

City of Charlotte

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



Meeting Agenda

Monday, March 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):

Kim Eagle, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. South End Vision Plan Update

Staff Resource(s):

Taiwo Jaiyeoba, Planning Department

Time: 30 minutes

Future Action

It is anticipated that City Council will be asked to approve the South End Vision Plan and Plan Amendments in the first quarter of 2018.

4. City of Charlotte Microgrant Program

Staff Resource(s):

Willie Ratchford, Community Relations

Time: 20 minutes

Explanation

- The city is launching a new program to encourage community partner engagement in support of the Community Empowerment Initiative, which was implemented in several Charlotte neighborhoods in 2017.
- In particular, the micro grant program is focused on organizations with programs to help with mediation and conflict resolution, crime fighting and prevention, and opportunities for youth and parents.

Future Action

This presentation is for information only.

5. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Kim Eagle, City Manager's Office

Time: 10 minutes

Synopsis

Staff responses to questions from the beginning of the 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 21 through 70 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 speakers signed up to speak to the item.

AWARDS AND RECOGNITIONS

9. Child Abuse Prevention Month

Action:

Mayor Pro Tem Eiselt will read a proclamation recognizing April as Child Abuse Prevention Month.

ZONING

10. Rezoning Petition: 2017-191 by Charlie Markey

Location: Approximately 2.44 acres located at the intersection of Hawkins Street and Rampart Street, east of South Tryon. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-M (transit oriented development - mixed use)

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2017-191 PH staff 03-19-2018 done.pdf](#)

11. Rezoning Petition: 2017-193 by Mazen Chakra

Location: Approximately 4.61 acres located west of Plaza Road Extension, east of I-485 at the Mecklenburg/Cabarrus County Line. (Outside City Limits)

Current Zoning: R-3 (single family residential)

Proposed Zoning: R-8MF (multi-family residential)

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2017-193 PHstaff 3-19-18 done.pdf](#)

12. Rezoning Petition: 2017-196 by RI Charlotte Property, LP

Location: Approximately 2.5 acres located on the west side of North Tryon Street, south of East W.T. Harris Boulevard. (Council District 4 - Phipps)

Current Zoning: O-6(CD) (office, conditional)

Proposed Zoning: MUDD-O (mixed use development, optional)

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plans

[2017-196 PHstaff 03-01-2018 done.pdf](#)

[2017-196 RevSitePlan 02-13-2018](#)

[Previously Approved Cover Page](#)

[2017-196 Prev approved 1991-049 approval](#)

[Previously Approved Cover Page](#)

[2017-196 Prev 1984-008C approved site plan](#)

13. Rezoning Petition: 2017-197 by Woda Group, Inc.

Location: Approximately 7.05 acres located on the east side of South Tryon Street., north of Shopton Road West. (Council District 3 - Mayfield)

Current Zoning: R-3 (single family residential)

Proposed Zoning: R-12MF(CD) (multi-family residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to density, transportation, and tree save.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2017-197 PH staff 3-19-18.done.pdf](#)

[2017-197 RevSitePlan 02-13-2018](#)

14. Rezoning Petition: 2017-198 by WaterWalk Real Estate Services, LLC

Location: Approximately 5.75 acres located on the south side of West Arrowood Road, west of I-77.
(Council District 3 - Mayfield)

Current Zoning: B-D(CD) (distributive business, conditional) and I-1 (light industrial)

Proposed Zoning: O-2(CD) (office, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to the 12-foot trail along Arrowood Road.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previous Approved Site Plan

[2017-198 PH staff 3-19-18 DONE.pdf](#)

[2017-198 RevSitePlan 02-13-2018](#)

[Previously Approved Cover Page](#)

[2017-198 Approved Plan 1984-028C](#)

15. Rezoning Petition: 2017-199 by Crescent Communities, LLC

Location: Approximately 3.50 acres bounded by E. Stonewall Street, South Tryon Street, South College Street and East Hill Street. (Council District 1 - Egleston)

Current Zoning: UMUD (uptown mixed use) and UMUD-O (uptown mixed use, optional)

Proposed Zoning: UMUD-O (uptown mixed use, optional) and UMUD-O SPA (uptown mixed use, optional, site plan amendment)

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

[2017-199 PH 03-19-2018-done.pdf](#)

[2017-199 RevSitePlan 02-13-2018](#)

[Previously Approved Cover Page](#)

[2017-199 previously approved plan 2014-079](#)

16. Rezoning Petition: 2017-200 by Hornet Moving, LLC

Location: Approximately 1.62 acres located on the north side of West Craighead Road, east of North Graham Street. (Council District 1 - Egleston)

Current Zoning: I-1 (light industrial)

Proposed Zoning: I-2(CD) (general industrial, conditional)

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2017-200 PHstaff 03-01-2018 done.pdf](#)

[2017-200 RevSitePlan 02-13-2018](#)

POLICY**17. City Manager's Report****18. Amend the 2018 City Council Meeting Schedule****Action:**

Approve the amendment to the 2018 City Council and Budget Meeting Schedule.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- North Carolina General Statute 143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule shall be posted to the City's Web site. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- The following meeting will be added to the 2018 Meeting Schedule:
 - April 30, 2018, 3:00 p.m., Legislative Action Review with the Mecklenburg County State Delegation, Charlotte-Douglas International Airport.
- The annual Chamber Inter City Visit has been scheduled for the following dates and location:
 - June 20-22, 2018, Chamber Inter City Visit, Atlanta, Georgia.

Attachment(s)

Amended 2018 City Council Meeting Schedule

[2018 Council and Budget Mtg Calendar Final.Amended.pdf](#)

BUSINESS

19. Approval of the Refunding of Water Sewer Revenue Bonds and Revenue Bond Anticipation Notes

Action:

- A. Adopt a bond order and resolution that makes certain Statements of Fact concerning the refunding of Water Sewer Revenue Bonds and Revenue Bond Anticipation Notes (BAN),
- B. Provide for the issuance of Water Sewer Revenue Bonds in an amount not to exceed \$470 million to refund outstanding 2008 Revenue Bonds and 2015 BAN, and
- C. Authorize City Officials to take necessary actions to complete the financing, including making the application to the Local Government Commission.

Staff Resource(s):

Randy Harrington, Management and Financial Services

Angela Lee, Charlotte Water

Explanation

- This action provides for the refunding of both the 2008 revenue bonds and the 2015 BAN. The 2008 bonds are being refinanced at a lower rate to achieve savings. The 2015 BAN is replacing short-term debt with long-term permanent debt.
- In 2008 revenue bonds for water and sewer projects totaling \$343 million were issued at a fixed rate. Approximately \$288 million are outstanding and currently available for refunding.
- In 2015 the City obtained a \$180 million BAN to fund projects on an interim basis and planned to convert it to permanent debt at the end of the twenty-four to thirty-six month construction period.
- The projects being funded by this refunding are concerned with water/sewer improvements and expansion.
- This action does not require future rate increases.
- In early fiscal year 2019 there will be a request for Council to authorize a new program to provide construction period funding for upcoming water and sewer capital improvements.

Fiscal Note

Funding: Water Sewer Debt Service Fund

Attachment(s)

Bond Order

Resolution

[Resolution](#)

[Bond Order](#)

20. Mayor and City Council Topics

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

CONSENT

21. Police Crime Lab Gas Chromatograph/Mass Spectrometer

Action:

- A. Approve the purchase of a Gas Chromatograph/Mass Spectrometer, as authorized by the sole source exemption of G.S. 143-129 (e)(6),**
- B. Approve a contract with Agilent Technologies for the purchase of a Gas Chromatograph/Mass Spectrometer for the term of one year, and**
- C. Authorize the City Manager to renew the contract for up to two, one-year renewal terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Kerr Putney, Police

Bruce Bellamy, Police

Matthew Mathis, Police

Sole Source Exemption

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because the requested product is essential in maintaining standardization and the use of another product would require considerable time and money to implement and evaluate.
- The City Council must approve purchases made under the sole source exception.

Explanation

- The Gas Chromatograph/Mass Spectrometer instrument is used to identify controlled substances in suspected drug cases and to test fire debris evidence in arson cases.
- The new purchase would replace the existing Gas Chromatograph/Mass Spectrometer that has passed its life expectancy and usefulness.
- Annual expenditures under the contract are estimated to be \$106,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Police Asset Forfeiture

22. Medical Supplies for Animal Care and Control

Action:

- A. Award a unit price contract to the lowest responsive bidder MWI Veterinary Supply for the purchase of medical supplies for one year, and**
- B. Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Kerr Putney, Police

Charles Bannerman, Police

Explanation

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

Charlotte Business INclusion

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

Fiscal Note

Funding: Police Operating Budget

23. Charlotte-Mecklenburg Police Department Neighborhood Survey

Action

- A. Approve a contract with The Research and Evaluation Group LLC (EvalGroup) to conduct the Charlotte-Mecklenburg Police Department's Neighborhood Survey for three years, and
- B. Authorize the City Manager to renew the contract for up to two, one-year terms and amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

Kerr Putney, Police

Kellie High-Foster, Police

Paul Paskoff, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD), since 2002, has conducted a jurisdiction-wide community survey to examine perceptions of crime and safety.
- EvalGroup will conduct a survey in identified neighborhoods and business corridors to measure various categories including community involvement, perceptions of safety, procedural justice, performance, individual contact, issues, and overall satisfaction of policing services.
- The survey will allow CMPD to focus on the targeted neighborhoods and business corridors to provide a focused approach to address issues identified by the survey. Targeted corridors include:
 - Beatties Ford Corridor (Metro Division)
 - Tuckaseegee Corridor (Freedom Division)
 - North Tryon Corridor (Metro Division)
 - Albemarle Road Corridor (Hickory Grove Division and Eastway Division)
 - I-85/Sugar Creek Corridor (North Tryon Division)
 - Providence Road Corridor (Providence Division and South Division)
- The City issued a Request for Proposals (RFP) for Citizen Survey Services on October 12, 2017. In response to the RFP, the City received nine proposals from interested service providers.
- EvalGroup best met the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements including a web based survey as the primary mode of data collection, a mail-in survey as a secondary mode of data collection, and taking advantage of community events to conduct in-person surveys of residents and business owners.
- Annual expenditures are estimated to be \$60,166.

Charlotte Business INclusion

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

Fiscal Note

Funding: Police Operating Budget

24. Scaleybark Development Agreements Amendment for Extension of Time

Action:

Approve a 60-day extension to the General Development Agreement with Scaleybark Partners, LLC to extend the development completion obligations to May 29, 2018.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

John Lewis, CATS

Explanation

- In June 2007, City Council approved a Purchase and Sale Agreement, and additional related agreements, with Scaleybark Partners, LLC ("Developer") for the sale of 16 acres of land to construct a transit-oriented development at the LYNX Scaleybark Light Rail Station. The Developer closed on the property, located at 3804 South Boulevard in Council District 3, on February 29, 2008.
- The original scope of the development agreements included:
 - Completion of 80 affordable housing units to serve households at or below 60 percent of the area median income,
 - Completion of a temporary Park and Ride facility for CATS riders,
 - Completion of a permanent Park and Ride facility for CATS riders,
 - Installation of open space at Linear Park, and
 - Completion of streetscape improvements along South Boulevard bordering the property.
- To date, the Developer has accomplished the following:
 - Master-planned the development to include office space, retail, hotel rooms, and multifamily and townhome units,
 - Completed the temporary Park and Ride facility,
 - Completed the Linear Park open space,
 - Completed the streetscape improvements along South Boulevard, and
 - Completed, in cooperation with the city, a master storm water detention pond.
- The outstanding items the Developer must deliver are 80 units of affordable housing and the permanent Park and Ride facility.
- Staff requests a 60-day extension in order to renegotiate the existing deadlines with the Developer and to finalize the development agreement for the Scaleybark Development.
- Once negotiations are complete, staff will return to Council on or before May 29, 2018, to review and approve the amended and restated development agreements.

Attachment(s)

Map

[Scaleybark Development Map](#)

25. Cooperative Purchasing Contract for Cleaning Supplies and Equipment

Action:

- A. Approve the purchase of cleaning supplies and equipment from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3),
- B. Approve a unit price contract with SupplyWorks for the purchase of cleaning supplies and equipment for a term of three years under U.S. Communities Government Purchasing Alliance contract #17-21, dated November 1, 2017, and
- C. Authorize the City Manager to extend the contract for an additional one-year terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.

Staff Resource(s):

Randy Harrington, Management and Financial Services

Kay Elmore, Management and Financial Services

Explanation

- City departments routinely need a wide variety of supplies and equipment for regular cleaning, sanitation, and maintenance of facilities, fire trucks, equipment, and personal protection apparatus.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs, all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise that can be utilized on a local, regional, and national level.
- SupplyWorks has a contract awarded by Fresno County, CA, through U.S. Communities Government Purchasing Alliance that offers competitively-obtained contracts to public agencies nationwide.
- Annual expenditures are estimated to be \$250,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Department Operating Budget

26. Public Auction for Disposal of Surplus Equipment

Action:

- A. Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus,**
- B. Authorize said items for sale by public auction on April 7, 2018, and**
- C. Authorize the City Manager to approve certain administrative and storage fees as may be required from time to time for auction events.**

Staff Resource(s):

Randy Harrington, Management and Financial Services

Kay Elmore, Management and Financial Services

Explanation

- Pursuant to North Carolina General Statute 160A-270(b), approval is requested for a public auction as follows.
- On April 7, 2018, at 9:00 a.m. to dispose of city-owned property declared as surplus.
- Management and Financial Services provides asset recovery and disposal services to city departments, Mecklenburg County, Emergency Management Services, and the Charlotte Housing Authority.
- Auctions are conducted at the city's Asset Recovery and Disposal facility located at 5550 Wilkinson Boulevard, in Council District 3.
- On January 11, 2016, Council approved a contract with Rogers Realty and Auction Company, Inc. for auctioneer and related services as the result of a competitive selection process.
- The auction company will be compensated 8.5 percent of the total gross sale price of rolling stock and miscellaneous items through auction proceeds.
- Proceeds from the auction are distributed to the city's General Fund and the city's Enterprise Funds, (Aviation, Charlotte Water, and CATS), and other agencies based on asset ownership.

Attachment(s)

Property Lists (Exhibit - A city owned property)

Delegation of Authority

Resolution

[20180326 - 01 Rolling Stock auction \(Exhibit A\)](#)

[20180326 - 03 Rolling stock auction - Delegation of Authority](#)

[20180326- 02 Rolling stock auction - Resolution](#)

27. Oil, Lubricants, Fluids, and Coolant Contract Extension

Action:

Approve contract amendments for a term of six months for oil, lubricants, fluids, and coolants to the following:

- Brewer Hendley Oil,
- Isgett Distributors, and
- PetroChoice LLC (formerly Hagan Kennington Oil Company).

Staff Resource(s):

Randy Harrington, Management and Financial Services

Chris Trull, Management and Financial Services

Explanation

- On April 22, 2013, Council awarded unit price contracts for two years, with three additional one-year terms in the estimated annual amount of \$600,000. The City exercised each one-year renewal option. The contracts will expire on April 21, 2018.
- The contracts provide the City with engine oils, hydraulic fluids, transmission fluids, coolant, and other lubricants for the normal, customary, and preventive maintenance schedules of vehicles and equipment in the City's Fleet, including, but not limited to, Fire Apparatus, Police vehicles, sedans, medium trucks, heavy trucks, construction equipment, and other City Fleet assets.
- A six month extension to the current contracts is needed to allow for the completion of a competitive solicitation process designed to optimize the product and delivery methodology of auto and equipment supplies and parts across the City.
- Combined contract expenditures are estimated to be \$350,000.

Fiscal Note

Funding: Management and Financial Services Operating Budget

28. Private Developer Funds Appropriation

Action:

A. Approve Developer Agreements with the following companies for traffic signal installations and improvements:

- Haven Campus Communities-Charlotte LLC,
- 521 Partners LLC,
- LMV Block 42 Holdings, LP,
- 10th & Seigle Ave., LLC,
- KP Development, LLC,
- NCCFA1, LLC,
- DC Charlotte Plaza, LLLP,
- High Family Partnership, I LP, and
- Columbia Cochran Commons, LLC.

B. Adopt a budget ordinance appropriating \$487,632 in private developer funds for traffic signal installations and improvements.

Staff Resource(s):

Liz Babson, Transportation
Charles Abel, Transportation

Explanation

- Private developer agreements and funds appropriations are needed when a developer is required through the City rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the City's initiation of work.
- The \$487,632 in private developer funding is for traffic signals, traffic signal modifications and/or upgrades, and other related work associated with developer projects. The funding is restricted to the projects noted below.
- The following developers are fully funding traffic signal modifications and improvements to mitigate traffic impacts around their respective development projects:
 - Haven Campus Communities-Charlotte LLC contributed \$9,500 for traffic signal modifications at the intersection of University City Boulevard and Suther Road (Council District 4).
 - 521 Partners LLC contributed \$91,000 for traffic signal modifications at the intersections of Providence Road West and Highway 521, and Providence Road West and Lancaster Highway (Council District 7).
 - LMV Block 42 Holdings, LP contributed \$92,087 for traffic signal modifications to include a new mast arm at 9th Street and College Street (Council District 1).
 - 10th and Seigle Avenue, LLC contributed \$5,000 for traffic signal modifications at the intersection of 10th Street and Seigle Avenue (Council District 1).
 - KP Development, LLC contributed \$27,000 for traffic signal modifications at the intersection of Tuckaseegee Road and Queen City Drive (Council District 3).
 - NCCFA1, LLC contributed \$45,600 for traffic signal modifications at Prosperity Church Road and Ridge Avenue (Council District 4).
 - DC Charlotte Plaza LLLP contributed \$177,445 for a new traffic signal at S. Tryon Street, Camden Road and W. Summit Street (Council District 1).
 - High Family Partnership, I LP contributed \$20,000 for a new traffic signal at Mallard Creek Church Road and David Taylor Drive (Council District 4).
 - Columbia Cochran Commons, LLC contributed \$20,000 for a new traffic signal at Mallard Creek Church Road and David Taylor Drive (Council District 4).
- The signals are required to meet the same criteria as other traffic signals approved by the City.
- Payments made by the developer are in response to estimates of work prepared by the Charlotte Department of Transportation (CDOT) and supplied to the developer.
- Any funding contributed by the developer for a signal project 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 systems in the area.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map

Budget Ordinance

[Map 157390 Private Developer Funds Appropriation](#)

[Budget Ordinance CDOT 3.26.2018 Agenda](#)

29. Resolution of Intent to Abandon a Portion of E. 16th Street

Action:

A. Adopt a Resolution of Intent to abandon a portion of E. 16th Street, and

B. Set a public hearing date for April 23, 2018.

Staff Resource(s):

Liz Babson, Transportation

Jeff Boenisch, Transportation

Policy

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The portion of E. 16th Street is located in Council District 1.

Attachment(s)

Map

Resolution

[CityCouncilROWAbandonmentMap 2017-09 2](#)

[Resolution of Intent to Close a portion of E. 16th Street](#)

30. Resolution of Intent to Abandon a Residual Portion of Dearmon Drive

Action:

- A. Adopt a Resolution of Intent to abandon a residual portion of Dearmon Drive, and**
- B. Set a public hearing date for April 23, 2018.**

Staff Resource(s):

Liz Babson, Transportation
Jeff Boenisch, Transportation

Policy

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The residual portion of Dearmon Drive is located in Council District 1.

Attachment(s)

Map
Resolution

[City Council Map Portion of Dearmon Drive](#)

[Resolution of Intent to Close a residual portion of Dearmon Drive](#)

31. Resolution of Intent to Abandon an Alleyway off of Dotger Avenue

Action:

- A. Adopt a Resolution of Intent to abandon an alleyway off of Dotger Avenue, and**
- B. Set a public hearing date for April 23, 2018.**

Staff Resource(s):

Liz Babson, Transportation
Jeff Boenisch, Transportation

Policy

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The alleyway off of Dotger Avenue is located in Council District 1.

Attachment(s)

Map
Resolution

[City Council Map Alleyway off of N. Dotger Avenue](#)

[Resolution of Intent to Close an Alleyway off of N. Dotger Avenue](#)

32. Resolution of Intent to Abandon an Unopened Right-of-Way between Bullard Street and Joy Street

Action:

- A. Adopt a Resolution of Intent to abandon an unopened right-of-way between Bullard Street and Joy Street, and**
- B. Set a public hearing date for April 23, 2018.**

Staff Resource(s):

Liz Babson, Transportation
Jeff Boenisch, Transportation

Policy

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The unopened right-of-way between Bullard Street and Joy Street is located in Council District 3.

Attachment(s)

Map
Resolution

[City Council Map Unopened Street between Bullard and Joy Street](#)

[Resolution of Intent to Close an unopened right-of-way between Bullard Street and Joy St](#)

33. Resolution of Intent to Abandon an Unopened Right-of-Way off of Duckworth Avenue

Action:

- A. Adopt a Resolution of Intent to abandon an unopened right-of-way off of Duckworth Avenue, and**
- B. Set a public hearing date for April 23, 2018.**

Staff Resource(s):

Liz Babson, Transportation

Jeff Boenisch, Transportation

Policy

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The unopened right-of-way off of Duckworth Avenue is located in Council District 2.

Attachment(s)

Map

Resolution

[City Council Map Unopened Street off of Duckworth Avenue](#)

[Resolution of Intent to Close an unopened right-of-way off of Duckworth Avenue](#)

34. Resolution of Intent to Abandon an Unopened Right-of-Way off of Mingus Cabin Lane

Action:

- A. Adopt a Resolution to of Intent to abandon an unopened right-of-way off of Mingus Cabin Lane, and**
- B. Set a public hearing date for April 23, 2018.**

Staff Resource(s):

Liz Babson, Transportation
Jeff Boenisch, Transportation

Policy

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- An unopened right-of-way off of Mingus Cabin Lane is located in Council District 2.

Attachment(s)

Map
Resolution

[City Council Map Unopened Street off of Mingus Cabin Lane](#)

[Resolution of Intent to Close an Unopened Right-of-Way off of Mingus Cabin Lane](#)

35. CATS Blue Line Extension Landscape Maintenance Service Contracts

Action:

Approve landscaping maintenance contracts with Champion Landscapes Inc. for CATS Blue Line Extension North and South contracts for a three-year term.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Quin Hall, Engineering and Property Management

Explanation

- The CATS Blue Line Extension North and South landscape maintenance contracts will provide continuous landscape maintenance services for City-owned facilities and properties along the Blue Line Extension.
- Work will include grounds maintenance, turf maintenance, shrub maintenance, groundcover maintenance, perennial maintenance, trash and debris removal, storm debris pickup, irrigation maintenance/repair/operation, snow and ice removal, tree maintenance and mulching, pesticide, and herbicide application.
- The CATS Blue Line Extension North contract will total \$533,715, and it includes five station platform areas, two parking decks, four linear miles of planted medians including Tom Hunter Station, University City Boulevard Station, University City Boulevard Parking Deck, McCullough Station, JW Clay Parking Deck and Station, UNCC Campus Station and North Tryon Medians from Old Concord Road to JW Clay Station (located in Council District 4).
- The CATS Blue Line Extension South contract will total \$394,680, and it includes six station platform areas, one parking deck, one park and ride lot, one rail maintenance facility including Old Concord Road Park and Ride, Sugar Creek Station and Parking Deck, 36th Street Station, 25th Street Station, North Yard Maintenance Facility, Parkwood Station and 9th Street Station (located in Council District 1).
- On December 19, 2017, a Request for Proposals was advertised; four proposals were received from interested service providers.
- Champion Landscapes Inc. best meets the City's needs in terms of qualifications, experience, cost and responsiveness to RFP requirements.
- Total contract expenditures are \$928,395 over the three year term.
- Work is anticipated to begin in April 2018.

Charlotte Business INclusion

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

Fiscal Note

Funding: CATS reimburses Engineering and Property Management for landscape management services on CATS facilities and properties.

[Location Map - CATS Blue Line Extension Landscape Maintenance Service Co...](#)

36. Rose Valley Drive Storm Water Improvement Project

Action:

Award a contract in the amount of \$1,411,105.30 to the lowest responsive bidder Hall Contracting Corporation for the Rose Valley Drive Storm Water Improvement Project.

Staff Resource(s):

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

Explanation

- This project will address failing storm drainage systems on Rose Valley Drive, Stonewood Drive and Brookhaven Road. It is located in Council District 6.
- Work will include the installation of 1,665 linear feet of concrete pipe, 100 linear feet of pipe lining, associated drainage structures, curb, gutter and asphalt paving.
- On January 22, 2018, the City issued an Invitation to Bid; six bids were received from interested service providers.
- Hall Contracting Corporation was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed in second quarter 2019.

Charlotte Business INclusion

Established SBE Goal: 20.00%

Committed SBE Goal: 22.67%

Hall Contracting Corporation exceeded the established subcontracting goal, and has committed 22.67% (\$319,897.56) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Trull Contracting (SBE) (asphalt) (\$114,794.25)
- On Time Construction (SBE, MBE) (concrete) (\$70,798.70)
- Silverback Brothers (SBE, MBE) (hauling) (\$66,338.25)
- All Points Trucking (SBE) (hauling) (\$41,570.74)
- Bird Dog Traffic Control (SBE) (traffic control) (\$12,300.62)
- Whitesell Trucking (SBE) (clearing/grubbing) (\$10,900)
- A-1 Precision Fence (SBE) (fencing) (\$3,195)

Established MBE Goal: 7.00%

Committed MBE Goal: 9.72%

Hall Contracting Corporation exceeded the established subcontracting goal, and has committed 9.72% (\$137,136.95) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction (MBE, SBE) (concrete) (\$70,798.70)
- Silverback Brothers (MBE, SBE) (hauling) (\$66,338.25)

Fiscal Note

Funding: Storm Water Community Investment Plan

Attachment(s)

Map

[Location Map - Rose Valley Drive Storm Water Improvement Project](#)

37. Doby Creek Sanitary Sewer Improvements Construction Administration Contract

Action:

Approve a professional services contract for \$708,760 with Hazen and Sawyer for construction administration services.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- The Doby Creek gravity sewer serves residences, businesses, and schools along the I-85 corridor between West Sugar Creek Road and the Mallard Creek Greenway in University area (City Council District 4).
- The area serviced by this gravity sewer line has seen a high rate of infill development and changes in land use related to the redevelopment along the Blue Line Extension.
- The gravity sewer is approximately 45 years old and cannot accommodate projected flows within this high growth area.
- In order to address capacity concerns, the project includes the replacement of almost three miles of 10, 12, and 15 inch diameter gravity sewer.
- On August 3, 2016, Charlotte Water issued a Request for Qualifications (RFQ) for Professional Engineering Services for Miscellaneous Sanitary Sewer Improvement Projects. In response to the RFQ, Charlotte Water received 16 proposals from interested professional service providers for the five projects listed in the RFQ. The Doby Creek Sanitary Sewer Improvements was one of the five projects listed in the RFQ.
- Hazen and Sawyer 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.
- On November 28, 2016, City Council approved a contract with Hazen and Sawyer for planning, preliminary design, and final engineering design services for the Doby Creek Sanitary Sewer Improvements project.
- This contract provides engineering services for the construction phase and includes inspection services as well as construction materials testing.
- This phase of the project is anticipated to be completed by the third quarter of 2019.

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). Hazen and Sawyer has committed 12.27% (\$87,000) of the total contract amount to the following certified firm:

- Survey & Mapping Control, Inc. (SBE) (\$86,000) (field survey and preconstruction staking)
- Mid-Carolina Reprographics, LLC (SBE, WBE) (\$1,000) (reproduction)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[RCA Map](#)

38. Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements Construction Administration Contract

Action:

Approve a professional services contract for \$523,800 with STV Engineers, Inc. for construction administration services.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- The Little Sugar Creek Tributary to Fairview Road gravity sewer line parallels Tyvola Road and Fairview Road, on the south, from Piedmont Row Drive to the Lower Sugar Creek Gravity Sewer Outfall in Park Road Park. This gravity sewer line serves homes and businesses located in the SouthPark area of Charlotte (City Council District 6).
- The area serviced by this gravity sewer line has seen a high rate of infill development and land use changes since it was designed and constructed in the 1960s. The projected sewer flows from proposed developments in the area indicates that additional sewer capacity is needed and the gravity sewer line must be upsized.
- In order to address capacity concerns, the project includes the replacement of approximately 6,000 linear feet of 8, 10, and 12 inch diameter gravity sewer.
- Council has taken several actions to approve a five-year reimbursable contract with a developer for replacing a sanitary sewer outfall necessary to serve a development in the SouthPark area. A contract for design of this sanitary sewer improvement has also been approved.
- On August 3, 2016, Charlotte Water issued a Request for Qualifications (RFQ) for Professional Engineering Services for Miscellaneous Sanitary Sewer Improvement Projects. In response to the RFQ, Charlotte Water received 16 proposals from interested professional service providers.
- STV Engineers, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The contract provides engineering services for the construction phase and includes inspection services as well as construction materials testing.
- This phase of the project is anticipated to be completed by the first quarter of 2019.

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). STV Engineers, Inc. has committed 36.08% (\$189,000) of the total contract amount to the following certified firm:

- DiCon Consulting PC (SBE) (\$189,000) (construction inspection services)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[RCA Map](#)

39. Construction Manager at Risk Services for the Doby Creek and Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvement Projects

Action:

Award a contract in the amount of \$29,626,256 to the Construction Manager at Risk, Garney Companies, Inc., for the construction phase of the Doby Creek and Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvement projects.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- Charlotte Water maintains and plans improvements for approximately 4,300 miles of sewer lines for the City.
- The gravity sewer lines along Doby Creek in University area (City Council District 4) and the Little Sugar Creek tributary near Fairview Road at Southpark (City Council District 6) are nearing their conveyance capacity and cannot accommodate increased flows within the respective service areas.
- Properties served by these gravity sewer lines have been rezoned for high density developments (townhomes, hotels, senior living facilities, apartments, etc.) on parcels that were single-family or agricultural land when the lines were installed. It is necessary to upsize these lines to accommodate the projected flows from these high growth areas.
- Council has taken several actions to approve a five-year reimbursable contract with a developer for replacing a sanitary sewer outfall necessary to serve a development in the Southpark area. Contracts for design of these sanitary sewer improvements have also been approved.
- The City has selected the Construction Manager at Risk (CMAR) project delivery method for these projects to provide more effective coordination, more certainty with project cost and schedule, and to better mitigate risks during construction.
- On April 13, 2017, Charlotte Water issued a Request for Qualifications; two responses were received from interested service providers.
- Garney Companies, Inc. was selected and best meets the City's needs in terms of experience.
- The contract with Garney Companies, Inc. is for Construction Phase Services, including coordination of all construction activities, managing all subcontractors, delivering the project in collaboration with the City and the engineering design consultant.
- Garney Companies, Inc., as the CMAR, will not be allowed to self-perform the construction work. The company has competitively bid the work to subcontractors.
- Garney Companies, Inc. will be responsible for managing the subcontractors' work and delivering the project on schedule and on budget.
- The project is anticipated to be completed by third quarter of 2019.

Charlotte Business INclusion

The City has established an overall project goal of 10% MSBE (\$2,962,625.60). Because this is a Construction Manager at Risk project, the Construction Manager has the opportunity to add on Small Business Enterprise (SBE) and Minority Business Enterprise (MBE) firms throughout the life of the project. Therefore, Charlotte Water will not have a final calculation of MSBE achievement until the end of the project. However, Charlotte Water will continue to work closely with Garney Companies, Inc. throughout the life of this project to ensure that every effort is made by the contractor to maximize MSBE participation.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[RCA Map](#)

40. Mallard Creek Wastewater Treatment Process Improvements Engineering Services

Action:

Approve a contract in the amount of \$2,800,000 with Black & Veatch International Company for professional engineering services.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- The Mallard Creek Wastewater Treatment Plant (WWTP) is located on US Highway 29 North, near the Mecklenburg County line (City Council District 4), and serves the northeast area of the County.
- The Mallard Creek WWTP relies on solids removal, biological treatment, filtration, and disinfection to treat wastewater and meet permit requirements. The solids removal, filtration, and disinfection equipment and infrastructure are at the end of their lifecycle and are in need of replacement.
- Professional engineering services are required to provide design, bidding phase, and construction administration and inspection services to upgrade and improve these two processes.
- On August 2, 2017, the City issued a Request for Qualifications; two proposals were received from interested service providers.
- Black & Veatch International Company was determined to be the best qualified firm to meet the City's needs in terms of demonstrated competence and professional services qualifications for this Project.
- It is anticipated that the City Council will be asked to approve a construction contract in second quarter 2019.

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). Black & Veatch International Company has committed 4.00% (\$112,000) of the total contract amount to the following certified firms:

- Joel E. Wood & Associates, PLLC (SBE) (\$75,000) (material testing services)
- The Survey Company (SBE) (\$25,000) (surveying)
- CITI, LLC (MBE) (\$12,000) (instrumentation and control system design)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Mallard Creek WWTP Map](#)

41. 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 (City Council District 2) 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 Inc. (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 Construction of Charlotte, 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
Good Faith Efforts Summary

[Gum Branch Map](#)

[GFE SummaryAttachment-GumBranchOutfall](#)

42. Contract Amendment for Gum Branch Outfall Inspection Services

Action:

Approve contract amendment #1 for \$204,146 to the Gum Branch Outfall Contract with Stantec Consulting Services Inc. for construction management services.

Staff Resource(s):

Angela Lee, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- The Gum Branch outfall is located in the Long Creek sewer basin (City Council District 2), and conveys wastewater flows from northwest Charlotte and northwestern Mecklenburg County to the McAlpine Creek Wastewater Treatment Plant.
- In order to address both the condition and capacity constraints of the outfall, the Gum Branch project includes the construction of approximately 5,600 linear feet of 30 inch gravity sewer and 4,400 linear feet of 24 inch gravity sewer.
- On June 13, 2016, City Council approved the original contract for engineering, construction administration and part-time construction inspection services in the amount of \$491,819.
- This amendment will cover full-time construction inspection services by Stantec Consulting Services Inc., as well as the additional duration needed to complete construction based on increased complexity of the project.
- The new contract amount including the contract amendment is \$695,965.

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 Community Investment Plan

Attachment(s)

Map

[Gum Branch Map](#)

43. Crescent Dixie River, LLC Reimbursable Sewer Construction Contract for the Beaverdam Creek West Branch Outfall Phase I Project

Action:

- A. Approve a five-year reimbursable contract with Crescent Dixie River, LLC for sewer construction of a portion of the Beaverdam Creek West Branch Outfall Phase I Project in support of the River District development, and**
- B. Adopt a budget ordinance appropriating \$270,000 from Crescent Dixie River, LLC.**

Staff Resource(s):

Angela Lee, Charlotte Water
David Czerr, Charlotte Water
Carl Wilson, Charlotte Water

Explanation

- Crescent, in partnership with Lincoln Harris, has purchased land on the west side of Mecklenburg County (adjacent to City Council District 3), to create a development known as River One, or the River District. This area is in need of water and sewer infrastructure to support the development.
- Charlotte Water will construct a 24 inch sewer along Beaverdam Creek. This project is included in the FY2018-22 Charlotte Water Community Investment Plan (CIP) with funding scheduled for Fiscal Year 2022.
- In accordance with the Water and Sewer Extension Policy, Crescent Dixie River, LLC has applied for a 5-Year Reimbursable Agreement to accelerate the project in the CIP.
- Crescent Dixie River, LLC has committed to donate surveying, design, and easements on land that they control with an addendum to the standard reimbursable agreement.
- The estimated total eligible cost of the contract is \$2,700,000. The final reimbursable cost will be known once construction bids are received. Once the engineering design services are complete for the project, staff will bring forth a construction contract to City Council for approval in the second quarter of 2019.
- The initial deposit required to be paid by the applicant is 10 percent of the estimated total eligible cost (\$270,000). A budget ordinance is required to accept the developer funds.
- Crescent Dixie River, LLC owns 33.4 percent of the land area in the basin that will be served by this project. In accordance with the Water and Sewer Extension Policy, Crescent Dixie River, LLC will be reimbursed 66.6 percent of the total eligible project costs in five equal annual payments starting one year after completion of construction.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map
Budget Ordinance

[Beaverdam Creek Vicinity Map](#)

[Ordinance-Crescent Dixie River](#)

44. Contract Amendment to Reimbursable Contract with Bridges at Mint Hill LLC

Action:

- A. Approve contract amendment #2 to the existing sewer reimbursable contract with the Bridges at Mint Hill, LLC, and
- B. Adopt a budget ordinance appropriating \$2,934,698 from Bridges at Mint Hill, LLC.

Staff Resource(s):

Angela Lee, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- The City of Charlotte entered into a five-year reimbursable contract with the Bridges at Mint Hill LLC in the amount of \$3,305,220 on October 28, 2014.
- The original contract was designed to have the Bridges at Mint Hill LLC provide funding for the construction of a wastewater lift station and associated force main and gravity sewers in The Town of Mint Hill in the Goose Creek basin.
- The City has determined that it would be best to combine the Goose Creek lift station and the Stevens Creek basin lift station into one facility, which will reduce future operating and maintenance cost. Funding for the Stevens Creek lift station is currently included within Charlotte Water's Community Investment Plan. Therefore, the two projects are going to be combined into one construction contract.
- The original contract requires the developer to fund the entire construction contract upon determination of the construction cost, however now that the total construction contract amount will include the additional cost to provide for the Stevens Creek lift station, this amendment will limit the Bridges at Mint Hill LLC cost to the original contract amount of \$3,305,220 for just the portion that would serve the Goose Creek basin, as originally agreed upon by all parties.
- Amendment #1 to the original contract was to allow the Bridges at Mint Hill LLC to select and contract with an engineer to design the original project. The original agreement was amended to remove these engineering costs from the project cost, as the selection did not go through a public qualifications based selection process. Amendment #1 was approved by City Council on the same date as the original contract.
- A budget ordinance is required to accept the remainder of the developer funds.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

Budget Ordinance

[RCA Map](#)

[Ordinance-Bridges of Mint Hill](#)

45. Irwin Creek Treatment Plant Phase 2 Project - Construction Change Order 2

Action:

Approve change order #2 for \$246,336 to Ulliman Schutte Construction, LLC for the Irwin Creek Treatment Plant Phase 2 Project.

Staff Resource(s):

Angela Lee, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- The Irwin Creek Wastewater Treatment Plant Project is located on Westmont Drive in West Charlotte (City Council District 3). It is one of the oldest treatment plants in Charlotte.
- Extensive renovations are ongoing with Ulliman Schutte Construction, LLC.
- There are three clarifier tanks that are part of the initial stage of the treatment process. These tanks are 65 years old and are being rehabilitated as part of the project. During construction, drain valves were found to be leaking and buried air lines were discovered. This project is within budget, and this change order represents additional scope to replace these valves and plug these lines for all three tanks to eliminate the potential for leakage.
- Change Order #2 price is \$246,336. The new total value of the contract is \$43,069,388.

Background

- The plant is currently undergoing extensive renovations known as the Irwin Creek Phase 2 Project. Construction will be completed in early 2020.
- On January 11, 2016, City Council awarded the low bid price of \$39,732,000 to Ulliman Schutte Construction, LLC.
- On May 22, 2017, City Council approved Change Order #1 in the amount of \$3,091,052 for additional secondary clarifier work.

Charlotte Business INclusion

All additional work involved in this Change Order will be performed by Ulliman Schutte Construction, LLC 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

[Irwin Creek WWTP Map](#)

46. Charlotte Water Generator Equipment

Action:

- A. **Approve the purchase of a generator, switchgear, fuel tank, silencer and other integral equipment for standby generator systems from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3) for Charlotte Water facilities,**
- B. **Approve a unit price contract with Carolina Tractor & Equipment Company for the purchase of one 750 kW standby generator including switchgear, fuel tank, silencer and other integral equipment, necessary for the generator systems for a term of one year under National Joint Powers Alliance Contract No. 080613-CAT dated September 17, 2013, and**
- C. **Approve a contract with Carolina Tractor & Equipment Company for a 10 year term for the preventative maintenance of one 750 kW generator.**

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Cooperative Purchasing Exemption

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

Explanation

- In June 2017, a Preliminary Engineering Report recommended that additional standby power capacity be added to the Environmental Services Facility (ESF) existing generator backup. The current generator does not provide sufficient power for the entire facility to run in the event of a power failure. Operation of the lab facility (City Council District 3) during times of power outage and other emergency are paramount to public health in the greater Charlotte area.
- Carolina Tractor & Equipment Company is the local authorized dealer for a contract awarded to Caterpillar Inc. by the National Joint Powers Alliance (NJPA) that offers competitively obtained contracts to public agencies nationwide (i.e. for utilities applications, public safety, etc).
- Pre-purchasing this generator through the NJPA contract will reduce construction time by as much as three to four months, as well as provide at least a 36 percent discount on the generator.
- G.S. 143-129 (e) (3) allows local government to make purchases through a competitive bidding group purchasing program, which is a formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies.
- The estimated cost for the purchase of the generator is \$374,118 with 10 years of preventative maintenance estimated to cost \$7,500 annually.
- Future council action will be needed to approve a construction contract in the late summer of 2018.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Community Investment Plan and Operating Budget

Attachment(s)

Map

[Environmental Services Facility](#)

47. 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 five-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 (City Council District 6).
- 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](#)

[RCA Map](#)

48. Charlotte Gateway Station Lease with Greyhound Lines, Inc.

Action:

- A. **Approve a ground lease agreement with Greyhound Lines, Inc., for their temporary operations on the City's property ("Main Block Parcel") located at 120 South Graham Street (parcel identification number 07315110) for a maximum term of six years at a lease rate of \$1 per year, and**
- B. **Adopt a resolution authorizing the City Manager to negotiate and execute all necessary documents to complete the lease agreement between the City and Greyhound Lines, Inc.**

Staff Resource(s):

John Lewis, CATS

John Muth, CATS

Explanation

Action A: Lease Agreement with Greyhound Lines, Inc. (Greyhound)

- Greyhound currently owns and operates their service from the parcel located at 601 West Trade Street (District 2) which is adjacent to the Main Block Parcel and in conflict with the Charlotte Gateway Station (CGS) Project. Accordingly, NCDOT (CGS Project Partner) is in the process of acquiring the Greyhound property so that the first phase of the CGS construction may begin. NCDOT will be responsible for relocating the Greyhound operation to an interim location until Greyhound can be incorporated into the CGS Project.
- The current plan requires NCDOT to pay for the Greyhound relocation to the City Main Block Parcel, where they will operate out of a modular building in an interim condition. The Greyhound operation will occupy slightly less than one acre on the Main Block parcel.
- The Federal Railroad Administration TIGER Grant Agreement requires construction to be completed by July of 2022. Consequently, by entering into a \$1/year lease and relocating Greyhound to the adjacent City parcel, NCDOT and Greyhound can expedite the acquisition and relocation process to meet the CGS construction schedule and avoid the disruption of service impacts to Greyhound and their customers.
- Greyhound will be responsible for all insurance and utility costs and for any physical and monetary damages from operations on the Main Block Parcel.
- The City shall have the ability to terminate the lease early if Greyhound is in default.

Action B: Adopt a Resolution to enter into a lease agreement with Greyhound

- Authorize the City Manager to negotiate and execute all necessary documents to complete the lease transaction.
- Pursuant to Sec. 8.22 of the City of Charlotte Charter, the proposed terms of this transaction were published 10 days before the City Council meeting.

Attachment(s)

Resolution

[3-26 CATS Gateway Lease Resolution](#)

49. Airport Long Term 1 Parking Lot Expansion - Design Services Contract

Action:

- A. Approve a professional services contract in the amount of \$153,000 with Kimley-Horn & Associates, Inc. for design services of the Long Term 1 Parking Lot Expansion Project, and
- B. Adopt a budget ordinance appropriating \$153,000 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- Demand for public parking at the Airport has continued to increase as local passenger traffic increases.
- The Airport recently purchased and demolished the Homestead Lodge property, which is bordered by Long Term 1 and Wilkinson Blvd.
- Approximately 600 parking spaces will be added to the northern section of Long Term 1.
- Services provided with this contract include surveying, design, traffic control, utility coordination, and construction administration.
- On March 23, 2017, City issued a Request for Qualifications (RFQ) for General Engineering Consultant Task Order Services. In response to the RFQ, the City received 25 proposals from interested professional service providers.
- Kimley-Horn & Associates, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements, specifically related to traffic and transportation engineering.
- Construction is expected to begin in the fall of 2018.
- This activity is occurring on airport property, which is in Council District 3.

Charlotte Business INClusion

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

Kimley-Horn & Associates, Inc. has committed 17.81% (\$27,250) of the total contract amount to the following firm:

- James Mauney & Associates, PA (SBE) (\$27,250)(surveyor services; land)

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment(s)

Budget Ordinance

[Airport ORD032618 - Long Term 1 Parking Lot Expansion Design Services](#)

50. Airport Concourse A Phase II Expansion Environmental Assessment

Action:

- A. Approve a professional services contract in the amount of \$180,500 with Landrum and Brown Incorporated to prepare an Environmental Assessment for Concourse A Phase II Expansion,
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved, and
- C. Adopt a budget ordinance appropriating \$180,500 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- Phase II of this project will include construction of a second and third set of gates to expand the ramp area, ground servicing space, concession space, restrooms, moving sidewalks, etc.
- In accordance with Federal Aviation Administration guidelines, an environmental assessment is required to document the environmental impacts associated with this project.
- On March 23, 2017, the City issued a Request for Qualifications (RFQ) for On-Call Planning Services. In response to the RFQ, the City received statements of qualifications from interested service providers. Landrum and Brown best meets the City's needs in terms of qualifications, experience, and responsiveness to RFQ requirements for this project.
- This activity is occurring on airport property, which is in Council District 3.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment(s)

Budget Ordinance

[Airport ORD032618 - Concourse A Phase II Expansion Environmental Assessment](#)

51. Airport Crossfield Taxiway and De-Ice Pad Environmental Assessment

Action:

- A. Approve a professional services contract in the amount of \$204,740 with Landrum and Brown, Incorporated to prepare an Environmental Assessment for a Crossfield taxiway and de-ice pad, and
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The Airport is currently in the planning stages for the South Crossfield Taxiway and De-Ice Pad. These projects will both promote airfield efficiency and safety.
- Construction of the south crossfield taxiway will connect the east and west sides of the airfield to provide efficient aircraft flow. This taxiway will also relieve congestion on the air carrier ramp by separating military, general aviation, and cargo operations from the vicinity of the air carrier ramp to avoid delay.
- Construction of the de-ice pad will replace and augment the existing de-ice pad on the south cargo ramp that has been rendered unusable due to a large increase in air cargo service. De-ice pads are required for preparing aircraft during inclement winter weather.
- Per Federal Aviation Regulations, the Environmental Assessment will document the environmental impacts associated with construction of these projects.
- On March 23, 2017, the City issued a Request for Qualifications (RFQ) for On-Call Planning Services. In response to the RFQ, the City received statements of qualifications from interested service providers. Landrum and Brown best meets the City's needs in terms of qualifications, experience, and responsiveness to RFQ requirements for this project.
- This activity is occurring on airport property, which is in Council District 3.

Disadvantaged Business Enterprise

The City negotiates subcontracting participation after the proposal selection process.

Landrum & Brown, Inc. has committed 11.71% (\$23,970) of the total contract amount to the following certified firm:

- Legacy Research Associates (DBE) (\$23,970) (for background research on the impacted areas)

Fiscal Note

Funding: Aviation Community Investment Plan

52. Airport Identity Management System

Action:

- A. Approve a five-year contract with Intellisoft to provide and implement Identity Management System for Airport Credentialing,**
- B. Authorize the City Manager to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved,**
- C. Authorize the City Manager to purchase maintenance and support for as long as the City uses the system,**
- D. Authorize the City Manager to purchase such additional software licenses, services, and hardware for the City's use of the system as needed to support the safety and security of Airport operations, and**
- E. Adopt a budget ordinance appropriating \$855,200 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- In compliance with federal regulations, those employed at Charlotte Douglas International Airport (CLT) undergo a background check prior to being issued an identification badge.
- The Identity Management System (IDMS) will simplify and automate the badging process and permit tenants, those companies, such as HMS Host, who operate in and around the terminal and other secure areas to enroll their employees. This will allow credentialing staff to focus on increasing the efficiency of background check processing and compliance with federal regulations.
- On July 6, 2017, the City issued a Request for Proposals (RFP) for IDMS Implementation. In response to the RFP, the City received four proposals from interested service providers.
- Intellisoft best meets the City's needs in terms of responsiveness to RFP requirements, qualifications, experience, and cost.
- Under the contract, Intellisoft will provide the software, implementation, data migration, and support for the system.
- This activity is occurring on airport property, which is in Council District 3.

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: Aviation Community Investment Plan

Attachment(s)

Budget Ordinance

[Airport ORD032618 - Identity Management System](#)

53. Jetstream Ground Services Lease

Action:

- A. Approve a three-year lease with Jetstream Ground Services for office and cargo space located on Yorkmont Road, and
- B. Authorize the City Manager to extend the lease for two, one-year extensions, consistent with the purpose for which the lease was approved.

Staff Resource(s):

Brent Cagle, Aviation

Haley Gentry, Aviation

Explanation

- The Airport contracts with various tenants for space at the Airport.
- Jetstream performs ground handling services for various airlines including, but not limited to, interior servicing of aircraft for American Airlines.
- The total minimum annual estimated value of the lease is \$544,650 with annual base rent adjustments over the three-year term.
- This activity is occurring on airport property, which is in Council District 3.

54. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$44,792.90.

Staff Resource(s):

Randy Harrington, Management and Financial Services

Kay Elmore, Management and Financial Services

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested

Resolution Property Tax Refunds

[List of Taxpayers and Refunds Requested](#)[Resolution](#)

55. Meeting Minutes

Action:

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

- January 31-February 2, 2018, Council Retreat,
- February 5, 2018, Strategy Session,
- February 12, 2018, Business Meeting,
- February 19, 2018, Zoning Meeting, and
- February 21, 2018, Budget Workshop.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

56. In Rem Remedy: 3041 Reid Avenue

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

Public Purpose:

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

Policy:

- Housing and Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Field Observation: (3041 Reid Avenue, Council District 3)

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (3041 Reid Avenue) (Neighborhood Profile Area 159).

Attachment(s)

In Rem Packet for (3041 Reid Avenue)

[In Rem Remedy 3041 Reid Av.pdf](#)

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

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

Project: 25th Street Connection, Parcel #1

Owner(s): CTJ Properties, LLC

Property Address: 2200 North Brevard Street

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

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

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

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 083-053-04

Purchase Price: \$125,000

Council District: 1

58. Property Transactions - 5435 Hovis Road Sanitary Sewer, Parcel #2

Action: Approve the following Condemnation: 5435 Hovis Road Sanitary Sewer, Parcel #2

Project: 5435 Hovis Road Sanitary Sewer, Parcel #2

Owner(s): Windy Ridge Development, LLC

Property Address: Windy Valley Drive

Total Parcel Area: 36,035 sq. ft. (.827 ac.)

Property to be acquired by Easements: 1,918 sq. ft. (.044 ac.) in Sanitary Sewer Easement, plus 228 sq. ft. (.005 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 057-011-99

Appraised Value: \$450

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

Council District: 2

59. 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 permanent closure of one of the eight 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

60. Property Transactions - Goose Creek Pump Station, Parcel #17

Action: Approve the following Condemnation: Goose Creek Pump Station, Parcel #17

Project: Goose Creek Pump Station, Parcel #17

Owner(s): Richard H. Speight, Jr and Diane P. Speight

Property Address: 16217 Thompson Road

Total Parcel Area: 341,084 sq. ft. (7.830 ac.)

Property to be acquired by Easements: 8,266 sq. ft. (.19 ac.) in Sanitary Sewer Easement, plus 12,851 sq. ft. (.295 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees, various shrubs and plantings

Zoned: R

Use: Single-family Residential

Tax Code: 195-091-03

Appraised Value: \$8,375

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

City's Response to Property Owner's Concerns: Staff met onsite with property owner to address issues and informed the property owner that the City would restore and repair the areas impacted, and they could submit a counter offer with justification for review and consideration.

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: N/A (Mint Hill)

61. Property Transactions - Paw Creek Sanitary Sewer Outfall, Parcel #1

Action: Approve the following Condemnation: Paw Creek Sanitary Sewer Outfall, Parcel #1

Project: Paw Creek Sanitary Sewer Outfall, Parcel #1

Owner(s): LGI Homes - NC, LLC

Property Address: 6028 Loy Court

Total Parcel Area: 1,610,289 sq. ft. (36.967 ac.)

Property to be acquired by Easements: 41,168 sq. ft. (.945 ac.) in Sanitary Sewer Easement, plus 7,880 sq. ft. (.181 ac.) in Temporary Construction Easement, plus 1,727 sq. ft. (.04 ac.) in Existing Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Tax Code: 055-221-99

Appraised Value: \$6,650

Property Owner's Concerns: The property owner is concerned that this project will delay their development plans for the property.

City's Response to Property Owner's Concerns: City staff worked with the property owner to re-design the project alignment to minimize the impacts.

Outstanding Concerns: The property owner became unresponsive.

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

Council District: 3

62. Property Transactions - Paw Creek Sanitary Sewer Outfall, Parcel #15 and 16

Action: Approve the following Condemnation: Paw Creek Sanitary Sewer Outfall, Parcel #15 and 16

Project: Paw Creek Sanitary Sewer Outfall, Parcel #15 and 16

Owner(s): Lgi Homes - NC, LLC

Property Address: Paw Village Road

Total Parcel Area: 368,474 sq. ft. (8.459 ac.)

Property to be acquired by Easements: 56,504 sq. ft. (1.297 ac.) in Sanitary Sewer Easement, plus 1,675 sq. ft. (.038 ac.) in Temporary Construction Easement, plus 15,860 sq. ft. (.364 ac.) in Existing Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Tax Code: 055-223-38

Appraised Value: \$5,625

Property Owner's Concerns: The property owner is concerned that this project will delay their development plans for the property.

City's Response to Property Owner's Concerns: City staff worked with the property owner to re-design the project alignment to minimize the impacts.

Outstanding Concerns: The property owner became unresponsive.

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

Council District: 3

63. Property Transactions - Paw Creek Sanitary Sewer Outfall, Parcel #20

Action: Approve the following Condemnation: Paw Creek Sanitary Sewer Outfall, Parcel #20

Project: Paw Creek Sanitary Sewer Outfall, Parcel #20

Owner(s): Homeland Communities, Inc.

Property Address: Hunters Glen Drive

Total Parcel Area: 64,904 sq. ft. (1.490 ac.)

Property to be acquired by Easements: 1,417 sq. ft. (.033 ac.) in Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Tax Code: 055-172-75

Appraised Value: \$125

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

Council District: 3

64. Property Transactions - Paw Creek Sanitary Sewer Outfall, Parcel #21

Action: Approve the following Condemnation: Paw Creek Sanitary Sewer Outfall, Parcel #21

Project: Paw Creek Sanitary Sewer Outfall, Parcel #21

Owner(s): LGI Homes - NC, LLC

Property Address: Loy Court

Total Parcel Area: 344,211 sq. ft. (7.902 ac.)

Property to be acquired by Easements: 10,462 sq. ft. (.24 ac.) in Temporary Construction Easement, plus 55,181 sq. ft. (1.267 ac.) in Permanent Easement, plus 19,218 sq. ft. (.441 ac.) in Existing Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Commercial

Tax Code: 055-225-88

Appraised Value: \$6,700

Property Owner's Concerns: The property owner is concerned that this project will delay their development plans for this property.

City's Response to Property Owner's Concerns: City staff worked with the property owner to re-design the project alignment to minimize the impacts.

Outstanding Concerns: The property owner became unresponsive.

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

Council District: 3

65. Property Transactions - Rocky River Road Improvement, Parcel #16

Action: Approve the following Condemnation: Rocky River Road Improvement, Parcel #16

Project: Rocky River Road Improvement, Parcel #16

Owner(s): 2015-2 IH2 Borrower L.P

Property Address: 7501 Batavia Lane

Total Parcel Area: 16,123 sq. ft. (.370 ac.)

Property to be acquired by Easements: 3 sq. ft. (ac.) in Sidewalk and Utility Easement, plus 113 sq. ft. (.003 ac.) in Temporary Construction Easement, plus 3,330 sq. ft. (.076 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 049-231-09

Appraised Value: \$14,300

Outstanding Concerns: Property owner became unresponsive.

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: 4

66. Property Transactions - Rocky River Road Improvement, Parcel #17

Action: Approve the following Condemnation: Rocky River Road Improvement, Parcel #17

Project: Rocky River Road Improvement, Parcel #17

Owner(s): Cheri Catherine Wills

Property Address: 514 Blue Rock Drive

Total Parcel Area: 55,307 sq. ft. (1.270 ac.)

Property to be acquired by Fee: 3,836 sq. ft. (.088 ac.) in Fee Simple

Property to be acquired by Easements: 7,161 sq. ft. (.164 ac.) in Storm Drainage Easement, plus 676 sq. ft. (.016 ac.) in Utility Easement, plus 1,989 sq. ft. (.046 ac.) in Existing Drainage Accepted as Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 049-172-43

Appraised Value: \$7,375

Property Owner's Concerns: Property owner is concerned about the post construction condition of the property.

City's Response to Property Owner's Concerns: Staff informed the property owner that the City would restore and repair the areas impacted.

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: 4

67. Property Transactions - Rocky River Road Improvement, Parcel #19

Action: Approve the following Acquisition: Rocky River Road Improvement, Parcel #19

Project: Rocky River Road Improvement, Parcel #19

Owner(s): Hollis Samuel and Bridgette Samuel

Property Address: 7500 Batavia Lane

Total Parcel Area: 20,640 sq. ft. (.474 ac.)

Property to be acquired by Fee: 1,593 sq. ft. (.037 ac.) in Fee Simple

Property to be acquired by Easements: 6,990 sq. ft. (.16 ac.) in Utility Easement, plus 3,509 sq. ft. (.081 ac.) in Sidewalk Utility Retaining Wall Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 049-231-49

Purchase Price: \$20,650

Council District: 4

68. Property Transactions - Steele Creek Sanitary Sewer Improvements, Parcel #10

Action: Approve the following Acquisition: Steele Creek Sanitary Sewer Improvements, Parcel #10

Project: Steele Creek Sanitary Sewer Improvements, Parcel #10

Owner(s): FW Holdings, LLC

Property Address: 10421 South Tryon Street

Total Parcel Area: 397,002 sq. ft. (9.114 ac.)

Property to be acquired by Easements: 13,437.01 sq. ft. (.308 ac.) in Sanitary Sewer Easement, plus 6,867.61 sq. ft. (.158 ac.) in Access Easement, plus 998.99 sq. ft. (.023 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 203-162-02

Purchase Price: \$13,200

Council District: 3

69. Property Transactions - Steele Creek Sanitary Sewer Improvements, Parcel #11

Action: Approve the following Acquisition: Steele Creek Sanitary Sewer Improvements, Parcel #11

Project: Steele Creek Sanitary Sewer Improvements, Parcel #11

Owner(s): Dale McMichael and Juanita K. Love

Property Address: 10534 South Tryon Street

Total Parcel Area: 67,070 sq. ft. (1.540 ac.)

Property to be acquired by Easements: 7,367.74 sq. ft. (.169 ac.) in Sanitary Sewer Easement, plus 2,943.98 sq. ft. (.068 ac.) in Access Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-1

Use: Commercial

Tax Code: 201-181-34

Purchase Price: \$33,200

Council District: 3

70. Property Transactions - Stevens Creek Sanitary Sewer Phase 1, Parcel #8

Action: Approve the following Acquisition: Stevens Creek Sanitary Sewer Phase 1, Parcel #8

Project: Stevens Creek Sanitary Sewer Phase 1, Parcel #8

Owner(s): James R. Wiggins, Jr. and Mitzi C. Wiggins

Property Address: 15550 Thompson Rd

Total Parcel Area: 347,173 sq. ft. (7.970 ac.)

Property to be acquired by Easements: 21,957 sq. ft. (.504 ac.) in Sanitary Sewer Easement, plus 15,557 sq. ft. (.357 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R

Use: Single-family Residential

Tax Code: 195-171-55

Purchase Price: \$11,650

Council District: N/A (Mint Hill)

Adjournment

REFERENCES

71. 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.

72. 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.

73. 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.