

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, February 26, 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):**

Debra Campbell, City Manager's Office

**Time:** 5 minutes

**Synopsis**

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

### **2. Agenda Overview**

**Staff Resource(s):**

Marcus Jones, City Manager

### **3. 2018 State Legislative Agenda**

**Staff Resource(s):**

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

**Time:** 45 minutes

**Explanation**

- Every year, the City Council adopts a state legislative agenda to guide its advocacy efforts before the North Carolina General Assembly.
- The agendas focus upon issues that are apt to be considered in the second year of the 2018 General Assembly.
- An overview of the issues included in the proposed legislative agendas will be provided.

**Future Action**

Council action will be requested at the March 26, 2018 business meeting.

### **4. Special Events Permitting Changes**

**Staff Resource(s):**

Debra Campbell, City Manager's Office  
Nan Peterson, Engineering and Property Management

**Time:** 15 minutes

**Explanation**

- In March 2017, City Council requested that the Economic Development Committee review opportunities to strengthen community partnerships with and impact of the Central Intercollegiate Athletic Association (CIAA) basketball tournament.
- An update will be provided on progress made to address the permitting process for special events.
- The Economic Development Committee received an update during the February 20, 2018 meeting.

**Future Action**

This presentation is for information only.

## **5. Answers to Mayor and Council Consent Item Questions**

**Staff Resource(s):**

Debra Campbell, City Manager's Office

**Time:** 10 minutes

**Synopsis**

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

## **6. Closed Session (as necessary)**

**6:30 P.M. CITY COUNCIL BUSINESS MEETING,  
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,  
CHAMBER**

***Call to Order***

***Introductions***

***Invocation***

***Pledge of Allegiance***

## **7. Public Forum**

**8. Consent agenda items 19 through 56 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**

### **9. Billy Graham Day Proclamation**

**Action:**

Mayor Lyles will read a proclamation recognizing March 2, 2018, as Billy Graham Day.

## PUBLIC HEARING

### 10. Public Hearing on Voluntary Annexation

**Action:**

- A. Hold a public hearing for the Castleford Reserve voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of February 26, 2018 to extend the corporate limits to include this property and assign it to the adjacent City Council District 7.**

**Staff Resource(s):**

Taiwo Jaiyeoba, 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 19.872-acre property located on the southern side of Audrey Kell Road east of Providence Road and west of Tilley Morris Road in southern Mecklenburg County.
- The property is owned by Star City Development Company, Inc.
- The property is currently vacant and zoned (R-3) Single Family Residential at 3 dwelling units per acre.
- The petitioned area consists of one parcel, PID 231-131-05.
- 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 43 unit single family residential subdivision on the site 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 February 26, 2018.
- The Annexation Ordinance assigns the annexed area to adjacent City Council District 7.

**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](#)

[Annexation Ordinance](#)



## POLICY

### 11. 2018 Federal Legislative Agenda

**Action:**

**Approve the proposed 2018 Federal Legislative Agenda.**

**Staff Resource(s):**

Randy Harrington, Management and Financial Services

Dana Fenton, City Manager's Office

**Explanation**

- On February 12, 2018, Mayor and City Council were briefed on the proposed 2018 Federal Legislative Agenda.
- The proposed 2018 Federal Legislative Agenda addresses issues surrounding the federal infrastructure initiative, affordable housing, commissioning of the new airport control tower, the regional transit system plan, and regional weather radar.
- The US Congress reconvened the 115th US Congress in early January.

**Future Action**

- The 2018 Federal Legislative Agenda will be presented to the Mecklenburg Congressional Delegation during the National League of Cities Congressional City Conference, which is scheduled for March 11-14, 2018.

**Attachment(s)**

Proposed 2018 Federal Legislative Agenda

[Proposed 2018 Federal Legislative Agenda](#)

### 12. City Manager's Report

**BUSINESS****13. Ratify 2018 Agreement for the Continued Consolidation of the Charlotte-Mecklenburg Police Department****Action:**

**Adopt a resolution ratifying the 2018 Agreement for the Continued Consolidation of the Charlotte-Mecklenburg Police Department.**

**Staff Resource(s):**

Robert Hagemann, City Attorney

Kim Eagle, City Manager's Office

Jeff Estes, Police

**Explanation**

- On October 1, 1993, the City of Charlotte Police Department and the Mecklenburg County Police Department were consolidated via an interlocal agreement between the City and Mecklenburg County.
- The City and County entered into an updated consolidation agreement effective July 1, 1996, which included a funding mechanism for Charlotte-Mecklenburg Police Department (CMPD) services in the extra-territorial jurisdictions (ETJ) in Mecklenburg County. This funding mechanism included creating the Law Enforcement Service District (LESD) tax paid for by property owners in the ETJs covered by the agreement.
- The County terminated the 1996 agreement effective June 30, 2018.
- The 2018 agreement is a new police consolidation agreement that describes CMPD's responsibility to provide comprehensive policing services in the following areas outside of the City's corporate limits:
  - Charlotte ETJ,
  - Town of Mint Hill ETJ,
  - Town of Davidson ETJ, and
  - The McGuire Nuclear Power Plant.
- The Town of Davidson and the City of Charlotte have an operational agreement where Davidson patrols both the town and its ETJ in exchange for dispatch and records management services provided by CMPD at no additional charge.
- Estimated LESD revenues paid by the County for services are approximately \$14 million annually, to include adjustments for natural growth, an initial five-year term, and a 23 month required notice for termination.

**Attachment(s)**

Resolution Ratifying the 2018 Agreement for the Continued Consolidation of the Charlotte-Mecklenburg Police Department

Proposed 2018 Agreement for the Continued Consolidation of the Charlotte-Mecklenburg Police Department  
January 22, 2018 Action Review Presentation

[Resolution](#)

[LESD City of Charlotte Interlocal Agreement](#)

[January 22 Action Review Presentation](#)

## 14. Charlotte Gateway Station Project Agreements

### Action:

- A. **Authorize the City Manager to negotiate and execute a Construction Agreement between the City, Norfolk Southern Railroad (NSR) and the North Carolina Department of Transportation (NCDOT) for the Charlotte Gateway Station (CGS) Project,**
- B. **Authorize the City Manager to negotiate and execute a Maintenance Agreement between the City, Norfolk Southern Railroad (NSR) and NCDOT for the CGS Project, and**
- C. **Adopt a budget ordinance appropriating \$30,000,000 in Federal Railroad Administration (FRA) grant funds and \$1,750,000 from Municipal Debt Service Fund Balance.**

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

John Lewis, CATS

John Muth, CATS

Brian Nadolny, CATS

### **Explanation**

- The CGS Project which is part of the 2030 Transit System Plan is the future rail passenger and bus station embedded in a newly created mixed-use development district in Uptown Charlotte. The rail and bus components will include:
  - Inter-city Passenger Rail (Amtrak/NCDOT),
  - Inter-city Bus (Greyhound and other inter-city carriers),
  - Future Commuter Rail Services (NCDOT or CATS),
  - Modern Streetcar (CityLYNX Gold Line), and
  - Regional Express and Local Bus (CATS).
- In 2015, the FRA selected the City to receive \$30 million in grant funding for Phases 1a and 1b of the CGS project. Total project costs for Phase 1 are estimated to be approximately \$90 million.
- On May 22, 2017, City Council adopted three resolutions authorizing the City Manager to negotiate and execute three agreements required by the Transportation Investment Generating Economic Recovery (TIGER) Grant:
  - Grant agreement and supporting documents as recipient of Fiscal Year 2015 TIGER discretionary funding from the FRA in an amount up to \$30 million for the CGS,
  - Revised municipal agreement between the City and the NCDOT for the CGS, and
  - Framework agreement between the City, NSR, and the NCDOT for the CGS project.
- The 2015 TIGER Grant was executed on August 17, 2017 and is now ready to be appropriated.
- The CGS will be completed in phases, using federal and state grant funding along with public private partnerships. Phases 1a and 1b are fully funded.
- The current phases of the project include:
  - Phase 1a: Track, structures and signals, and
  - Phase 1b: Intercity passenger rail platform and supporting improvements.
- Future phases of the project include:
  - Phase 2a: Multi-modal passenger station in Uptown Charlotte and commencement of Amtrak passenger service at the new station,
  - Phase 2b: Removal/decommissioning of the existing Amtrak Station on North Tryon Street, and
  - Phase 3: Bus facilities and transit oriented development.
- Agreements are required to be executed by the three parties (City, NCDOT, and NSR) for the bidding process for Phase 1a and 1b construction to begin.

### Action A: Construction Agreement with NSR and NCDOT

- Authorizes the City Manager to negotiate and execute a construction agreement between the City, NCDOT, and NSR as required in order to access and perform construction work within NSR's right of

way.

- NCDOT will be responsible for most of the construction work, to include both the demolition of existing bridges and track and construction of the bridges, platform, canopy, station concourse, railroad roadbed, and related activities.
- NSR will be responsible for the construction of the rail turnouts to their Main Line, station tracks, and track control signals for the project, as well as provide flagging and inspections for project work completed by both NCDOT and NSR.
- The City will perform inspection and approval of the facilities constructed by NCDOT and NSR, fund all maintenance related to the CGS, and relocate affected private utilities.

Action B: Maintenance Agreement with NSR and NCDOT

- Authorizes the City Manager to negotiate and execute a maintenance agreement between the City, NCDOT, and NSR as required in order to access and perform construction work within NSR's right of way.
- Norfolk Southern will assume operation and regular maintenance, inspection, and repair of existing infrastructure within the limits of the CGS tracks.
- The City will compensate NSR annually for performance of routine maintenance and for any extraordinary maintenance per the terms of the agreement.

Action C: Budget Ordinance

- Recognizes and appropriates \$30,000,000 in Federal Railroad Administration grant funds from a 2015 TIGER award. The TIGER Discretionary Grant program provides a unique opportunity for the United States Department of Transportation to invest in road, rail, transit and port projects that promise to achieve national objectives.
- Recognizes and appropriates \$1,750,000 in Municipal Debt Service Fund Balance as a short term loan until permanent financing can be arranged. Once debt financing is obtained the original loan amount will revert back to fund balance.

**Fiscal Note**

Funding: General Community Investment Plan, leveraging State and Federal grants

**Attachment(s)**

Map of Project Area

Budget Ordinance

[Aerial of CGS Project Area](#)

[Charlotte Gateway Station TIGER Grant and City Funding](#)

## 15. Appointments to the Charlotte International Cabinet

**Action:**

**Vote on blue ballots and return to the Clerk at the Action Review meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term in the At-large category beginning immediately and ending June 30, 2018, and then continuing for a full three-year term beginning July 1, 2018 and ending June 30, 2021.
  - Sven Gerzer, nominated by Council members Ajmera, Driggs, Eiselt, and Mayfield
  - Brooks Shelley, nominated by Council members Bokhari, Egleston, Harlow, Newton, and Winston
- One appointment for a partial term in the International Business category beginning immediately and ending June 30, 2019.
  - Scott Chen, nominated by Council members Driggs and Newton
  - Vanessa Vaughn, nominated by Council members Ajmera, Egleston, Eiselt, and Phipps

**Attachment(s)**

Charlotte International Cabinet Applicants

## 16. Appointment to the Civil Service Board

**Action:**

**Vote on blue ballots and return to the Clerk at the Action Review meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning immediately and ending May 15, 2018, and then continuing for a full three-year term beginning May 16, 2018 and ending May 15, 2021.
  - Parker Cains, nominated by Council members Ajmera and Bokhari
  - Carolyn Millen, nominated by Council members Driggs, Mayfield, Newton, Phipps, and Winston

**Attachment(s)**

Civil Service Board Applicants

## 17. Appointments to Historic Landmarks Commission

**Action:**

**Vote on blue ballots and return to the Clerk at the Action Review meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning immediately and ending June 16, 2020.
  - William Hughes, nominated by Council members Ajmera, Egleston, Harlow, and Mayfield
  - Eric Scott, nominated by Council members Bokhari and Driggs
  - Edwin Wilson, nominated by Council members Eiselt, Newton, Phipps and Winston

**Attachment(s)**

Historic Landmarks Commission Applicants

## **18. Mayor and City Council Topics**

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

## CONSENT

### 19. Charlotte-Mecklenburg Police Department/Aviation Mid-Year Staffing Adjustment

**Action:**

**Approve a Fiscal Year 2018 budget adjustment to the Charlotte-Mecklenburg Police Department for additional full-time equivalent positions to support the corporate security model at the Charlotte Douglas International Airport.**

**Staff Resource(s):**

Kerr Putney, Police

Brent Cagle, Aviation

**Explanation**

- Since December 15, 2012, the Charlotte-Mecklenburg Police Department (CMPD) and the Aviation Department have operated under a corporate security model that combines sworn law enforcement operations and non-sworn corporate security functions at the Charlotte Douglas International Airport.
- This corporate security model allows for a collaborative approach in providing a high-level of safety and security protocol to airport passengers, tenants, and business partners on a 24 hours/7 days a week basis.
- Due to airlines' request, CMPD and Aviation are requesting to accelerate the multi-year staffing plan to include additional, full-time equivalent positions.
- The estimated personnel and operating expenses for the remainder of Fiscal Year 2018, including one-time vehicle and equipment purchases, is \$936,056.
- The Aviation Department will continue to fund expenses associated with CMPD providing sworn law enforcement operations to the Charlotte Douglas International Airport. For the Fiscal Year 2018 staffing adjustment, Aviation will absorb the additional costs within its existing budget.

**Fiscal Note**

Funding: Aviation Operating Budget

## 20. Cooperative Purchasing Contract for Police Patrol Boat

### Action:

- A. Approve the purchase of a Patrol Boat from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3),
- B. Approve a unit price contract with SAFE Boats for the purchase of a patrol boat for the term of one year under General Services Administration (GSA) contract GS-07F-0038H, 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):**

Kerr Putney, Police  
Robert Dance, Police

### **Cooperative Purchasing Exemption**

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

### **Explanation**

- The current patrol boat, purchased in 1995, is used on Lake Wylie by the Lake Enforcement Unit of the Charlotte-Mecklenburg Police Department.
- The current patrol boat should be replaced for the following reasons:
  - 23 years of active service;
  - Increased downtime due to the need for frequent repairs; and
  - Undersized deck and storage space prohibiting effective operational duties performed by lake enforcement officers.
- SAFE Boats has a contract awarded through GSA that offers competitively obtained contracts to public agencies nationwide for fire, rescue, clothing, marine craft, and emergency/disaster response.
- The cost of the fully-equipped boat is \$289,622.33.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Police Operating Budget



## 21. Charlotte Fire Ballistics Protection Equipment Purchase

### Action:

- A. Approve the purchase of ballistics protection equipment, as authorized by sole source exemption of G.S. 143-129 (e) (6),
- B. Approve a unit price contract with North American Rescue for the purchase of ballistics vests and bullet proof plates for the term of three years,
- C. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved,
- D. Authorize the purchase of ballistic helmets and face shields from state contracts as authorized by G.S. 143-129 (e) (9),
- E. Approve a unit price contract with Lawmen's Distribution for the purchase of ballistic helmets and face shields for the term of three years under state contract 680C, and
- F. Authorize the City Manager to extend the contract for up to two, 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):**

Pete Key, Fire

Kevin Gordon, Fire

### **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 to ensure the standardization of design with current CFD uniforms.
- The City Council must approve purchases made under the sole source exemption.

### **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**

- Since 2009, active shooter events have increased significantly in the United States.
- Firefighters are often called to work closely with CMPD to provide support and immediate medical attention.
- The purchase of ballistic protection will provide Charlotte Fire Department the equipment necessary to safely respond without hesitation in these situations.
  - Ballistics equipment is personal armor designed to absorb the impact and reduce or stop penetration to the body from firearms and projectiles. This equipment will protect fire department personnel from gunfire while rescuing citizens trapped in incidents involving violence.
- Estimated annual expenditures with North American Rescue are anticipated to be \$380,000 and \$145,000 under the Lawmen's Distribution contract.
- The contracts will fund 372 sets of equipment, which will cover all personnel with operational roles during these types of incidents.

- The recommended lifespan for the equipment is 5 years for the level IIIA body armor, 5 years for the ballistic helmets and 10 years for the level III ballistic plates.

**Charlotte Business Inclusion**

This is a sole source / state contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Urban Area Security Initiative Grant and General Grant Fund

## **22. Acceptance of Contribution for Petroleum Firefighting Equipment**

**Action:**

- A. Authorize the City Manager to accept a contribution in the amount of \$38,000 from Chambers Engineering for the purchase of equipment to fight petroleum based fires, and**
- B. Adopt a budget ordinance appropriating \$38,000 from Chambers Engineering in the General Capital Equipment Fund.**

**Staff Resource(s):**

Pete Key, Fire  
Kevin Gordon, Fire

**Explanation**

- In 2010, Charlotte Fire Department (CFD) began reviewing capabilities to respond to large scale petroleum based fires. The goal was to enhance preparedness and understand the effect of ethanol in gasoline on fighting petroleum based fires.
- Since that time, CFD has partnered with 16 member companies within the Paw Creek Chemical Association Operators group to enable better planning and cooperation in responding to petroleum related fire incidents.
- Upon review, CFD recognized that it would be better able to respond to petroleum based fires if it used a designated truck to house specialized equipment and chemicals.
- Chambers Engineering, as a member of the Paw Creek Chemical Association Operators group and leading expert in ethanol distribution safety has agreed to donate \$38,000. The donation will be used to purchase the specialized equipment to mitigate the risks associated with ethanol based fuels being stored and transported throughout the Charlotte area.
- Due to the relatively low frequency of petroleum based fires, CFD plans to use a retired truck chassis and retrofit it with equipment for this purpose.
- This new apparatus would provide CFD the capability to respond to large scale petroleum fires as might occur at industrial petroleum storage facilities or in the event of a fuel tanker spill.
- CFD will use the \$38,000 contribution to purchase the foam hauling apparatus which will be added to the truck.
- The total cost of the truck and necessary equipment is approximately \$160,000, which will be covered by this contribution in combination with existing capital equipment funding.

**Attachment(s)**

Budget Ordinance

[Ordinance Contribution for Petroleum Based Firefighting Equipment \(Fund 4500\)](#)

## 23. Innovation and Technology Data Center Lease Agreement Amendment to Add an Option to Renew

**Action:**

Approve an amendment to the original lease agreement with Digital 125 N. Myers, LLC to modify the term of the lease adding an option to renew for an additional five years.

**Staff Resource(s):**

Jeff Stovall, Innovation and Technology

Mike Davis, Engineering and Property Management

Angela Hagerman, Engineering and Property Management

**Explanation**

- On June 24, 2003, the Innovation and Technology Department (I&T) executed a 10-year lease with two, five-year renewal options for 6,627 square feet at 125 N. Myers Street in uptown Charlotte which expires June 30, 2023. This space is used to operate the City's data center equipment, including the core network and server infrastructure.
- The City currently pays \$208,498 per year, or \$31 per square foot, in rent with three percent annual rate increases.
- If the City chooses to exercise the option to renew, the lease term will be extended from 2023 to 2028. The City will have until September 30, 2022 to decide whether to exercise the option.
- The data center space is distinct from the new I&T administrative facility located at 5516 Central Avenue that was approved by City Council on October 23, 2017. The administrative facility will be used to consolidate personnel in a traditional office environment, whereas the data center is occupied primarily by equipment rather than employees.
- City staff recommends I&T continue a long-term lease because of the significant expense associated with data center relocation and construction. City staff estimates potential costs to construct a new data center to exceed \$10,000,000.
- Terms of the proposed amendment are as follows:
  - One, five-year option to renew, and
  - \$238,572 per year in rent with three percent annual rate increases. This rate is consistent with market rates.
- All other lease terms will remain the same.

**Fiscal Note**

Funding: I&T Operating Budget

**Attachment(s)**

Map

[Location Map - Innovation and Technology Data Center Lease Agreement Amendment](#)

## 24. Grier Heights Senior Apartments Bond Issuance Approval

**Action:**

**Adopt a resolution granting the Charlotte Housing Authority's request to issue multi-family housing revenue bonds, in an amount not to exceed \$5,000,000, in order to finance the development of Grier Heights Seniors Apartments.**

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

**Explanation**

- The Charlotte Housing Authority (CHA) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Grier Heights Seniors Apartments, a 72-unit affordable housing development. Laurel Street Residential, LLC is the developer of the community, which will be located at 2931 Marney Avenue.
- This development supports City Council's commitment of achieving 5,000 affordable housing units within three years as outlined in the Community Letter.
- The CHA bonds, which are not to exceed \$5 million, will be used to finance construction costs.
- The adoption of the resolution is required by the governmental unit with jurisdiction over the area where the development is located in order to satisfy Section 147(f) of the Internal Revenue Service Code of 1986. This action will not obligate the City financially or impact the proposed Community Investment Plan.

**Background**

- On September 25, 2017, City Council approved Housing Trust Funds in the amount of \$3,450,000 for the construction of 72 units for the development of Grier Heights Seniors Apartments.
- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$5 million to be used for the Grier Heights Seniors Apartments affordable housing development.

**Fiscal Note**

Funding: Charlotte Housing Authority Budget

**Attachment(s)**

Charlotte Housing Authority Resolution

City of Charlotte Resolution

[CHA Resolution](#)

[City of Charlotte Resolution](#)

## 25. Traffic Signal Maintenance

### **Action:**

- A. Approve unit price contracts with the following companies for performing preventative maintenance for an initial term of three years:**
- Econolite Systems, Inc.
  - Garrett James Company, LLC, and
- B. Authorize the City Manager to renew the contracts for up to two additional one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Liz Babson, Transportation  
Charles Abel, Transportation

### **Explanation**

- The City operates and maintains 775 traffic signals throughout the City of Charlotte and ensures preventative maintenance is performed on all traffic signals every 12 to 18 months.
- The contracts will provide preventative maintenance of traffic signals for all traffic signals in the City.
- Preventative maintenance work includes testing and confirming correct operation of all components and cleaning of pedestrian and traffic signal lenses.
- On December 13, 2017, the City issued a Request for Proposal (RFP); two proposals were received from interested service providers.
- Econolite Systems, Inc. and Garrett James Company, LLC best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The estimated contract expenditures for all contracts are \$750,000 over the three-year term.

### **Charlotte Business INclusion**

No subcontracting goal was established for these contracts because there are no subcontracting opportunities.

### **Fiscal Note**

Funding: Traffic Equipment Replacement Program

## 26. Private Developer Funds for Traffic Signal Improvements

**Action:**

**Adopt a budget ordinance appropriating \$55,000 in private developer funds for traffic signal improvements and related work.**

**Staff Resource(s):**

Liz Babson, Transportation  
Charles Abel, Transportation

**Explanation**

- Private developer funding is for traffic signals, upgrades, and related work associated with developer projects.
  - Stonewall Station Investments, LLC is fully funding (\$5,000) traffic signal modifications and improvements to mitigate traffic impacts at the intersection of S. Caldwell Street and I-277 Ramp (Council District 1), and
  - Goldberg Companies, Inc. is contributing \$50,000 for a new signal at Lancaster Highway and Clems Branch Drive/Landing Place Lane (Council District 7).
- The above signals meet the same criteria as other traffic signals approved by the City.
- Payments made by the developers are in response to estimates of work prepared by the Charlotte Department of Transportation (CDOT) and supplied to the developers.
- Any funding contributed by developers for signal projects that is unused by the City will be refunded after project completion.
- CDOT will install and operate these signals as part of the existing signal system in the area.

**Fiscal Note**

Funding: Private Developer Contributions

**Attachment(s)**

Map  
Budget Ordinance

[Traffic Signal Improvements 15-7244](#)

[Budget Ordinance CDOT 2.26.2018 Agenda](#)

## 27. Pineville-Matthews Road Sidewalk and Pedestrian Safety Project Grant

### **Action:**

- A. **Approve a municipal agreement with the North Carolina Department of Transportation accepting a Congestion Mitigation and Air Quality Grant for pedestrian improvements in the amount of \$3,101,240, and**
- B. **Adopt a budget ordinance appropriating \$3,101,240 to the General Community Investment Plan.**

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

Liz Babson, Transportation  
Scott Curry, Transportation

### **Explanation**

- This project will construct 2.82 miles of sidewalk along three segments of Pineville-Matthews Road, connecting the following destinations: McAlpine Elementary School, South Charlotte Middle School, William Davie Park, the Arboretum Shopping Center, and the future McAlpine Creek Greenway.
- The project segments include: McAlpine Creek to Rea Road, Rea Road to McPherson Drive, and Strawberry Lane to Ridgeloach Place (Council District 7).
- This sidewalk project will complete the last remaining significant sidewalk gaps on Pineville-Matthews Road, a major thoroughfare carrying approximately 35,000 cars per day at a posted speed of 45 mph.
- The Charlotte Regional Transportation Planning Organization allocated Congestion Mitigation and Air Quality (CMAQ) funding for this sidewalk construction project and is part of the City of Charlotte Sidewalk and Pedestrian Safety Program.
- CMAQ funding for construction is \$3,101,240 (64 percent) and the City's match for construction is \$1,744,447 (36 percent).
- It is anticipated that City Council will be asked to approve construction contracts in 2019.

### **Fiscal Note**

Funding: North Carolina Department of Transportation Congestion Mitigation Air Quality Grant (\$3,101,240) and Transportation Community Investment Plan (City's match of \$1,744,447)

### **Attachment(s)**

Map  
Budget Ordinance  
Resolution

[SidewalkImprovements\\_010318](#)

[Budget Ordinance CDOT 2.26.2018 2 Agenda](#)

[Pineville-Matthews Road Sidewalk and Pedestrian Safety Project Grant Resolution](#)

## 28. Two-way Separated Bike Lane Design Services

### **Action:**

**Authorize the City Manager to negotiate and execute a contract up to \$500,000 with Stewart Engineering, Inc. for planning and design services for the two-way separated bike lane along 5th and 6th Streets.**

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

Liz Babson, Transportation  
Vivian Coleman, Transportation  
Mike Davis, Engineering and Property Management  
Kristie Kennedy, Engineering and Property Management

### **Explanation**

- This project will provide a two-way separated bicycle facility along 5th Street from Irwin Avenue to 6th Street and along 5th Street to McDowell Street, located in Council Districts 1 and 2.
- The project will provide a strategic bicycle connection into Uptown, connecting the Irwin Creek Greenway to the Little Sugar Creek Greenway.
- This two-way separated bike facility was evaluated as part of the overall study process and recommended as part of the Uptown Connects Study (2017), which included extensive public engagement.
  - The 5th/6th Street corridor ranked the highest among the public for protected bike facilities and was determined most likely to be used.
- On September 25, 2017, the City issued a Request for Qualifications (RFQ); five proposals were received from interested service providers.
- Stewart Engineering, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Stewart Engineering, Inc. is a City registered MBE.

### **Two-Way Protected Bike Lane Demonstration Project**

- A two-way separated bike lane demonstration project was held from October 22-29, 2017 on 5th and 6th Streets to test the impacts of removing a travel lane to install this protected bike facility in Uptown. CDOT collected data and analyzed impacts to the transportation system resulting in the following key findings:
  - Traffic can be processed without significant impacts to congestion and travel times,
  - 5th and 6th Streets remain an important route for commuters, and
  - The perception of safety on the route was improved for bicyclists with no adverse impacts to drivers.
- The demonstration revealed that the design of a permanent two-way bicycle facility needs to consider the following which will be incorporated into the design process:
  - Emphasize public outreach and awareness, and
  - Create an ongoing monitoring and maintenance plan.

### **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).

Stewart Engineering, Inc. has committed 12 percent of the total contract amount to the following certified firm(s):

- Sir Speedy, (MBE, SBE) (Printing)
- John Davenport Engineering, (SBE) (Traffic control plans)
- Avioimage mapping Services, Inc., (SBE) (Photogrammetry)
- Yellow Duck Marketing, LLC, (WBE, SBE) (Marketing)
- Kimbrell D. Brattain, (SBE) (Public engagement)



Stewart Engineering, Inc. is a City registered MBE.

**Fiscal Note**

Funding: General Community Investment Plan

**Attachments(s)**

Map

[5th-6th PBL Alignment RevisedSC](#)

## 29. South Tryon Street Sidewalk Improvements Phase II Project

**Action:**

**Award a contract in the amount of \$908,221.60 to the lowest responsive bidder B & N Grading Inc for the South Tryon Street Sidewalk Improvements II project.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

Becky Chambers, Engineering and Property Management

**Explanation**

- This project will include the construction of approximately one and one-quarter miles of sidewalk to provide a continuous sidewalk along both sides of South Tryon Street between Shopton Road West and Steele Creek Road, located in Council District 3. Work will include grading, sidewalks, milling, resurfacing, and pavement markings.
- The first phase of the South Tryon Street Sidewalk Project constructed three quarters of a mile of sidewalk from West Tyvola Road to Nations Ford Road and was completed in November 2017.
- On February 1, 2018, the City issued an Invitation to Bid for South Tryon Street Sidewalk Improvements II Project; three bids were received from interested service providers.
- B & N Grading Inc was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2019.

**Charlotte Business INclusion**

Established SBE Goal: 16.00%

Committed SBE Goal: 36.50%

B&N Grading exceeded the established subcontracting goal, and has committed 36.50% (\$331,500) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RPG Construction (SBE, MBE) (\$200,000) (concrete)
- Silverback Brothers (SBE, MBE) (\$125,000) (pavement markings/grading)
- Mid-Atlantic Erosion (SBE) (\$6,500) (temporary silt fence)

Established MBE Goal: 7.00%

Committed MBE Goal: 35.78%

B&N Grading exceeded the established subcontracting goal, and has committed 35.78% (\$325,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RPG Construction (MBE, SBE) (\$200,000) (concrete)
- Silverback Brothers (MBE, SBE) (\$125,000) (pavement markings/grading)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - South Tryon Street Sidewalk Improvements Phase II Project](#)

### 30. Ayrsley Town Boulevard Improvement Project

**Action:**

**Award a contract in the amount of \$691,647 to the lowest responsive bidder Blythe Development Co. for the Ayrsley Town Boulevard Project.**

**Staff Resource(s):**

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

**Explanation**

- This project will include the construction of sidewalk, curb, gutter and storm drainage along Ayrsley Town Boulevard from South Tryon Street to Kings Parade Boulevard, located in Council District 3. The goal of this project is to improve pedestrian safety and mobility and was identified in the Whitehall/Ayrsley Comprehensive Neighborhood Improvement Program.
- On January 12, 2018, the City issued an Invitation to Bid; five (05) bids were received from interested service providers.
- Blythe Development Co. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2019.

**Charlotte Business INclusion**

Established SBE Goal: 18.00%

Committed SBE Goal: 26.03%

Blythe Development exceeded the established subcontracting goal, and has committed 26.03% (\$180,025) of the total contract amount to the following certified firms:

- Abram Construction (SBE, MBE) (\$168,025) (sidewalk, storm drain)
- Express Logistics (SBE, MBE) (\$12,000) (hauling)

Established MBE Goal: 8.00 %

Committed MBE Goal: 26.03%

Blythe Development exceeded the established subcontracting goal, and has committed 26.03% (\$180,025) of the total contract amount to the following certified firms:

- Abram Construction (MBE, SBE) (\$168,025) (sidewalk, storm drain)
- Express Logistics (MBE, SBE) (\$12,000) (hauling)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Ayrsley Town Boulevard](#)

## 31. Charlotte-Mecklenburg Police Department University City Division Station Design Services

### **Action:**

**Approve a contract in the amount of \$896,100 with ADW Architects for architectural services for the Charlotte-Mecklenburg Police Department (CMPD) University City Division Station.**

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

Mike Davis, Engineering and Property Management  
William Haas, Engineering and Property Management  
Kerr Putney, Police  
Jeff Estes, Police

### **Explanation**

- The contract with ADW Architects will provide architectural design services for an approximately 14,000 square foot, two-story facility located at the intersection of Ken Hoffman Drive and Highway 29, located in Council District 4. Services include, but are not limited to site and building planning design, construction documents, project administration/programming phasing, and construction administration.
- In 2010, Council approved the Facilities Strategic Plan for Police stations. The goals for division stations in the Plan are:
  - Owned and maintained by the City, not located in leased facilities,
  - Constructed in highly visible and accessible locations that contribute to the community perception of safety and security,
  - Sized to accommodate future personnel growth and support the functions a patrol division is expected to provide to the community,
  - Designed to be highly recognizable as a CMPD division station while reflecting the exterior design context of the community where it is located, and
  - Support the functional needs of a patrol division based on a standardized facility design template.
- To date, five of the planned 13 division stations have been completed. Three others are currently fully funded. Central Division is in the design phase and staff will likely make a recommendation to purchase land for the South Division in the spring. Council will be asked to award a construction contract for Hickory Grove Division Station in the coming weeks. In addition, the Independence Division Station is only funded for land acquisition.
- The University City Division Station will be designed to achieve basic-level LEED version 4 certification per the City Policy on Sustainable Facilities. LEED certification is awarded to buildings that demonstrate a high level of energy-efficiency and sustainable design.
- Currently, the University City Division leases 10,717 square feet in the building located at 8401 University Executive Park Drive for \$229,879.65 annually. The lease expires December 31, 2021, with a termination option available December 31, 2020.
- On March 22, 2016, the City issued a Request for Qualifications (RFQ); 15 proposals were received from interested service providers.
- ADW Architects 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.
- Council approved \$3.1 Million for the land acquisition and design phase of this project as part of the Fiscal Year 2018 Community Investment Plan. Staff will request funding for the construction phase be included in the FY 2019 Community Investment Plan.

### **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). ADW Architects, PA has committed 20.67% (\$185,250 of the total contract amount to the following certified firms:

- AME Consulting Engineers, Inc. (SBE) (\$146,500) (mechanical, electrical and plumbing design

services/fire protection design services)

- R.M. Rutherford and Associates, Inc. (SBE) (\$11,000) (cost estimation services)
- Stewart Engineering, Inc. (MBE) (\$27,750) (structural engineering services)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Design Services for Charlotte-Mecklenburg Police Departme...](#)

## 32. Architectural Services for Fire Station #43

**Action:**

**Approve a contract in the amount of \$418,800 with Boomerang Design, PA for architectural services for Fire Station #43.**

**Staff Resource(s):**

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

**Explanation**

- The contract with Boomerang Design will provide architectural design services for an approximately 11,140 square foot, two-bay fire station located at 435 Clanton Road in Council District 3. Services include, but are not limited to:
  - Site and building planning design,
  - Construction documents,
  - Project administration/programming phasing, and
  - Construction administration.
- Fire Station #43 will be designed to achieve basic-level LEED version 4 certification per the City Policy on Sustainable Facilities. LEED certification is awarded to buildings that demonstrate a high level of energy-efficiency and sustainable design.
- On March 22, 2016, the City issued a Request for Qualifications (RFQ); five proposals were received from interested service providers.
- Boomerang Design 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.
- Funding for this project was provided in both the Fiscal Year 2017 and Fiscal Year 2018 Community Investment Plan.

**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). Boomerang Design, PA has committed 10.03% (\$42,000) of the total contract amount to the following firms:

- CES Group Engineers, LLP (SBE) (WBE)(\$28,000) (civil engineering, landscape architecture)
- Paraclete, Inc. (MBE/SBE) (\$11,000) (cost estimating)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Architectural Services for Fire Station 43](#)

### **33. Charlotte Mecklenburg Government Center (CMGC) - Parking Deck Office Construction Contract**

**Action:**

**Award a contract in the amount of \$129,627.30 to the lowest responsive bidder D. E. Brown Construction, Inc. for the Charlotte Mecklenburg Government Center (CMGC) - Parking Deck Office project.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

William Haas, Engineering and Property Management

**Explanation**

- This project will include construction of a 200 square-foot office at the Charlotte Mecklenburg Government Center parking deck near the Davidson Street entrance. Currently, parking deck staff occupies space in the parking deck electrical room.
- The new parking deck office will accommodate seating space for two people and will provide the parking deck manager visibility to the entrance and exit of the deck as well as close proximity to the parking deck attendants and visitors.
- No public parking spaces will be taken out of service to build the new office.
- On December 18, 2017, the City issued an Invitation to Bid; three bids were received from interested service providers.
- D. E. Brown Construction, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third 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). However, D.E. Brown has committed 22.25% (\$28,848.50) of the total contract amount to the following certified firms:

- Electrical System Specialist (SBE) (\$26,750) (electrical)
- Treadaway & Sons Painting (SBE) (\$1,698.50) (painting)
- Makk Services (SBE) (\$400) (clean-up)

**Fiscal Note**

Funding: General Community Investment Plan

## 34. Old City Hall Boiler Replacement

**Action:**

**Award a contract in the amount of \$122,870 to the lowest responsive bidder Armstrong Mechanical Services, Inc. for the Old City Hall Boiler Replacement project.**

**Staff Resource(s):**

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

**Explanation**

- This contract includes the installation of a new gas boiler and controls to provide heating and hot water for Old City Hall.
- The nearly 30-year-old boiler in Old City Hall has exceeded its useful life. A new energy efficient boiler with modern controls has been selected that will result in lower energy costs and aid in maintaining Old City Hall's Energy Star Certification.
- On January 19, 2018, the City issued an Invitation to Bid; 2 (two) bids were received from interested service providers.
- Armstrong Mechanical Services, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth 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). However, Armstrong Mechanical Services is a City SBE and has committed 4.27% (\$5,250) of the total contract amount to the following certified firm:

- Electric System Specialist (SBE) (\$5,250) (electrical)

**Fiscal Note**

Funding: General Community Investment Plan

## 35. Discovery Place Master Planning

**Action:**

**Approve a contract for \$200,000 with Discovery Place, Inc. for master planning services.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

William Haas, Engineering and Property Management

**Explanation**

- This contract will provide funding for Discovery Place to supplement existing consultant work to provide a more complete master plan to determine the future needs of the facility.
- Consultant services may include facilitating community outreach meetings, projecting future attendance, and coordinating with specialty audio-visual designers.
- The master plan will determine:
  - How best to maximize the Discovery Place Science facility on North Tryon Street,
  - Meet Discovery Place's educational priorities,
  - Serve the needs of a growing and changing community, and
  - Be an integral component of the North Tryon Vision Plan.
- On January 23, 2017, City Council approved \$950,000 in funding to develop a master plan for the 37-year old facility.
- On November 13, 2017, City Council approved a \$700,000 contract with Jenkins-Peer Architects, PA to develop the major design and exhibit elements of the master plan.
- Discovery Place will use this \$200,000 to contract with consultants to provide services that are not included in Jenkins-Peer's scope of work.
- Discovery Place will be required to submit itemized invoices to the City to seek reimbursement for these expenses.
- The remaining \$50,000 will be used to fund City staff costs for time spent on the master plan.
- City staff will participate in meetings with Jenkins-Peer and consultants contracted through Discovery Place.
- Discovery Place is a nonprofit corporation that encourages public interest and understanding of science and technology. It operates a science museum in facilities leased from the City.

**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: Cultural Facilities Operating Fund

**Attachment(s)**

Map

[Location Map - Discovery Place Master Planning](#)



## **36. Fiscal Year 2015 Sewer Repairs and Replacements Contract Amendment**

### **Action:**

**Approve Change Order #1 with Atlantic Coast Contractors Inc. for \$500,000 to the Fiscal Year 2015 Sewer Point Repairs and Replacements contract for the repair of a 36-inch sanitary sewer pipe.**

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

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

### **Explanation**

- Charlotte Water has multiple contracts in place to respond to emergencies in the sanitary sewer system; however due to the unpredictable nature of emergencies, costs may from time to time exceed remaining contract capacity.
- On March 23, 2015, City Council awarded a contract for \$818,146.16 with up to two renewals to Atlantic Coast Contractors Inc. for Sewer Repairs and Replacement. The first renewal for \$852,099.23 was executed on October 5, 2016. The second renewal for \$878,116.27 was executed on September 14, 2017.
- On October 23, 2017, a severe storm caused a 36-inch sewer line to break when the stream bank along Mallard Creek suffered severe erosion. The result was a 4.8 million gallon sanitary sewer overflow into Mallard Creek. City crews responded quickly but the repair and restoration of the streambank required a major construction effort which was expedited by the Sewer Repairs and Replacement Contract.
- This change order is needed to cover costs associated with the emergency repair work performed by the contractor which included building an access road, pumping the sewer flow around the repair, making the repair and restoring the banks of the creek. This construction lasted more than a month due to difficult access and the specialized materials required. The cost of the emergency repair for this line was \$900,000, which exhausted the current Sewer Repair and Replacement contract.
- With this change order the new total value of the contract is \$3,048,361.66.

### **Charlotte Business INclusion**

The work involved in this Change Order was performed by Atlantic Coast Contractors Inc. and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

### **Attachment(s)**

Map

Pictures

[Fiscal Year 15 Sewer Point Repairs and Replacements - Map and Pictures](#)

## 37. Contract Amendment to Reimbursable Sewer Contract with Barclay Properties of Southpark LLC

### Action:

- A. Approve a contract amendment to the contract with Barclay Properties of Southpark, LLC. in the amount of \$4,250,000 for reimbursement of costs associated with the Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements Project, and**
- B. Adopt a Budget Ordinance to appropriate \$5,650,000 from Barclay Properties of Southpark, LLC.**

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

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- On November 28, 2016, the City Council:
  - Approved a 5-year reimbursable contract with Barclay Properties of Southpark LLC to provide sanitary sewer capacity for a development in the SouthPark area of Charlotte in the amount of \$1,750,000, and
  - Adopted a budget ordinance to appropriate \$350,000 received upfront from Barclay Properties of Southpark LLC.
- Under the original contract the developer will cover the costs of construction estimated to be approximately \$1,750,000 and then be reimbursed by Charlotte Water over five years.
- This original scope of the project included the replacement of approximately 6,000 linear feet of existing 8 and 10-inch gravity sewer that paralleled a tributary of Upper Little Sugar Creek south of Tyvola Road and Fairview Road, from Piedmont Row Drive to the Little Sugar Creek Sanitary Sewer Outfall in Park Road Park.
- The estimated construction costs were based on the idea that the existing sewer main could be dug up and replaced or replaced via trenchless construction with a 15-inch diameter gravity sewer main.
- After the completion of preliminary engineering, it was discovered that a 15-inch gravity sewer would not provide adequate sewer capacity to support projected future growth in the area.
- The existing sewer line will now be replaced with 24 and 30-inch diameter gravity sewer mains, which will require additional easement acquisition and site work.
- This amendment will limit Barclay Properties of Southpark LLC cost to \$6 million.
  - The reimbursement agreement requires the eligible project costs to be reimbursed over five years in five equal payments after completion of the project.
- The total project costs are anticipated to be approximately \$14 million due to the increase in project scope.
- The portion of this project funded by the City will be covered within the existing program to replace capacity limited sewer in the Charlotte Water Community Investment Plan.
- The contract for Construction Manager at Risk Services for the Doby Creek and Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvement Projects will be included on the March 26, 2018 Council Business Agenda.

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

### **Attachment(s)**

Budget Ordinance

[Ordinance Barclay](#)

### 38. Fiscal Year 2018 Water Main Replacements (Contract 2)

**Action:**

- A. Award a contract in the amount of \$1,104,652.50 to the lowest responsive bidder Dallas 1 Construction LLC for Fiscal Year 2018 Water Main Replacements - Contract 2, 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):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

**Explanation**

- Charlotte Water maintains approximately 4,300 miles of water distribution lines and approximately 279,000 active water service connections.
- The Water Replacement Program provides for replacement of water distribution infrastructure as needed. The primary function is to replace water lines to improve water quality and flow requirements throughout the distribution system.
- During Fiscal Year 2017, approximately 22,700 feet of water main was installed to replace failing or obsolete water mains.
- Bids received are unit price based for estimated quantities of items needed for this type of work.
- On January 5, 2018, Charlotte Water issued an Invitation to Bid; three bids were received from interested service providers.
- Dallas 1 Construction LLC was selected as the lowest responsive, responsible bidder.

**Charlotte Business INclusion**

Established MSBE Goal: 7.00%

Committed MSBE Goal: 7.06%

Dallas 1 Construction LLC met the established subcontracting goal and has committed 7.06% (\$78,000) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Bogue Construction Group (SBE, WBE) (\$50,000) (water main & services installation)
- Barton Contracting (SBE) (\$28,000) (paving & concrete sidewalk)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

### 39. Davidson Water Main Construction and Construction Management Contracts

**Action:**

- A. Award a contract in the amount of \$4,305,037.00 to the lowest responsive bidder Propst Construction Company for the Davidson Water Transmission Main project, and**
- B. Approve a professional services contract for \$299,900.00 with Willis Engineers, Inc. for construction administration services.**

**Staff Resource(s):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- Charlotte Water serves more than 950,000 customers in the City of Charlotte and greater Mecklenburg County -- including the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville.
- The Charlotte Water Master Plan identified a new 24-inch water transmission main is needed in the Towns of Cornelius and Davidson to improve water service, alleviate low pressures, and augment fire flows in the area.
- The Davidson Water Transmission Main project begins at Catawba Avenue in Cornelius and extends along South Street to Concord Road in Davidson. This project will consist of 11,500 feet of water main ranging from six through 24 inches.
- The project is anticipated to be complete by the first quarter of 2019.
- A future phase of the Davidson Water Transmission Main is anticipated to be constructed from downtown Davidson north to the Iredell County line. This design contract is anticipated to be submitted for Council consideration in the fourth quarter of 2018.

Action A - Construction Contract

- On January 12, 2018, Charlotte Water issued an Invitation to Bid for the Davidson Water Transmission Main; three bids were received from interested service providers.
- Propst Construction Company was selected as the lowest responsive, responsible bidder.

Action B - Construction Administration Services Contract

- The contract provides engineering services for the construction phase and includes inspection services as well as construction materials testing.
- On March 16, 2012, Charlotte Water issued a Request for Qualifications for design and construction phase services for the project; five responses were due from interested service providers.
- Willis Engineers, Inc. was selected as the best qualified firm to meet the service needs on the basis of demonstrated competence and qualifications.
- The contract for design services with Willis Engineers, Inc. was \$246,716.

**Charlotte Business INclusion**Action A - Construction Contract

Established MSBE Goal: 10.00%

Committed MSBE Goal: 10.00%

Propst Construction Company met the established subcontracting goal and has committed 10.00% (\$430,508.50) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- D's Trucking Service (SBE, WBE) (\$155,201.00) (hauling)
- B & B Concrete, Inc. (SBE) (\$141,418.00) (curb and gutter)
- Trull Contracting, LLC (SBE, WBE) (\$101,675.00) (sidewalk/driveway and asphalt paving)

- P&TL, Inc. (SBE) (\$32,214.50) (erosion control and landscaping)

Action B - Construction Administration Services Contract

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INClusion Policy). Willis Engineers, Inc. has committed 1.8% (\$5,500) of the total contract amount to the following certified firm:

- Survey and Mapping Control, Inc. (SBE) (\$5,500) (as-built survey)

Willis Engineers, Inc. is a City certified SBE.

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

Bid Results

[Davidson WTM RCA Map](#)

## 40. McAlpine Creek Wastewater Treatment Plant Reliability and Process Improvements Project Phase 1

**Action:**

**Approve a contract in the amount of \$861,088 with Garney Companies, Inc. for Phase 1 design-build services for the McAlpine Creek Wastewater Treatment Plant Reliability Improvements Project.**

**Staff Resource(s):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- The McAlpine Creek Wastewater Treatment Plant (WWTP) is located in the southern part of Mecklenburg County and is the largest of five major WWTPs operated and maintained by Charlotte Water.
- The McAlpine Creek WWTP Reliability and Process Improvements (RPI) project involves rehabilitating or replacing critical components of the wastewater treatment process systems to ensure reliable discharge permit compliance. Some components have been in operation since the 1960s and are past their useful life.
- The RPI Project will be constructed in phases over a span of up to five years and has an estimate of probable construction cost of approximately \$90 million.
- The Progressive Design-Build delivery method was chosen for delivery of the project due to the complexity and critical area the project will be constructed in at the WWTP. This approach allows for a qualifications based selection of a Design-Build team that is well qualified to perform the work included in the scope of the Project.
- On September 1, 2017, Charlotte Water issued a Request for Proposals (RFP); five proposals from interested service providers were received.
- Garney Companies, Inc. was determined to be the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualifications in response to the RFP requirements.
- This contract provides Professional Services for Phase 1 of the RPI Project, including:
  - Design services for a full scale process pilot,
  - Development of a guaranteed maximum price for construction of the full scale pilot and employment of minor modifications to existing facilities to allow for efficient implementation of the pilot and,
  - Evaluation and recommendations for improvements to the aeration system blowers.
- Additional phases of the Project will be presented to Council in the future. The anticipated date of the next phase is spring 2018.

**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 Community Investment Plan

**Attachment(s)**

Map

[McAlpine Creek WWTP Map](#)

## 41. McAlpine Creek Wastewater Treatment Polymer Contract

### Action:

- A. Award a unit price contract to the lowest responsive bidder Polydyne, Inc. for the purchase of polymer chemicals for a term of two years and five months, 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 purpose for which the contract was approved.**

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

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

### **Explanation**

- Charlotte Water operates five wastewater treatment plants and one water treatment plant that utilize polymer chemicals that are necessary for the treatment and dewatering of solids removed from the treatment process.
- This contract is for the purchase of polymer chemicals needed at the McAlpine Creek Wastewater Treatment Plant.
- On July 19, 2017, potential polymer suppliers responded to a Request for Information certifying their branded line of products, quality control, and manufacturing capacity for the polymer products being offered to the City.
- Performance testing of the polymers was conducted to determine the thickening and dewatering capability of processing solids and compatibility with plant equipment.
- On November 17, 2017, Charlotte Water issued an Invitation to Bid to the three polymer suppliers that met the performance testing criteria; bids were received from all three polymer suppliers.
- Total cost was calculated using each supplier's bid price per pound of polymer and the amount of polymer used to reach established performance criteria during the polymer testing. Based on this calculation, Polydyne, Inc. was selected as the lowest responsive, responsible bidder.
- The estimated annual expenditures are \$600,000.
- Charlotte Water is currently conducting Polymer Trials at three wastewater treatment plants and one water treatment plant; City Council will be requested to approve future similar contracts in Summer 2018.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 42. Franklin and Vest Water Treatment Plants Laboratory Renovations

### **Action:**

**Award a contract in the amount of \$352,710 to the lowest responsive bidder Wharton-Smith, Inc. for construction of Franklin and Vest Water Treatment Plants Laboratory Renovations.**

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

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

### **Explanation**

- Charlotte Water operates three water treatment plants producing approximately 100 million gallons per day of quality drinking water for more than 950,000 customers.
- Each treatment plant contains a water quality laboratory so that the operators can analyze samples to maintain quality standards throughout the treatment process.
- This project provides for laboratory safety and modernization improvements at the Franklin and Vest facilities, which benefits water treatment and water quality by maintaining a safe, reliable and efficient laboratory setting.
- These renovations include:
  - Replacing existing laboratory cabinetry with new cabinetry to remove asbestos,
  - Replacing vinyl floor tile with more durable rubberized floor covering,
  - Replacing light fixtures and ceiling tiles, and
  - Installation of high efficiency heating, air conditioning and ventilation systems.
- On November 22, 2017, Charlotte Water issued an Invitation to Bid; four bids were received from interested service providers.
- Wharton-Smith, Inc. was selected as the lowest, responsive, responsible bidder.

### **Charlotte Business INclusion**

Established MSBE Goal: 5.00%

Committed MSBE Goal: 5.90%

Wharton-Smith, Inc. met the established subcontracting goal and has committed 5.90% (\$14,325) of the total contract amount, excluding Allowances, to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Clear Site Industrial (SBE) (\$6,975) (demolition, asbestos removal)
- Window2Wall, Inc. (SBE) (\$6,500) (glass)
- All Points Waste Service, Inc. (MBE) (\$850) (dumpster/trash services)

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

### **Attachment**

Maps

[Vest WTP Map](#)

[Franklin WTP Map](#)



## 43. Gum Branch Outfall Replacement

**Action:**

**Award a contract in the amount of \$4,757,070.26 to the lowest responsive bidder Sanders Utility Construction Co., Inc. for the Gum Branch Outfall Replacement project.**

**Staff Resource(s):**

Angela Lee, Charlotte Water  
Ron Hargrove, Charlotte Water  
Carl Wilson, Charlotte Water

**Explanation**

- Charlotte Water maintains and plans improvements for more than 4,300 miles of sewer lines for the City.
- The Gum Branch outfall is located in the Long Creek sewer basin and conveys wastewater flows from northwest Charlotte and northwestern Mecklenburg County to the McAlpine Wastewater Treatment Plant.
- The outfall is approximately 40 years old, and in addition to its highly-deteriorated condition and age, it cannot accommodate growth within the basin. Due to development, population growth, inflow and infiltration in the Gum Branch sub-basin, the outfall is experiencing flows higher than the existing pipes can accommodate.
- In order to address both the condition and capacity concerns, the project includes the construction of approximately 5,600 linear feet of 30-inch and 4,400 linear feet of 24-inch gravity sanitary sewer lines.
- On January 18, 2018, Charlotte Water issued an Invitation to Bid for the Gum Branch Outfall Replacement; seven bids were received from interested service providers.
- Sanders Utility Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter of 2019.

**Charlotte Business INclusion**

Established MSBE Goal: 8.00%

Committed MSBE Goal: 5.29%

Sanders Utility Construction Co., Inc. failed to meet the established subcontracting goal, but earned the minimum Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INclusion Policy). Sanders Utility Construction Co., Inc. has committed 5.29% (\$251,853) of the total contract amount to the following certified firm(s):

- Sanders Constructors (SBE) (\$70,000) (clearing and grubbing)
- Martin Landscaping Co., Inc. (SBE, WBE) (\$62,853) (seeding and mulching)
- Jim Bob's Grading & Paving, Inc. (SBE) (\$40,000) (paving)
- P&TL, Inc. (SBE) (\$32,000) (silt fence)
- All Points Trucking, Inc. (SBE, WBE) (\$15,000) (hauling)
- Buffkin Trucking, Inc. (SBE, MBE) (\$15,000) (hauling)
- Diamond Trucking of NC, Inc. (SBE, MBE) (\$15,000) (hauling)
- B & B Concrete, Inc. (SBE) (\$2,000) (sidewalk and driveway)

A further detail write-up of Sanders Utility Construction Co., Inc. Good Faith Efforts is attached.

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

[Gum Branch Map](#)

[GFE Summary Attachment-GumBranchOutfall](#)

## 44. Charlotte Gateway Station Project - Century Link Utility Relocation Agreement

### **Action:**

**Authorize the City Manager to negotiate and execute a utility relocation agreement with Century Link for the Charlotte Gateway Station project.**

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

John Lewis, CATS

Brian Nadolny, CATS

Brad Thomas, City Attorney's Office

### **Explanation**

- Part of the 2030 Transit System Plan, the Charlotte Gateway Station (CGS) project is the future rail passenger and bus station embedded in a newly created mixed-use development district in Uptown Charlotte. The rail and bus components will include:
  - Inter-city Passenger Rail (Amtrak/NCDOT),
  - Inter-city Bus (Greyhound and other inter-city carriers),
  - Future Commuter Rail Services (NCDOT or CATS),
  - Modern Streetcar (CityLYNX Gold Line), and
  - Regional Express and Local Bus (CATS).
- In 2015, the Federal Railway Administration selected the City to receive \$30 million in grant funding for Phases 1a and 1b of the CGS project. The 2015 TIGER Grant was executed on August 17, 2017.
- The CGS will be completed in phases, using federal and state grant funding along with public private partnerships. Phases 1a and 1b are fully funded.
- The current phases of the project include:
  - Phase 1a: Track, structures and signals, and
  - Phase 1b: Intercity passenger rail platform and supporting improvements.
- Century Link fiber optic cable is currently in conflict with the project design near the Norfolk Southern right-of-way between West First Street and West Fourth Street and will need to be relocated to construct the Phase 1a and 1b improvements.
- This agreement will permit Century Link to design and construct the relocations. The estimated cost is \$400,000 to be paid by the City using grant funds, as utility relocation is an eligible expense under the TIGER grant.
- This cost is accounted for in the project budget.
- This agreement is required to be executed by the parties (City and Century Link) in advance of Phase 1a and 1b construction.

### **Fiscal Note**

Funding: CATS Community Investment Plan

## 45. CLT Center Renovations - Phase 11 Construction

### **Action:**

- A. Award a contract in the amount \$914,100 to the lowest responsive bidder, Encompass Building Group, Inc. for the CLT Center Renovations - Phase 11 project, and
- B. Adopt a budget ordinance appropriating \$407,350 from the Airport Discretionary Fund to the Airport Community Investment Plan Fund.

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- This project consists of the conversion of approximately 4,200 square feet of warehouse space into new office space and renovations to approximately 3,500 square feet of existing office space within the CLT Center office complex. This will provide more office space for Aviation employees in the CLT Center.
- On December 5, 2017, the City issued an Invitation to Bid for construction; five bids were received.
- Encompass Building Group was selected as the lowest responsive, responsible bidder.
- The anticipated project completion date is August 2018.
- Due to previous appropriations, a budget ordinance of \$407,350 is required to fully fund this contract.

### **Charlotte Business INclusion**

Established SBE Goal: 5.00%

Committed SBE Goal: 7.35%

Encompass Building Group exceeded the established subcontracting goal and has committed 7.35% (\$67,143) of the total contract amount to the following certified firm(s) Part B: Section 3 of the Charlotte Business INclusion Policy):

- Treadway & Sons Painting & Wallcovering, Inc (SBE) (\$24,793) (painting)
- Pro Klean, Inc (SBE) (WBE) (\$42,350) (final cleaning, carpet cleaning, floor sealer and cementitious underlayment)

Established MBE Goal: 3.00%

Committed MBE Goal: 12.52%

Encompass Building Group exceeded the established subcontracting goal and has committed 12.52% (\$114,450) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- JMC Finishing Service (MBE) (\$114,450) (building construction)

### **Fiscal Note**

Funding: Aviation Community Improvement Plan

### **Attachment(s)**

Budget Ordinance

[Airport ORD022618 - CLT Center Renovation Ph11](#)

## 46. Aviation Elevated Roadway and Pedestrian Tunnels Change Order #1

**Action:**

**Approve change order #1 for \$1,051,618.75 to Flatiron Constructors, Inc - Blythe Development Company, A Joint Venture for installation of five crane foundations.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- The Elevated Roadway and Pedestrian Tunnels Change Order will allow for the installation of five crane foundations beneath the Elevated Roadway system.
- These foundations are required to be in specific places for the cranes that will hoist building components during the Terminal Lobby Expansion, which has a planned starting date in the 2nd Quarter of 2019.
- Flatiron Constructors Inc - Blythe Development Company is currently working in the area where these foundations need to be installed.
- Installing these foundations in advance of the Terminal Lobby Expansion will prevent further disruption of traffic during the Terminal Lobby Expansion.
- During the initial phase of design for the Terminal Lobby Expansion, which is now in progress, Aviation was able to ascertain the best locations and capacity required for the cranes. This information was not available at the beginning of the Elevated Roadway project.
- The crane foundations are anticipated to be installed by the 3rd quarter of 2018.
- This contract was awarded by Council August 24, 2015 in the amount of \$ 43,739,014.13.

**Charlotte Business INclusion**

All additional work involved in this change order will be performed by Flatiron Constructors, Inc - Blythe Development Company, A Joint Venture and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

Flatiron Constructors, Inc - Blythe Development Company, A Joint Venture, has committed 4.50% (\$47,296) of the total contract change order amount to the following certified firms:

- Border Rebar (SBE, MBE) (\$26,072) (purchase and installation of reinforcing steel)
- CES Group Engineers, LLP (SBE, WBE) (\$13,750) (surveying)
- Landmark Materials (SBE) (\$7,474) (materials hauling)

**Fiscal Note**

Funding: Aviation Community Investment Plan

## 47. Aviation Landscaping Maintenance Services

### **Action:**

- A. Approve contracts with the following companies for Landscaping Maintenance Services for an initial term of three years:**
- The Budd Group,
  - Leisure Time Lawn Care,
  - Carolina Wetland Services, 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 purposes for which the contracts were approved.**

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- These contracts will provide beautification services including installing and maintaining plant beds, grass mowing services, and litter control on Airport property.
- The work has been divided into Zones:
  - Zone 1 is the highest priority and the most visible to the public, and
  - Zones 2 and 3 are locations in less visible areas such as parking areas and roadways.
- On November 1, 2017, the City issued a Request for Proposal (RFP) for Airport Landscaping Maintenance Services. In response to the RFP, the City received nine proposals from interested service providers.
- These vendors best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to the RFP requirements. Estimated contract expenditures for the first year are \$1,642,931:
  - The Budd Group, \$1,139,427 (Zone 1-high public visibility areas, such as entrance to the Airport)
  - Leisure Time Lawn Care, \$286,500 (Zone 2-parking areas)
  - Carolina Wetland Services, \$199,004 (Zone 3-roadways)

### **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, the City awarded a contract to Leisure Time Lawn Care, a City SBE and Carolina Wetland Services, a City SBE and WBE.

### **Fiscal Note**

Funding: Aviation Operating Budget

## 48. Airport Exterior Surface Cleaning Contract

### Action:

- A. **Approve a contract with SunShine Cleaning Systems, Inc. for Exterior Surface Cleaning 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):**

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- This contract will provide trash removal and litter control on roadways, parking lots, and eight parking decks. It will also provide pressure washing of parking decks, and bus shelters and roadway sweeping.
- On October 31, 2017, the City issued a Request for Proposal (RFP) for Exterior Surface Cleaning Services. In response to the RFP, the City received four proposals from interested service providers.
- SunShine Cleaning Systems, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The total estimated contract expenditure over the three-year term is \$1,139,321: year one, \$374,133; year two, \$379,746; year three, 385,442.

### **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).

Sunshine Cleaning Systems, Inc. has committed 9.34% (\$106,432) of the total contract amount to the following certified firm:

- Absolute Cleaning & Restoration, Inc. (SBE) (\$106,432) (trash removal and pressure cleaning)

### **Fiscal Note**

Funding: Aviation Operating Budget

## 49. Federal Aviation Administration Lease

### Action:

**Approve a 33-month lease with the Federal Aviation Administration for the relocation of its weather bureau office.**

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

Brent Cagle, Aviation

Haley Gentry, Aviation

### **Explanation**

- The Federal Aviation Administration's weather bureau office is presently located in a facility that is scheduled for demolition in 2018.
- This lease provides for the temporary relocation of the weather bureau office pending completion of the new air traffic control tower in 2020. The weather bureau office will move to the air traffic control tower once it is complete.
- The total 33-month value of the lease with the Federal Aviation Administration for the weather bureau office is \$36,767.61.

## 50. United States General Services Administration Lease Amendment

**Action:**

**Approve a five-year lease amendment with the United States General Services Administration for Transportation Security Administration office space.**

**Staff Resource(s):**

Brent Cagle, Aviation

Haley Gentry, Aviation

**Explanation**

- The Transportation Security Administration (TSA) provides security screening services for the traveling public at airports and requires onsite offices for staff.
- The current lease provides office space in the Airport Terminal and other airport properties.
- Under this amendment, TSA will retain 5,257 square feet of space in the Old Terminal, and will occupy a total of 8,155 square feet of office space in the Passenger Terminal.
- The annual value of the lease is \$509,209.35, for a total value of \$2,546,046.75 over the five-year term.

## 51. Refund of Property Taxes

**Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$6,893.28.**

**Staff Resource(s):**

Randy Harrington, Management and Financial Services

Susan Walker, Management and Financial Services

**Explanation**

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

**Attachment(s)**

Taxpayers and Refunds Requested

Resolution Property Tax Refunds

[List of Taxpayers and Refunds Requested](#)

[Resolution](#)

## 52. Meeting Minutes

**Action:**

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

- **January 22, 2018, Business Meeting**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

### Adjournment

#### 53. 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:** Shrubs

**Zoned:** B-1

**Use:** Commercial

**Tax Code:** 039-121-02

**Appraised Value:** \$1,675

**Property Owner's Counteroffer:** \$7,000

**Property Owner's Concerns:** The property owner is concerned with the closure of one of the five driveways and the compensation amount being offered.

**City's Response to Property Owner's Concerns:** Staff explained that the driveway is being closed due to safety reasons and that he could obtain his own appraisal in order 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:** 2



## 54. Property Transactions - Riverhaven Drive Phase 2 Watermain, Parcel #1

**Action:** Approve the following Condemnation: Riverhaven Drive Phase 2 Watermain, Parcel #1

**Project:** Riverhaven Drive Phase 2 Watermain, Parcel #1

**Owner(s):** Laddie Van Hill and Sherry Hill

**Property Address:** Riverhaven Drive

**Total Parcel Area:** 35,731 sq. ft. (.820 ac.)

**Property to be acquired by Easements:** 715 sq. ft. (.016 ac.) in Waterline Easement, plus 14 sq. ft. (ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** R-5

**Use:** Single-family Residential

**Tax Code:** 031-212-02

**Appraised Value:** \$300

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

**Council District:** 2

## 55. Property Transactions - Riverhaven Drive Phase 2 Watermain, Parcel #2

**Action:** Approve the following Condemnation: Riverhaven Drive Phase 2 Watermain, Parcel #2

**Project:** Riverhaven Drive Phase 2 Watermain, Parcel #2

**Owner(s):** Laddie Van Hill and Sherry Hill

**Property Address:** Riverhaven Drive

**Total Parcel Area:** 37,134 sq. ft. (.852 ac.)

**Property to be acquired by Easements:** 1,312 sq. ft. (.03 ac.) in Waterline Easement, plus 884 sq. ft. (.02 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** R-5

**Use:** Single-family Residential

**Tax Code:** 031-212-01

**Appraised Value:** \$900

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

**Council District:** 2

## 56. Property Transactions - Lincoln Heights Drainage Improvements, Parcel #85

**Action:** Approve the following Condemnation: Lincoln Heights Drainage Improvements, Parcel #85

**Project:** Lincoln Heights Drainage Improvements, Parcel #85

**Program:** Flood Control

**Owner(s):** Olivette Myers and Monique L. Patterson

**Property Address:** 1725 Odessa Avenue

**Total Parcel Area:** 33,779 sq. ft. (.775 ac.)

**Property to be acquired by Easements:** 767 sq. ft. (.018 ac.) in Storm Drainage Easement, plus 1,628 sq. ft. (.037 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-5

**Use:** Single-family Residential

**Tax Code:** 077-043-01

**Appraised Value:** \$125

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

**Council District:** 2

## REFERENCES

## 57. 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.

## 58. 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.

## 59. 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.