an Invitation to Bid; five bids were received from interested providers. MWI Veterinary Supply was selected as the lowest responsive, responsible bidder.
- MWI Veterinary Supply will be paid the unit prices set forth in the contract.
- Annual expenditures are estimated to be \$70,000 per year.

Charlotte Business INclusion

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

Fiscal Note

Funding: Police Operating Budget

27. City Bridge Inspection Contracts

Action:

- A. **Award a contract in the amount \$133,291.15 with WSP USA Inc. for the inspection of bridges not qualifying for federal funds,**
- B. **Award a contract in the amount of \$523,622.88 with WSP USA Inc. for the inspection of bridges that qualify for federal funds administered by the State of North Carolina,**
- C. **Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation to share the cost of inspecting 164 City-maintained bridges and culverts in the amount of \$418,898.30, and**
- D. **Adopt a budget ordinance appropriating North Carolina Department of Transportation funds of \$418,898.30.**

Staff Resource(s):

Liz Babson, Transportation

Gus Jordi, Transportation

Explanation

- The Federal Highway Administration (FHWA) mandates that bridges and culverts be inspected every two years.
- Bridges are inspected for structural adequacy, safety, and functionality.
- Bridges that are greater than 20 feet in length qualify for federal reimbursement of 80 percent of the cost of inspections.
- The North Carolina Department of Transportation (NCDOT) administers the reimbursement process on behalf of FHWA.
- The intergovernmental arrangement constitutes multiple agreements and contracts that must be approved by the City Council.
- On August 24, 2017, the City issued a Request for Qualifications (RFQ); eight proposals were received from interested service providers.
- WSP USA Inc. best meets the City's needs on the basis of demonstrated competence and qualifications of professional services in response to the RFQ.
- This is the first part of the 2018 Bridge Inspection Program. Over the next two years, City Council will see contracts for the design and construction of needed repairs related to these inspection contracts.

Action A

- The contract with WSP USA Inc. is for the inspection of 41 City-maintained bridges and culverts that do not qualify for federal reimbursement.
- The City is responsible for 100 percent of costs associated with the inspection and maintenance of these bridges and culverts.
- The City's costs are included in the 2016 Bonds.

Action B, C, and D

- The contract with WSP USA Inc. is for the inspection of 164 City-maintained bridges that qualify for federal reimbursement.
- FHWA will reimburse the City for 80 percent of the total cost of inspections, which is \$418,898.30.
- The City is responsible for 20 percent of the total cost, which is \$104,724.58.
- The FHWA reimbursement and City's cost total \$523,622.88.

Charlotte Business INclusion

Action A

The City negotiated subcontracting goals after the proposal selection process (Part C: Section 2.1(h) of

the Charlotte Business Inclusion Policy). WSP USA Inc. has committed 11.8% (\$15,732.14) of the total contract amount to the following certified firm:

- Boyle Consulting Engineers, PLLC (SBE) (\$15,732) (bridge inspection services)

Action B

NCDOT does not permit sub-consultants for National Bridge Inspection Standards work.

Fiscal Note

Funding: Transportation Community Investment Plan and the Federal Highway Administration Funds

Attachment(s)

Budget Ordinance

List of Qualifying Bridges

List of Non-Qualifying Bridges

Resolution

[Budget Ordinance CDOT 1.8.2018 Agenda](#)

[2018 Qualifying Bridge List](#)

[2018 Non-Qualifying Bridge List](#)

[Bridge Inspection Resolution](#)

28. Resolution of Intent to Abandon a Portion of Township Road

Action:

A. Adopt a Resolution of Intent to abandon a portion of Township Road, and

B. Set a public hearing date for February 12, 2018.

Staff Resource(s):

Liz Babson, Transportation

Jeff Boenisch, Transportation

Policy

- To abandon right-of-way that is no longer needed for public use

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The portion of Township Road is located in Council District 3.

Attachment(s)

Map

Resolution

[CityCouncilROWAbandonmentMap_2017-08](#)

[Resolution of Intent to Close a portion of Township Road](#)

29. Little Rock Road Sidewalk Project

Action:

Award a contract in the amount of \$897,769.40 to the lowest responsive bidder DOT Construction, Inc. for the construction of Little Rock Road Sidewalk project.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Derrel Poole, Engineering and Property Management

Explanation

- This contract will construct three quarters of a mile of new sidewalk along Little Rock Road between Tuckaseegee Road and Robert L. Smith Park located in Council District 3.
- This project supports the City's Sidewalk Program to enhance connectivity, offer transportation choices, and improve pedestrian safety.
- On November 7, 2017, the City issued an Invitation to Bid for Little Rock Road Sidewalk; five bids were received from interested service providers.
- DOT Construction, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2018.

Charlotte Business INclusion

Established SBE Goal: 14.00%

Committed SBE Goal: 21.00%

DOT Construction, Inc. exceeded the established SBE subcontracting goal, and has committed 21.00% (\$188,531.57) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Pavers, Walls and Stamped Concrete, LLC (SBE, MBE) (\$182,531.57) (concrete)
- D's Trucking Service, Inc (SBE) (\$6,000) (hauling)

Established MBE Goal: 7.00%

Committed MBE Goal: 20.33%

DOT Construction, Inc. exceeded the established MBE subcontracting goal, and has committed 20.33% (\$182,531.57) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Pavers, Walls and Stamped Concrete, LLC (SBE, MBE) (\$182,531.57) (concrete)

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Little Rock Road Sidewalk Project](#)

30. Charlotte-Mecklenburg Police Department 911 Data Center HVAC Replacement Project

Action:

- A. **Approve the purchase of a Liebert cooling system from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3), and**

- B. **Approve a contract in the amount of \$191,450 with Daikin Applied Americas Inc. for the purchase and installation of new HVAC equipment at the Charlotte-Mecklenburg Police Department 911 Data Center under the National IPA August 25, 2015, Contract Number R150505.**

Staff Resource(s):

Mike Davis, Engineering and Property Management
William Haas, Engineering and Property Management
Kerr Putney, Police
Katrina Graue, Police

Cooperative Purchasing Exemption

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

Explanation

- This purchase includes the replacement of an existing HVAC system at the Charlotte Mecklenburg Police Department 911 Data Center located at 601 East Trade Street.
- The new equipment will improve energy efficiency and provide better occupant comfort with reliable control of room temperature, humidity and airflow within the data center.
- The existing equipment is original to the 1996 construction and has reached the end of its useful life, experienced numerous repair costs and must be replaced.
- The Police 911 Data Center will remain in operation and perform separate functions even after the proposed Joint Communication Center is operational in a few years.
- The work will include, but is not limited to:
 - Removal of existing HVAC equipment, and
 - Installation of a new system.
- North Carolina General Statute G.S. 143-129(e)(3) allows local governments to purchase from suppliers who are selected through a group purchasing program without competitively bidding.
- Daikin Applied Americas Inc. has a contract awarded through National IPA that offers competitively obtained contracts to public agencies nationwide.
- The project is anticipated to be completed by second quarter 2018.

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 Community Investment Plan

Attachment(s)

Map

[Location Map - CMPD 911 Data Center Cooling Center Replacement](#)

31. Sale of City-owned Property on Toomey Avenue

Action:

- A. Adopt a resolution approving the sale of approximately 11,300 square feet of the City-owned parcel located at 2700 Toomey Avenue (portion of parcel identification number 145-018-02) to Jonathan Tee, for \$35,000, and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the sale of the property.**

Staff Resource(s):

Mike Davis, Engineering and Property Management
Tony Korolos, Engineering and Property Management
Kerr Putney, Police

Explanation

- Jonathan Tee proposes to purchase a portion of a five acre City-owned parcel (portion of parcel identification number 145-018-02) comprising 11,300 square feet. The City will subdivide this portion prior to closing the transaction and will retain ownership of the larger parcel.
- Mr. Tee is under contract to purchase the adjacent parcel, and the purchase of the City-owned property would improve access to the adjacent property.
- The 11,300 square foot portion was appraised in August 2017 for \$35,000.
- The offer includes the following terms:
 - Price of \$35,000,
 - Due Diligence Period of 45 days, and
 - Closing to occur within 15 days after the expiration of the due diligence period.
- If Council approves the offer, the terms will be advertised for upset bid.
- As part of the Mandatory Referral process, the Planning Commission reviewed the transaction on September 19, 2017, and found the sale consistent with the long-range area plan for the area.

Fiscal Note

Funding: Proceeds from the sale will be deposited in the General Fund.

Attachment(s)

Map

Resolution

[RCA location map](#)

[Resolution for Toomey Avenue](#)

32. Telecommunications Infrastructure Management Services

Action:

- A. Approve a unit price contract with PRS Tower Management Services LLC for management and consulting services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two additional two-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):

Angela Lee, Charlotte Water
Jeff Stovall, Innovation and Technology
Mike Davis, Engineering and Property Management
Tony Korolos, Engineering and Property Management

Explanation

- The City currently has 22 radio towers located on City property, with two additional towers under construction. This contract will cover a total of 24 radio towers.
- The City has an ongoing need for telecommunication management services along with consultation services to assist in review of carrier applications, contracts and amendments.
- Telecommunications structure services to be performed at the individual structure locations include, but may not be limited to:
 - Lease reviews of all existing customer leases to ensure compliance with equipment installed on each site under management contract.
 - Telecommunications Industry Association inspections (conduct or coordinate inspections, review reports, and submit reports to the City of Charlotte).
 - Monthly site inspections and project reporting along with emergency weather inspections to ensure City's equipment is protected.
 - Issuance of Notice to Proceed to cell tower personnel to climb towers and conduct maintenance under management agreement.
- 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.
- PRS Tower Management Services LLC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The annual estimated contract expenditures are \$138,400.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water, Innovation and Technology, and Engineering and Property Management Operating Budgets

33. Stream and Wetland Mitigation Monitoring Services

Action:

Approve unit price contracts for up to \$150,000 each with the following firms for mitigation monitoring services:

- Kimley-Horn and Associates, Inc., and
- S&ME, Inc.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Kruti Desai, Engineering and Property Management
Marc Recktenwald, Engineering and Property Management

Explanation

- The City operates a federally approved stream and wetland mitigation bank to supply mitigation credits for City and Mecklenburg County infrastructure projects.
- Stream and wetland mitigation projects must be monitored for up to seven years to ensure project success and the release of credits from the State and Federal agencies to the bank.
- These services will provide mitigation monitoring services for mitigation bank projects.
- Approximately four and a half miles of stream and three acres of wetlands are monitored per year.
- The work includes preparation of comprehensive annual reports to detail a project's existing conditions and evaluate project success.
- On September 11, 2017, the City issued a Request for Proposals (RFP); five proposals were received from interested professional service providers.
- Kimley-Horn and Associates, Inc. and S&ME, Inc. best meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFP requirements.
- Each of the two contracts will have a term of two years and a budget of \$150,000 (total budget for both contracts is \$300,000).

Background

- Stream and wetland restoration improves water quality by restoring damaged streams, wetlands and streamside buffer areas.
- Federal regulations protect streams and wetlands and require that impacts to these features be offset (mitigated) by restoring other streams and wetlands.
- Stream and wetland restoration projects provide mitigation credits that can be used to offset stream or wetland impacts for City and County infrastructure projects, including airport expansions, transportation improvements, stormwater improvements and neighborhood improvement projects.
- Mitigation credit is awarded by federal and state agencies incrementally over a seven-year period based on project success, which is documented in monitoring reports.

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). On these contracts, the Prime Consultants have each committed 10% (\$15,000) of the total contract amount to the following certified firms:

Kimley-Horn & Associates

- James Mauney & Associates (SBE) (\$15,000) (surveying)

S&ME Inc.

- Habitat Assessment & Restoration Professionals (SBE) (vegetation monitoring)
- LDSI, Inc. (SBE) (surveying)

Fiscal Note

Funding: Storm Water Community Investment Plan

34. Charlotte Water Generator Equipment

Action:

- A. **Approve the purchase of generators, switchgear, fuel tanks, silencer and other integral equipment for standby generator systems from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3) for Charlotte Water facilities,**
- B. **Approve a unit price contract with Carolina Tractor & Equipment Company for the purchase of four 3,000 kW standby generators including switchgear, fuel tanks, silencers and other integral equipment, necessary for the generator systems for a term of one year under National Joint Powers Alliance Contract No. 080613 dated September 17, 2013,**
- C. **Approve a contract with Carolina Tractor & Equipment for a 10 year term for the preventative maintenance of four 3,000 kW generators, and**
- D. **Authorize the City Manager to extend the contract for additional one-year terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contact.**

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Cooperative Purchasing Exemption

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

Explanation

- In December 2016, a Preliminary Engineering Report recommended that additional standby power capability was needed at the Mallard Creek Wastewater Treatment Plant and Lee S. Dukes Water Treatment Plant. The current generators do not provide sufficient power for the pumps to run at their full capacities, which is essential to support current and future demands.
- Carolina Tractor & Equipment Company is currently the only manufacturer for 3,000 kW Tier 4F generators. Tier 4F generators are required to allow Charlotte Water to continue participating in Duke's PowerShare program. Tier 4 standards are based on EPA regulations for diesel generators that are implemented in a series of steps called "Tiers".
- Carolina Tractor & Equipment Company has a contract awarded through National Joint Powers Alliance that offers competitively obtained contracts to public agencies nationwide (i.e. for utilities applications, public safety, etc).
- A total of four 3,000 kW Tier 4F generators will be required, two for each of the mentioned facilities. The company will be paid the unit prices set forth in the cooperative contract, a copy of which is available upon request.
- G.S. 143-129 (e) (3) allows local government to make purchases through a competitive bidding group purchasing program, which is a formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies
- Estimated costs for the purchase of the generators and preventative maintenance is \$11,000,000

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Mallard Creek WWTP Map](#)

[Lee S. Dukes WTP Map](#)

35. Clem's Branch Lift Station and Force Main

Action:

Award a contract in the amount of \$5,605,965.94 to the lowest responsive bidder English Construction Company, Inc. for the Clem's Branch Lift Station and Force Main project.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- Growth in the Clem's Branch drainage basin is causing wastewater flow to approach the capacity of the existing lift station and force main. This project will replace the existing Clem's Branch lift station and will include 4,500 linear feet of 16-inch sewer force main and 475 linear feet of 24-inch gravity sewer along Prescott Hill Avenue and Lancaster Highway.
- This project is located in South Charlotte, near the Ballantyne area, at the state line. These improvements will provide additional sewer capacity growth in this area of Charlotte as well as a small portion of Lancaster County, South Carolina.
- On October 16, 2017, the City issued an Invitation to Bid; three bids were received from interested service providers.
- English Construction Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2019.

Charlotte Business INclusion

Established MSBE Goal: 5.00%

Committed MSBE Goal: 10.79%

English Construction Company, Inc. met the established subcontracting goal and has committed 10.79% (\$605,000) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Page Power Systems (SBE, WBE) (\$490,000) (electrical)
- Oliver Paving Company (SBE, WBE) (\$75,000) (paving)
- MTS Trucking, Inc. (SBE, MBE) (\$25,000) (hauling)
- P&TL, Inc. (SBE) (\$15,000) (erosion control)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Clem's Branch Pump Station and Force Main Map](#)

[Revised Clem's Branch Pump Station and Force Main Map](#)

36. Water Laboratory Chemicals, Supplies, and Equipment

Action:

- A. **Approve the purchase of laboratory chemicals, supplies, and equipment from state contract as authorized by G.S. 143-129(e)(9),**
- B. **Approve a contract with Fisher Scientific for the purchase of laboratory chemicals, supplies, and equipment for the term of the current State Term Contract 493A - Laboratory Supplies and Equipment,**
- C. **Approve a contract with VWR International for the purchase of laboratory chemicals, supplies, and equipment for the term of the current State Term Contract 493A - Laboratory Supplies and Equipment, and**
- D. **Authorize the City Manager to extend these contracts for additional one-year terms as long as the state contract is in effect, at prices and terms that are the same or more favorable than those offered under the state contract.**

Staff Resource(s):

Angela Lee, Charlotte Water
David Czerr, Charlotte Water

State Contract Exemption

G.S. 143-129(e)(9) allows local government to purchase from state contracts if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the state contract.

Explanation

- Fisher Scientific and VWR International are willing to provide lab chemicals, supplies, and equipment to the City at the same or better terms as are provided in its contract with the state of North Carolina.
- Charlotte Water Environmental Laboratory Services monitors water and wastewater samples, conducting more than 215,000 water quality tests per year, to protect public health and the environment.
- The laboratory supplies, equipment, and chemicals will be used at Charlotte Water's Environmental Services Facility laboratory and at the water and wastewater treatment facilities to monitor the treatment process and ensure compliance with state and federally mandated water quality standards and regulations.
- This does not include treatment process chemicals but it is part of monitoring the treatment process and maintaining compliance with EPA regulations.
- The term of the state contract is from November 1, 2017 to October 31, 2020 with possible extensions.
- Annual expenditures with Fisher Scientific are estimated to be \$350,000 per year.
- Annual expenditures with VWR International are estimated to be \$140,000 per year.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Operating Budget

37. Airport Gate Counters

Action:

- A. **Approve the purchase of gate counters from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3),**
- B. **Approve a unit price contract with Evans Console Incorporated for the purchase of Airport gate counters for a term of six months under the Houston-Galveston Area Council of Governments, effective July 1, 2016, contract number ECO7-49, and**
- C. **Authorize the City Manager to extend the contract for additional one-year terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise that can be utilized on a local, regional, and national level.
- The Aviation Concourse A Expansion project includes the construction of new gates, which are projected to be operational in early summer of 2018.
- This contract will allow Aviation to purchase check-in counters, boarding podiums, and back wall units to be installed at the gates for airline use.
- Evans Console Incorporated has a contract awarded through Houston-Galveston Area Council of Governments.
- The estimated contract expenditure is \$250,000.

Charlotte Business INclusion

These are cooperative purchasing contracts and are exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Aviation Community Investment Plan

38. Airport Advertising Contract Amendment

Action:

- A. Approve a contract amendment with Intersection Media, LLC (formerly Titan Outdoor, LLC) for an advertising concession agreement for a five-year term, and**
- B. Authorize the City Manager to renew the contract for one, five-year term, consistent with the City's business needs for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- On July 22, 2013, the City Council approved a five-year advertising concession agreement with Intersection Media, LLC (formerly known as Titan Outdoor, LLC)(Intersection) to operate and manage the Airport's on-property advertising program.
- Intersection will design, develop, and maintain income-producing advertising contracts for assigned advertising locations throughout the Terminal. Intersection is also financially responsible for any capital investment required to outfit an assigned location.
- Aviation is currently in the midst of a Terminal renovation project, which will continue over the next three years, and will require Intersection to immediately provide capital investment as well as provide consultation regarding optimal advertising locations.
- The City Manager's Office approved a waiver of solicitation on October 31, 2017.
- Based on Intersection's experience, performance, and its commitment of an additional \$1.1 million in capital improvements, Aviation is recommending an extension of five years, with the option to extend the agreement for an additional five years.
 - A five-year term with the option for an additional five years is industry standard in Airport advertising agreements due, in part, to allowing advertisers sufficient time to amortize capital investments.
- This agreement generates revenue for the Aviation Department.

Airport Concessions Disadvantaged Business Enterprise (ACDBE)

The ACDBE participation goal is established at 15.00% of the total expenses of goods and services for the agreement. Intersection Media, LLC has agreed to utilize certified ACDBE firms in order to meet or exceed the established goal for the duration of this Agreement. The obligations of both City and Intersection under this Agreement shall be subject to the provision of all federal regulations relating to the ACDBE program.

Fiscal Note

Funding: Revenues generated from this agreement will be deposited in the Aviation Operating Fund

39. Airport Real Estate Demolition Services

Action:

- A. Approve unit price contracts with the following companies for Demolition Services for an initial term of three years:**
- **DH Griffin Wrecking Co. Inc.,**
 - **Double D Construction Services Inc. (DBE),**
 - **WC Black & Sons Inc. (SBE), 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 City's business needs for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation

Haley Gentry, Aviation

Explanation

- Aviation is currently purchasing a number of properties for noise abatement and expansion purposes.
- This contract will provide demolition services for these properties.
- On October 13, 2017, the City issued a Request for Proposal (RFP); five proposals were received.
- DH Griffin Wrecking Co. Inc., Double D Construction Services Inc., and WC Black & Sons Inc. best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The annual combined expenditures are estimated to be \$1,500,000.

Disadvantaged Business Enterprise

Double D Construction Services Inc. is a DBE firm, and WC Black & Sons Inc. is a City SBE.

Fiscal Note

Funding: Aviation Community Investment Plan

40. Airport Real Estate Environmental Services

Action:

- A. Approve unit price contracts with the following companies for Environmental Services for an initial term or three years:**
- JWJ Consulting LLC (SBE, MBE)
 - Roy Consulting Group Corporation (SBE), and
- B. Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contracts consistent with the City's business needs for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- Aviation is currently purchasing a number of properties for noise abatement and expansion purposes.
- Testing for asbestos and lead based paint is required on these properties.
- These contracts will provide testing services for these structures.
- On October 20, 2017, the City issued a Request for Proposal (RFP); three proposals were received.
- JWJ Consulting LLC and Roy Consulting Group Corporation best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The annual combined expenditures are estimated to be \$150,000.

Disadvantaged Business Enterprise

JWJ Consulting LLC is a City SBE and MBE, and Roy Consulting Group Inc. is a City SBE.

Fiscal Note

Funding: Aviation Community Investment Plan

41. LGSTX Services, Inc. Cargo Hangar Lease

Action:

- A. Approve a one-year lease with LGSTX Services Inc. for cargo hangar space, and**
- B. Authorize the City Manager to approve three additional, one-year terms consistent with the City's business needs for which the lease was approved.**

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- LGSTX Services, Inc. (LGSTX) has over 31 years of aviation experience providing cargo and logistical services for airlines.
- The lease with LGSTX is for a cargo facility located within the Charlotte Air Cargo Center.
- The annual rent is \$161,233.40.

42. American Airlines Federal Credit Union Lease

Action:

- A. **Approve a lease with American Airlines Federal Credit Union for space to provide banking services for an initial term of three years, and**

- B. **Authorize the City Manager to renew the lease for up to two additional, three-year terms with possible price adjustments and to amend the contract consistent with the City's business needs for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- American Airlines Federal Credit Union (AAFCU) provides banking services to American Airlines employees and others working at the Airport.
- AAFCU began operating at the Airport in March 2015.
- The annual value of the lease is \$56,358.51, for a total value of \$169,075.53 over the three-year term with rental adjustments at each renewal.

43. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$6,348.04.

Staff Resource(s):

Randy Harrington, Management and Financial Services
Mark Goodman, Management and Financial Services

Explanation

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

Pearson Review Update

- In accordance with the ordinance approved by the City Council on August 24, 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 December 11, 2017, totaled \$1,213.41.

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers and Refunds Requested](#)

[Refund of Property Taxes Resolution 1-8-18 revised](#)

44. Meeting Minutes

Action:

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

- November 27, 2017, Business Meeting
- December 4, 2017, Oath of Office Ceremony

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

45. Property Transactions - 25th Street Connection, Parcel #1

Action: Approve the following Condemnation: 25th Street Connection, Parcel #1

Project: 25th Street Connection, Parcel #1

Owner(s): CTJ Properties, LLC

Property Address: 2200 North Brevard Street

Total Parcel Area: 10,920 sq. ft. (.251 ac.)

Property to be acquired by Fee: 417 sq. ft. (.01 ac.) in Fee Simple

Property to be acquired by Easements: 1,539 sq. ft. (.035 ac.) in Utility Easement, plus 1,708 sq. ft. (.039 ac.) in Utility Gas Line Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 083-053-04

Appraised Value: \$117,225

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

City's Response to Property Owner's Concerns: Staff informed the property owner they could obtain their own appraisal to justify the counter offer.

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

Council District: 1

46. Property Transactions - 25th Street Connection, Parcel #6

Action: Approve the following Condemnation: 25th Street Connection, Parcel #6

Project: 25th Street Connection, Parcel #6

Owner(s): Fountains Noda Holdings, LLC

Property Address: 511 East 25th Street

Total Parcel Area: 106,246 sq. ft. (2.439 ac.)

Property to be acquired by Fee: 4,748 sq. ft. (.109 ac.) in Fee Simple

Property to be acquired by Easements: 1,501 sq. ft. (.034 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 083-053-08

Appraised Value: \$139,150

Property Owner's Concerns: The property owner does not agree with the compensation amount offered.

City's Response to Property Owner's Concerns: Staff informed the property owner they could obtain their own appraisal to justify a counter offer.

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

Council District: 1

47. Property Transactions - Beatties Ford Road Pedestrian Crossing, Parcel #1

Action: Approve the following Condemnation: Beatties Ford Road Pedestrian Crossing, Parcel #1

Project: Beatties Ford Road Pedestrian Crossing, Parcel #1

Owner(s): A to Zee Corporation

Property Address: 3117 Beatties Ford Road

Total Parcel Area: 71,003 sq. ft. (1.630 ac.)

Property to be acquired by Easements: 3,203 sq. ft. (.074 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-1

Use: Commercial

Tax Code: 039-121-02

Appraised Value: \$1,675

Property Owner's Counteroffer: \$7,000

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

Council District: 2

48. Property Transactions - Cross Charlotte Trail, Parcel #1

Action: Approve the following Acquisition: Cross Charlotte Trail, Parcel #1

Project: Cross Charlotte Trail, Parcel #1

Owner(s): Seigle Avenue Presbyterian Church

Property Address: 621 Jackson Avenue

Total Parcel Area: 4,966 sq. ft. (.114 ac.)

Property to be acquired by Fee: 4,966 sq. ft. (.114 ac.) in Fee Simple

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 080-151-16

Purchase Price: \$125,000

Council District: 1

49. Property Transactions - Gum Branch Sanitary Sewer, Parcel #2

Action: Approve the following Condemnation: Gum Branch Sanitary Sewer, Parcel #2

Project: Gum Branch Sanitary Sewer, Parcel #2

Owner(s): John J. Oates, Trustee under the John J. Oates Living Trust

Property Address: 1032 Gum Branch Road

Total Parcel Area: 527,512 sq. ft. (12.110 ac.)

Property to be acquired by Easements: 13,186 sq. ft. (.303 ac.) in Sanitary Sewer Easement, plus 9 sq. ft. (ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 031-421-04

Appraised Value: \$3,775

Property Owner's Concerns: The property owners are concerned with the fence relocation and associated costs due to their livestock and the impact on future taxes.

City's Response to Property Owner's Concerns: Staff amended the plans to reflect property owners' relocation of the fence. Staff agreed to compensation for restoration of the easement area.

Recommendation: We are currently waiting on signed documents but to avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 2

50. Property Transactions - Rea Road Sidewalk, Parcel #10

Action: Approve the following Condemnation: Rea Road Sidewalk, Parcel #10

Project: Rea Road Sidewalk, Parcel #10

Owner(s): Rosemary K. Evans and Kelly T. Evans

Property Address: 3139 Rea Road

Total Parcel Area: 19,963 sq. ft. (.458 ac.)

Property to be acquired by Easements: 425 sq. ft. (.01 ac.) in Sidewalk and Utility Easement, plus 310 sq. ft. (.007 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 211-311-82

Appraised Value: \$3,350

Property Owner's Concerns: The property owner has no concerns; however, an adjacent property owner (easement holder) possesses an exclusive easement across this property. The easement holder is concerned about potential impacts to the exclusive easement.

City's Response to Property Owner's Concerns: Staff explained to the easement holder that this is the best design for the project and met onsite to address concerns.

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: 7

51. Property Transactions - Rea Road Sidewalk, Parcel #11

Action: Approve the following Condemnation: Rea Road Sidewalk, Parcel #11

Project: Rea Road Sidewalk, Parcel #11

Owner(s): Alton B. Craver and Jane H. Craver

Property Address: 3201 Rea Road

Total Parcel Area: 28,836 sq. ft. (.662 ac.)

Property to be acquired by Easements: 533 sq. ft. (.012 ac.) in Sidewalk and Utility Easement, plus 526 sq. ft. (.012 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 211-311-23

Appraised Value: \$4,625

Property Owner's Concerns: The property owner is concerned about potential impacts to the property, future maintenance and the amount of compensation being offered.

City's Response to Property Owner's Concerns: Staff met onsite to explain that this is the best design for the project and that they could present a counter offer with justification.

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: 7

52. Property Transactions - Rea Road Sidewalk, Parcel #12

Action: Approve the following Condemnation: Rea Road Sidewalk, Parcel #12

Project: Rea Road Sidewalk, Parcel #12

Owner(s): Lynne M. Booth and Cliff A. Booth

Property Address: 3135 Rea Road

Total Parcel Area: 21,736 sq. ft. (.499 ac.)

Property to be acquired by Easements: 267 sq. ft. (.006 ac.) in Sidewalk and Utility Easement, plus 389 sq. ft. (.009 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Tree

Zoned: R-3

Use: Single-family Residential

Tax Code: 211-311-83

Appraised Value: \$2,475

Property Owner's Concerns: The property owner has no concerns; however, an adjacent property owner (easement holder) possesses an exclusive easement across this property. The easement holder is concerned about potential impacts to the exclusive easement.

City's Response to Property Owner's Concerns: Staff explained to the easement holder that this is the best design for the project and met onsite to address concerns.

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: 7

ADJOURNMENT

REFERENCES

53. 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.

54. 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.

55. 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.