

City of Charlotte

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



Meeting Agenda

Wednesday, May 30, 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. CITY COUNCIL BUSINESS MEETING, CHARLOTTE-MECKLENBURG
GOVERNMENT CENTER, CHAMBER**

Call to Order

Introductions

Invocation

Pledge of Allegiance

- 1. Consent agenda items 28 through 78 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

- A. Items that have not been pulled, and
- B. Items with citizens signed up to speak to the item.

POLICY

2. City Manager's Report

BUSINESS

3. Scaleybark Development Agreements Amendment

Action:

- A. Approve an amendment to the General Development Agreements with Scaleybark Partners, LLC (Developer), and**
- B. Authorize the City Manager to negotiate and execute the amendment.**

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services
John Lewis, CATS
Mike Davis, Engineering and Property Management
Tony Korolos, Engineering and Property Management

Explanation

- In June 2007, City Council approved a Purchase and Sale Agreement, and additional related agreements, with Scaleybark Partners, LLC 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 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 linear park/open space, and
 - Completion of streetscape improvements along South Boulevard bordering the parcel.
- To date, Scaleybark Partners, LLC 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 1) permanent Park and Ride facility and 2) 80 units of affordable housing.
- On March 26, 2018 staff requested and Council approved an additional extension of the agreement to late May to provide staff time to meet with the development team and determine path forward and amendments to the agreement.
- On May 14, 2018 staff provided an update of the discussions and outlined the proposed terms of a new agreement.
- The Developer obligations related to the parking facility are as follows:
 - Construct 315 parking spaces dedicated to transit riders,
 - Spaces are to be completed within 2 years of the establishment of necessary sewer capacity, and
 - A second temporary park ride facility will be constructed if needed during construction.
- The developer obligations related to the affordable housing are as follows:
 - Deed to the City a minimum of 2.3 acres of land adjacent to the Scaleybark Light Rail Station (Conveyed Land) subject to the following terms:
 - The value of the Conveyed Land must be at least \$2,400,000 (Minimum Appraised Value),
 - Land must be deeded to the City by August 31, 2018, and
 - The Developer will be required to pay any shortfall between actual appraised value and the Minimum Appraised Value.

Attachment(s)

Map

[Scaleybark Development Map](#)

4. Mayor and City Council Topics

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

PUBLIC FORUM

5. Public Forum

ZONING

6. Rezoning Petition: 2017-112 by Sweetgrass Residential Partners, LLC

Update: Petitioner is requesting deferral to June 18, 2018

Location: Approximately 28 acres located off South Tryon Street, east of Youngblood Road and west of Birnamwood Lane. (Council District 3 - Mayfield)

Current Zoning: R3 (single family residential)

Proposed Zoning: NS (neighborhood services) with five-year vested rights

[2017-112 Sweetgrass Residential Partners, LLC June 18th deferral](#)

7. Rezoning Petition: 2017-202 by Sinacori Builders, LLC

Location: Approximately 0.83 acres located at the intersection of Providence Road and Providence Church Road, north of Ballantyne Commons Parkway. (Council District 7 - Driggs)

Current Zoning: R-3 (single family residential)

Proposed Zoning: UR-2(CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design and transportation.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2017-202 PHstaff 5-21-18 done](#)

[2017-202 RevSitePlan 04-16-2018](#)

8. Rezoning Petition: 2017-203 by South End West Syndicate, LLC

Update: Petitioner is requesting deferral to June 18, 2018

Location: Approximately 0.75 acres located at the intersection of South Tryon Street and West Worthington Avenue, south of West Boulevard. (Council District 3 - Mayfield)

Current Zoning: B-1 (neighborhood business) and R-8 (single family residential)

Proposed Zoning: TOD-R(O) (transit oriented development-residential, optional)

[2017-203 South End West Syndicate June 18th Deferral](#)

9. Rezoning Petition: 2018-030 by JV Transport, Inc.

Update: Petitioner is requesting deferral to June 18, 2018

Location: Approximately 2.75 acres located on the east side of Northpointe Industrial Boulevard, north of North Hoskins Road. (Council District 2 - Harlow)

Current Zoning: I-1 (light industrial)

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

[2018-030 JV Transport June Deferral](#)

10. Rezoning Petition: 2018-018 by Unique Southern Estates, LLC

Location: Approximately 4.54 acres located on the east side of The Plaza, south of Belvedere Avenue. (Council District 1 - Egleston)

Current Zoning: R-5 (single family, residential), R-5 HD-O (single family residential, historic district overlay), and B-2(CD) HD-O (general business, conditional, historic district overlay)

Proposed Zoning: MUDD-O (mixed use development, optional), and MUDD-O HD-O (mixed use development, optional, historic district overlay), with five- year vested rights.

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, environment, and site design.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

[2018-18 Staff 052118 done](#)

[2018-18 RevSite Plan 041618](#)

[Previously Approved Cover Page](#)

[2018-18 Prev Approved 2000-017 approved site plan \(1\)](#)

11. Rezoning Petition: 2017-180 by JS Helms Family Properties, LLC

Location: Approximately 66.90 acres located on the north side of Albemarle Road and west of I-485. (Outside City Limits)

Current Zoning: R-3 (single family residential)

Proposed Zoning: NS (neighborhood services) and MX-1 (mixed use)

Staff Recommendation:

Staff does not recommend approval of this petition in its current form.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2017-180_staff_052118_done](#)

[2017-180_RevSitePlan_04-16-2018](#)

12. Rezoning Petition: 2017-100 by LAXMI Hotels Groups, Inc.

Location: Approximately 5.4 acres located on the east side of Little Rock Road between Tuckaseegee Road and Manderly Drive. (Council District 3 - Mayfield)

Current Zoning: B-1(CD) (neighborhood business, conditional) and R-3 (single family residential)

Proposed Zoning: O-1(CD) (office, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, environment, and site and building design.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

[PH 2017-100_05-21-2018_done](#)

[2017-100_RevSitePlan_04-16-2018](#)

[Previously Approved Cover Page](#)

[2017-100_Pre App 2013-017](#)

13. Rezoning Petition: 2017-204 by Ed Zespa

Location: Approximately 0.95 acres located on the west side of Nations Crossing Road, south of Old Pineville Road. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

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

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design, and requested technical revisions.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2017-204 PHstaff 05-21-2018 done](#)

[2017-204 RevSitePlan 04-16-2018](#)

14. Rezoning Petition: 2017-205 by Pope & Land Enterprises, Inc.

Location: Approximately 23.38 acres located on the north side of W. Tyvola Road, south of Yorkmont Road. (Council District 3 - Mayfield)

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

Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment), with five-year vested rights

Staff Recommendation:

Staff recommends approval of this petition upon the resolution of the outstanding issues related to transportation, site design and environment.

[2017-205 PHstaff 05-21-2018 done](#)

[2017-205 RevSitePlan 03-19-2018](#)

[Previously Approved Cover Page](#)

[2017-205 PrevApp 2007-82](#)

15. Rezoning Petition: 2018-007 by Charlotte/Engineering & Property Management

Location: Approximately 24.34 acres located at the intersection Beam Road and Shopton Road. (Council District 3 - Mayfield)

Current Zoning: B-2(CD) AIR (general business, conditional, Airport Noise Overlay)

Proposed Zoning: B-2(CD) SPA AIR (general business, conditional, site plan amendment, Airport Noise Overlay)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to environment, and site design.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

[PH 2018-007 05-21-2018 done](#)

[2018-007 RevSitePlan 04-16-2018](#)

[Previously Approved Cover Page](#)

[2018-007 Prev App 1999-079 \(1\)](#)

[2018-007 Prev App 1999-079 \(2\)](#)

16. Rezoning Petition: 2018-009 by Andrew J. Kalinoski

Location: Approximately 2.19 acres located on the west side of J.W. Clay Boulevard, north of W.T. Harris Boulevard. (Council District 4 - Phipps)

Current Zoning: CC (commercial center)

Proposed Zoning: B-1(TS) (neighborhood business, transit supportive overlay)

Staff Recommendation:

Staff recommends approval of this conventional petition.

Attachments:

Pre- Hearing Staff Analysis

Previously Approved Site Plan

[2018-09 staff 052118 done](#)

[Previously Approved Cover Page](#)

[2018-09 PREV APPROVED site pln 1992-064](#)

17. Rezoning Petition: 2018-013 by Westcore Properties, AC, LLC

Location: Approximately 6.27 acres located on the east side of Penninger Circle, south of Mallard Creek Road. (Council District 2 - Harlow)

Current Zoning: INST(CD) (institutional, conditional)

Proposed Zoning: RE-1(CD) (research, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and environment.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

[2018-013 PH Staff 05-21-2018 done](#)

[2018-013 RevSitePlan 03-14-2018](#)

[Previously Approved Cover Page](#)

[2018-013 Prev App 2010-069](#)

18. Rezoning Petition: 2018-016 by Michael Loeb

Location: Approximately 0.35 acres located at the intersection of East Sugar Creek Road and Anderson Street, south of The Plaza. (Council District 1 - Egleston)

Current Zoning: R-4 (single family residential)

Proposed Zoning: R-5 (single family residential)

Staff Recommendation:

Staff recommends approval of this petition.

Attachment:

Pre- Hearing Staff Analysis

[2018-16 staff 052118 done](#)

19. Rezoning Petition: 2018-017 by Underdogs, LLC

Location: Approximately 2.09 acres located on the west side of South Boulevard, north of East Arrowood Road. (Council District 3 - Mayfield)

Current Zoning: B-1S(CD) (business shopping center, conditional)

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

Staff Recommendation:

Staff recommends approval of this conventional petition.

Attachments:

Pre-Hearing Staff Analysis

Previously Approved Site Plan

[2018-017 PHstaff 05-21-18 done updated done](#)

[2018-017and 020 prevApprovedPlan 1989-024](#)

20. Rezoning Petition: 2018-020 by LCRE Arrowood, LLC

Location: Approximately 3.16 acres located on the west side of Old Pineville Road and south of Kings Ridge Road. (Council District 3 - Mayfield)

Current Zoning: B-1S(CD) (business shopping center, conditional)

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

Staff Recommendation:

Staff recommends approval of this conventional petition.

Attachments:

Pre-Hearing Staff Analysis

Previously Approved Site Plan

[2018-020 PHstaff 05-21-2018 done updated](#)

[Previously Approved Cover Page](#)

[2018-017and 020 prevApprovedPlan 1989-024](#)

21. Rezoning Petition: 2018-019 by Ricardo Torres

Location: Approximately 0.42 acres located on the east side of North Sharon Amity Road, north of Clearmont Avenue, south of Central Avenue. (Council District 5 - Newton)

Current Zoning: O-1(CD) (office, conditional)

Proposed Zoning: O-1(CD) SPA (office, conditional, site plan amendment)

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

[2018-19 staff 052118 done revised](#)

[2018-019 RevSitePlan 04-16-2018](#)

[Previously Approved Cover Page](#)

[2018-19 PREV APPROVED site plan1999-032](#)

22. Rezoning Petition: 2018-021 by Michael Melton

Location: Approximately 0.37 acres located at the intersection of The Plaza and Shamrock Drive. (Council District 1 - Egleston)

Current Zoning: B-1(CD) (neighborhood business, conditional)

Proposed Zoning: B-1 (neighborhood business)

Staff Recommendation:

Staff recommends approval of this conventional petition.

Attachments:

Pre-Hearing Staff Analysis

Previously Approved Site Plan

[2018-21 staff 052118 km0508 SM5-8 TK done revised](#)

[Previously Approved Cover Page](#)

[2018-21 PREV APPROVED 2008-028](#)

23. Rezoning Petition: 2018-023 by Jason Idilbi

Location: Approximately 0.56 acres located on the south side of Spencer Street, east of East 36th Street, west of Herrin Avenue. (Council District 1 - Egleston)

Current Zoning: R-5 (single family residential)

Proposed Zoning: UR-2(CD) (urban residential, conditional)

Staff Recommendation:

Staff does not recommend approval of this petition in its current form.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2018-23 staff 052118 done](#)

[2018-023 RevSitePlan 04-16-2018](#)

24. Rezoning Petition: 2018-025 by Charlotte Douglas International Airport

Location: Approximately 108.00 acres located north of Wilkinson Boulevard, east of I-485 and south of I-85. (Council District 3 - Mayfield)

Current Zoning: B-2 (general business), I-2 (general industrial), R-3 (single family residential) and R-MH (residential manufactured housing) all LLWPA (Lower Lake Wylie Protected Area) and AIR (Airport Noise Overlay)

Proposed Zoning: I-2 LLWPA AIR (general industrial, Lower Lake Wyle Protected Area, Airport Noise Overlay) and I-2(CD) LLWPA AIR (general industrial, conditional, Lower Lake Wyle Protected Area, Airport Noise Overlay)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and environment as well as one technical item.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[PH 2018-025 05-21-2018 done](#)

[2018-025 RevSitePlan 04-16-2018](#)

25. Rezoning Petition: 2018-028 by Pollack Shores

Location: Approximately 28.05 acres located on the north side of Shopton Road, west of Interstate 485. (Outside City Limits)

Current Zoning: R-3 LLWPA (single family residential, Lower Lake Wylie Protected Area), MX-1 LLWPA (mixed use, Lower Lake Wylie Protected Area), and CC LLWPA (commercial center, Lower Lake Wylie Protected Area)

Proposed Zoning: R-17MF(CD) LLWPA (multi-family residential, conditional, Lower Lake Wylie Protected Area)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, environment as well as technical items.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

[PH 2018-028 05-21-2018 done](#)

[2018-028 RevSitePlan 04-16-2018](#)

[Previously Approved Cover Page](#)

[2018-028 Prev App 2001-030](#)

26. Rezoning Petition: 2018-029 by Metrolina Properties, Ltd. Ptsp.

Location: Approximately 15.78 acres bounded by Northlake Centre Parkway and Interstate 485. (Council District 2 - Harlow & Outside City Limits)

Current Zoning: R-3 (single family residential) and BP (business park)

Proposed Zoning: UR-2(CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and technical items.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[PH 2018-029 05-21-2018 done](#)

[2018-029 RevSitePlan 04-16-2018](#)

27. Rezoning Petition: 2018-031 by CitiSculpt

Location: Approximately 0.49 acres located on the south side of Kenilworth Avenue, east of Harding Place. (Council District 1 - Egleston)

Current Zoning: O-2 PED (office, pedestrian overlay)

Proposed Zoning: MUDD-O PED (mixed use development, pedestrian overlay)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to site design and transportation.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2018-031 Preh staff 05-21-2018 done](#)

[2018-031 RevSitePlan 04-16-2018](#)

CONSENT

28. Police Bomb Squad and SWAT Equipment

Action:

- A. Approve the purchase of Police Bomb Squad and SWAT equipment, as authorized by the sole source exemption of G.S 143-129 (e)(6),**
- B. Approve a contract with ADS for the purchase of Police Bomb Squad and SWAT Equipment for the term of one year, and**
- C. 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
Steven Brochu, 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 there is only one supply source.
- The City Council must approve purchases made under the sole source exception.

Explanation

- The mission of the Bomb Squad and Special Weapons and Tactics Team (SWAT) is to preserve life in high-risk situations through the use of specialized training, equipment, and tactics.
- In line with the new and current law enforcement practice of using digital bomb detection devices, CMPD Bomb Squad desires to implement a digital Nano bomb detection device that produces quicker results limiting exposure to the bomb technician, increases diagnostic accuracy, and allows multiple technicians to view and diagnose a suspected device simultaneously.
- CMPD Bomb Squad/SWAT Team also needs to acquire a small robot that can travel throughout a structure remotely. The proposed purchase of the new ICOR Mini-CALIBER Robot will provide the CMPD with the ability to remotely manipulate a suspicious package, locate and negotiate with an armed suspect, and conduct searches.
- The estimated cost of three Nano bomb detection devices and one Robot is \$198,727.
- CMPD Bomb Squad/SWAT Team requires individual tool kits for use with hazardous devices and active shooter breaching tools for response to active violence events. Estimated expenditures for these tools is \$85,000 and will be obtained by informal solicitation.
- These purchases are approved and funded by the North Carolina Department of Public Safety, Office of the North Carolina Emergency Management through the 2017 Urban Area Security Initiative Grant.

Charlotte Business INclusion

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

Fiscal Note

Funding: 2017 Urban Areas Security Initiative Grant

29. Charlotte Mecklenburg Regional Housing Consortium Renewal

Action:

Authorize the City Manager to renew the Charlotte-Mecklenburg Housing Consortium Agreement to continue receiving a required annual formula allocation of HOME funds.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

Explanation

- The U.S. Department of Housing and Urban Development's (HUD) HOME Program provides formula grants to states, localities, and communities based on population. These funds are used in partnership with local nonprofit groups to fund a wide range of activities such as constructing, purchasing and/or rehabilitating affordable housing for rental or homeownership opportunities for households earning 80 percent and below the area median income as mandated by HUD. HOME funds may also be used to provide direct rental assistance to low-income households.
- As required by HUD, the Charlotte-Mecklenburg Regional Housing Consortium was established through a joint cooperation agreement in July 2003. The Consortium currently consists of the City of Charlotte, Mecklenburg County, and the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville.
- Each municipality is eligible to receive HOME funding for the development of affordable housing. As the lead entity and largest recipient of funding, the City is required to re-affirm the commitment of consortium members and renew the agreement every three years per HUD guidelines.
- This renewal will be effective July 1, 2018, through June 30, 2021.
- The renewal must be submitted to HUD on or before June 30, 2018.

Attachment(s)

2012 Joint Cooperation Agreement

Resolution Authorizing Agreement

[2012 FINAL Signed Agreement](#)

[City of Charlotte RESOLUTION](#)

30. Traffic Signal System and Related Services

Action:

- A. Authorize the City Manager to purchase ongoing maintenance and support, as well as additional software licenses, services, and hardware from the City's contract with Econolite Systems Inc. for as long as the City uses the system, and**
- B. Authorize the City Manager to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Liz Babson, Transportation
Charles Abel, Transportation

Explanation

- The City's existing Traffic Signal System is an integral part of Transportation signaling operations.
- The hardware and software for this system provide integrated controls that allow CDOT to proactively diagnose and repair equipment malfunctions and respond to traffic congestion problems.
- This City originally implemented this system in 2011 to replace an aging 15 year old collection of systems.
- On June 13, 2011, City Council approved a contract for the purchase of software, hardware, and ongoing maintenance and support. This initial approval was for a period of seven years, including all available renewals.
- A waiver of the competitive solicitation process may be granted when deemed appropriate and in the City's best interest. Such a finding has been made and a waiver granted for this procurement.
- CDOT intends to continue to use this system and services for the foreseeable future.
- Maintenance and support will be provided at no cost to the City for the first year, and expenditures for the same are estimated to be \$45,000 annually thereafter.

Fiscal Note

Funding: Charlotte Department of Transportation Operating Budget

31. Traffic Signal Installation Municipal Agreement

Action:

- A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) in the amount of \$214,000, and**
- B. Adopt a budget ordinance appropriating \$214,000 for the installation of two traffic signals on NCDOT's system of roads.**

Staff Resource(s):

Liz Babson, Transportation
Charles Abel, Transportation

Explanation

- Two traffic signals will be installed within the next year at the two following locations:
 - I-77 Southbound Ramp and LaSalle Street (Council District 2), and
 - I-77 Southbound Ramp and 5th Street (Council District 2).
- NCDOT analyzed traffic at these two locations and approved the installation of traffic signals.
- These locations are on State Routes; therefore, by this agreement NCDOT authorizes the City to install these signals.
- This agreement, in the amount of \$214,000, is also needed to ensure the City is fully reimbursed by NCDOT for the work it performs.
- This format is consistent with past Municipal Agreements between the City and NCDOT.

Fiscal Note

Funding: North Carolina Department of Transportation funds

Attachment(s)

Map
Budget Ordinance
Resolution

[Traffic Signal Improvements 15_7820](#)

[CDOT ord 5-30-18 NCDOT Traffic Signal Installation](#)

[Resolution](#)

32. University Area Thoroughfares Study

Action:

- A. Approve a contract for up to \$100,000 with University City Partners for the Charlotte adjacent thoroughfares multimodal solutions study,**
- B. Accept North Carolina Department of Transportation (NCDOT) funds in the amount of \$50,000, and**
- C. Adopt a budget ordinance appropriating \$50,000 from NCDOT.**

Staff Resource(s):

Liz Babson, Transportation

Ashley Landis, Transportation

Explanation

- University City is poised for significant growth in part to the massive infrastructure investment of the LYNX Blue Line Extension. This will help catalyze redevelopment around key anchors including transit station areas and UNC Charlotte (UNCC).
- UNCC is home to 29,000 students and is projected to grow to 35,000 students in the coming years. University City Partners (UCP) and UNCC anticipate increased movement between campus and new/existing destinations at its periphery.
- UCP and UNCC are committed to improving the safety and accommodation of users at all campus access points. This will be challenging due to the major thoroughfares bordering all sides of campus. Thoroughfare streets connect lower volume streets to high volume streets, and are typically classified as Avenues or Boulevards.
- To this end, UCP and UNCC are interested in examining points of ingress and egress for all campus users, as well as their chosen transportation modes, in an effort to improve the comfort, safety, and function of the current environment and minimize/eliminate potential conflicts.
- Developing a set of solutions collaboratively with all stakeholders including UNCC, UCP, CDOT, and NCDOT will better position these organizations to develop public-private partnerships and investigate other funding opportunities.
- The total cost of the study is \$200,000, with the City of Charlotte, UCP, UNCC, and NCDOT each contributing \$50,000 towards the Charlotte Adjacent Thoroughfares Multimodal Solutions Study, which will occur in Council District 4.
- The City administers funds for NCDOT and acts as a funding pass-through to approved organizations and projects.

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Budget Ordinance

[CDOT ord 5-30-18 NCDOT Contribution](#)

33. Asphalt Distributor Truck Body

Action:

- A. Approve the purchase of an asphalt distributor truck body from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3),
- B. Approve a unit price contract with Carolina Caterpillar for the purchase of an asphalt distributor truck body for a term of one year under National Joint Powers Alliance contract 052417-VTL, and
- C. Authorize the City Manager to extend the contract for additional one-year terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.

Staff Resource(s):

Liz Babson, Transportation
Capryce Crowder, Transportation

Cooperative Purchasing Exemption

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

Explanation

- Asphalt distributor trucks are used in the preparation of roadway surfaces for various asphalt maintenance activities including chip seals, resurfacing and maintenance patching.
- The asphalt distributor truck places liquid asphalt onto the roadway surface to ensure adhesion between the layers of asphalt used to make repairs.
- VT Leeboy Inc. has a contract awarded through the National Joint Powers Alliance which offers competitively obtained contracts to public agencies nationwide for public works vehicles and equipment. Carolina Caterpillar is the authorized dealer for VT LeeBoy Inc.
- The asphalt distributor truck body will be installed onto a Freightliner cab chassis which will be purchased from a cooperative contract approved by Council on July 24, 2017.
- CDOT will purchase one asphalt distributor truck body as part of the Fiscal Year 2018 Capital Equipment Replacement program. The contract extension is requested in the event additional truck bodies and/or replacements may be required in future fiscal years.
- The unit price for the asphalt distributor body is \$113,817.

Charlotte Business INClusion

This is a cooperative purchasing contract and is exempt (Part A: Appendix 27 of the Charlotte Business INClusion Policy).

Fiscal Note

Funding: CDOT Capital Equipment Replacement Fund

34. West Mallard Creek Church Road Multi-Use Path Grant Funding

Action:

- A. Approve a resolution to execute a municipal agreement with the North Carolina Department of Transportation accepting Transportation Alternatives Program and Transportation Alternatives Program Direct Attributable funds for pedestrian improvements in the total amount of \$1,273,000, and
- B. Adopt a budget ordinance appropriating \$1,273,000 to the General Community Investment Plan.

Staff Resource:

Liz Babson, Transportation
Brandon Brezeale, Transportation
Scott Curry, Transportation

Explanation

- The West Mallard Creek Church Road Multi-Use Path project was identified through the City's Sidewalk Retrofit Policy as a high priority sidewalk project on a thoroughfare.
- The project is part of the City of Charlotte Sidewalk and Pedestrian Safety Program, and it fills an important gap in the pedestrian network and provides better accessibility to surrounding destinations like the University Research Park employment center, transit service, The Arbors Shopping Center, Cochran Commons Shopping Center, Mallard Crossing Shopping Center, nearby greenways, and Mallard Creek Elementary School, in Council District 4.
- The City successfully applied for State grant funding through the Charlotte Regional Transportation Planning Organization in order to upgrade this sidewalk project to a multi-use path project that will also support bicycle travel.
- The West Mallard Creek Church Multi-Use Path will be a 0.75 mile path on West Mallard Creek Church Road between West Mallard Creek Road and Claude Freeman Drive.
- The project will include a 10 foot sidewalk, wide planting strip, several new CATS bus stops, and pedestrian accommodations at Claude Freeman Drive and David Taylor.
- The grant includes funds for right-of-way acquisition, utility relocation, and construction. Construction is anticipated to begin March 2020.

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Location Map
Budget Ordinance
Resolution

[RCA Map](#)

[CDOT ord 5-30-18 W Mallard Creek Church Rd Ped Improv NCDOT Contribution](#)

[Resolution](#)

35. North Graham Street Sidewalk Project

Action:

- A. Award a contract in the amount of \$960,256 to the lowest responsive bidder Onsite Development, LLC for the North Graham Street Sidewalk project, and
- B. Adopt a resolution authorizing the placement of decorative features within North Carolina Department of Transportation right-of-way along North Graham Street at Interstate-277.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Chandler Crofts, Engineering and Property Management
Liz Babson, Transportation
Felix Obregon, Transportation

Explanation

- This project will include the construction of approximately a quarter-mile of new sidewalk along both sides of North Graham Street from 10th Street to 12th Street, located in Council District 2.
- Work will include grading, curb, gutter, wheelchair ramps, concrete islands, a retaining wall, asphalt pavement, and pavement markings.
- Pursuant to the encroachment agreement, the North Carolina Department of Transportation (NCDOT) requires a resolution for placement of decorative features in NCDOT right-of-way. These decorative features include lighting and a retaining wall with decorative brick veneer.
- The goal of this project is to enhance the gateway appearance along this corridor at the same time providing safer connectivity to Center City and the surrounding neighborhoods.
- On February 12, 2018, the City issued an Invitation to Bid; 3 bids were received from interested service providers.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2018.

Charlotte Business INclusion

Established SBE Goal: 14.00%

Committed SBE Goal: 28.22%

OnSite Development exceeded the established subcontracting goal, and has committed 28.22% (\$271,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete (SBE, MBE) (\$158,000) (concrete)
- MTS Trucking (SBE, MBE) (\$37,666.67) (hauling)
- Streeter Trucking (SBE, MBE) (\$37,666.67) (hauling)
- Affordable Source Trucking (SBE, MBE) (\$37,666.67) (hauling)

Established MBE Goal: 10.00%

Committed MBE Goal: 28.22%

OnSite Development exceeded the established subcontracting goal, and has committed 28.22% (\$271,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete (SBE, MBE) (\$158,000) (concrete)
- MTS Trucking (SBE, MBE) (\$37,666.67) (hauling)
- Streeter Trucking (SBE, MBE) (\$37,666.67) (hauling)
- Affordable Source Trucking (SBE, MBE) (\$37,666.67) (hauling)

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map
Resolution
Rendering

[Location Map - North Graham Street Sidewalk Project](#)

[N. Graham St Sidewalk Resolution.docx](#)

[perspective 1-1018-201713.jpg](#)

36. Building Automation Controls Maintenance and Services

Action:

- A. Approve unit price contracts with the following companies for building automation controls maintenance and services for a term of five years:**
- **Controls Service Group, Inc.,**
 - **United Automation Corporation, and**
- B. Authorize the City Manager to approve possible price adjustments and amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

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

Explanation

- Engineering and Property Management is responsible for the operations and maintenance of municipal facilities, structures, and assets including office, warehouse, storage, vehicle maintenance, communication towers, and public safety.
- Many of these facilities have building automation systems which are a network of electronic devices that monitor and control various building systems.
- Specifically, the City uses these systems for:
 - Reducing energy consumption,
 - Effective monitoring and control of energy consumption,
 - Improved equipment reliability and useful life,
 - Early detection of problems and sending alerts to the maintenance staff,
 - Trending data of all temperatures including status of HVAC system, and
 - Central or remote control and monitoring of building systems.
- The firms will perform the routine quarterly maintenance and system data backups that are needed to keep the building automation system operating correctly.
- The contracts require the firms to meet two-hour emergency response times 365 days per year, 24 hours per day.
- On February 26, 2018, the City issued a Request for Proposals; two proposals were received from interested service providers.
- City staff evaluated the proposals and recommends Controls Service Group, Inc. and United Automation Corporation based on their extensive experience and favorable pricing.
- Estimated contract expenditures are \$600,000 over the five year term.

Charlotte Business INclusion

No subcontracting goals were established because no subcontracting opportunities were anticipated (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy). However, Controls Service Group is a City SBE and has committed to use the following certified firm as the project allows:

- Electrical Systems Specialists, Inc. (SBE) (electrical)

Fiscal Note

Funding: General Community Investment Plan

37. Electrical Lighting and Related Supplies

Action:

- A. Award unit price contracts with the following companies for the purchase of electrical lighting and related supplies for a five year term:**
- **Border States Industries, Inc. dba Shealy Electrical Wholesalers,**
 - **State Line Lighting, Inc., and**
- B. Authorize the City Manager to approve possible price adjustments and amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

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

Explanation

- Engineering and Property Management is responsible for the operations and maintenance of municipal facilities, structures and assets including office, warehouse, storage, vehicle maintenance, communication towers and public safety.
- These contracts will provide electrical lighting and related supplies including, but not limited to, fixtures, lamps, ballasts, dimmers, wiring devices, ceiling fans, photo controls, lenses, repair parts and any accessories and related components necessary for new, retrofit or repairs at various buildings.
- These contracts will also provide maintenance and repair products 365 days per year, 24 hours per day.
- On March 26, 2018, the City issued an Invitation to Bid; two bids were received from interested service providers.
- Border States Industries, Inc. and State Line Lighting, Inc. were selected as the lowest responsive, responsible bidders.
- Both companies offer recycling and legal disposal of fluorescent lighting and other lamps that contain mercury. In addition, both companies partner with the Duke Energy SmartSaver Program, a rebate program for high-efficiency lighting upgrades.
- Estimated annual expenditures are \$250,000.

Charlotte Business INclusion

No subcontracting goal was established for this contract because there are no subcontracting opportunities (Part C: Section 2.1(1) of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Community Investment Plan

38. Sale of City-Owned Property on Idlewild Road North

Action:

- A. Adopt a resolution approving the sale of 1.68 acres of City-owned property on Idlewild Road North (parcel identification number 133-251-20) to Marie B. Davidson, for \$350,000, and subject the offer to the upset bid process, and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the sale of the property.**

Staff Resource(s):

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

Explanation

- The property is approximately 1.68 acres, located in Council District 5, and zoned O-1 (office). The parcel served as a former CATS Park and Ride lot until the Park and Ride was relocated farther north along Albemarle Road.
- Marie Davidson proposes to purchase the property and use it for overflow parking for the adjoining medical office she owns.
- The property went through the Mandatory Referral process twice: in 2015 for surplus sale and in 2017 for use as affordable housing.
 - In 2015, city departments considered the property for other city uses, but none were determined.
 - The Planning Commission reviewed the property for surplus sale on July 21, 2015, and later for use as affordable housing on July 18, 2017. The Planning Commission supported both reuse proposals
- The property was included in a Request for Qualifications (RFQ) issued by the City in September 2017. The RFQ presented nine city-owned properties for the development of affordable housing. The City did not receive any interest from developers about this property and the Housing and Neighborhood Services Department supports the sale therefore.
- The property was appraised in January 2018 for \$350,000.
- The offer from Ms. Davidson includes the following terms:
 - Price of \$350,000,
 - Due diligence period of 45 days, and
 - Closing to occur within 45 days after the expiration of the due diligence period.
- If City Council approves Ms. Davidson's offer, the terms will be advertised for upset bid.

Fiscal Note

Funding: Proceeds from the sale will be deposited in the General Fund's PAYGO account.

Attachment(s)

Map
Resolution

[Location Map - Sale of City-owned Property at 5313 Idlewild Road North](#)

[Resolution Idlewild Rd North](#)

39. Storm Drainage Improvement Projects Series A

Action:

Award a contract in the amount of \$1,398,164.58 to the lowest responsive bidder Sealand Contractors Corp. for the Storm Drainage Improvement Projects Series A.

Staff Resource(s):

Mike Davis, Engineering and Property Management

Bong Vang, Engineering and Property Management

Explanation

- This contract is part of an ongoing program to provide repairs and improvements to existing storm drainage systems and construction of new storm drainage systems.
 - Each request is investigated and prioritized based on the severity of potential public/private property flooding and/or property damage.
 - The necessary repairs for each project are designed and a work order prepared.
- Contract A will address failing storm drainage systems in the following locations:
 - 3211 Ernest Russell Court (Council District 4),
 - 12516 Headquarters Farm Road (Council District 4),
 - 530 Halliwell Street (Council District 4),
 - 3711 Millstream Ridge Drive (Council District 4).
 - 815 Wabash Avenue (Council District 2),
 - 811 Trailing Rock Drive (Council District 2),
 - 1222 Norris Avenue (Council District 1),
 - 2869 Oasis Lane (Council District 3).
- Work will also include grading, drainage, sidewalks, curb and gutter, and water mains and services to existing infrastructure that increases safety and provides maintenance upgrades to roads.
- On April 13, 2018, the City issued an Invitation to Bid for Collective Storm Drainage Improvement Projects Series A; five bids were received from interested service providers.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- These projects are anticipated to be complete by end of first quarter 2019.

Charlotte Business INclusion

Established SBE Goal: 17.00%

Committed SBE Goal: 17.00%

Sealand met the established subcontracting goal, and has committed 17% (\$237,688) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Streeter Trucking (SBE, MBE) (\$63,971) (hauling)
- Affordable Source Trucking (SBE, MBE) (\$63,971) (hauling)
- On Time Construction (SBE) (\$56,000) (masonry)
- Axiom Foundations (SBE) (\$41,300) (foundation engineering)
- A-1 Precision Fence (SBE) (\$12,446) (fencing)

Established MBE Goal: 8.00%

Committed MBE Goal: 9.15%

Sealand met the established subcontracting goal, and has committed 9.15% (\$127,942) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy)

- Streeter Trucking (SBE, MBE) (\$63,971) (hauling)
- Affordable Source Trucking (SBE, MBE) (\$63,971) (hauling)

Fiscal Note

Funding: Stormwater Community Investment Plan

Attachment(s)

Map

[Location Map - Collective Storm Drainage Improvements Projects Series A](#)

40. Storm Drainage Improvement Projects Series B

Action:

Award a contract in the amount of \$1,537,822.00 to the lowest responsive bidder Onsite Development, LLC for the Storm Drainage Improvement Projects Series B.

Staff Resource(s):

Mike Davis, Engineering and Property Management

Bong Vang, Engineering and Property Management

Explanation

- This contract is part of an ongoing program to provide repairs and improvements to existing storm drainage systems and construction of new storm drainage systems.
 - Each request is investigated and prioritized based on the severity of potential public/private property flooding and/or property damage.
 - The necessary repairs for each project are designed and a work order prepared.
- Contract B will address failing storm drainage systems in the following locations:
 - 4600 The Plaza (Council District 1),
 - 333 East Trade Street (Council District 1),
 - 5743 Barrington Drive (Council District 5),
 - 3320 Fortis Lane (Council District 5),
 - 216 Burleigh Street (Council District 6),
 - 620 Edgemont Road (Council District 6), and
 - 2130 Valencia Terrace (Council District 6).
- Work will also include grading, drainage, sidewalks, curb and gutter, and water mains and services to existing infrastructure that increases safety and provides maintenance upgrades to roads.
- On April 18, 2018, the City issued an Invitation to Bid for Collective Storm Drainage Improvement Projects Series B; four bids were received from interested service providers.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.
- These projects are anticipated to be complete by end of first quarter 2019.

Charlotte Business INclusion

Established SBE Goal: 17.00%

Committed SBE Goal: 25.17

OnSite Development exceeded the established subcontracting goal, and has committed 25.17% (\$387,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete (SBE, MBE) (\$75,000) (concrete)
- L Carranza Trucking (SBE) (\$46,400) (hauling)
- JV Trucking (SBE) (\$46,400) (hauling)
- Affordable Source Trucking (SBE, MBE) (\$46,400) (hauling)
- Streeter Trucking (SBE, MBE) (\$46,400) (hauling)
- MTS Trucking (SBE, MBE) (\$46,400) (hauling)
- AMP (SBE) (\$40,000) (materials)
- Axiom Foundations (SBE) (40,000) (foundation)

Established MBE Goal: 8.00%

Committed MBE Goal: 13.93%

OnSite Development exceeded the established subcontracting goal, and has committed 13.93% (\$214,200) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete (SBE, MBE) (\$75,000) (concrete)
- Affordable Source Trucking (SBE, MBE) (\$46,400) (hauling)
- Streeter Trucking (SBE, MBE) (\$46,400) (hauling)
- MTS Trucking (SBE, MBE) (\$46,400) (hauling)

Fiscal Note

Funding: Stormwater Community Investment Plan

Attachment(s)

Map

[Location Map - Collective Storm Drainage Improvements Projects Series B](#)

41. Miscellaneous Stormwater Services

Action:

- A. Approve a contract with ESP Associates, Inc. for Miscellaneous Stormwater Services for three years, and**
- B. Authorize the City Manager to approve possible price adjustments and amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Mike Davis, Engineering and Property Management

Daryl Hammock, Engineering and Property Management

Explanation

- This contract will provide pipe inspection services, condition assessment, and planning and design of structural repairs of storm drainage infrastructure at various locations.
- This work will provide early detection of defects and allow the opportunity to make early repairs to prevent more costly replacements later.
- On July 31, 2017, the City issued a Request for Qualifications (RFQ) for Various Stormwater Support Services, 11 proposals were received from interested service providers.
- ESP Associates, Inc. is the firm best qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to RFQ requirements.
- Estimated contract expenditures are \$400,000 over the three-year term.

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). ESP Associates, Inc. has identified WSBE firms to participate as project scopes are defined, and committed at least 10% of the total contract amount to certified firms.

- Wescott Structures, PA (WSBE) (structural engineering)
- RoadMaster Traffic Control, LLC (WBE) (traffic control)

Fiscal Note

Funding: Stormwater Operating Budget

42. Mallard Creek Wastewater Treatment Process Improvements Pre-Construction Services

Action:

Approve a contract in the amount of \$653,930 with Crowder Constructors Inc., dba Crowder Construction Company, for pre-construction services.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- The Mallard Creek Wastewater Treatment Plant (WWTP) has disinfection equipment and infrastructure in need of replacement due to the deteriorating lifecycle of the equipment. This WWTP serves the northeast area of Mecklenburg County and is located on US Highway 29 North (Council District 4).
- On January 16, 2017, the City issued a Request for Qualifications; seven proposals were received from interested service providers.
- Project delivery methodology will be by Construction Manager at Risk. Pre-construction services culminate in the preparation of the Guaranteed Maximum Price and also include design/construction collaboration and scheduling.
- Crowder Construction 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.
- City Council will be asked to approve a construction contract in second quarter 2019.

Charlotte Business INclusion

The City negotiates subcontracting participation for Construction Manager at Risk contracts after scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). Crowder Construction Company has committed, excluding Allowances, 8.63% (\$45,500) of the total contract amount to the following certified firms:

- CriTek Engineering Group (SBE, MBE) (engineering support) (\$30,700)
- R A Piccalo Inc., dba PicTec (SBE) (scheduling support) (\$14,800)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Mallard Map](#)

43. Dixie River Road Water Main Engineering Services

Action:

Authorize the City Manager to negotiate and execute a contract with Crescent River District, LLC for the donation of surveying, engineering, and easements to the City for the Dixie River Road Water Main project.

Staff Resource(s):

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

Explanation

- Crescent River District, LLC has purchased land on the west side of Mecklenburg County (adjacent to Council District 3), to create a development known as River One, or the River District. The River District is in need of water and sewer infrastructure to support the development.
- Crescent River District, LLC has committed to donate surveying, design, plat preparation, and easements on its land at no cost to the City, in order to expedite the design and easement acquisition phase. It is the intent of Charlotte Water to construct the water line within the current capacity of the Community Investment Plan (CIP) funding.
- This donation results in a cost savings for the City in excess of \$800,000.
- The Fiscal Year 2018-2022 CIP includes approximately 13,500 linear feet of 24-inch water main along Dixie River Road to be bid, awarded, and built by Charlotte Water. Funding for this project is scheduled for Fiscal Year 2019.
- The construction and construction administration contracts are anticipated to be submitted for City Council consideration in the summer/fall of 2019.

Charlotte Business INclusion

Prior to the City Manager executing the agreement, the CBI office will negotiate subcontracting goals on all work tied to this agreement (Part G, Section 2.7 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Dixie River Road Water Main Map](#)

44. Stowe Creek Replacement Force Main and Huntingtowne Farms Water Main

Action:

Award a contract in the amount of \$2,334,780 to the lowest responsive bidder R.H. Price, Inc. for the Stowe Creek Replacement Force Main and Huntingtowne Farms Water Main Project.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This Project will replace 4,200 feet of the existing Stowe Creek sanitary sewer force main along Shopton Road West and Rock Island Road (Council District 3), to increase sewer system capacity.
- The Project also includes installing 750 feet of 10-inch water main to connect existing water mains at Starbrook Drive and Huntingtowne Farms Lane (Council District 6), to improve water system performance.
- Both tasks will require horizontal directional drilling, which is a unique construction method that most contractors do not perform. It was decided to combine the two Projects in order to increase interest from contractors, in an effort to receive a higher quantity of bids and competition.
- On April 3, 2018, the City issued an Invitation to Bid for Stowe Creek Replacement Force Main and Huntingtowne Farms Water Main; three bids were received from interested service providers.
- R.H. Price, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2019.

Charlotte Business INclusion

Established MSBE Goal: 3.00%

Committed MSBE Goal: 3.04%

R.H. Price, Inc. met the established subcontracting goal and has committed 3.04% (\$71,000) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Wallace Brothers Construction, Inc. (SBE) (\$71,000) (pipe line installation)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[15-7956 RCA Map](#)

45. Miscellaneous Geotechnical, Environmental Testing, and Blast Monitoring Services

Action:

- A. Approve contracts with the following companies for miscellaneous geotechnical, environmental testing, and blast monitoring services in the amounts listed below:
- Civil & Environmental Consultants, \$100,000,
 - Hart & Hickman, PC, \$100,000,
 - Gavel & Dorn Engineering, PLLC, \$100,000,
 - ESP Associates, Inc., \$500,000,
 - S&ME, Inc., \$500,000,
 - Terracon Consultants, Inc., \$730,000, and
- B. Authorize the City Manager to approve up to two renewals with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- Geotechnical, environmental, and blast monitoring services are necessary to ensure projects meet construction plans and specifications requirements.
- On February 19, 2018, the City issued a Request for Qualifications (RFQ) for Miscellaneous Geotechnical, Environmental Testing, and Blast Monitoring Services. In response to the RFQ, the City received 14 proposals from interested professional service providers.
- Firms were allowed to submit qualifications for any of the services listed in the RFQ.
- The following are the best qualified firms to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
 - Environmental Testing: Civil & Environmental Consultants and Hart & Hickman, PC
 - Geotechnical: Gavel & Dorn Engineering, PLLC
 - Geotechnical, Environmental Testing, and Blast Monitoring: ESP Associates, P.A., S&ME, Inc., and Terracon Consultants, Inc.

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). However, one of these contracts will be awarded to the following certified firm:

- Gavel & Dorn Engineering, PLLC (SBE)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

46. Charlotte Water Biosolids Management Services

Action:

- A. **Approve a unit price contract with Synagro-WWT, Inc. for biosolids management services for an initial term of five years, and**
- B. **Authorize the City Manager to renew the contract for up to one additional five year term with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Lee, Charlotte Water
Ron Hargrove, Charlotte Water
Jackie Jarrell, Charlotte Water

Explanation

- Biosolids are nutrient-rich byproducts resulting from the wastewater treatment process, which are primarily land applied to farmland in Mecklenburg and surrounding counties in North Carolina and South Carolina. Charlotte Water's program is the largest land application program in the Southeast.
- Synagro-WWT, Inc. provides a comprehensive management program that includes critical components such as detailed technical and regulatory resources, experience with handling and placement of this material, high level monitoring and tracking of our biosolids, coordinated transportation, and specialized equipment to meet the needs of farmers and Charlotte Water's operations.
- Synagro-WWT, Inc. has agreed to honor the terms and conditions and current unit prices of the existing service contract.
- Charlotte Water is completing a Biosolids Master Plan to provide a long term strategy for the beneficial reuse of biosolids. The implementation of the plan will take six to ten years, and will employ more diverse product options.
- A waiver of the competitive solicitation process may be granted when deemed appropriate and in the City's best interest. Such a finding has been made and a waiver granted for this procurement.
- Information relating to this item was presented by Charlotte Water to City Council during the April 9 Action Review.
- Annual estimated contract expenditures are \$5,000,000.

Charlotte Business INclusion

The City required Synagro-WWT, Inc. to submit an MSBE Participation Plan outlining their utilization efforts (Part C: Section 2.1(c) of the Charlotte Business INclusion Policy). Synagro-WWT, Inc. has committed 10.00% to the following certified firms to be utilized as the project evolves:

- A & W Electric, Inc. (SBE) (electrical services)
- Carolina Environmental Response Team (SBE) (hauling)
- Prism Laboratories, Inc. (WBE) (laboratory services)
- R.L. Raffaldt, Inc. (SBE) (hauling)
- The Huffstetler Group, Inc. (SBE) (general contractor work)

Fiscal Note

Funding: Charlotte Water Operating Budget

47. Regional Express Bus and Bus Shuttle Service Agreements

Action:

- A. Adopt a resolution ratifying the Interlocal Agreements with the City of Kings Mountain, City of Gastonia, City of Rock Hill, SC, and Union County for Regional Express Bus Services, for an initial term of one year, with the following partner costs for the cities and counties:
- City of Kings Mountain at a partner cost of \$44,500,
 - City of Gastonia at a partner cost of \$159,423,
 - City of Rock Hill at a partner cost of \$152,369,
 - Union County at a partner cost of \$126,557,
- B. Approve a contract with Wells Fargo and Carowinds Paramount Park for the regional express bus shuttle service, for an initial term of one year, with the following partner costs for the businesses:
- Wells Fargo at a partner cost of \$8,409,
 - Carowinds Paramount Park at a partner cost of \$44,411, and
- C. Authorize the City Manager to renew the agreements for up to five additional, one-year terms and amend the agreements consistent with the purpose for which the agreements were approved.

Staff Resource(s):

John Lewis, CATS

Pamela White, CATS

Explanation

- The Charlotte Area Transit System (CATS) operates express bus services to four counties surrounding Mecklenburg County.
- Current contracts for these services will expire in June 30, 2018.
- As part of the Metropolitan Transit Commission adopted policies, Concord, Kings Mountain, Rock Hill, and Union County will reimburse the City for 50 percent of the net operating expense (including overhead) for regional express bus services between their respective jurisdictions and Uptown Charlotte. The City of Gastonia will reimburse the City 50 percent for traditional regional services and 100 percent for the mid-day service.
- Wells Fargo will reimburse the City for 100 percent of the net operating expense (including overhead) for the bus route services. Carowinds, CATS, and Housing and Neighborhood Services will equally contribute for the net operating expense (including overhead) for the bus route services. These services are open to the general public.
- The total annual cost of the bus service is \$1,338,390 and the total reimbursement from the City's partners will be \$523,260.
- Other benefits of the Regional Express Shuttle and Bus Services:
 - Maintains mobility for residents of Charlotte and the respective jurisdictions,
 - Helps Charlotte meet air quality attainment goals,
 - Connects youth to employment opportunities at Carowinds Park, and
 - Reduces the number of vehicles trips within Mecklenburg County by nearly 140,000 on an annual basis.

Fiscal Note

Funding: CATS Operating Budget

Attachment(s)

Regional and Shuttle Service Cost

Resolution Ratifying Interlocal Agreement

[Regional Express Bus Service Agreement Cost](#)

[Resolution - Express Bus Service5-29](#)

48. Federal Aviation Administration Memorandum of Agreement Amendment for Historical Structure Preservation Activities

Action:

- A. **Approve an amendment to a Memorandum of Agreement between the Federal Aviation Administration, the North Carolina State Historic Preservation Office, and City of Charlotte for historic structure preservation activities, and**
- B. **Approve payment of \$450,000 to the North Carolina State Historic Preservation Office to support historic preservation activities.**

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- In 2000 the Federal Aviation Administration (FAA) conducted an Environmental Impact Statement (EIS) related to Airport development of the western runway (18R/36L) and identified five properties that could qualify for historic status (primarily due to age and other factors).
- The FAA negotiated a Memorandum of Agreement (MOA) with the North Carolina State Historic Preservation Office (NCSHPO) related to the EIS and the Aviation Department agreed to and signed-off on the MOA.
- The agreement stated that the Aviation Department was to preserve-in-place the five historic structures.
- Of the five original structures covered in the MOA:
 - One structure was destroyed by fire before the Aviation Department purchased the property from the owner.
 - The Aviation Department purchased the properties associated with two of the structures; but those two structures remained vacant and became structurally unsafe and the Aviation Department demolished the structures.
 - Two structures remain intact but the Aviation Department does not own the properties or structures.
- The 2000 EIS also identified an area to the South of the Airport that the Aviation Department could pursue for voluntary acquisition due to aircraft noise impacts on the area - this area is referred to as the Master Plan Land - South area.
- Since 2000 the Aviation Department has been purchasing properties in the Master Plan Land - South area and has identified four additional structures that need to be included in the original MOA with the FAA and NCSHPO.
- The current status of the four new structures is:
 - One structure is privately owned and occupied by the current property owner
 - One structure is owned by the Aviation Department and is currently intact but vacant
 - One structure is owned by the Aviation Department, but was moved by the previous owner and is in poor condition
 - One structure was/is listed on the National Register of Historic places, however, the previous owner moved the structure from its original location and, after the Aviation Department purchased the property which the structure was relocated to, the structure was destroyed by fire. The cause of the fire is under investigation and not known at this time.
- The purpose of this amendment to the existing MOA is to revise the MOA based on the current status of the five original structures and the identification of the four new structures.
- Also included in the new MOA is a revision of the MOA's previous approach of preserve-in-place to document and remove/demolish the remaining structures.
- The MOA also provides funding to the NCSHPO from Aviation funds in the amount of \$450,000 to help support the NCSHPO's preservation activities in the Charlotte region and State of North Carolina.

- The \$450,000 funding is 100% eligible and approved for payment from Passenger Facility Charges associated with the 2000 EIS project approval.
- The properties impacted by this MOA are located in Council District 3 and unincorporated Mecklenburg County

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment(s)

Map

[FAA NCSHPO Map](#)

49. Airport Concourse A Renovation - Construction Manager At Risk and Construction Materials Testing Services

Action:

- A. Approve a contract in the amount of \$42,585,401.91 with Turner-Rodgers, A Joint Venture, for Construction Manager At Risk services for the Concourse A Renovation project, and
- B. Approve a contract in the amount of \$224,510 with Froehling & Robertson, Inc. for construction materials testing and special inspections.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The Aviation Department is renovating large portions of Concourse A to enhance customer experience. The existing Concourse A will be renovated to include new ceilings, wall finishes, flooring, mechanical system upgrades, and LED lighting, as well as expanded to increase passenger holdroom, restroom, and tenant concession capacity.
- The project is anticipated to be complete by the fourth quarter of 2019.
- This activity is occurring on airport property, which is in Council District 3.

Action A

- As the Construction Manager At Risk, Turner-Rodgers is responsible for:
 - Scheduling and managing all phases of construction and the performance of all of its contractors in the construction of the project,
 - Prequalifying first tier prime contractors as required by state statute and City of Charlotte prequalification guidelines,
 - Organizing the work into bid packages, conducting a public bidding process for each subcontracting opportunity, and awarding each package to the lowest responsive, responsible bidder, and
 - Managing construction to completion under State of North Carolina Construction Manager At Risk statute.
- On September 8, 2017, the Aviation Department issued Request for Qualifications for general contracting firms to submit qualifications for Construction Manager At Risk for the Concourse A Renovation project; the City received three proposals from interested firms.
- Turner-Rodgers, A Joint Venture was selected based on its related project experience of similar airport construction and its outreach program for subcontracting opportunities.
- On February 19, 2018, the City issued a Preconstruction Agreement with Turner-Rodgers, A Joint Venture.

Action B

- Froehling & Robertson, Inc. will provide construction materials testing and special inspections to ensure the building meets code requirements.
- On November 13, 2017, the Aviation Department issued a Request for Qualifications for Materials Testing; 14 firms responded with qualifications.
- Froehling & Robertson, Inc. was selected based on its related project experience.

Charlotte Business INclusion

Action A

The City has established an overall project goal of 13% MBE and 7% SBE. Because this is a Construction Manager At Risk project (Part G: Section 2.3 of the Charlotte Business INclusion Policy) the Construction Manager has the opportunity to add Small Business Enterprise and Minority Business Enterprise firms through the life of the project.

Action B

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

Froehling & Robertson, Inc. has committed 8.02% (\$18,000) of the total contract amount to the following certified firm:

- Capstone Civil Group, PA (SBE, MBE) (\$18,000) (construction materials testing)

Fiscal Note

Funding: Aviation Community Investment Plan

Funding to be reimbursed by future General Airport Revenue Bonds

50. Airport Environmental Impact Statement Contract Amendment

Action:

Authorize the City Manager to negotiate and execute contract amendment #1 with VHB Engineering NC, PC for continued scoping services needed for preparation of an Environmental Impact Statement.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- On March 2, 2016, the City of Charlotte and the Federal Aviation Administration (FAA) executed a Memorandum of Understanding (MOU) that establishes the framework in which the FAA will prepare an Environmental Impact Statement (EIS) for proposed projects at the Airport.
 - Federal regulations dictate that the FAA is the lead agency responsible for conducting an EIS on behalf of the airport sponsor (Aviation).
- During the time of MOU discussions, Aviation and the FAA determined that future contract amendments would be necessary to allow for continued scoping services in the development of the Aviation's EIS.
- On April 24, 2017, City Council approved a contract, in the amount of \$3,107,090, with VHB Engineering NC, PC to provide the public and agency scoping services portion of the study.

Disadvantaged Business Enterprise

All additional work involved in this amendment will be performed by VHB Engineering NC, PC and their existing subcontractors.

Fiscal Note

Funding: Aviation Community Investment Plan

51. Airport Neutral Host Distributed Antenna System Expansion

Action:

Approve an amendment to the maintenance and support agreement with DPJJ, LLC d/b/a Wireless Service to add design and installation of all expanded locations of the Distributed Antenna System at the Airport during the term of the existing agreement.

Staff Resource(s):

Brent Cagle, Aviation

Haley Gentry, Aviation

Explanation

- On November 28, 2011, City Council approved an installation and a maintenance agreement with Wireless Services for the Airport's Distributed Antenna System (DAS). The current agreement expires on May 8, 2022.
- The DAS enables wireless telecommunications carriers to transmit cellular signals through a network of antennas installed in the Terminal in order to provide consistent cellular service to their customers.
- This agreement will authorize Wireless Services to install and maintain all DAS expansions related to the upcoming Airport expansion and renovation projects, including without limitation the new Concourse A Expansion, the terminal curb front, and the Outdoor perimeter of the terminal facility of the Airport. The agreement will also include expanding AT&T's coverage to the Consolidated Rental Car Facility to match the coverage of the other three wireless carriers.
- As part of these projects, Aviation will also enter into amendments to the license agreements with AT&T, Verizon, Sprint, and T-Mobile for their pro-rata share of approved projects.
- Aviation will pay Wireless Services for the design and installation of these projects which will be reimbursed through the license agreements with the wireless carriers.

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).

DPJJ, LLC has committed 3.15% (\$144,997.37) of the total contract amount to the following certified firms:

- Connectivity, LLC (SBE, WBE) (\$144,997.37) (conduit installation and fiber testing)

Fiscal Note

Funding: Aviation Community Investment Plan

52. Airport Main Data Center Utilities Upgrade Construction Contract

Action:

Award a contract in the amount of \$856,900 to the lowest responsive bidder Edison Foard Construction Services, Inc. for the Airport Main Data Center Utilities Upgrade project.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The Airport's main data center was constructed in 2000. Since that time, the need for technology-driven business solutions and video operations has increased tremendously.
- The main data center houses airport servers, telephone and internet connections, and safety and security monitoring equipment for the main Terminal building.
- The data center utilities upgrade will improve climate control in the center and increase the electrical support and reliability of installed equipment to accommodate the future of the Airport's technology needs.
- On March 2, 2018, the City issued an Invitation to Bid for Main Data Center Utilities Upgrade; two bids were received from interested service providers.
- On March 22, 2018, the City issued a new Invitation to Bid; two bids were received from interested service providers.
- Edison Foard Construction Services, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2018.
- This activity is occurring on airport property, which is in Council District 3.

Charlotte Business INclusion

Established SBE Goal: 8.00%

Committed SBE Goal: 5.75%

SBE Participation to date: 8.03%

Edison Foard 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). Edison Foard has committed 8.03% (\$68,776) of the total contract amount to the following certified firms:

- Steven's Interiors (SBE) (\$20,219) (drywall, acoustical ceilings)
- Friends & Brother Concrete (MBE) (\$19,500) (concrete)
- National Recovery & Wrecking (SBE, MBE) (\$11,320) (interior demolition, existing concrete ramp removal)
- D.E. Walker Construction (SBE, MBE) (\$8,500) (misc. masonry, door and hardware installation)
- An Eimaj Painting (SBE, WBE) (\$4,500) (painting)
- Gastonia Ironworks (SBE) (\$3,792) (steel handrails and pipe bollards)
- Faith Cleaning (SBE) (\$945) (final cleaning services)

Established MBE Goal: 4.00%

Committed MBE Goal: 31.66%

Edison Foard exceeded the established subcontracting goal, and has committed 31.66% (\$271,320) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Superior Mechanical Services (MBE) (\$232,000) (HVAC)
- Friends & Brother Concrete (MBE) (\$19,500) (concrete)
- National Recovery & Wrecking (SBE, MBE) (\$11,320) (interior demolition, existing concrete ramp removal)
- D.E. Walker Construction (SBE, MBE) (\$8,500) (misc. masonry, door and hardware installation)

The MBE goal achievement exceeded the established goal because Edison Foard is utilizing an MBE firm to complete the HVAC work which accounts for 27% of the total contract amount.

Fiscal Note

Funding: Aviation Community Investment Plan

To be reimbursed a combination of Bond Anticipation Notes and General Airport Revenue Bonds

[Main Data Center RCA GFE Summary](#)

53. Airport Fuel Farm Lease

Action:

Approve a lease with Charlotte Fuel Facilities, LLC for a term of 25 years for the maintenance and operation of the aviation fuel farm located at Charlotte Douglas International Airport.

Staff Resource(s):

Brent Cagle, Aviation

Haley Gentry, Aviation

Explanation

- The airlines have requested a fueling consortium that allows for more direct involvement in the operation of the Airport's fuel delivery system. The fuel farm is comprised of 10 fuel tanks capable of storing 194,000 barrels of jet fuel.
- The fuel farm lease will provide contract enhancements to ensure risk and environmental protections.
- Charlotte Fuel Facilities, LLC will operate and maintain the fuel farm through a separate agreement with Aircraft Service Internal Group (recently acquired by Menzies Aviation), which is the current operation and maintenance provider for the fuel farm.
- The lease term is 25 years and includes the following payments to Aviation:
 - Ground rent in the amount of \$34,321.12 annually with adjustments every five years, and
 - Facility rent to recover Aviation's capital costs associated with current and future improvements to the fuel system. Facility rent is adjusted annually to incorporate current and future costs incurred by Aviation to improve the premises.

54. Charlotte Douglas International Airport Opportunity Scholarship

Action:

- A. Approve a one year contract with Central Piedmont Community College for the Aviation Department to gift the proceeds of Charlotte Douglas International Airport's Runway 5K Run for the creation of Charlotte Douglas International Airport Opportunity Scholarship, and**
- B. Authorize the Aviation Director to renew the contract for one year terms consistent with the City's business needs for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation

Explanation

- The Charlotte Douglas International Airport Opportunity Scholarship (Scholarship) will provide financial assistance to students who are enrolling in an associate's degree at Central Piedmont Community College (CPCC).
- As part of the Scholarship, each student will receive tuition payment, school supplies, including a notebook computer, and the opportunity for a paid summer internship at the Airport between their first and second year of study.
- The Aviation Department is participating in the Opportunity Scholarship Program to develop the workforce for Aviation, and create economic opportunities in Charlotte. The program will benefit students who are graduates of CMS high schools on the west side of Mecklenburg County and Title I eligible.
- The CPCC Foundation will oversee management of the Scholarship to include providing an annual report to the City for review purposes.
- The Aviation Department estimates the proceeds to be approximately \$20,000 annually.

Fiscal Note

Funding: Aviation Operating Budget

55. Cooperative Contract for Industrial Supplies

Action:

- A. **Approve the purchase of Industrial Supplies from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3),**
- B. **Approve a unit price contract with Applied Industrial Technologies for the purchase of Industrial Supplies for a term of three years under U.S. Communities Contract #16154, dated February 1, 2017, and**
- C. **Authorize the City Manager to extend the contract for additional one-year terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

Staff Resource(s):

Randy Harrington, Management and Financial Services
Kay Elmore, Management and Financial Services

Cooperative Purchasing Exemption

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

Explanation

- Industrial supplies, such as bearings, seals, gears, hand tools, and laser alignment tools, are routinely required by CATS, Aviation, Charlotte Water, and other City departments for daily operations.
- 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.
- Applied Industrial Technologies has a contract awarded by Maricopa County, AZ, on behalf of U.S. Communities that offers competitively-obtained contracts to public agencies nationwide.
- The City is a member of and serves on the U.S. Communities Advisory Board.
- Annual expenditures are estimated to be \$200,000.

Charlotte Business INClusion

This is a cooperative purchasing contract and is exempt (Part A: Appendix 27 of the Charlotte Business INClusion Policy).

Fiscal Note

Funding: Department Operating Budget

56. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$4,423.52.

Staff Resource(s):

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

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers and Refunds Requested](#)

[Resolution](#)

57. Meeting Minutes

Action:

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

- **April 16, 2018, Zoning Meeting, and**
- **April 23, 2018, Business Meeting.**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

58. Property Transactions - Beckwith-Meadow Drainage Improvements, Parcel #2

Action: Approve the following Condemnation: Beckwith-Meadow Drainage Improvements, Parcel #2

Project: Beckwith-Meadow Drainage Improvements, Parcel #2

Program: Flood Control

Owner(s): Guy Properties, LLC

Property Address: 1708 and 1800 Shamrock Drive

Total Parcel Area: 15,588 sq. ft. (.358 ac.)

Property to be acquired by Fee: 12,289 sq. ft. (.282 ac.) in Fee Simple

Structures/Improvements to be impacted: Commercial building

Landscaping to be impacted: None

Zoned: B-1

Use: Commercial

Tax Code: 093-103-12

Appraised Value: \$237,000

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

City's Response to Property Owner's Concerns: Staff explained the property owner could present a counter offer with justification.

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

Council District: 1

59. Property Transactions - Beckwith-Meadow Drainage Improvements, Parcel #3

Action: Approve the following Condemnation: Beckwith-Meadow Drainage Improvements, Parcel #3

Project: Beckwith-Meadow Drainage Improvements, Parcel #3

Program: Flood Control

Owner(s): Redeate, Inc.

Property Address: 1832 Shamrock Drive

Total Parcel Area: 15,006 sq. ft. (.344 ac.)

Property to be acquired by Fee: 15,006.21 sq. ft. (.344 ac.) in Fee Simple

Structures/Improvements to be impacted: Commercial building

Landscaping to be impacted: None

Zoned: B-1

Use: Commercial

Tax Code: 093-103-18

Appraised Value: \$300,000

Outstanding Concerns: Property owner and staff are working on the agreement language.

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

Council District: 1

60. Property Transactions - Beckwith-Meadow Drainage Improvements, Parcel #4

Action: Approve the following Condemnation: Beckwith-Meadow Drainage Improvements, Parcel #4

Project: Beckwith-Meadow Drainage Improvements, Parcel #4

Program: Flood Control

Owner(s): Guy Properties, LLC

Property Address: 1810 Shamrock Drive

Total Parcel Area: 13,039 sq. ft. (.299 ac.)

Property to be acquired by Fee: 12,011 sq. ft. (.276 ac.) in Fee Simple

Structures/Improvements to be impacted: Asphalt pad

Landscaping to be impacted: None

Zoned: B-1

Use: Commercial

Tax Code: 093-103-11

Appraised Value: \$66,075

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

City's Response to Property Owner's Concerns: Staff explained the property owner could present a counter offer with justification.

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

Council District: 1

61. Property Transactions - Cutchin Drive Drainage Improvements, Parcel #4

Action: Approve the following Acquisition: Cutchin Drive Drainage Improvements, Parcel #4

Project: Cutchin Drive Drainage Improvements, Parcel #4

Program: Flood Control

Owner(s): Kurtis F. Kottkamp and Karen C. Kottcamp

Property Address: 3233 Landerwood Drive

Total Parcel Area: 15,845 sq. ft. (.364 ac.)

Property to be acquired by Easements: 371 sq. ft. (.009 ac.) in Storm Drainage Easement, plus 2,203 sq. ft. (.051 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 209-054-52

Purchase Price: \$22,300

Council District: 6

62. Property Transactions - Cutchin Drive Drainage Improvements, Parcel #5

Action: Approve the following Acquisition: Cutchin Drive Drainage Improvements, Parcel #5

Project: Cutchin Drive Drainage Improvements, Parcel #5

Program: Flood Control

Owner(s): Gregory J. Hills and Tamara L. Hills

Property Address: 3243 Landerwood Drive

Total Parcel Area: 23,139 sq. ft. (.531 ac.)

Property to be acquired by Easements: 1,225 sq. ft. (.028 ac.) in Storm Drainage Easement, plus 428 sq. ft. (.01 ac.) in Temporary Construction Easement, plus 484 sq. ft. (.011 ac.) in Existing Drainage Accepted as Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 209-054-53

Purchase Price: \$12,000

Council District: 6

63. Property Transactions - Doby Creek Sanitary Sewer Improvements, Parcel #1

Action: Approve the following Condemnation: Doby Creek Sanitary Sewer Improvements, Parcel #1

Project: Doby Creek Sanitary Sewer Improvements, Parcel #1

Owner(s): Teachers Insurance and Annuity Association of America

Property Address: 8500 Andrew Carnegie Boulevard

Total Parcel Area: 3,935,903 sq. ft. (90.356 ac.)

Property to be acquired by Easements: 818.72 sq. ft. (.019 ac.) in Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: RE-1

Tax Code: 047-171-31

Appraised Value: \$1,525

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

Council District: 4

64. Property Transactions - Doby Creek Sanitary Sewer Improvements, Parcel #5

Action: Approve the following Condemnation: Doby Creek Sanitary Sewer Improvements, Parcel #5

Project: Doby Creek Sanitary Sewer Improvements, Parcel #5

Owner(s): Polymers Center of Excellence, Inc.

Property Address: 8900 Research Drive

Total Parcel Area: 866,632 sq. ft. (19.895 ac.)

Property to be acquired by Easements: 29,675.63 sq. ft. (.681 ac.) in Sanitary Sewer Easement, plus 17,430.12 sq. ft. (.4 ac.) in Access Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: RE-2

Use: Laboratory / Research

Tax Code: 047-141-03

Appraised Value: \$62,075

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

Council District: 4

65. Property Transactions - Doby Creek Sanitary Sewer Improvements, Parcel #6

Action: Approve the following Condemnation: Doby Creek Sanitary Sewer Improvements, Parcel #6

Project: Doby Creek Sanitary Sewer Improvements, Parcel #6

Owner(s): The GC Net Lease (Charlotte Research) Investors, L.P.

Property Address: 8740 Research Drive

Total Parcel Area: 740,955 sq. ft. (17.010 ac.)

Property to be acquired by Easements: 23,858.5 sq. ft. (.548 ac.) in Sanitary Sewer Easement, plus 6,266.91 sq. ft. (.144 ac.) in Temporary Construction Easement, plus 17,636.05 sq. ft. (.405 ac.) in Existing Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: RE-2

Use: Laboratory / Research

Tax Code: 047-141-07

Appraised Value: \$42,675

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

Council District: 4

66. Property Transactions - Doby Creek Sanitary Sewer Improvements, Parcel #7

Action: Approve the following Condemnation: Doby Creek Sanitary Sewer Improvements, Parcel #7

Project: Doby Creek Sanitary Sewer Improvements, Parcel #7

Owner(s): Ashford Charlotte Limited Partnership

Property Address: WT Harris Boulevard

Total Parcel Area: 123,110 sq. ft. (2.826 ac.)

Property to be acquired by Easements: 7,626.21 sq. ft. (.175 ac.) in Sanitary Sewer Easement, plus 4,591.96 sq. ft. (.105 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: O-1(CD)

Use: 100 Year Flood Plain - Ac

Tax Code: 047-141-12

Appraised Value: \$2,650

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 - Doby Creek Sanitary Sewer Improvements, Parcel #8

Action: Approve the following Condemnation: Doby Creek Sanitary Sewer Improvements, Parcel #8

Project: Doby Creek Sanitary Sewer Improvements, Parcel #8

Owner(s): International Business Machines Corporation

Property Address: IBM Drive

Total Parcel Area: 3,283,763 sq. ft. (75.385 ac.)

Property to be acquired by Easements: 146,539.9 sq. ft. (3.364 ac.) in Sanitary Sewer Easement, plus 19,429.49 sq. ft. (.446 ac.) in Access Easement, plus 23,356.91 sq. ft. (.536 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: RE-2

Use: Laboratory / Research

Tax Code: 047-391-09

Appraised Value: \$158,025

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

68. Property Transactions - Doby Creek Sanitary Sewer Improvements, Parcel #11

Action: Approve the following Condemnation: Doby Creek Sanitary Sewer Improvements, Parcel #11

Project: Doby Creek Sanitary Sewer Improvements, Parcel #11

Owner(s): International Business Machines Corporation

Property Address: Neal Road

Total Parcel Area: 2,674,671 sq. ft. (61.402 ac.)

Property to be acquired by Easements: 38,798.03 sq. ft. (.891 ac.) in Sanitary Sewer Easement, plus 48,183.44 sq. ft. (1.106 ac.) in Access Easement, plus 5,346.91 sq. ft. (.123 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: RE-2

Use: Industrial

Tax Code: 047-391-01

Appraised Value: \$74,900

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

69. Property Transactions - Doby Creek Sanitary Sewer Improvements, Parcel #12, 13 and 14

Action: Approve the following Condemnation: Doby Creek Sanitary Sewer Improvements, Parcel #12, 13 and 14

Project: Doby Creek Sanitary Sewer Improvements, Parcel #12, 13 and 14

Owner(s): International Business Machines Corporation

Property Address: University City Boulevard

Total Parcel Area: 3,000,697 sq. ft. (68.886 ac.)

Property to be acquired by Easements: 78,798.21 sq. ft. (1.809 ac.) in Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: RE-2

Use: Laboratory / Research

Tax Code: 047-391-10

Appraised Value: \$50,825

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

70. Property Transactions - Lincoln Heights Drainage Improvements, Parcel #40

Action: Approve the following Condemnation: Lincoln Heights Drainage Improvements, Parcel #40

Project: Lincoln Heights Drainage Improvements, Parcel #40

Program: Flood Control

Owner(s): John S. Evans, Jr. and Cathy Adams Evans

Property Address: Gilbert Street

Total Parcel Area: 40,000 sq. ft. (.918 ac.)

Property to be acquired by Easements: 346.41 sq. ft. (.008 ac.) in Storm Drainage Easement, plus 323.21 sq. ft. (.007 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-5

Use: Single-family Residential

Tax Code: 077-015-41

Appraised Value: \$100

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

Council District: 2

71. Property Transactions - Lincoln Heights Drainage Improvements, Parcel #43

Action: Approve the following Condemnation: Lincoln Heights Drainage Improvements, Parcel #43

Project: Lincoln Heights Drainage Improvements, Parcel #43

Program: Flood Control

Owner(s): Phyllis A. Young-Woodard and Marcella Baker

Property Address: 1920 Newland Rd

Total Parcel Area: 15,000 sq. ft. (.344 ac.)

Property to be acquired by Easements: 170.58 sq. ft. (.004 ac.) in Storm Drainage Easement, plus 137.85 sq. ft. (.003 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-5

Use: Single-family Residential

Tax Code: 077-043-03

Appraised Value: \$225

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

Council District: 2

72. Property Transactions - Lincoln Heights Drainage Improvements, Parcel #50

Action: Approve the following Condemnation: Lincoln Heights Drainage Improvements, Parcel #50

Project: Lincoln Heights Drainage Improvements, Parcel #50

Program: Flood Control

Owner(s): Ferry McIlwain, III, Pamela McIlwain and Feaster Thomas Lightner, Jr.

Property Address: 2000 Garnette Place

Total Parcel Area: 9,222 sq. ft. (.212 ac.)

Property to be acquired by Easements: 193.92 sq. ft. (.004 ac.) in Temporary Construction Easement, plus 34.49 sq. ft. (.001 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 075-034-01

Appraised Value: \$100

Outstanding Concerns: The property owner has become non-responsive.

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

73. Property Transactions - Lincoln Heights Drainage Improvements, Parcel #60

Action: Approve the following Condemnation: Lincoln Heights Drainage Improvements, Parcel #60

Project: Lincoln Heights Drainage Improvements, Parcel #60

Program: Flood Control

Owner(s): Evangeline W. Hunt

Property Address: Catherine Simmons Avenue

Total Parcel Area: 3,884 sq. ft. (.089 ac.)

Property to be acquired by Easements: 726.23 sq. ft. (.017 ac.) in Storm Drainage Easement, plus 484.16 sq. ft. (.011 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-5

Use: Single-family Residential

Tax Code: 075-041-12

Appraised Value: \$275

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

Council District: 2

74. Property Transactions - Lincoln Heights Drainage Improvements, Parcel #64

Action: Approve the following Condemnation: Lincoln Heights Drainage Improvements, Parcel #64

Project: Lincoln Heights Drainage Improvements, Parcel #64

Program: Flood Control

Owner(s): Darren G. Johnson

Property Address: 1908 LaSalle Street

Total Parcel Area: 11,853 sq. ft. (.272 ac.)

Property to be acquired by Easements: 231.22 sq. ft. (.005 ac.) in Storm Drainage Easement, plus 125 sq. ft. (.003 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-5

Use: Single-family Residential

Tax Code: 075-042-07

Appraised Value: \$250

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

Council District: 2

75. Property Transactions - Lincoln Heights Drainage Improvements, Parcel #69

Action: Approve the following Condemnation: Lincoln Heights Drainage Improvements, Parcel #69

Project: Lincoln Heights Drainage Improvements, Parcel #69

Program: Flood Control

Owner(s): Mattie P. Ivey

Property Address: 2225 Augusta Street

Total Parcel Area: 17,500 sq. ft. (.402 ac.)

Property to be acquired by Easements: 138.25 sq. ft. (.003 ac.) in Storm Drainage Easement, plus 142.64 sq. ft. (.003 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: 075-023-10

Appraised Value: \$125

Outstanding Concerns: The property owner has become non-responsive.

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

76. Property Transactions - Rocky River Road Improvement, Parcel #12

Action: Approve the following Acquisition: Rocky River Road Improvement, Parcel #12

Project: Rocky River Road Improvement, Parcel #12

Owner(s): Janice Marie Ingram

Property Address: 511 West Rocky River Road

Total Parcel Area: 70,501 sq. ft. (1.618 ac.)

Property to be acquired by Fee: 7,085 sq. ft. (.163 ac.) in Fee Simple, plus 1,521 sq. ft. (.035 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 2,976 sq. ft. (.068 ac.) in Sidewalk and Utility Easement, plus 3,269 sq. ft. (.075 ac.) in Temporary Construction Easement, plus 948 sq. ft. (.022 ac.) in Utility Easement, plus 1,270 sq. ft. (.029 ac.) in Sidewalk Utility Retaining Wall Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Rural Home site

Tax Code: 049-231-04

Purchase Price: \$11,700

Council District: 4

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

Action: Approve the following Acquisition: 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

Purchase Price: \$14,300

Council District: 4

78. Property Transactions - Shamrock Drive Street Upgrades (Eastway to the Plaza), Parcel #2

Action: Approve the following Condemnation: Shamrock Drive Street Upgrades (Eastway to the Plaza), Parcel #2

Project: Shamrock Drive Street Upgrades (Eastway to the Plaza), Parcel #2

Owner(s): Guy Properties, LLC

Property Address: 1700 and 1704 Shamrock Drive

Total Parcel Area: 10,611 sq. ft. (.244 ac.)

Property to be acquired by Fee: 10,611 sq. ft. (.244 ac.) in Fee Simple

Structures/Improvements to be impacted: Commercial building

Landscaping to be impacted: None

Zoned: B-1

Use: Commercial

Tax Code: 093-103-13

Appraised Value: \$390,000

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

City's Response to Property Owner's Concerns: Staff explained the property owner could present a counter offer with justification.

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

Council District: 1

Adjournment

REFERENCES

79. 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.

80. 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.

81. 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.