

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, June 25, 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*

## **4:00 P.M. ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, ROOM 267**

- 1. Closed Session (as necessary)**
- 2. Mayor and Council Consent Item Questions**

**Staff Resource(s):**

Danny Pleasant, City Manager's Office

**Time:** 5 minutes

**Synopsis**

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

- 3. Agenda Overview**

**Staff Resource(s):**

Marcus Jones, City Manager

- 4. Vision and Comprehensive Plan - Transportation and  
Planning Committee Update**

**Staff Resource(s):**

Taiwo Jaiyeoba, Planning

**Time:** 20 minutes

**Explanation**

- Over the last two years, the City has worked to update land use policies (Place Types) in conjunction with consolidating development ordinances (the Unified Development Ordinance).
- Feedback from City Council, the Ordinance Advisory Committee, and community stakeholders has indicated a need to broaden the Place Type policy initiative.
- In response, the City will embark on a comprehensive planning process and development of a 20-year community vision that includes robust community engagement.
- The Transportation and Planning Committee received an update on May 29, 2018, and this presentation will outline next steps.

**Future Action**

This presentation is for information purposes only.

## 5. UNC Charlotte Conference Center

**Staff Resource(s):**

Ron Kimble, City Manager's Office

**Time:** 20 minutes

**Explanation**

- UNC Charlotte plans to construct an on-campus development of a conference center and hotel at a LYNX Blue Line Extension stop.
- This presentation will provide background on the planned project and a potential partnership with UNC Charlotte for the construction of the conference center.

**Future Action**

On July 23, City Council will be asked to consider a funding request to support the construction of the Conference Center. Additionally, a public hearing on a related rezoning petition will be held during the July 23 Council Business Meeting, with a decision anticipated during the August 27 Council Business Meeting.

## 6. Land Acquisition for Gateway Station

**Staff Resource(s):**

John Lewis, CATS

Brian Nadolny, CATS

**Time:** 10 minutes

**Explanation**

- The Gateway Station project is part of the 2030 Transit System Plan and includes a multi-modal transportation center with a rail passenger and bus station embedded in a newly created mixed-use development district in Uptown Charlotte.
- The project design identifies additional parcels of land, not currently owned by the City, that are necessary for the construction of the Gateway Station complex.
- This presentation will provide an update on land-acquisition for the project.

**Future Action**

City Council will be asked to consider a purchase agreement for five Mecklenburg County-owned parcels at the Council Business Meeting on July 23, 2018.

## 7. Answers to Mayor and Council Consent Item Questions

**Staff Resource(s):**

Danny Pleasant, City Manager's Office

**Time:** 10 minutes

**Synopsis**

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

**CITY COUNCIL BUSINESS MEETING,  
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,  
CHAMBER**

***Call to Order***

***Introductions***

***Invocation***

***Pledge of Allegiance***

## **PUBLIC FORUM**

### **8. Public Forum**

**9. Consent agenda items 25 through 69 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.

## **PUBLIC HEARING**

## 10. Project Quattro

### Action:

- A. Hold a public hearing for the Tuckaseegee-Airport voluntary annexation,
- B. Adopt an annexation ordinance with an effective date of June 25, 2018, to extend the corporate limits to include these properties and assign them to the adjacent Council District 3,
- C. Adopt a resolution authorizing the conveyance to CF Hippolyta Charlotte LLC City-owned property (tax identifications 055-371-23 and 055-371-21) located along Tuckaseegee Road for \$7,500,000 (inclusive of closing costs and fees), and authorizing the City Manager to execute all documents necessary to convey the property in accordance with the Resolution,
- D. Authorize the City Manager to negotiate and execute an Infrastructure Reimbursement Agreement with CF Hippolyta Charlotte LLC in an amount not to exceed \$4,400,000 for the design and construction of Todd and Tuckaseegee Roads realignment between I-85 and Wilkinson Boulevard, which will be reimbursed through the Aviation Community Investment Plan Fund,
- E. Adopt a budget ordinance in the amount of \$4,400,000 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund,
- F. Authorize the City manager to negotiate and execute an Infrastructure Reimbursement Agreement with CF Hippolyta Charlotte LLC in an amount not to exceed \$9,000,000 for public infrastructure improvements, consistent with the terms set forth below, which will be reimbursed through 45 percent of incremental City and County property taxes from a designated area over 10 years, or until fully reimbursed, whichever occurs first,
- G. Adopt a resolution ratifying an Interlocal Agreement with Mecklenburg County,
- H. Adopt a Resolution of Intent to abandon a portion of Tuckaseegee Road,
- I. Set an abandonment Public Hearing for July 23, 2018,
- J. Adopt a Resolution of Intent to abandon Todd Road and Clark Place, and
- K. Set an abandonment Public Hearing for July 23, 2018.

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

Tracy Dodson, City Manager's Office  
Brent Cagle, Aviation  
Taiwo Jaiyeoba, Planning  
Liz Babson, Transportation

### **Explanation**

#### Actions A and B

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owner of public owned properties totaling 83.2759-acres consisting of "Tuckaseegee-Airport Areas A and B" sites located on the south side of Tuckaseegee Road and "Tuckaseegee-Airport Area C" sites located on the north side of Tuckaseegee Road in northwest Mecklenburg County.
- The properties are owned by Charlotte Douglas International Airport.
- The properties are currently zoned (R-3) single-family residential at three dwelling units per acre,



(R-MH) residential manufactured homes, and (I-2) heavy industrial.

- The petitioned area consists of two parcels.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current City limits.
- Intent of the annexation is to enable the development of approximately 2,500,000 square feet of commercial uses to be built out over two years.
- The effective annexation date for these properties is June 25, 2018.
- The Annexation Ordinance assigns the annexed area(s) to adjacent Council District 3.
- The annexation is consistent with City voluntary annexation policies approved by the City Council on March 24, 2003, more specifically this annexation:
  - Will not adversely affect the City's ability to undertake future annexations,
  - Will not have undue negative impact on City finances or services, and
  - Will not result in a situation where unincorporated areas will be encompassed by new City limits.

#### Action C

- The Aviation Department participates in Federal Aviation Administration's (FAA) Part 150 Noise Program. The FAA Part 150 Noise Program requires airports to purchase properties significantly impacted by noise and put this land back into productive use.
- Over the last 20 years, the City has acquired multiple parcels of land located along Tuckaseegee Road and two adjacent residential streets, many as part of the Part 150 Noise Program.
- Aviation has negotiated with CF Hippolyta Charlotte LLC the sale of an approximately 90-acre site along Tuckaseegee Road.
- Aviation contracted with two appraisers to complete independent appraisals of the site with proposed road improvements, yielding a fair market value of \$82,000 per acre.
- This sale is contingent upon FAA approval.
- These parcels will be located in Council District 3 after annexation in Actions A and B.

#### Actions D and E

- The rezoning process required a Traffic Impact Analysis that identified road improvements needed for site development, including signal and lane improvements to Wilkinson Boulevard, realignment of Tuckaseegee Road, and the construction of a road to be named Todd Road.
- The total cost of the improvements to Tuckaseegee Road is estimated at \$6,200,000. CF Hippolyta Charlotte LLC (the "Developer") will undertake these road improvements as part of the site development with the proposed improvements scheduled to be complete in 2019.
- Aviation agrees to pay for a portion of the improvements to Tuckaseegee and Todd Roads in an amount not to exceed \$4,400,000.
- The road improvements activate an additional 140 acres of City-owned land for future development and continue the Airport's Area Strategic Development Plan for commercial development.

#### Actions F and G

- The Traffic Impact Analysis identified necessary roadway improvements to Wilkinson Boulevard, Tuckaseegee Road, and Todd Road. The Developer will undertake these road improvements as part of the site development with proposed improvements scheduled to be complete in 2019.
- The Developer has requested reimbursement of actual costs not to exceed \$9 million for public infrastructure improvements.
- Per Council policy, the development qualifies for a 10-year, 45 percent tax increment grant (TIG) in the form of an Infrastructure Reimbursement Agreement (Agreement).
- The public improvements to be reimbursed under the terms of the Agreement include:
  - Widening of Wilkinson Boulevard from the realigned Tuckaseegee Road to I-485,
  - Installation of a new traffic signal along Wilkinson Boulevard,
  - Construction of the new Todd Road, and
  - Any remaining funds could be used for costs associated with improvements to Tuckaseegee Road.

- Other terms of the agreement include:
  - The development team will work with the City to develop a Workforce Development Plan to broaden economic opportunities for all, which will include participation in Project PIECE and other training programs.
  - The developer must request first grant payment within four years after the completion of the public infrastructure improvements.
- The reimbursement arrangement requires the City and County to execute an Interlocal Agreement, which obligates the County to pay 45 percent of the incremental County property taxes from the designated area to the City during the term of the agreement. The City will remit such payment annually to CF Hippolyta Charlotte LLC.

#### Actions H, I, J, and K

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The portion of Tuckaseegee Road is located in Council District 3.
- Todd Road and Clark Place are located in Council District 3.
- Petitioner: Charlotte Douglas International Airport.

#### **Charlotte Business INclusion**

The City has established an MWSBE Participation Plan and set project subcontracting goals of 16% SBE and 10% MBE for all public infrastructure improvements under the Infrastructure Reimbursement Agreements. (Part G: Section 2.3 of the Charlotte Business INclusion Policy)

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

Project Map

Annexation Map

Annexation Ordinance

Resolution for Conveyance of Land

Budget Ordinance

Resolution for Interlocal Agreement with Mecklenburg County

Interlocal Agreement with Mecklenburg County

Tuckaseegee Road Abandonment Map

Resolution to Abandon Portion of Tuckaseegee Road

Todd Road and Clark Place Abandonment Map

Resolution to Abandon Todd Road and Clark Place

[Project Map](#)

[Annexation Map](#)

[Annexation Ordinance](#)

[Resolution for Land Conveyance 061518](#)

[Airport ORD062518 - Sale of Tuckaseegee Rd Parcels](#)

[Interlocal Resolution.pdf](#)

[Interlocal Agreement](#)

[Map Tuckaseegee Rd Closure](#)

[Resolution Close Portion Tuckaseegee Rd](#)

[Map Todd Rd Clark Pl](#)

[Resolution Close Todd Rd & Clark Pl](#)

## 11. Public Hearing on Old Moores Chapel Area Voluntary Annexation

### **Action:**

- A. Hold a public hearing for the Old Moores Chapel voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of June 25, 2018 to extend the corporate limits to include this property and assign it to the adjacent City Council District 3.**

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

Taiwo Jaiyeoba, Planning

Bryman Suttle, Planning

### **Explanation**

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of three properties totaling 88.155-acres located on the Northeastern side of Old Moores Chapel Road, east of I-485 and South of Mount Holly Road in Northwest Mecklenburg County.
- The properties are owned by Matthews Acquisition Group and Associates, LLC. Mt. Holly Developers, LLC.
- These properties are currently vacant with the sites to the north currently zoned (MX-2) mixed residential and the site to the south currently zoned (R-6) single family residential at 6 dwelling units per acre.
- The petitioned area consists of three parcels, PID 055-091-09, 055-481-01 and 055-481-06.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the construction of a 192 unit multi-family residential development consisting of townhomes and condos on the site to the north and a 425 unit single family residential development on the site to the south.
- The effective annexation date for this property is June 25, 2018.
- The Annexation Ordinance assigns the annexed area to adjacent City Council District 3

### **Consistency with City Council Policies**

- The annexation is consistent with City voluntary annexation policies approved by the City Council on March 24, 2003; more specifically this annexation:
  - Will not adversely affect the City's ability to undertake future annexations;
  - Will not have undue negative impact on City finances or services; and
  - Although it will result in an unincorporated area being encompassed by new City limits, it would be consistent with City Council policies since it will not limit the City's ability to annex this area in the future or ability to provide services.

### **Attachment(s)**

Map

Annexation Ordinance

[Attachment 1 - Vol Annex Map - Old Moore's Chapel](#)

[Attachment 2 - Annexation Ordinance - Old Moores Chapel](#)

## **POLICY**

### **12. City Manager's Report**

### 13. Sustainable and Resilient Charlotte by 2050 Resolution

**Action:**

**Adopt a non-binding Sustainable and Resilient Charlotte by 2050 Resolution.**

**Committee Chair:**

Dimple Ajmera, Environment

**Staff Resource(s):**

Kim Eagle, City Manager's Office

Rob Phocas, Economic Development

**Explanation**

- In November 2017, City Council considered a Clean Energy Resolution for adoption.
- City Council did not adopt the resolution and sent it to the Environment Committee with a charge to:
  - Draft a resolution appropriate and tailored for Charlotte, and
  - Develop an action plan for how the goal(s) would be achieved.
- Staff worked with the Environment Committee, Envision Charlotte, and community stakeholders to meet this charge.
- Staff presented a first draft of the resolution to the Environment Committee during the April 2018 Committee meeting.
- Staff presented a revised second draft of the resolution to the Environment Committee during the June 2018 Committee meeting.
- The Sustainable and Resilient Charlotte by 2050 Resolution, is a non-binding resolution in which the City of Charlotte resolves to:
  - Strive to become a low carbon city by 2050 and develop a Strategic Energy Action Plan to be presented to City Council,
  - Continue the work currently under way to advance short term goals for reductions in energy consumption in City operations as a first step on the path towards a low carbon future, and
  - Strive to source 100 percent of energy use in City buildings and fleet from zero carbon sources by 2030.
- Municipalities have adopted similar resolutions across the United States.
- The Fiscal Year 2018 - 2019 Environment Focus Area Plan commits the City of Charlotte to "become a global leader in environmental sustainability, balancing economic growth with preserving natural resources."

**Committee Discussion**

- On June 4, 2018, the Environment Committee voted 4-1 (Ajmera, Egleston, Newton, Winston voted yes; Phipps voted no) on a motion to recommend that full Council adopt the resolution (with a few edits agreed upon during the meeting). Committee Chair Ajmera referred the resolution with no objection to full City Council.
- During the June 11, 2018, Action Review Meeting, a presentation and discussion about the resolution occurred. Through consultation with Environment Committee members, staff proposed one technical edit to the language of the final clause of the resolution: to remove the phrase "including renewable and nuclear energy." This technical change appears in the final resolution.

**Attachment(s)**

Sustainable and Resilient Charlotte by 2050 Resolution

[Final Sustainable and Resilient Resolution adopted by Env. Committee 20180604](#)

## **BUSINESS**

## 14. Bojangles Coliseum-Ovens Auditorium Connector Facility - Construction Manager at Risk Services

### Action:

- A. Award a Construction Manager at Risk contract in an amount not to exceed \$17,000,000, with Barnhill Contracting Company, for the construction phase of the Bojangles Coliseum-Ovens Auditorium Connector Facility project, and**
- B. Adopt a budget ordinance appropriating an additional \$1,500,000 from the Tourism Capital Fund.**

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

Mike Davis, Engineering and Property Management  
Monifa Hendrickson-Woodside, Engineering and Property Management  
Randy Harrington, Management and Financial Services

### **Explanation**

- The Fiscal Year 2014 Community Investment Plan appropriated \$25 million for Bojangles Coliseum/Ovens Auditorium area redevelopment as part of Eastside investments in Council District 1.
- Following the demolition of the adjacent EconoLodge Motel and construction of additional parking at the site, \$18.5 million remained.
- In July 2017, City Council approved the allocation of the remaining \$18.5 million for a new facility which would connect Ovens Auditorium and Bojangles Coliseum, which included approval of \$1,550,000 to Odell Associates for architectural services associated with the Connector facility and \$150,000 to Barnhill Contracting Company for pre-construction services.
- This three-story, approximately 35,000 square foot facility will connect Bojangles Coliseum and Ovens Auditorium and address strategic hospitality needs of both facilities.
- Improvements will include:
  - Hospitality space, overflow concessions, storage, and restrooms for both Ovens Auditorium and Bojangles Coliseum,
  - Ability to coordinate events with shared circulation between facilities, and
  - New pedestrian bridge between the main parking lot and the proposed building.
- The City has selected the Construction Manager at Risk (CMAR) project delivery method for this project to provide more effective coordination, more control of project costs and schedule, and to better mitigate risks during construction.
- On January 27, 2017 the City issued a Request for Qualifications (RFQ); five proposals were received.
- Barnhill Contracting Company is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualifications of professional services in response to the RFQ requirements.
- This contract with Barnhill Contracting Company is for Construction Phase Services for the coordination of all construction activities and delivering the project in collaboration with the City and the design consultant.
- Barnhill Contracting Company, as the CMAR, will not be allowed to self-perform the construction work. The CMAR is required to prequalify all first tier subcontractors and competitively bid the work to subcontractors.
- Barnhill Contracting Company will be responsible for managing the subcontractors work and delivering the project on schedule and on budget.
- An additional \$1.5 million in funding would come from the Tourism Capital Fund and be used to address the following items (and increase the total project budget from \$18.5 to \$20 million):
  - New Ovens Auditorium performance corridor addition adjacent to Connector Facility to improve front-of-house to back-of-house safety access and circulation
  - Completion of Connector facility elements currently impacted by construction cost escalations (CRVA and Charlotte Checkers offices, restroom facilities, and interior finishes in

pre-function and event space)

- The Bojangles Coliseum-Ovens Auditorium Connector Facility was approved by the Historic Landmarks Commission in April 2018.
- The project is anticipated to be complete in first quarter of 2020.

**Background**

- This proposed facility presents a unique opportunity to improve coliseum and auditorium functions, enhance patron experience and strengthen the economic vitality of the area.
- The objectives of the Connector facility include:
  - Enhance key entertainment and tourism assets in east Charlotte,
  - Support continued growth in and around Bojangles Coliseum and Ovens Auditorium area,
  - Maintain the strong historical significance of the Bojangles Coliseum and Ovens Auditorium,
  - Strengthen partnerships with the Charlotte Checkers and Blumenthal Performing Arts, and,
  - Expand both facilities to accommodate: pre-function and hospitality space, concession needs, restrooms and storage.
- The remaining \$3 million in the project budget (\$20 million less the \$17 million for construction) will be used for design fees, pre-construction costs, geotechnical and testing costs, Public Art, staff costs, commissioning fees and contingency.

**Charlotte Business INClusion**

The City has established project goals of 14% SBE and 10% MBE. Because this is a Construction Manager at Risk project, the Construction Manager has the opportunity to add on Small Business Enterprise (SBE) and Minority Business Enterprise (MBE) firms throughout the life of the project (Part G: Section 2.3 of the Charlotte Business INClusion Policy).

**Fiscal Note**

Funding: General Community Investment Plan & Tourism Capital Fund

**Attachment(s)**

Map

Budget Ordinance

[Location Map - Construction Manager at Risk Services for the Bojangles Coliseum-Ovens Auditorium C](#)

[EPM ord 6-25-18 Bojangles Connector Facility](#)



## 15. General Obligation Bond Referendum

### **Action:**

- A. Introduce each of the three bond orders required for a General Obligation Bond Referendum which includes \$118,080,000 of Street Bonds, \$55,000,000 of Neighborhood Improvement Bonds and \$50,000,000 of Housing Bonds, and**
- B. Approve a resolution setting a public hearing for July 23, 2018.**

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

Randy Harrington, Management and Financial Services

Robert Campbell, Management and Financial Services

### **Explanation**

- On June 11, 2018, City Council adopted the FY 2019 Budget and FY 2019 - 2023 Capital Investment Plan, which included a \$223,080,000 bond referendum in 2018.
- City Council also approved resolutions that authorized staff to proceed with the actions necessary to conduct a general obligation bond referendum.
- The current action is the second of four City Council actions. This action will specifically:
  - Introduce the bond orders for each of the ballot questions, and
  - Approve a resolution setting public hearings for the July 23 business meeting.
- In accordance with State law, the Chief Financial Officer will file a statement of estimated interest for each of the ballot questions. The estimates are nonbinding. The Chief Financial Officer will also file a sworn statement of debt with the City Clerk.

### **Next Steps**

- On July 23, 2018, City Council will be asked to hold a public hearing on each of the bond orders, approve the bond orders (including the form and language of the ballot), and set a special bond referendum.
- After the vote on November 6, 2018, City Council will be asked to adopt a resolution certifying and declaring the results of the special bond referendum. This action will occur after the Mecklenburg Board of Elections certifies the results of the vote.

### **Fiscal Note**

Funding: Municipal Debt Service Fund

### **Attachment(s)**

Bond Orders

Notice of Public Hearing

[Introduction of the Bond Orders](#)

[Resolution Setting A Public Hearing and Directing Publication of a Notice of Public Hearing](#)

## 16. Water and Sewer General Obligation Bond Refunding

### **Action:**

- A. Adopt a resolution that makes certain Statements of Fact concerning the refunding of General Obligation Bonds issued in 2008,**
- B. Introduction of Bond Order authorizing the issuance of not to exceed \$29 million General Obligation refunding bonds of the City,**
- C. Adopt a Bond Order authorizing the issuance of not to exceed \$29 million General Obligation refunding bonds of the City, and**
- D. Adopt a resolution of the City Council providing for the issuance of the City's General Obligation refunding bonds.**

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

Randy Harrington, Management and Financial Services

Robert Campbell, Management and Financial Services

### **Explanation**

- The City constantly monitors the bond market for savings that can be realized. Most bonds have a call date by which they can be refunded to realize savings.
- The actions call 2008 General Obligation Bonds, for which the call period was 10 years.
- The actions will:
  - Provide approval for the refunding of outstanding 2008 Water and Sewer General Obligation Bonds, and
  - Make certain findings required for the Local Government Commission approval of the financing.
- Anticipated savings from this refunding are approximately \$1 million and will be used to offset future water and sewer financial obligations.

### **Fiscal Note**

Funding: Water and Sewer Debt Service Funds

### **Attachment(s)**

Resolution-Statements of Facts

Resolution-Refunding of General Obligation Bonds

Bond Order

[Resolution Statement of Fact](#)

[Resolution of Refunding](#)

[Bond Order](#)

## 17. Interlocal Agreement to Provide Laboratory Services to Union County

### Action:

- A. **Adopt a resolution ratifying the Interlocal Agreement to Provide Laboratory Services to Union County, and**
- B. **Authorize the City Manager to renew the Agreement for up to five, one-year terms with possible price adjustments and to amend the Agreement consistent with the purpose for which the Agreement was ratified.**

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

Angela Lee, Charlotte Water

David Czerr, Charlotte Water

### **Explanation**

- Under the Interlocal Agreement, Charlotte Water Laboratory Services would provide sample analysis and field services to Union County for its five wastewater treatment plants.
- A vital part of plant operations includes monitoring water quality during the treatment process and upon discharge to ensure the plants remain in compliance with federal and state regulations.
- Union County and the City of Charlotte have entered into several Interlocal Agreements in order to facilitate water and sewer delivery to Union and Mecklenburg Counties. Since both entities make use of the same regional resources, strong partnerships facilitate better long term planning and service delivery.
- The agreement is effective July 1, 2018, and has an initial two-year term with the option to renew for up to five additional one-year terms.
- Union County will pay the City of Charlotte for services rendered. Annual payments are estimated at \$228,297.
- Charlotte Water customers would not incur additional costs as a result of the agreement.

### **Attachment(s)**

Resolution Ratifying Interlocal Agreement to Provide Laboratory Services to Union County

[Resolution Ratifying Interlocal Agreement to Provide Laboratory Services to Union County](#)

## 18. Municipal Agreement with NCDOT for Relocation of Water and Sewer Infrastructure

### Action:

- A. **Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for construction of water and sewer line relocations, adjustments and improvements (Project I-5714), and**
- B. **Authorize the City Manager to approve the final pay request for the actual cost of the utility construction.**

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

Angela Lee, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- The North Carolina Department of Transportation (NCDOT) is beginning highway improvements that will require the relocation of City-owned water and sanitary sewer lines.
- As required by the NCDOT encroachment agreements, the City is financially responsible for the costs to relocate City-owned water and sewer lines within the State right-of-way.
- The Municipal Agreement is for relocation and improvements of water and sewer lines within NCDOT's highway improvements project (TIP No. I-5714), around the intersection of Interstate-77 and Gilead Road in the Town of Huntersville (adjacent to Council District 2).
- Upon completion of the project, 2,800 linear feet of water and sewer lines will be relocated and replaced with increased capacity. The City will then reimburse the NCDOT for actual construction costs at the conclusion of the project.
- Should the actual cost be different from the estimated amount of this agreement, the City Manager will sign a Supplementary Agreement for the amount of the cost differential. Final invoice differences can be attributed to:
  - Actual unit price bids being different than estimated,
  - Changes in material costs between when the estimate was prepared and the completion of the project, and
  - Required design modifications resulting from NCDOT project changes.
- The format and cost sharing philosophy is consistent with prior Municipal Agreements.
- The total estimated cost of the water and sewer construction within the project is \$1,200,000 and is included in the current Community Investment Plan.

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

### **Attachment(s)**

Resolution

Map

[Map](#)

[Resolution-Municipal Agreement with NCDOT for Relocation of Water and Sewer Infrastructure](#)

## 19. Appointment to the Charlotte Regional Visitors Authority

**Action:**

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

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment in the At-Large category for a three-year term beginning July 1, 2018 and ending June 30, 2021.
  - Kimberly Edmonds, nominated by Council members Ajmera, Harlow, Mayfield, and Phipps
  - Tarun Malik, nominated by Council members Bokhari, Egleston, and Eiselt
  - Douglas Singleton, nominated by Council members Bokhari, Newton, and Winston

**Attachment(s)**

Charlotte Regional Visitors Authority Applicants

## 20. Appointment to Charlotte Tree Advisory Commission

**Action:**

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

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning immediately and ending December 13, 2018, and then continuing for a full three-year term from December 14, 2018 until December 13, 2021.
  - William Baker, nominated by Council members Ajmera, Egleston, and Newton

**Attachment(s)**

Charlotte Tree Advisory Commission Applicants

## 21. Appointments to the Citizens Review Board

**Action:**

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

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a one-year term beginning August 1, 2018 and ending July 31, 2019.
- One appointment for a two-year term beginning August 1, 2018 and ending July 31, 2020.
  - Henry Black, Jr., nominated by Council members Mitchell and Phipps
  - Kyle Clements, nominated by Council members Ajmera, Bokhari, Eiselt, Newton, and Winston
  - Sandra Donaghy, nominated by Council members Driggs and Phipps
  - Antonio Gaither, nominated by Council members Driggs, Egleston, Harlow, Mayfield, and Newton
  - Paris Hopkins, nominated by Council members Ajmera, Bokhari, Harlow, Newton, and Winston
  - Marc Jensen, nominated by Council members Ajmera, Eiselt, Mitchell, and Phipps
  - Diane Langevin, nominated by Council members Ajmera, Eiselt, and Mitchell

**Attachment(s)**

Citizens Review Board Applicants

## 22. Appointment to Civil Service Board

**Action:**

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

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term beginning May 16, 2018 and ending May 15, 2021.
  - Charlitta Hatch, nominated by Council members Ajmera, Egleston, Eiselt, and Winston
  - Linda Webb, nominated by Council members Newton and Phipps

**Attachment(s)**

Civil Service Board Applicants

## 23. Appointment to Keep Charlotte Beautiful

**Action:**

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

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term beginning July 1, 2018 and ending June 30, 2021.
  - Leland McNabb, nominated by Council members Bokhari, Driggs, Egleston, Newton, and Winston

**Attachment(s)**

Keep Charlotte Beautiful Applicants

## 24. Mayor and City Council Topics

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

## CONSENT

### 25. Police Helicopter Searchlight and Control Box

**Action:**

- A. Approve the purchase of a Searchlight and Control Box, for each of the Charlotte-Mecklenburg Police Department's (CMPD) two helicopters as authorized by the sole source exemption of G.S. 143-129 (e)(6),**
- B. Approve a contract with Spectrolab for the purchase of a Helicopter Searchlight and control box for the term of one year, and**
- C. Authorize the City Manager to renew the contract for up to two, one-year renewal terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Kerr Putney, Police

Steven Brochu, Police

Kenneth Anderson, Police

**Sole Source Exemption**

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

**Explanation**

- Spectrolab searchlights have been operational on CMPD helicopters for 10 years and are in need of replacement to comply with the most current aviation technology.
- CMPD has recently upgraded its two helicopters with the most recent model of Aerocomputers, which work seamlessly with the Spectrolab searchlights to operate as one coordinated system.
- Spectrolab searchlights are the only one of its kind designed specifically to operate with Aerocomputers.
- Together, the system works to reduce flight crew fatigue, increase operational capabilities, and reduce the requirement of multiple controllers in the aircraft.
- Expenditures under the contract are estimated to be \$176,000.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Police Operating Budget

## 26. Juvenile Diversion Program Grant

### **Action:**

**Authorize the City Manager to accept a grant in the amount of \$106,692 from the North Carolina Governor's Crime Commission for the Juvenile Diversion Program to fund two existing positions and expand the program to serve the Town of Matthews.**

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

Kerr Putney, Police

Gene Lim, Police

### **Explanation**

- The North Carolina Governor's Crime Commission (GCC) received federal funds to be redistributed in the form of grants. The GCC awarded a grant in the amount of \$106,692 to the Juvenile Diversion Program for the funding of two existing positions (a diversion specialist and a program assistant) and for program expansion to serve the Town of Matthews.
- The Juvenile Diversion Program serves youth, 17 years and younger, who are engaging in at-risk behaviors. The goal of program is to help youth choose activities as an alternative means to arrest and entry into the criminal justice system.
- The CMPD Diversion Program began in January 2013. Since its inception, more than 2,300 youth have been referred to the program.
- In 2015, the Juvenile Diversion Program received a GCC grant to expand services to the Town of Huntersville. Since its inception, more than 60 youth have been referred to the program.

### **Grant Provisions**

- The GCC grant will fund one year of salaries, benefits, and operating expenses for the diversion specialist position and the program assistant position.
- The GCC grant will cover 75 percent of the cost of the personnel and operation expenses with a minimum of 25 percent local cash match requirement.
- The grant period begins October 1, 2017, and ends September 30, 2018.
- At the conclusion of the grant period, CMPD will apply for Fiscal Year 2018 GCC grant funding.
- If a Fiscal Year 2018 grant is not approved, personnel and operation expenses will be funded through reallocation of work with existing personnel within affected agencies.

### **Funding**

- The total cost for the two positions, office supplies, and professional counseling services is estimated to be \$142,256.
- The federal share is \$106,692.
- During the grant period, the local share of personnel and operating costs of \$35,564 was calculated based on pro-rata population with Charlotte-Mecklenburg Schools agreeing to fund 50 percent of CMPD's pro-rata share of the cost:
  - CMPD: \$15,720.75
  - Charlotte-Mecklenburg Schools: \$15,720.75
  - Huntersville: \$1,993.40
  - Matthews: \$1,021.50
  - Mint Hill: \$1,107.60

### **Fiscal Note**

Funding: North Carolina Governor's Crime Commission and Police Operating Budget; Budget was previously included in the FY 2018 Annual Ordinance 9104-X



## 27. Movement on Freedom Apartments Bond Issuance Approval

**Action:**

**Adopt a resolution granting the Charlotte Housing Authority's request to issue multi-family housing revenue bonds in an amount not to exceed \$18 million to finance the development of Movement on Freedom Apartments.**

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

**Explanation**

- The Charlotte Housing Authority (CHA) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for the Movement on Freedom Apartments, a 185-unit affordable housing development, located at 2615 Freedom Drive in Council District 3.
- Adoption of this resolution is required by the governmental unit with jurisdiction over the area where the development is located in order to satisfy Section 147(f) of the Internal Revenue Service Code of 1986. This action will not obligate the City financially or impact the Community Investment Plan.
- The CHA bonds, which are not to exceed \$18 million, will be used to finance land acquisition and construction.
- This development supports City Council's commitment of achieving 5,000 affordable housing units within three years as outlined in the Community Letter.

**Background**

- On September 25, 2017, City Council approved a Housing Trust Fund allocation of \$4.5 million for the development's construction.
- In January, the North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$18 million for the project.

**Attachment(s)**

Charlotte Housing Authority Resolution

City of Charlotte Resolution

[Active\\_94393060\\_2\\_CHA - Movement on Freedom - Inducement Resolution](#)

[Active\\_101653230\\_1\\_CHA - Movement on Freedom - City Council Approval in Principle Resolution\\_V1](#)

## 28. West Tyvola Apartments Bond Issuance Approval

**Action:**

**Adopt a resolution granting the Charlotte Housing Authority's request to issue multi-family housing revenue bonds in an amount not to exceed \$6 million to finance the development of West Tyvola Senior Apartments.**

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

**Explanation**

- The Charlotte Housing Authority (CHA) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for West Tyvola Apartments, a 200-unit affordable housing development located at 2394 West Tyvola Road. Located in District 3, the project will include 120 workforce housing units and 80 apartments for senior residents.
- Adoption of this resolution is required by the governmental unit with jurisdiction over the area where the development is located in order to satisfy Section 147(f) of the Internal Revenue Service Code of 1986. This action will not obligate the City financially or impact the Community Investment Plan.
- The CHA bonds, which are not to exceed \$6 million, will be used to finance land acquisition and construction.
- This development supports City Council's commitment of achieving 5,000 affordable housing units within three years as outlined in the Community Letter.

**Background**

- On September 25, 2017, City Council approved a Housing Trust Fund allocation of \$5.6 million for the development's construction.
- In January, the North Carolina Housing Finance Agency also approved a four percent tax credit and a bond allocation capacity totaling \$6 million for the project.

**Attachment(s)**

Charlotte Housing Authority Resolution

City of Charlotte Resolution

[Active\\_94393087\\_2\\_CHA - West Tyvola - Inducement Resolution](#)

[City of Charlotte Resolution](#)

## 29. Housing Counseling and Education Services

### **Action:**

- A. Approve contracts with the following companies for Housing Counseling and Education Services for an initial term of one year:**
- **Charlotte-Mecklenburg Housing Partnership,**
  - **Prosperity Unlimited, Inc., and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

### **Explanation**

- On February 9, 2018, the City issued a Request for Proposals (RFP) to U.S. Department of Housing and Urban Development (HUD) certified agencies to provide housing counseling and education services to prospective home buyers and homeowners utilizing the City's House Charlotte Down Payment Assistance Program.
- In response to the RFP, the City received four proposals.
- Of the four respondents, the Charlotte-Mecklenburg Housing Partnership and Prosperity Unlimited, Inc. met the City's needs in terms of qualifications, experience, and cost and provided creative solutions.
- These companies will provide various types of counseling and education services to first-time home buyers and homeowners, including pre-purchase education, pre-closing education, post-home ownership counseling, individual financial counseling, and foreclosure prevention counseling.
- It is anticipated that the contract will be renewed for up to two, one-year terms based on Charlotte-Mecklenburg Housing Partnership's and Prosperity Unlimited, Inc.'s abilities to provide necessary counseling and education services continually.
- Estimated combined contract expenditures are \$450,000 annually. The Charlotte-Mecklenburg Housing Partnership will receive \$316,300 to serve a minimum of 400 households annually, and Prosperity Unlimited, Inc. will receive \$133,700 to serve a minimum of 150 households annually.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: General Community Investment Plan

### 30. Lakeview Road and Reames Road Intersection Project Grant

**Action:**

- A. Approve a resolution to execute a municipal agreement with the North Carolina Department of Transportation accepting Congestion Mitigation and Air Quality funding for intersection improvements in the amount of \$1,000,000, and Bonus Allocation Funding in the amount of \$1,000,000, and**
- B. Adopt a budget ordinance appropriating \$2,000,000 in North Carolina Department of Transportation funds.**

**Staff Resource(s):**

Liz Babson, Transportation  
Ashley Landis, Transportation  
Keith Bryant, Transportation

**Explanation**

- The state of North Carolina provides Bonus Allocation funds for projects in counties that implement high-occupancy managed lane projects.
  - The incentives are referred to as Bonus Allocations and are distributed off the top of the State's Transportation Program, thus not affecting expected funding distributions that a region or NCDOT Division would normally receive.
  - Bonus Allocation funds do not require a local match.
- Congestion Mitigation and Air Quality Improvement Program (CMAQ) dollars are distributed to Metropolitan Planning Organizations (CRTPO in the Charlotte region) and provide a flexible funding source to State and local governments through a competitive process for transportation projects and programs to help meet the requirements of the Clean Air Act.
  - Funding is available to reduce congestion and improve air quality for areas that do not meet the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter and for former nonattainment areas that are now in compliance.
- The Charlotte Regional Transportation Planning Organization allocated CMAQ funding for the construction of a roundabout at the intersection of Lakeview Road and Reames Road (Council District 2).
  - This project qualifies for CMAQ funding because the proposed roundabout reduces vehicular congestion and associated air pollutants at the intersection of Lakeview Road and Reames Road.
- This intersection project is part of the City of Charlotte Sunset/Beatties Ford Comprehensive Neighborhood Improvement Program (CNIP).
  - The Sunset/Beatties Ford CNIP preliminary planning process identified over 60 potential projects, including the Lakeview Road and Reames Road intersection improvements. The intersection project was one of the highest priority projects based on the City's goals for CNIP and one of the most frequently requested projects by the public.
- Utility relocation is anticipated to begin in 2020 with construction following thereafter.
- City funding for the project is \$5,000,000 (72 percent), with \$1,000,000 in Bonus Allocation Funds (14 percent) and \$1,000,000 in CMAQ funds (14 percent) for a total amount of \$7,000,000.

**Fiscal Note**

Funding: North Carolina Department of Transportation Congestion Mitigation and Air Quality funds (\$1,000,000), North Carolina Department of Transportation Bonus Allocation funds (\$1,000,000), and Transportation Community Investment Plan (City's match of \$5,000,000)

**Attachment(s)**

Map  
Resolution  
Budget Ordinance

[Lakeview Reames Roundabout](#)

[Lakeview Reames MA Resolutuion](#)

[CDOT ord 6-25-18 MA Lakeview NCDOT Contribution](#)

## 31. Street Resurfacing Fiscal Year 2018

### **Action:**

- A. Award a contract in the amount of \$5,047,666.41 to the lowest responsive bidder Blythe Construction Inc. for the Resurfacing Fiscal Year 2018 project for an initial term of one year, and
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

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

Mike Davis, Engineering and Property Management  
Mae Bryant, Engineering and Property Management  
Liz Babson, Transportation  
Charlie Jones, Transportation

### **Explanation**

- The 2018 resurfacing contract will pave an estimated 26 miles in the City. Work will include traffic control, asphalt and concrete pavement milling, asphalt paving, base failure repair, asphalt surface treatment, utility adjustments, manhole frame and cover replacements, wheelchair ramp installation, sidewalk, curb repairs, and pavement markings.
- The total mileage to be paved is dependent on the asphalt price stability throughout the contract.
- Resurfacing is the most effective treatment to preserve and maintain the condition of streets within the City of Charlotte.
- Timely resurfacing of streets improves ride quality, reduces the occurrence of potholes, and reduces the need for more costly repairs in the future.
- Streets are selected for repaving based on pavement condition ratings, field evaluations by staff and information from a computerized pavement management system.
- Notice of resurfacing is provided to motorists through the use of highly visible signs placed on the street at least two weeks prior to the start of construction activities. Paving generally occurs between April and October.
- On April 13, 2018, the City issued an Invitation to Bid for Resurfacing FY 2018; three bids were received.
- Blythe Construction Inc. was selected as the lowest responsive, responsible bidder.

### **Charlotte Business INclusion**

Established SBE Goal: 16.00%

Committed SBE Goal: 23.02%

Blythe Construction exceeded the established subcontracting goal, and has committed 23.02% (\$1,162,000.46) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- DOT Construction (SBE) (\$481,354) (concrete work)
- Buffkin Trucking (SBE, MBE) (\$354,000) (hauling)
- All Points Trucking (SBE) (\$291,000) (hauling)
- Ram Pavement (SBE) (\$35,646.46) (pavement markings)

Established MBE Goal: 7.00%

Committed MBE Goal: 7.01%

Blythe Construction exceeded the established subcontracting goal, and has committed 7.01% (\$354,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Buffkin Trucking (MBE, SBE) (\$354,000) (hauling)

### **Fiscal Note**

Funding: Powell Bill funds and Charlotte Water Community Investment Plan

**Attachment(s)**

Map

List of streets

[FY18 Resurfacing Contract map whole](#)

[Pavement Management Contracts- 2018 StreetListForBid](#)

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

**Action:**

**Award a contract in the amount of \$912,000.32 to the lowest responsive bidder Blythe Development Company for the South Tryon Street Sidewalk Improvements II project.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

Becky Chambers, Engineering and Property Management

**Explanation**

- This project will include the construction of approximately 1.25 miles of sidewalk to provide a continuous sidewalk along both sides of South Tryon Street between Shopton Road West and Steele Creek Road, located in Council District 3. Work will include grading, sidewalks, milling, resurfacing and pavement markings.
- The first phase of the South Tryon Street Sidewalk Project constructed 0.75 miles of sidewalk from West Tyvola Road to Nations Ford Road and was completed in November 2017.
- On February 1, 2018, the City issued an Invitation to Bid; three bids were received.
- This project was approved by City Council on February 26, 2018. B & N Grading Inc was selected as the lowest responsive, responsible bidder. Prior to the City issuing a Notice To Proceed, B & N Grading Inc requested release from the contract due to extensive personnel changes.
- If awarded on June 25, 2018 this project will remain on schedule.
- Blythe Development Company is the current lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2019.

**Charlotte Business INClusion**

Established SBE Goal: 16.00%

Committed SBE Goal: 23.00%

Blythe Development exceeded the established subcontracting goal, and has committed 23% (\$209,761) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INClusion Policy):

- RRC Concrete (SBE, MBE) (\$209,761) (concrete)

Established MBE Goal: 7.00%

Committed MBE Goal: 23.00%

Blythe Development exceeded the established subcontracting goal, and has committed 23% (\$209,761) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INClusion Policy):

- RRC Concrete (SBE, MBE) (\$209,761) (concrete)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

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

### 33. Security Gate and Fencing Maintenance

**Action:**

- A. Approve a unit price contract with Hartsell Bros. Fence Company, Inc. for the Security Gate and Fencing Maintenance project for a three-year term, 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**

- The City is responsible for operation and maintenance of approximately 130 motorized gates.
- These gates provide controlled access for various City facilities, including Police and Fire Stations.
- Routine monthly maintenance is performed on the electrical and mechanical parts of the gates to keep them operating properly.
- This contract requires personnel to meet a one-hour emergency response time 365 days per year, 24 hours per day.
- On April 12, 2018, the City issued a Request for Proposals (RFP) for the Automated Security Gate and Fencing Maintenance and On-Call Installation and Repair Services; two bids were received.
- Hartsell Bros. Fence Company, Inc. best meets the City's needs in terms of qualifications, experience, cost and responsiveness to RFP requirements.
- Estimated contract expenditures are \$325,000 annually over the three-year term.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: General Facilities Community Investment Plan



## 34. Construction Manager at Risk Services for the Charlotte-Mecklenburg Police Department Central Division Station Project

### **Action:**

**Award a construction manager at risk contract in an amount not to exceed \$20,203,777 with Edifice Inc., for the construction phase of the Charlotte-Mecklenburg Police Department (CMPD) Central Division Station project.**

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

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

### **Explanation**

- This project will construct a three-story, 31,000 square foot facility with a five-level parking deck at the intersection of West 5th and West 6th streets, in Council District 2.
- The CMPD Central Division currently leases a facility at 119 East 7th Street.
- The City has selected the Construction Manager at Risk (CMAR) project delivery method for this project to provide more effective coordination, more certainty with project costs and schedule, and to better mitigate risks during construction.
- The pre-construction phase was awarded to Edifice Inc. on October 23, 2017 in the amount of \$157,700. Edifice is currently in the final stages of pre-construction.
- On April 28, 2017, the City issued a Request for Qualifications (RFQ); eight responses were received.
- Edifice Inc. was selected and best meets the City's needs in terms of demonstrated competence, qualifications, experience and responsiveness to the RFQ requirements.
- The contract with Edifice Inc. is for Construction Phase Services, including coordination of all construction activities, managing all subcontractors, delivering the project in collaboration with the City and the design consultant.
- Edifice Inc., as the CMAR, will not be allowed to self-perform the construction work. The company will be required to prequalify all first tier subcontractors and competitively bid the work to subcontractors.
- Edifice Inc. will be responsible for managing the subcontractors work and delivering the project on schedule and on budget.
- The project is anticipated to be complete by the second quarter of 2020.

### **Charlotte Business INclusion**

The City has established project goals of 14% SBE and 10% MBE. Because this is a Construction Manager at Risk project, the Construction Manager has the opportunity to add on Small Business Enterprise (SBE) and Minority Business Enterprise (MBE) firms throughout the life of the project (Part G: Section 2.3 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: General Community Investment Plan

### **Attachment(s)**

Map

[Location Map - Construction Manager at Risk Services for the Charlotte-Mecklenburg Police Departmen](#)

## 35. Digital Photography Services for Construction

### **Action:**

- A. **Approve a unit price contract with ProjectLink, LLC for digital photography services for construction for a three-year term, 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  
Bruce Miller, Engineering and Property Management

### **Explanation**

- The use of digital photography during construction of City-owned facilities is a useful resource when maintenance needs arise.
- Digital photography of the construction captures the location and installation methods of utility lines, plumbing, and ductwork that cannot be readily seen once behind a wall or under a slab.
- ProjectLink will take photographs of the construction site each week. ProjectLink provides a digital photograph and the technology that will allow City building maintenance staff to take accurate dimensions from the photo.
- These photos allow maintenance staff to more easily locate hidden infrastructure, reducing exploratory time and keeping maintenance costs down.
- On February 6, 2018, the City issued a Request for Proposals (RFP), four proposals were received.
- ProjectLink, LLC best meets the City's needs in terms of qualifications, experience, cost and responsiveness to RFP requirements.
- Estimated contract expenditures are \$400,000 over the three-year term.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: General Community Investment Plan

## 36. Contract Amendment for Storm Drainage Improvement Projects

**Action:**

**Approve contract amendment #3 for \$950,000 to HDR Engineering, Inc. of the Carolinas for additional engineering services.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

Matthew Gustis, Engineering and Property Management

**Explanation**

- On April 22, 2013, City Council approved a contract with HDR Engineering, Inc. of the Carolinas (HDR) in the amount of \$1,000,000 for engineering services for Storm Drainage Improvement Projects.
- The first project initiated under this contract was the 6th Street and Graham Street Storm Drainage Improvement Project.
- Contract amendment #3 is needed to include the completion of design and construction administration activities for the 6th Street and Graham Street project and other projects started under this contract.
- Design and construction administrative activities include preparation of construction documents for storm drainage improvements, review of construction submittals and on-site assessment of constructed improvements.
- Contract amendments one and two were administrative and did not change the contract amount.
- The total contract amount including amendment #3 is \$1,950,000, and is included in the project budget.

**Charlotte Business INclusion**

All additional work involved in this amendment will be performed by HDR Engineering, Inc. of the Carolinas and their existing subconsultants (Part D: Section 6 of the Charlotte Business INclusion Policy). In addition, HDR Engineering, Inc. of the Carolinas has added the following certified firms:

- Sweetwater Utility Exploration, LLC (SBE) (Utility Locating Services)
- Utility Coordination Consultants, Inc. (SBE) (Utility Coordination and Layout)
- Gavel & Dorn Engineering, PLLC (SBE) (Public Utilities Design and Construction Inspection)
- CMW Design Strategies, LLC (SBE) (Landscape Architecture)

**Fiscal Note**

Funding: Storm Water Community Investment Plan

**Attachment(s)**

Map

[Location Map - Contract Amendment for Storm Drainage Improvement Project...](#)

## 37. Wastewater Lift Station Improvements - Phase I

**Action:**

**Award a contract in the amount of \$2,609,250 to the lowest responsive bidder The Harper Corporation-General Contractors for the Wastewater Lift Station Improvements - Phase I.**

**Staff Resource(s):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation:**

- Charlotte Water operates 81 lift stations throughout its service area. The conditions of the lift stations have been evaluated, and repairs and improvements have been recommended.
- Phase I of this Project provides for safety and reliability improvements for 11 lift stations located within the Charlotte city limits (Council District 2) and surrounding Mecklenburg County.
- Repairs and improvements to these include:
  - Replacement of underground electrical and control panels with at grade electrical and control panels,
  - Replacement of air exhaust fans with continuous operation exhaust fans,
  - Installation of magnetic flow measurement meters and valves in concrete vaults,
  - Industrial protective coatings maintenance of steel structures, and
  - Site and building maintenance improvements.
- On February 27, 2018, the City issued an Invitation to Bid (ITB) for the Lift Station Improvements - Phase I; two bids were received. On March 29, 2018, the ITB was re-issued; three bids were received.
- Phase I is anticipated to be complete by the third quarter of 2019.
- Phase II of this project, currently in design, will provide improvements for an additional 12 lift stations. This will be presented to City Council for approval in the fourth quarter of 2018, and is estimated to be complete by the first quarter of 2020.

**Charlotte Business INclusion**

Established MSBE Goal: 3.00%

Committed MSBE Goal: 11.67%

Harper Corporation - General Contractors exceeded the established subcontracting goal and has committed 11.67% (\$304,582.50) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- TEC Electric, LLC (SBE, MBE) (\$275,000) (electrical)
- Carrothers Enterprise (SBE, MBE) (\$15,862.50) (asphalt)
- Jones Grading & Fencing, Inc. (SBE, MBE) (\$8,720) (fencing)
- Perry's Lawn & Landscaping (SBE, MBE) (\$3,300) (silt fence, seeding)
- Nichols Custom Builders Design (SBE, MBE) (\$1,700) (cedar shingles)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

[Wastewater Lift Station Improvements – Phase 1](#)

## 38. Field Operations Zone 4 Facility Replacement Pre-Construction Services

**Action:**

**Approve a contract for up to \$175,616 with Rodgers Builders, Inc. for Construction Manager at Risk Pre-Construction Services for the Field Operations Zone 4 Facility Replacement.**

**Staff Resource(s):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

**Explanation**

- Charlotte Water's Field Operations Division currently operates from four geographically-spaced zones in order to reduce crew travel and response times.
- An assessment of Charlotte Water facilities was completed in August 2017. The Zone 4 Field Operations Facility, located on West Tyvola Road (Council District 3) and originally constructed in 1972, was recommended for replacement due to the scope of renovations required to update the existing facility.
- The City will use the Construction Manager at Risk (CMAR) project delivery method to mitigate project costs and risks during construction, accelerate delivery schedule and improve Charlotte Business INClusion participation.
- This contract will provide pre-construction services culminating in the delivery of a Guaranteed Maximum Price for the replacement of the existing Zone 4 Field Operation Facility.
- Services provided in this contract may include construction estimates, development of the project schedule, review of the design plans, development of a Charlotte Business INClusion utilization plan and pre-qualification of contractors.
- On April 13, 2018, the City issued a Request for Qualifications (RFQ); three proposals were received.
- Rodgers Builders, Inc. was determined to be the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- On May 14, 2018, the architectural services contract with C Design, Inc. for the new Zone 4 Facility was approved by Council.
- The CMAR delivery method will require an additional contract for the construction phase. It is anticipated that Council will be asked to approve a construction contract in first quarter 2019.

**Charlotte Business INClusion**

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INClusion Policy). Rodgers Builders, Inc. has committed 5.92% (\$10,400) of the total contract amount to the following certified firm(s):

- PicTec (SBE) (\$9,900) (scheduling)
- Richa Graphics (SBE) (\$500) (document reproduction)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

[RCA Map Attachment - Rodgers RCA](#)

## 39. Mallard Creek Wastewater Treatment Plant Chemical Facilities Improvements

**Action:**

**Award a contract in the amount of \$184,806 to the lowest responsive bidder BW Service Solutions, LLC for the Mallard Creek Wastewater Treatment Plant Chemical Facilities Improvements Project.**

**Staff Resource(s):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- The Mallard Creek Wastewater Treatment Plant (WWTP) is located on US Highway 29 North, near the Mecklenburg County line (Council District 4), and serves the northeast area of the County.
- This project will install piping that will prevent chemical spills or other hazardous materials from entering into the onsite storm drainage system.
- On February 20, 2018, the City issued an Invitation to Bid; four bids were received.
- The Project is anticipated to be complete by the fourth quarter of 2018.

**Charlotte Business INclusion**

Construction contracts estimated to be less than \$300,000 are informal and exempt from the goal setting process (Part A: Section 3.1 of the Charlotte Business INclusion Policy). However, BW Service Solutions, LLC is a City SBE.

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

[Mallard Creek WWTP Map](#)

## 40. Contracts for Water and Wastewater Treatment Chemicals

### Action:

- A. Award unit price contracts to the following lowest responsive bidders for the purchase of Water and Wastewater Treatment Chemicals for the term of two years:
- Allied Universal Corporation,
  - Brenntag Mid-South, Inc.,
  - Chemtrade Chemicals Corporation,
  - Donau Carbon US, LLC,
  - Lhoist North America of Virginia, Inc.,
  - Pencco, Inc.,
  - Polytec, Inc.,
  - PVS Technologies, Inc.,
  - Univar USA, Inc.,
  - Water Guard, Inc.,
- B. Approve the purchase of magnesium hydroxide, as authorized by the sole source exemption of G.S. 143-129 (e)(6), and
- C. Approve a contract with Premier Magnesia, LLC for the purchase of magnesium hydroxide for the term of two years.

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

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

### **Sole Source Exemption**

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

### **Explanation**

- Charlotte Water uses a variety of chemicals in the water and wastewater treatment process, and each chemical plays an essential role to ensure the treated water is safe for customers and the environment.
- On January 11, 2018, the City issued an Invitation to Bid; 25 bids were received.
- On April 16, 2018, the City held a reverse auction to obtain pricing. The reverse auction process is a real time purchasing process in which bidders compete to provide goods at the lowest selling price in an open and interactive environment. The City conducted the reverse auction utilizing a contracted third party reverse auction service provider. By using the reverse auction method, the City was able to gain increased competition, consolidate the Request for Council Action, and coordinate all the treatment chemical contracts into one contract cycle.
- G.S. 143-129.9 indicates the alternative competitive bidding method for the purchase of apparatus, supplies, materials, or equipment, including a reverse auction as an appropriate form of bidding, as long as the local government has a contract with a reverse auction service provider.
- Total contract expenditures are estimated to be \$10,000,000 annually.

### **Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Charlotte Water Operating Budget

**41. Water and Wastewater Treatment Polymers****Action:**

- A. Award unit price contracts to the following lowest responsive bidders for the purchase of Polymers for a term of two years,**
- Solenis, LLC,
  - Polydyne, Inc., and
- B. Authorize the City Manager to renew the contracts for up to two additional two-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

**Staff Resource(s):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

**Explanation**

- These contracts are for the purchase of polymers used to treat solids removed from the treatment plants.
- On September 29, 2017, potential polymer suppliers responded to a Request for Information about the products being offered, quality control, and manufacturing capacity.
- Performance testing of the polymers was conducted to determine amount of polymer needed to process solids and compatibility with plant equipment.
- On May 5, 2018, the City issued an Invitation to Bid; three bids were received from service providers that met the performance testing criteria.
- Total cost was calculated using each supplier's bid price per pound of polymer and the amount of polymer used during the polymer testing.
- The estimated annual expenditures are \$536,000.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Charlotte Water Operating Budget



## 42. Franklin Water Treatment Plant Roof Replacement

**Action:**

**Award a contract in the amount of \$593,804 to the lowest responsive bidder Mecklenburg Roofing, Inc. for the Franklin Water Treatment Plant Roof Replacement Project.**

**Staff Resource(s):**

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

**Explanation**

- The City owns and maintains three water treatment plants in Mecklenburg County. The Franklin Water Treatment Plant is located along Brookshire Boulevard (Council District 2).
- Certain roofs on site have reached the end of their useful life and are in need of replacement.
- This project is included in the five-year water and wastewater roofing replacement program, which will replace approximately 40 roofs distributed among five treatment facilities.
- On May 31, 2018, the City issued an Invitation to Bid; five bids were received.
- The project is anticipated to be completed by fall 2018.

**Charlotte Business INclusion**

Mecklenburg Roofing, Inc. has committed 1.77% (\$10,500) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Berry's Container Service LLC (SBE) (\$6,500) (dumpster)
- KIG Construction Building Materials Inc. (MBE) (\$4,000) (material supplier)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Maps

[Franklin Water Treatment Plant Roofing Replacement Project Map](#)

[Franklin Water Treatment Plant Roof Replacement Map 2](#)

## 43. McAlpine Creek Wastewater Treatment Plant Roof Replacement

**Action:**

**Award a contract in the amount of \$451,424 to the lowest responsive bidder Mecklenburg Roofing, Inc. for the McAlpine Creek Wastewater Treatment Plant Roof Replacement Project.**

**Staff Resource(s):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- The McAlpine Creek Wastewater Treatment Plant (WWTP) is located in the southern part of Mecklenburg County (Council District 7).
- Certain roofs on site have reached the end of their useful life and are in need of replacement.
- This project is included in the five-year water and wastewater roofing replacement program, which will replace approximately 40 roofs distributed among five treatment facilities.
- On May 30, 2018, the City issued an Invitation to Bid; five bids were received.
- The project is anticipated to be completed by fall 2018.

**Charlotte Business INclusion**

Mecklenburg Roofing, Inc. has committed 2.44% (\$11,000) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Berry's Container Service LLC (SBE) (\$7,000) (dumpster)
- KIG Construction Building Materials Inc. (MBE) (\$4,000) (material supplier)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Maps

[McAlpine Creek Wastewater Treatment Plant Roofing Replacement Project Map](#)

[McAlpine Creek Wastewater Treatment Plant Roofing Replacement Project Map 2](#)

## 44. Treatment Process Control Preventative Maintenance Services

### Action:

- A. Approve unit price contract with Hach Company for Process Control Equipment Preventative Maintenance for an initial term of three years, and
- B. Authorize the City Manager to renew the contract for one additional two-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

### **Explanation**

- Charlotte Water uses Hach electronic equipment to monitor and control treatment processes in its water and wastewater treatment plants.
- This contract provides for the periodic calibration, maintenance, and repair of Hach brand equipment, which ensures the integrity and reliability of data reported to regulatory agencies.
- A waiver of a competitive solicitation process may be granted when deemed appropriate and in the City's best interest. Such a finding has been made and a waiver granted for this procurement.
- Estimated contract expenditures are \$650,000 annually.

### **Charlotte Business INClusion**

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

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 45. Charlotte Water Industrial Access Control and Video Monitoring Maintenance Services

### Action:

- A. Approve a unit price contract with SAF Technologies, Inc. to provide Industrial Access Control and Video Monitoring Systems Maintenance Services for an initial term of two years, and
- B. Authorize the City Manager to renew the contract for up to three one-year renewal terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

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

Angela Lee, Charlotte Water

Shawn Coffman, Charlotte Water

### **Explanation**

- Charlotte Water operates a number of security-sensitive facilities that have specialized industrial security, access control, and video systems. The security equipment requires a wide variety of preventative maintenance, repair, and installation services. This contract will provide those services.
- On March 12, 2018, the City issued a Request for Proposal (RFP); four proposals were received.
- SAF Technologies, Inc. was determined to be the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification in response to the RFP requirements.
- Contract expenditures are estimated to be \$300,000 annually or \$1.5 million over a five-year term.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## **46. Elevated Water Storage Tank Site Identification and Geotechnical Professional Engineering Services**

### **Action:**

**Approve a contract for the amount of \$350,000 with AECOM Technical Services of North Carolina, Inc. for Professional Engineering Design Services for New Elevated Water Storage Tank Sites.**

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

Angela Lee, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- The 2015 Water System Master Plan includes four new elevated water storage tanks to meet anticipated water usage demands in the next ten years. Charlotte Water needs to identify and acquire properties for these tanks in 2018 and 2019.
- This contract will support site identification, prioritization, and preliminary construction cost estimation. Additional services include geotechnical evaluations and hydraulic modeling, which are necessary to determine adequacy of properties.
- On March 2, 2018, the City issued a Request for Qualifications (RFQ); four proposals were received.
- AECOM Technical Services of North Carolina, Inc. was determined to be the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

### **Charlotte Business INclusion**

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). AECOM Technical Services of North Carolina, Inc. has committed 7.14% (\$25,000) of the total contract amount to the following certified firm:

- Yellow Duck Marketing (SBE, WBE) (\$12,000) (public relations)
- CES Group Engineers, LLP (SBE, WBE) (\$8,000) (surveying)
- Sweetwater Utility Exploration, LLC (SBE) (\$5,000) (subsurface engineering)

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

## 47. CATS Purchase of Parts Organizer

**Action:**

**Approve the purchase of a Kardex Remstar Shuttle XP from Alternative Handling Technologies in the amount of \$103,057.80.**

**Staff Resource(s):**

John Lewis, CATS

Allen Smith III, CATS

**Explanation**

- A Kardex Remstar Shuttle XP is an automated piece of equipment used for warehousing and organizing parts and equipment.
- CATS was in need of this type of system in order to effectively store and organize equipment at the newly constructed North Brevard Yard Maintenance Facility which is part of the Blue Line Extension Project.
- Storage space at this facility is very limited; therefore a specialized storage system was necessary to maintain the maintenance equipment.
- This procurement was originally processed on December 16, 2016, for the total purchase price of \$99,991.
- Thereafter, additional shipping charges were added to the total cost which raised the price for this purchase over \$100,000.
- The total purchase, therefore, requires City Council approval based upon the total price of all goods and shipping costs exceeding \$100,000.

**Fiscal Note**

Funding: CATS Operating Budget

## **48. Wilson Air North Terminal Design and Construction Services Contract Amendment**

### **Action:**

**Approve contract amendment #1 in the amount of \$182,000 with The Wilson Group Architects, PA for additional design and construction administration services for a new general aviation charter terminal.**

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- On October 9, 2017, City Council approved a contract in the amount of \$1,366,050 with The Wilson Group Architects, PA for design and construction administration services for a new general aviation charter terminal operated by Wilson Air Center.
- Since the project's inception, the project scope has expanded to include an additional 5,500 square feet of upper level office space, as well as amended the programming for the Federal Inspection Station (FIS) facility. The FIS was originally planned to be a General Aviation Facility but has expanded to become a Mini-FIS, which has increased requirements for square footage and Airport Technical Design Standards.
- This contract amendment will provide for the additional design and construction administration services required to incorporate the additional square footage and design standards for the FIS.
- The new total value of the contract, including amendments, is \$1,548,050.
- This activity is occurring on airport property, which is in Council District 3.

### **Charlotte Business INclusion**

All additional work involved in this amendment will be performed by Wilson Group Architects, PA and their existing sub-consultants (Part D: Section 6 of the Charlotte Business INclusion Policy).

Wilson Group Architects, PA has committed 3.57% (\$6,500) of the total contract amendment amount to the following certified firms:

- Saber Engineering (SBE) (\$5,000) (mechanical, plumbing, engineering and fire protection)
- Hartranft Lighting Design (SBE, WBE) (\$1,500) (specialty lighting design)

The Wilson Group Architects, PA is a City SBE.

### **Fiscal Note**

Funding: Aviation Community Investment Plan

## 49. Airport Concourse E Design Services Contract Amendment

### **Action:**

**Approve contract amendment #5 in the amount of \$3,472,875 with LS3P Associates LTD for additional design services on Concourse E phase VIII project.**

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- On February 9, 2015, City Council approved a contract in the amount of \$372,475 to LS3P Associates LTD for design services for the Concourse E project.
- Starting in 2015, the Airport has constructed Concourse E in multiple phases. Over the last three years, the project scope has changed to meet the growing demands of the airline partners.
- Contract amendment #5, in the amount of \$3,472,875, includes re-design services for the addition of 36,000 square feet at ticketing level, adding a second story office level of approximately 30,000 square feet, and the addition of a 30,000 square feet basement that will allow for storage space to be used by tenants. Costs will be recovered through tenant rental rates.
- Contract and amendments one through four, previously approved by the City Council, total \$1,945,391.
- The new total value of the design contract, including amendments 1 through 5, is \$5,418,266.
- This activity is occurring on airport property, which is in Council District 3.

### **Charlotte Business INclusion**

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

LS3P Associates LTD has committed 36.74% (\$1,275,940) of the total contract amendment to the following certified firms:

- Wilson Group Architects, PA (SBE) (\$998,830) (architectural services)
- McCracken & Lopez, PA (SBE) (\$263,000) (mechanical, plumbing, electrical and fire protection engineering services)
- Hartranft Lighting Design (SBE, WBE) (\$14,110) (lighting design services)

### **Fiscal Note**

Funding: Aviation Community Investment Plan

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



## 50. Airport East Terminal Phase II Design Contract Amendment

**Action:**

**Approve contract amendment #2 for \$549,445 to DAS Architecture for East Terminal Expansion Phase II.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- On December 8, 2014 City Council approved a design contract in the amount of \$704,800 to DAS Architecture for design of East Terminal Expansion Phase II, which includes interior design of the food court, upfit of level three shell space, and various other base building design changes.
- The East Terminal Phase II base building is currently under construction and scheduled to open the new Concourse D/E food court portion of the project in spring of 2019. In conjunction with airport vendors, the new food court will provide additional food, beverage and retail opportunities for airport customers.
- In May 2015, City Council approved contract amendment #1 in the amount of \$417,360.
- The new total value of the design contract, including amendments, is \$1,671,605.
- This activity is occurring on airport property, which is in Council District 3.

**Charlotte Business INclusion:**

All additional work involved in this amendment will be performed by DAS Architecture and their existing subconsultants (Part D: Section 6 of the Charlotte Business INclusion Policy).

DAS Architecture has committed 10.00% (\$54,944.50) of the total contract amendment amount to the following certified firms:

- McCracken & Lopez, PA (SBE) (\$31,671.14) (MEP/FP engineering)
- Laurene, Rickher & Sorrell, PC (SBE) (\$23,273.36) (structural engineering)

DAS Architecture is a City SBE.

**Fiscal Note**

Funding: Aviation Community Investment Plan

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

## 51. Airport West Ramp Expansion Phase II Design Contract

**Action:**

**Approve a contract in the amount of \$3,132,522.67 with Talbert Bright & Ellington, Inc. for design services of the West Ramp Expansion Phase II, West Lavatory, and Ground Support Equipment Project.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- The Airport's Master Plan has documented the need for additional gates for air carrier operations. This contract will provide design services for an expansion of the aircraft ramp and associated support facilities, including a fueling facility, a lavatory dump station, and ground equipment fueling facility, located north of the Concourse A Expansion Phase I.
- The project will provide for design and construction in support of Concourse A Expansion Phases II and III, which will provide 18 additional aircraft gates as needed by the airlines.
- The professional services contract will include surveying, geotechnical investigation, engineering, construction bidding assistance, construction administration, and construction material testing.
- On March 23, 2017, the City issued a Request for Qualifications (RFQ) for General Engineering Consultant Task Order Services. In response to the RFQ, the City received 25 proposals.
- Talbert, Bright & Ellington, Inc. was determined to be the best qualified firm to meet the City's needs based on their experience on similar airfield projects.
- Construction is expected to begin in spring of 2019.
- This activity is occurring on airport property, which is in Council District 3.

**Disadvantaged Business Enterprise**

All additional work involved in this amendment will be performed by Talbert Bright & Ellington, Inc. and their existing sub-consultants.

Talbert Bright & Ellington, Inc. has committed 11.26% (\$352,800) of the total contract amendment to the following certified firms:

- On-Spec Engineering (DBE, SBE) (\$250,000) (quality assurance testing)
- Accu-tech Surveying & Mapping (DBE, SBE) (\$87,800) (land surveyor services)
- Flehan Engineering (DBE, SBE) (\$15,000) (storm drain modeling, drainage design services)

**Fiscal Note**

Funding: Airport Community Investment Fund

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

## 52. American Airlines Line Maintenance Hangar Expansion Change Order

**Action:**

Approve change order #1 in the amount of \$375,000 to Messer Construction Company of Charlotte, NC, for additional scope items added to the American Airlines Line Maintenance Hangar Expansion project.

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- On July 24, 2017, City Council approved a construction contract in the amount of \$2,809,400 to Messer Construction Company of Charlotte, NC, for the renovation and expansion of the American Airlines Line Maintenance Hangar.
- On January 23, 2018, the City executed an Airport Tenant Improvement Reimbursement Agreement with American Airlines.
- This change order will provide the additional funds required for Messer Construction Company to proceed with the associated scope of work.
- The additional scope of work items, as requested by American Airlines after the start of construction includes the following:
  - Architectural, mechanical, electrical, plumbing and sprinkler changes required to relocate the locker room area,
  - Additional electrical and data outlets throughout the expansion and renovation areas, as well as areas of the facility outside of the original project scope limits, and
  - Addition of an emergency power generator.
- The new total value of the contract, including change orders, is \$3,184,400.
- This activity is occurring on airport property, which is in Council District 3.

**Charlotte Business INclusion**

All additional work involved in this change order will be performed by Messer Construction Company and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Aviation Community Investment Plan

## 53. Federal Aviation Administration Reimbursable Agreements

### Action:

- A. Approve a Reimbursable Agreement in the amount of \$90,928.77 with the Federal Aviation Administration for the relocation of Federal Aviation Administration-owned facilities, and
- B. Approve a Reimbursable Agreement in the amount of \$159,828.88 with the Federal Aviation Administration for relocation of navigational aids.

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- The City is starting the planning and design of the Airport Runway 18C/36C End-Around Taxiway project. The new taxiway will impact several Federal Aviation Administration (FAA) facilities and navigational aids for that runway, which requires that they be relocated.
- The relocation of FAA facilities and navigational aids requires agreement with the FAA for the design of their new locations.
- These agreements will support design efforts for the FAA's staff time.
- These agreements are anticipated to be amended at a later date for the costs of FAA construction quality assurance, electronics implementation, and flight inspection.
- This activity is occurring on airport property which is in Council District 3.

### **Fiscal Note**

Funding: Aviation Community Investment Plan

To be reimbursed by a combination of Bond Anticipation Notes, future Passenger Facility Charges, and future General Airport Revenue Bonds

## 54. Airport Concrete Selective Slab Replacement

### **Action:**

- A. Award a unit price contract to the lowest responsive bidder Hi-Way Paving, Inc. to provide concrete services for initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- Replacement and repair of concrete portions of the airfield are regularly required. This contract will provide for the purchase and placement of concrete and other associated work needed for these repairs.
- On March 2, 2018, the City issued an Invitation to Bid; two bids were received. The project was re-advertised on April 10, 2018; two bids were received.
- Hi-Way Paving, Inc. was selected as the lowest responsive, responsible bidder.
- Estimated contract expenditures are \$1,212,175 over the three-year term.
- This activity is occurring on airport property, which is in Council District 3.

### **Charlotte Business INclusion**

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

Hi-Way Paving, Inc. has identified the following certified firm(s) to participate as project scopes are defined:

- All Points Trucking (SBE) (hauling)
- Express Logistics (SBE, MBE) (hauling)

### **Fiscal Note**

Funding: Aviation Community Investment Plan

## 55. Feasibility Consultant for Airport Revenue Bonds

**Action:**

**Approve a contract in the amount of \$250,000 with Newton and Associates, Inc. to conduct a revenue bond feasibility study for the upcoming long-term financing of Airport capital projects.**

**Staff Resource(s):**

Randy Harrington, Management and Financial Services  
Brent Cagle, Aviation

**Explanation**

- In order to issue upcoming Airport Revenue Bonds in the capital markets, a comprehensive economic study is required to assess the financial feasibility of the projects financed.
- The analysis requires detailed knowledge of the financial operations of the Airport, the Airport industry, and the overall bond market. Newton and Associates, Inc. performs this service for airports across the country and has extensive knowledge and experience at the Charlotte Douglas International Airport to effectively provide the analysis.
- The service is typically authorized as part of the overall financing plan; however, sufficient lead time is necessary to develop the feasibility study in advance of the actual debt issuance anticipated in 2019.
- The debt issuance is necessary to fund the ongoing capital plan of the Airport.

**Fiscal Note**

Funding: Airport Debt Service Fund

## 56. Contract Amendments for New and Retread Tires, Related Products and Services

**Action:**

**Approve contract amendments with the following companies for New and Retread Tires and Related Products and Services for a term of six months:**

- **Snider Fleet Solutions, and**
- **Parrish Tire Company.**

**Staff Resource(s):**

Randy Harrington, Management and Financial Services  
Chris Trull, Management and Financial Services

**Explanation**

- On July 22, 2013, City Council awarded unit price contracts for three years with two, one-year renewal terms in the estimated annual amount of \$1.5 million. The City exercised both of the one-year renewal options. These contracts will expire on July 21, 2018.
- The contracts provide the City with tires and tire repair service for vehicles and equipment in the City's fleet.
- A six month extension to the current contracts is needed to allow for extended research of the fleet's tire usage and to competitively solicit new contracts to optimize the product purchasing methodology.
- Estimated expenditures for both contracts combined are \$250,000 over the six month extension term.

**Fiscal Note**

Funding: Management and Financial Services Operating Budget

## **57. Information Technology Business Planning Research and Advisory Services**

### **Action:**

**Approve a contract extension for a term of three years with Gartner, Inc. for information technology business planning services and resources, including licensing for Gartner's research knowledge base, benchmarking analytics, and diagnostic tools; and for Gartner analyst consultations, training and other related advisory services.**

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

Jeff Stovall, Innovation and Technology

### **Explanation**

- Innovation and Technology plays a critical delivery function for most City departments including information technology (IT) applications, infrastructure, information security, and public safety communications.
- Gartner, Inc. provides industry leading research regarding the information technology field. This includes subscriptions to a research knowledge base and analytic tools, as well as advisory services for on-demand access to Gartner analysts. These services have proven invaluable in helping our limited IT staff resources make important technology decisions in a timely manner.
- Gartner, Inc. is the world's leading IT industry research and advisory firm by market share and it services over 14,000 clients globally. It is the acknowledged authority in the information technology field.
- On July 28, 2014, City Council approved a one-year contract with Gartner, Inc. On August 24, 2015, City Council approved a contract extension with up to two, one-year renewals.
- The contract includes services specific to IT executives, IT leaders, and IT security and risk management. The contract provides services for Innovation and Technology and Aviation.
- Gartner, Inc. has accumulated a substantial amount of organizational knowledge through their years of service to the City. At this time, it would require substantial additional investment by the City to duplicate these services.
- Estimated annual expenditures under the contract are \$420,000.

### **Fiscal Note**

Funding: Innovation and Technology and Aviation Operating Budgets

## 58. Ongoing Software and Server Maintenance and Support

### Action:

- A. Approve contracts with the companies listed below to provide ongoing software and server maintenance and support for the software systems and servers associated with each of the companies, as detailed in Attachment A:
- Open Text, Inc.,
  - Service Express, Inc. dba SEI Inc.,
  - Environmental Systems Research Institute, Inc. dba Esri,
  - The 400 LLC dba Whitlock Infrastructure Solutions,
  - The Teneo Group,
  - HIC Network Security Solutions, LLC,
  - EC America, Inc.,
  - Certent, Inc.,
- B. Approve the purchase of Check Point Software Technologies Ltd. internet security firewall and Palo Alto Networks intrusion prevention support and maintenance from a federal contract as authorized by G.S. 143-129(e)(9a),
- C. Authorize the City Manager to approve the purchase of maintenance and support for as long as the City uses the systems and servers, and
- D. Authorize the purchase of such additional software licenses and services as needed from time to time to optimize the City's use of the systems, and to approve other amendments and contracts consistent with the purpose for which the contracts are approved, including price adjustments.

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

Jeff Stovall, Innovation and Technology

### **Explanation**

- The City acquires and maintains numerous software applications and servers across departments.
  - The portfolio of responsibility includes software systems that facilitate service delivery citywide, including but not limited to various Microsoft applications, server hardware and software, database software, data storage, and information security applications.
- The City evaluates its software and hardware systems on an ongoing basis to identify competing products and potential cost savings. Many applications have remained in use at the City for a longer period of time than anticipated during the original acquisition.
- The continued use of the software and hardware described in Attachment A is required to ensure:
  - Access to continuous software updates provided with the purchase of ongoing maintenance and support, and
  - Continued functionality and security of the City's applications.
- As these contracts may individually require City Council approval for continued use, the City has determined that it would be most efficient to request approval in a single Council action rather than bringing a separate action for each product.
- Aggregate expenditures for maintenance and support for the items listed in Attachment A are estimated to be \$1,250,000 per year.
- City Council previously approved a similar action on November 28, 2016, for a group of software maintenance and support contracts.
- The purchases referenced in Action B with The Teneo Group, HIC Network Security Solutions, LLC, and EC America, Inc. are to be made through GSA Contract GS-35F-0511T.

### **Charlotte Business INclusion**

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



**Fiscal Note**

Funding: Various Department Operating Budgets

**Attachment(s)**

Attachment A - Maintenance Contract Workbook

[Ongoing Maintenance RCA for 6-25-18 Council \(I&T\) - Attachment A](#)

## 59. Refund of Property Taxes

**Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$1,074.60.**

**Staff Resource(s):**

Randy Harrington, Management and Financial Services

Scott Greer, Management and Financial Services

**Explanation**

- Mecklenburg County notified and provided the City of Charlotte 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](#)

## 60. Meeting Minutes

**Action:**

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

- **May 9, 2018, Special Meeting, and**
- **May 14, 2018, Business Meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

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

**Action:** Approve the following Acquisition: 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

**Purchase Price:** \$350,000

**Council District:** 1

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

**Action:** Approve the following Acquisition: 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

**Purchase Price:** \$75,000

**Council District:** 4

## 63. Property Transactions - Lincoln Heights Drainage Improvements, Parcel #26

**Action:** Approve the following Condemnation: Lincoln Heights Drainage Improvements, Parcel #26

**Project:** Lincoln Heights Drainage Improvements, Parcel #26

**Program:** Flood Control

**Owner(s):** American Towers LLC

**Property Address:** Holly Street

**Total Parcel Area:** 166,889 sq. ft. (3.831 ac.)

**Property to be acquired by Easements:** 788.85 sq. ft. (.018 ac.) in Storm Drainage Easement, plus 256.4 sq. ft. (.006 ac.) in Sanitary Sewer Easement, plus 971.27 sq. ft. (.022 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:** 077-041-26

**Appraised Value:** \$275

**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

## 64. Property Transactions - Lincoln Heights Drainage Improvements, Parcel #86

**Action:** Approve the following Condemnation: Lincoln Heights Drainage Improvements, Parcel #86

**Project:** Lincoln Heights Drainage Improvements, Parcel #86

**Program:** Flood Control

**Owner(s):** Wisdom, LLC

**Property Address:** 1710 Odessa Avenue

**Total Parcel Area:** 30,000 sq. ft. (.689 ac.)

**Property to be acquired by Easements:** 1,810 sq. ft. (.042 ac.) in Storm Drainage Easement, plus 10,584 sq. ft. (.243 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:** 077-041-23

**Appraised Value:** \$600

**Property Owner's Counteroffer:** \$2,000

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

**City's Response to Property Owner's Concerns:** Staff informed the property owner that this is the best engineering design for the project and he could obtain an appraisal to support his counter offer.

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

**Council District:** 2

## 65. Property Transactions - Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #5

**Action:** Approve the following Condemnation: Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #5

**Project:** Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #5

**Owner(s):** Mario Evans and Dorothy Evans

**Property Address:** 1115 Ambassador Street

**Total Parcel Area:** 25,580 sq. ft. (.587 ac.)

**Property to be acquired by Easements:** 889 sq. ft. (.02 ac.) in Temporary Construction Easement, plus 58 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:** 071-093-14

**Appraised Value:** \$225

**Property Owner's Concerns:** The property owner is concerned with location of the utility pole and guy wires.

**City's Response to Property Owner's Concerns:** Staff redesigned in order to address the property owner's concerns.

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

**Council District:** 3

## 66. Property Transactions - Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #7

**Action:** Approve the following Condemnation: Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #7

**Project:** Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #7

**Owner(s):** General Electric Company

**Property Address:** 2328 Thrift Road

**Total Parcel Area:** 105,007 sq. ft. (2.411 ac.)

**Property to be acquired by Easements:** 648 sq. ft. (.015 ac.) in Storm Drainage Easement, plus 6,353 sq. ft. (.146 ac.) in Sidewalk and Utility Easement, plus 6,723 sq. ft. (.154 ac.) in Temporary Construction Easement, plus 253 sq. ft. (.006 ac.) in Utility Easement, plus 4,917 sq. ft. (.113 ac.) in Right of Way Easement

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

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

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 071-082-04

**Appraised Value:** \$17,725

**Property Owner's Concerns:** The property owner is concerned with the amount of compensation being offered and the environmental indemnification language to be used in the agreement.

**City's Response to Property Owner's Concerns:** Staff informed the property owner that they could obtain an appraisal in order to justify their counter offer. We have yet to reach consensus on 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:** 3

## 67. Property Transactions - Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #8

**Action:** Approve the following Condemnation: Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #8

**Project:** Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #8

**Owner(s):** Julian Dean Melton

**Property Address:** 2337 Thrift Road

**Total Parcel Area:** 13,685 sq. ft. (.314 ac.)

**Property to be acquired by Fee:** 1,337 sq. ft. (.031 ac.) in Fee Simple

**Property to be acquired by Easements:** 3,248 sq. ft. (.075 ac.) in Sidewalk and Utility Easement, plus 359 sq. ft. (.008 ac.) in Temporary Construction Easement, plus 46 sq. ft. (.001 ac.) in Utility Easement

**Structures/Improvements to be impacted:** Sign and parking spaces

**Landscaping to be impacted:** None

**Zoned:** I-2

**Use:** Commercial

**Tax Code:** 071-051-15

**Appraised Value:** \$45,775

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

**Council District:** 3



## **68. Property Transactions - Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #10**

**Action:** Approve the following Condemnation: Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #10

**Project:** Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #10

**Owner(s):** J.R. Cole Properties

**Property Address:** 1304 Berryhill Road

**Total Parcel Area:** 165,219 sq. ft. (3.793 ac.)

**Property to be acquired by Fee:** 759 sq. ft. (.017 ac.) in Fee Simple

**Property to be acquired by Easements:** 2,661 sq. ft. (.061 ac.) in Sidewalk and Utility Easement, plus 1,786 sq. ft. (.041 ac.) in Temporary Construction Easement, plus 91 sq. ft. (.002 ac.) in Utility Easement

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

**Landscaping to be impacted:** None

**Zoned:** I-1

**Use:** Industrial

**Tax Code:** 071-063-01

**Appraised Value:** \$4,250

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

**Council District:** 3

## 69. Property Transactions - Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #11

**Action:** Approve the following Condemnation: Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #11

**Project:** Tuckaseegee-Berryhill-Thrift Roundabout, Parcel #11

**Owner(s):** Ivin-Eva Properties, LLC

**Property Address:** 2401 Tuckaseegee Road

**Total Parcel Area:** 65,519 sq. ft. (1.504 ac.)

**Property to be acquired by Fee:** 3,924 sq. ft. (.09 ac.) in Fee Simple

**Property to be acquired by Easements:** 2,253 sq. ft. (.052 ac.) in Sidewalk and Utility Easement, plus 3,711 sq. ft. (.085 ac.) in Temporary Construction Easement, plus 664 sq. ft. (.015 ac.) in Utility Easement

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

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

**Zoned:** B-1

**Use:** Commercial

**Tax Code:** 071-061-15

**Appraised Value:** \$48,725

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

**City's Response to Property Owner's Concerns:** Staff informed the property owner and their representative that they could submit a counter offer with justification for review and consideration.

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

**Council District:** 3

## Adjournment

## REFERENCES

## 70. 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 and 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.

## 71. 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.

## 72. 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.