

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, July 23, 2018**

**Council Chambers**

### **City Council Business Meeting**

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

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

### **1. Mayor and Council Consent Item Questions**

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

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

### **2. Agenda Overview**

**Staff Resource(s):**

Marcus Jones, City Manager

### **3. Vision and Comprehensive Plan - Transportation and Planning Committee Update**

**Staff Resource(s):**

Taiwo Jaiyeoba, Planning

**Time:** 30 minutes

**Explanation**

- 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.

[July 23 City Council Presentation](#)

### **4. Housing Charlotte Framework**

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

**Time:** 20 minutes

**Explanation**

- The Housing Charlotte Framework focuses on three objectives:
  - Expanding the supply of high-quality rental housing and homeownership opportunities,
  - Preserving the affordability and quality of existing rental housing stock, and
  - Supporting family self-sufficiency.
- The Framework will establish a collaborative effort between the City, Local Initiative Support Corporation (LISC), Foundation For The Carolinas, Leading On Opportunity Council, and other community partners to support the framework's objectives and guide the City's housing investments, policies, and processes.

- On June 13, 2018, the Housing and Neighborhood Development Committee voted unanimously (Mayfield, Driggs, Egleston, Harlow and Newton) to move the Housing Charlotte Framework forward to full Council for consideration.

**Future Action**

City Council will be asked to consider the Housing Charlotte Framework during the Business Meeting on August 27, 2018.

[July 23 Action Review Framework CHDO ESG Final](#)

## 5. Efficiency in Government

**Staff Resource(s):**

Greg McDowell, Internal Audit

**Time:** 20 minutes

**Explanation**

- This presentation will provide information on an opportunity to improve operating efficiency by streamlining contract approvals.

**Future Action**

This presentation is for information purposes only.

[Efficiency in Govt Streamlining Contract Approvals July 23 2018](#)

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

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 10 minutes

**Synopsis**

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

## 7. Closed Session (as necessary)

**6:30 P.M. 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 28 through 101 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

## **AWARDS AND RECOGNITIONS**

### **10. Americans with Disabilities Act Awareness Day**

**Action:**

Mayor Pro Tem Eiselt will read a proclamation recognizing July 26, 2018, as Americans with Disabilities Act Awareness Day.

## PUBLIC HEARING

### 11. Public Hearing on a Resolution to Close Todd Road and Clark Place

**Action:**

- A. Conduct a public hearing to close Todd Road and Clark Place, and**
- B. Adopt a resolution to close Todd Road and Clark Place.**

**Staff Resource(s):**

Liz Babson, Transportation  
Jeff Boenisch, Transportation

**Explanation**

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

**Petitioners**

Charlotte Douglas International Airport

**Right-of-Way to be Abandoned**

Todd Road and Clark Place are both located north of Wilkinson Blvd, east of I-485 and south of I-85.

**Reason**

This request is in direct relationship to the Quattro Project rezoning petition #2018-025 for I-2 & I-2 (CD) zoning, which was approved by City Council on June 18, 2018. The closing of Todd Road and Clark Place will enable the adjacent land to be reassembled in order to accommodate the Quattro Project's land-use needs.

**Notification**

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s) - All abutting property is owned by the petitioner.

Neighborhood/Business Association(s) - N/A

Private Utility Companies - No objections

City Departments - Review by City departments identified no apparent reason this closing would:

- Be contrary to the public interest;
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

**Attachment(s)**



Map  
Resolution

[Council Map Todd Rd and Clark Place](#)

[Resolution to Close Todd Road and Clark Place](#)

## 12. Public Hearing on a Resolution to Close a Portion of Tuckaseegee Road

### **Action:**

**A. Conduct a public hearing to close a portion of Tuckaseegee Road, and**

**B. Adopt a resolution to close a portion of Tuckaseegee Road.**

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

Liz Babson, Transportation  
Jeff Boenisch, Transportation

### **Explanation**

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

### **Petitioners**

Charlotte Douglas International Airport

### **Right-of-Way to be Abandoned**

The portion of Tuckaseegee Road to be abandoned is located north of Wilkinson Blvd, east of I-485 and south of I-85.

### **Reason**

This request is in direct relationship to the Quattro Project rezoning petition #2018-025 for I-2 & I-2 (CD) zoning, which was approved by City Council on June 18, 2018. The closing of a portion of Tuckaseegee Road relinquishes remnant right-of-way so that new street networks can be created in order to accommodate the Quattro Project's transportation and land-use goals.

### **Notification**

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s) - All abutting property is owned by the petitioner.

Neighborhood/Business Association(s) - N/A

Private Utility Companies - No objections

### City Departments

Review by City departments identified no apparent reason this closing would:

- Be contrary to the public interest;

- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

**Attachment(s)**

Map

Resolution

[Council Map Tuckaseegee Road](#)[Resolution to Close a portion of Tuckaseegee Rd](#)

### 13. Public Hearing on General Obligation Bond Referendum

**Action:**

- A. Conduct a public hearing on the bond orders which would be authorized at the General Obligation Bond Referendum to be set for November 6, 2018,**
- B. Adopt bond orders introduced for \$118,080,000 of Street Bonds, \$55,000,000 of Neighborhood Improvement Bonds, and \$50,000,000 of Housing Bonds, and**
- C. Adopt a resolution setting the General Obligation Bond Referendum for November 6, 2018.**

**Staff Resource(s):**

Randy Harrington, Management and Financial Services

Robert Campbell, Management and Financial Services

**Explanation**

- On June 11, 2018, Council adopted the Fiscal Year (FY) 2019 operating budget and FY 2019 - FY 2023 Community Investment Plan, which included a \$223,080,000 bond referendum in 2018.
- At the same meeting, Council approved resolutions authorizing staff to proceed with the actions necessary to conduct a general obligation bond referendum.
- On June 25, 2018, City Council introduced the bond orders and set a public hearing on each of the bond orders for July 23, 2018.
- The current action is the third of four City Council actions. This action will specifically:
  - Hold and close a public hearing on each bond order,
  - Adopt bond orders for \$118,080,000 of Street Bonds, \$55,000,000 of Neighborhood Improvement Bonds and \$50,000,000 of Housing Bonds, and
  - Approve a resolution setting the bond referendum for November 6, 2018, and direct staff to publish notice of the referendum.
- The Local Government Commission is scheduled to consider the referendum for approval at its October meeting.
- After November 6, 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)**

Closing of Public Hearing

Bond Orders

Resolution

Bond Referendum Notice

[Closing of Public Hearing](#)

[Bond Orders](#)

[Resolution Setting a Special Bond Referendum](#)

[Notice of Special Bond Referendum](#)

## POLICY

### 14. City Manager's Report

### 15. Emergency Solutions Grant Funding Recommendations

**Action:**

Approve Emergency Solutions Grant Fund allocations totaling \$415,525 to the following agencies:

- The Men's Shelter, \$117,325,
- The Salvation Army, \$108,200, and
- The Relatives, \$190,000.

**Committee Chair:**

LaWana Mayfield, Housing and Neighborhood Development

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

**Explanation**

- The approval of the Emergency Solutions Grant (ESG) allocations help fund temporary shelters in support of the City's efforts to end and prevent homelessness.
- On any given night, more than 700 individuals are sleeping in men's and women's homeless shelters. The ESG program contains five components: Street Outreach, Emergency Shelter, Homeless Prevention, Rapid Re-Housing, and the Homeless Management Information System.
- ESG funds are allocated annually by the U.S. Department of Housing and Urban Development (HUD) and must be used to:
  - Engage homeless individuals and families living on the streets,
  - Improve the quality and operation of emergency shelters,
  - Provide essential services to shelter residents,
  - Rapidly re-house homeless individuals and families, and
  - Prevent families and individuals from becoming homeless.

**Committee Discussion**

- On June 13, 2018, Housing and Neighborhood Services staff presented recommendations for the ESG Fund allocations to the Housing and Neighborhood Development Committee. The Committee voted unanimously (Mayfield, Driggs, Egleston, Harlow and Newton) to approve the allocations.

**Background**

- On May 14, 2018, City Council adopted the HUD Annual Action Plan (Plan). The Plan:
  - Identifies the need for affordable, safe, and decent housing and shelter for low-income and moderate-income families,
  - Governs the use of funding for federal housing programs and identifies City housing goals, and
  - Outlines a goal of supporting facilities and programs for the homeless with the ESG funds.

**Fiscal Note**

Funding: HUD Funds

**Attachment(s)**

Executive Summary

[Action Plan Executive Summary](#)

### 16. 2018 Community Housing Development Organization Grants

**Action:**

**Approve the Housing and Neighborhood Development Committee's recommendation to approve federally funded HOME Program Community Housing Development Organization grants for a total of \$650,000 to:**

- **Charlotte-Mecklenburg Housing Partnership, Inc., \$150,000, and**
- **CrossRoads Corporation for Affordable Housing and Community Development, \$500,000.**

**Committee Chair:**

LaWana Mayfield, Housing and Neighborhood Development

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

Zelleka Biermann, Housing and Neighborhood Services

**Explanation**

- A Community Housing Development Organization (CHDO) is a non-profit that develops affordable housing for the community it serves.
- The U.S. Department of Housing and Urban Development (HUD) requires the City to award a minimum of 15 percent of its federal HOME allocation to qualified CHDOs for housing development activities serving households earning 80 percent or below of area median income (AMI), or \$56,560, in which these organizations are the owners, developers, and/or sponsors of housing.
- The Charlotte-Mecklenburg Housing Partnership, Inc. (Housing Partnership) and CrossRoads Corporation for Affordable Housing and Community Development (CrossRoads) are CHDOs.
- The Housing Partnership is utilizing CHDO HOME funds leveraged with other forms of funding, including private equity, to create homeownership opportunities in Druid Hills for households earning 80 percent of AMI and below. To date, the organization has completed seven homes for qualified families. This grant would fund three additional homes scheduled for completion in February 2019.
- CrossRoads, in partnership with Self-Help Community Development Corporation, has completed 32 homes in Elizabeth Heights, 26 of which were sold to families earning 80 percent of AMI and below. The grant will allow Crossroads to complete eight additional homes of this type.
- Each of the homes funded will have deed restrictions for a minimum of 15 years and will be monitored for compliance by the City.
- The developments must be completed within the 24-month time span allotted by HUD. If an organization fails to complete their development or forfeits the CHDO funding for reasons of noncompliance, nonperformance or any other reasons identified by the City, the funds will be redistributed to other CHDO developments.
- City staff have reviewed both proposed development recommendations which include:
  - Druid Hills Homeownership New Construction (Housing Partnership):
    - Three units,
    - Total development budget of \$724,050,
    - Request of \$150,000 for a leverage ratio of 1:5, and
  - Elizabeth Heights Homeownership New Construction (CrossRoads):
    - Eight units,
    - Total development budget of \$2,120,800,
    - Request of \$500,000 for a leverage ratio of 1:4.

**Background**

- On May 14, 2018, City Council adopted HUD's Annual Action Plan which:
  - Identifies the need for affordable, safe, and decent housing for low and moderate-income families, and
  - Reaffirms three basic goals of the City's Housing Policy:
    - Preserve the existing housing stock,
    - Expand the supply of affordable housing, and
    - Support family self-sufficiency initiatives.

**Committee Discussion**

- On June 13, 2018, Housing and Neighborhood Services staff presented recommendations for the CHDO grants to the Housing and Neighborhood Development Committee. The Committee voted unanimously (Mayfield, Driggs, Egleston, Harlow and Newton) to approve the grants.

**HUD Contracting Requirements**

The developments funded by these grants are subject to applicable HUD requirements for providing training, employment, and contracting opportunities to Section 3 residents and minority, women and small business enterprises.

**Fiscal Note**

Funding: Federal HOME Funds

## BUSINESS

### 17. Interlocal Agreement and Reimbursable Sewer Design and Construction Contract for the Goose Creek Trunk Sewer Phase 2 Project

**Action:**

- A. Adopt a resolution ratifying five-year reimbursable Interlocal Agreement with the Town of Mint Hill for Sewer Construction of the Goose Creek Trunk Sewer Phase 2 Project, and
- B. Adopt a budget ordinance appropriating \$1,670,000 from the Town of Mint Hill.

**Staff Resource(s):**

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

**Explanation**

- In accordance with the Charlotte Water Extension Policy, the Town of Mint Hill has applied for a five-year reimbursable agreement to accelerate the construction of a new sewer line along Goose Creek, which is identified in Charlotte Water's Community Investment Plan.
- Mint Hill is building improvements to Veteran's Memorial Park, which includes a project to provide concession and bathroom facilities that are in need of sewer service.
- This Project will construct approximately 5,000 linear feet of sanitary sewer.
- The estimated eligible reimbursement cost for this contract is \$1,670,000. The final reimbursable cost will be known once construction bids are received.
- Charlotte Water intends to deliver the project through the Design-Build delivery method. This approach allows for a qualifications based selection of a team that is well qualified to perform the work included in the scope of the Project. Utilizing this method will allow Charlotte Water to work cohesively with the team, which will reduce risk during design and construction as well as expedite the work to meet a demanding schedule. Contracts for the design and subsequent construction costs will be brought to City Council for approval at future meetings.
- The initial deposit to be paid by the applicant is 20 percent of the estimated total eligible cost (\$334,000). A budget ordinance is required to accept funds from the applicant.

**Charlotte Business INclusion**

This is an Interlocal Agreement contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map  
Budget Ordinance  
Resolution  
Bids - 5 Year Reimbursable - Letter of Credit

[07232018 GooseCreek2Map](#)

[Town of Mint Hill Budget Ordinance](#)

[Resolution-Interlocal Agreement and Reimbursable Sewer Design and Construction Contract for the Gc](#)

### 18. Nominations to the Arts and Science Council Advisory

## Councils

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- In an effort to better serve our regional community and to increase community engagement, the Arts and Science Council (ASC) established Advisory Councils in 2016 for the purpose of providing input, feedback, and recommendations to the ASC Board to help align the cultural community with the needs of local communities.
- June 30 marks the end of the first two-year appointments by City Council. The City has 11 appointments to the Advisory Councils as specified below:
- North/West Advisory Council - Three appointees
  - One appointee from District 2 (nomination by Councilmember Harlow),
  - One appointee from District 4 (nomination by Councilmember Phipps), and
  - One At-Large appointee from District 2 or 4 (nomination by any Councilmember)
    - Jonathan Utrup (District 4) is interested in reappointment.
- South/East Advisory Council - Three appointees
  - One appointee from District 6 (nomination by Councilmember Bokhari),
  - One appointee from District 7 (nomination by Councilmember Driggs), and
  - One At-Large appointee from District 6 or 7 (nomination by any Councilmember)
    - Nalan Karakaya Mulder (District 7) is interested in reappointment.
- Central Advisory Council - Five appointees
  - One appointee from District 1 (nomination by Councilmember Egleston),
  - One appointee from District 3 (nomination by Councilmember Mayfield),
  - One appointee from District 5 (nomination by Councilmember Newton), and
  - Two At-Large appointees from District 1, 3, or 5 (nomination by any Councilmember)
    - Tracey Wopperer (District 3) is interested in reappointment.
    - Sarah Alexander (District 1 - At-Large) is interested in reappointment.

**Attachment(s)**

ASC Advisory Council Policy

ASC Central Advisory Council Nominations (Districts 1, 3, and 5)

ASC North/West Advisory Council Nominations (Districts 2 and 4)

ASC South/East Advisory Council Nominations (Districts 6 and 7)

## 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. Mayor and City Council Topics**

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

## ZONING

### 21. Rezoning Petition: 2018-047 by Foundation of the University of North Carolina at Charlotte, Inc.

**Location:** Approximately 4.42 acres located on the east side of North Tryon Street across from J.W. Clay Boulevard. (Council District 4 - Phipps)

**Current Zoning:** INST (institutional) and TOD-M(O) (transit oriented development - mixed use, optional)

**Proposed Zoning:** TOD-M(O) (transit oriented development - mixed use, optional) and TOD-M(O) SPA (transit oriented development - mixed use, optional, site plan amendment)

**Staff recommendation:**

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

**Attachment(s)**

Pre-Hearing Staff Analysis

Site Plan

[2018-47\\_staff\\_072318\\_final-redone](#)

[R-20170437\\_ZONING SUBMISSION 20180504 REVISION 5-14-2018-FINAL REVISED 6..](#)

### 22. Rezoning Petition: 2018-048 by Novant Health, Inc.

**Location:** Approximately 1.5 acres located on the northwest corner of Statesville Avenue and Newland Road, west of Norris Avenue. (Council District 1 - Egleston)

**Current Zoning:** R-22MF (multi-family residential)

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

**Staff Recommendation:**

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

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2018-48\\_prestaff\\_071618\\_done](#)

[2018-048\\_RevSitePlan\\_06-11-2018](#)

### 23. Rezoning Petition: 2018-052 by Pasta & Provisions

**Location:** Approximately 0.22 acres located at the corner of South Mint Street and Spruce Street. (Council District 3 - Mayfield)

**Current Zoning:** R-5 (single family residential), R-5 HD-O (single family residential, historic district overlay)

**Proposed Zoning:** MUDD-O HD-O (mixed use development, optional, historic district overlay)

**Staff Recommendation:**

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

**Attachments:**

Pre-Hearing Staff Analysis  
Site Plan

[2018-052 PHstaff 07-16-2018 done](#)

[2018-052 RevSitePlan 06-11-2018](#)

## **24. Rezoning Petition: 2018-055 by Riverbend Charlotte, LLC**

**Location:** Approximately 3.19 acres located on the west side of Rozzelles Ferry Road, south of Winding River Drive. (Council District 2 - Harlow)

**Current Zoning:** R-8MF(CD) LWPA (multi-family residential, conditional, Lake Wylie Protected Area)

**Proposed Zoning:** R-5 LWPA (single family residential, Lake Wylie Protected Area)

**Staff Recommendation:**

Staff recommends approval of the petition.

**Attachments:**

Pre-Hearing Staff Analysis  
Previously Approved Site Plan

[2018-055 PH 07-16-2018 done](#)

[Previously Approved Cover Page](#)

[2018-055 Approved 1998-56\(C\)](#)

## **25. Rezoning Petition: 2018-060 by Eid Refaey**

**Location:** Approximately 1.04 acres located on the north side of Parkwood Avenue, east of Harrill Street, and west of Allen Street. (Council District 1 - Egleston)

**Current Zoning:** R-5 (single family residential)

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

**Staff Recommendation:**

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

**Attachments:**

Pre-Hearing Staff Analysis  
Site Plan

[2018-060 PHstaff 7-11-18 done](#)

[2018-060 RevSitePlan 06-11-2018](#)

## **26. Rezoning Petition: 2018-057 by Shea Homes**

**Location:** Approximately 3.87 acres located on the south side of South Bruns Avenue, east of Harrill Street, and west of West Trade Street. (Council District 2 - Harlow)

**Current Zoning:** UR-2(CD) (urban residential, conditional) and R-8 (single family residential)

**Proposed Zoning:** UR-2(CD) SPA (urban residential, conditional, site plan amendment)

**Staff Recommendation:**

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

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

[-2018-057 PH Staff 07-16-2018 done](#)

[2018-057 RevSitePlan 06-11-2018](#)

[Previously Approved Cover Page](#)

[2018-057 Approved 2008-026](#)

[2018-057 Approved 2006-107](#)

## 27. Rezoning Petition: 2018-062 by BPR Properties

**Location:** Approximately 0.36 acres located on the south side of South Brevard Street, east of East 4th Street. (Council District 1 - Egleston)

**Current Zoning:** UMUD (uptown mixed use)

**Proposed Zoning:** UMUD-O (uptown mixed use, optional)

**Staff Recommendation:**

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

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2018-062 PHstaff 07-16-2018 done](#)

[2018-062 RevSitePlan 06-11-2018](#)

## CONSENT

### 28. Firefighting Foam Contract

**Action:**

- A. Approve the purchase of firefighting foam, as authorized by sole source exemption of G.S. 143-129 (e)(6),**
- B. Approve a unit price contract with Municipal Emergency Services for the purchase of Foam Concentrate for the term of one year, and**
- C. Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Reginald Johnson, Fire  
Rich Granger, Fire  
Kevin Gordon, Fire

**Sole Source Exemption**

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

**Explanation**

- Municipal Emergency Services is the manufacturer of three percent MS AFFF Military Grade Foam Concentrate and does not sell the product through distributors.
- This is the only foam manufactured that can be used with firefighting foam currently in use.
- Compatibility is vital for both storage and use of the foam during emergencies.
- Purchase of non-compatible foam would not mix appropriately with the current foam in use, creating an inability to pump and/or spray, making it unusable during emergencies.
- In a typical year, Fire purchases approximately six, 265-gallon totes of foam.
- This foam is used to fight fires at Charlotte Douglas International Airport. It is also utilized by 55 companies and is hauled on a special apparatus in or around the Paw Creek area to combat potential petroleum based fires associated with the mixing of ethanol gas.
- Fire estimates annual expenditures to be \$40,000, for a total of \$200,000 over the five-year term.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Fire Department Operating Budget

### 29. Firefighter Helmets and Boots

**Action:**

- A. Approve a unit price contract for the purchase of Firefighter Helmets and Boots for three years to the following:**

- Atlantic Emergency Solutions Inc.,
- Municipal Emergency Services,
- Newton's Fire and Safety Equipment Inc., and

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

**Staff Resource(s):**

Reginald Johnson, Fire

Kevin Gordon, Fire

Damien Owens, Fire

**Explanation**

- New and replacement helmets and boots are needed for the anticipated hiring of 60 new recruits every year, and to replace a percentage of helmets and boots each year on an eight-year replacement cycle.
- On May 18, 2018, the City issued an Invitation to Bid for firefighter helmets and boots; six bids were received.
- Atlantic Emergency Solutions Inc., Municipal Emergency Services, and Newton's Fire and Safety were selected as the lowest responsive, responsible bidders to each provide specific products included in the solicitation.
- The total annual expenditure for all three contracts is estimated to be \$175,000.

**Charlotte Business INClusion**

No subcontracting goal is established because there are no subcontracting opportunities (Part B: Section 2.1 (a) of the Charlotte Business INClusion Policy).

**Fiscal Note**

Funding: Charlotte Fire Department Operating Budget

## **30. Fire Wireless Headsets and Equipment**

**Action:**

- A. Approve a unit price contract to the lowest responsive bidder, Bear Communications Inc., for the purchase of wireless headsets and equipment for two years, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments, and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Reginald Johnson, Fire

Kevin Gordon, Fire

Damian Owens, Fire

**Explanation**

- Charlotte Fire currently uses wireless headsets in Aircraft Rescue and Firefighting trucks to enhance on-scene communications and safety during fire incidents and technical rescues. The units connect crews in the apparatus to crews on scene. This is critically important, especially when vision is limited.
- These integrated headsets provide hearing protection for fire apparatus officers while maintaining the ability to hear and respond to on-scene communications.
- Wireless headsets allow for safer apparatus positioning as the on-scene officer and driver can communicate more effectively while also keeping both hands free to maneuver the apparatus.
- On April 25, 2018, The City issued an Invitation to Bid; five bids were received.

- Bear Communications was selected as the lowest responsive bidder.
- This purchase would allow Fire to issue a headset to approximately half of the engine companies (20 engines).
- Estimated annual expenditures are \$90,000.

**Charlotte Business INClusion**

No subcontracting goal is established because there are no subcontracting opportunities (Part B: Section 2.1 (a) of the Charlotte Business INClusion Policy).

**Fiscal Note**

Funding: 2016 Assistance to Firefighters Grant

## **31. Charlotte Fire Ballistics Protection Equipment Purchase**

**Action:**

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

**Staff Resource(s):**

Reginald Johnson, Fire  
Kevin Gordon, Fire

**Sole Source Exemption**

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

**State Contract Exemption**

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

**Explanation**

- Since 2009, active shooter events have increased significantly in the United States.

- Firefighters are often called to work closely with the Charlotte-Mecklenburg Police Department to provide support and immediate medical attention in situations of violence.
- In December 2015, Fire responded to the North Lake Mall incident and in September 2016, there were incidents of civil unrest. Firefighters were the first responders in 16 incidents involving weapons in FY 2017.
- To keep consistent with Fire's mission, firefighters must remain present in the midst of violence in order to help others in need and protect personnel at the same time. Medical aid or rescue missions can take place in an environment or situation that is violent or involves the use of weapons.
- National Fire Protection Association Standards 1500 and 3000 include stipulations that all fire department personnel shall be provided with ballistic protection when exposed to risks during civil unrest, active shooter, or similar events with reasonably unforeseen threats.
- The City currently does not provide ballistic protection to firefighting personnel.
- The purchase of ballistic protection will provide Fire the necessary equipment to safely respond without hesitation in situations of violence.
  - Ballistics equipment is personal armor designed to absorb the impact and reduce or stop penetration to the body from firearms and projectiles. This equipment will protect fire department personnel from gunfire during rescue or medical aid missions.
- First year expenditures are anticipated to be \$380,000 with North American Rescue and \$145,000 with Lawmen's Distribution, totaling \$525,000.
  - The lifespan for the equipment is estimated at five years for the level IIIA body armor, five years for the ballistic helmets, and 10 years for the level III ballistic plates. The recommended replacement schedule will reflect an estimated cost not to exceed \$300,000 over a 10 year term.
- The contracts will fund 372 sets of equipment, which will cover all personnel with operational roles during these types of incidents.
- The equipment will not be individually assigned to firefighters, but will be placed on the apparatus for utilization.

**Charlotte Business Inclusion**

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

**Fiscal Note**

Funding: Urban Area Security Initiative Grant (\$250,000) and Miscellaneous Equipment Account (\$275,000)

## 32. Police Firearm Ammunition

**Action:**

- A. Approve a unit price contract for the purchase of Ammunition for one year to the following:**
  - Dana Safety Supply Inc.,
  - Lawmens Distribution LLC, and
- B. Authorize the City Manager to renew the contracts for up to four, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

**Staff Resource(s):**

Kerr Putney, Police  
Rodney Harris, Police  
Dave Johnson, Police

**Explanation**

- Police firearm ammunition consists of bullets for pistols and rifles in various calibers, and 12 gauge shotgun shells.
- Police firearm ammunition is required for law enforcement training and operations for Recruit School,



SWAT Team, and annual firearms training.

- On May 11, 2018, the City issued an Invitation to Bid; three bids were received.
- Dana Safety Supply and Lawmen's Distribution were selected as the lowest responsive, responsible bidders to provide the products included in the solicitation.
- Annual expenditures for the combined contracts are estimated to be \$272,000.

#### **Charlotte Business INclusion**

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

#### **Fiscal Note**

Funding: Charlotte Mecklenburg Police Department Operating Budget

### **33. Youth Diversion Program Grant**

#### **Action:**

**Accept a grant in the amount of \$99,612 from the Mecklenburg County Juvenile Crime Prevention Council to fund the Youth Diversion Program.**

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

Kerr Putney, Police  
James Wilson, Police  
Cara Evans-Patterson, Police

#### **Explanation**

- Each year, Mecklenburg County's Juvenile Crime Prevention Council (JCPC) receives funding from the North Carolina Division of Juvenile Justice for programs targeting youth offenders.
- The JCPC has awarded the Charlotte-Mecklenburg Police Department (CMPD) \$99,612 to fund the seventh year of CMPD's Youth Diversion Program.
- The grant funding will fully fund a Diversion Specialist position and workshops for youth offenders and their parents or guardians.
- The program grant will enable school resource officers, patrol, and court counselors to refer up to 140 first-time offenders to a youth diversion program focused on building interpersonal and decision-making skills.
- In addition, parental skill training will be provided to the parents or guardians of program participants.
- Youth who have committed a first offense, such as simple assault, larceny, public disturbance, trespassing, or damage to property may be referred to the program if they meet the criteria established by CMPD and the Mecklenburg County District Attorney.
  - The youth are referred to the program in lieu of being arrested for the offense they have committed.
  - Pre-adjudicated youth, who are given the opportunity to attend the youth diversion program in lieu of arrest, but fail to do so, will then be subject to arrest.
- To date, 2,588 youth have successfully completed the program. Of these, 2,342 (90.4%) youth did not commit any further offenses 12 months after program completion.
- The grant requires a 30 percent in-kind match, which will be achieved using a portion of the Youth Diversion Program Manager's salary and the use of CMPD facility space as the program site location. The match requirement will be funded within CMPD's operating budget.
- The grant period is from July 1, 2018, through June 30, 2019.

#### **Fiscal Note**

Funding: Juvenile Crime Prevention Council Grant and Police Operating Budget

### **34. 2017 Justice Assistance Grant**

**Action:**

**Accept a grant from the U.S. Department of Justice in the amount of \$507,734 from the Justice Assistance Grant Program.**

**Staff Resource(s):**

Kerr Putney, Police  
Coerte Voorhees, Police  
Morgan Parks, Police

**Explanation**

- Each year, the City applies for and receives grant funding from the Justice Assistance Grant Program administered by the U.S. Department of Justice.
  - The grant funding must be used for law enforcement purposes, and
  - The grant award amount is determined from an index based on reported violent crime rates.
- The enabling legislation for the grant requires that the City share a portion of the funding with Mecklenburg County, as the service provider for the incarceration of offenders.
- The formula for distribution is 75/25, with the City receiving 75 percent of the funding and Mecklenburg County (Sheriff's Office) receiving 25 percent of the awarded funding.
- The City's share of the funding will be \$380,801; Mecklenburg County will receive \$126,933.
- CMPD will use the grant funding for three purposes:
  - \$154,113 will be used for overtime for patrol officers to address crime problems at the neighborhood level, including responding to emerging crime trends, identifying and targeting suspects, and working with partners to address the enablers of crime.
  - \$20,000 will be used to cover overtime for Crime Lab employees to complete evidence analysis in priority cases and to address any backlogs in evidence analysis.
  - \$206,688 will be used to fund the Police Cadet Program, in which 20 college students majoring in criminal justice gain exposure to police work while they perform tasks that do not require the expertise of sworn police officers.
- The grant does not require any matching contribution from the City.
- The grant period runs from October 1, 2016, to September 30, 2020.

**Fiscal Note**

Funding: U.S. Department of Justice for Justice Assistance Grant

## **35. Resolution of Intent to Abandon a Portion of an Alleyway off of West Palmer Street**

**Action:**

- A. Adopt a Resolution of Intent to Abandon a portion of an alleyway off of West Palmer Street, and**
- B. Set a Public Hearing for August 27, 2018.**

**Staff Resource(s):**

Liz Babson, Transportation  
Jeff Boenisch, Transportation

**Explanation**

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

**Petitioners**

Metrolina Properties of Charlotte, LLC - D. Hunter Edwards

**Attachment(s)**

Map

Resolution

[CityCouncilROWAbandonmentMap\\_2018-02](#)

[Resolution of Intent to Close a Portion of an Alleyway off of W Palmer Street](#)

## 36. Private Developer Funds Appropriation

**Action:**

- A. Approve Developer Agreements with Bainbridge Communities Acquisition III, LLC, Kenwood Sharon Lane, LLC, Apex Southpark SPE, LLC, Hartford Fire Insurance Company, and 1213 W. Morehead Street GP LLC for traffic signal installations and improvements, and**
- B. Adopt a budget ordinance appropriating \$452,681 in private developer funds for traffic signal installations and improvements.**

**Staff Resource(s):**

Liz Babson, Transportation

Charles Abel, Transportation

**Explanation**

- Private developer agreements and funds appropriations are needed when a developer is required through the City rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the City's initiation of work.
- The \$452,681 in private developer funding is for traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developer projects. The funding is restricted to the projects noted below.
- The following developers are fully funding traffic signal modifications and improvements to mitigate traffic impacts around their respective development project:
  - Bainbridge Communities Acquisition III, LLC contributed \$27,000 for signal modifications at the intersection of North Davidson and Jordan Place (Council District 1).
  - Kenwood Sharon Lane, LLC contributed \$14,500 for signal modifications at Sharon Lane near Kenwood Lane (Council District 6).
  - Apex Southpark SPE, LLC contributed \$298,681 for a new traffic signal at Morrison Boulevard and Apex Driveway (Council District 6).
  - Hartford Fire Insurance Company contributed \$94,000 for a new traffic signal at W.T. Harris Boulevard and Back Creek Drive (Council District 4).
  - 1213 W. Morehead Street GP LLC contributed \$18,500 for signal modifications at West Morehead Street and I-77 Off Ramp (Council District 3).
- The signals are required to meet the same criteria as other traffic signals approved by the City.
- Payments made by the developers are in response to estimates of work prepared by the Charlotte Department of Transportation (CDOT) and supplied to the developer.
- Any funding contributed by the developers for a signal project that is unused by the City will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

**Fiscal Note**

Funding: Private Developer Contributions

**Attachment(s)**

Map

Budget Ordinance

[Traffic Signal Improvements 060718](#)

[CDOT ord 7-23-18 Developer Contributions](#)

## 37. Traffic Data Collection and Processing Services

### **Action:**

**Approve a contract for up to \$475,000 over five years with Quality Counts, LLC for traffic data collection and processing services.**

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

Liz Babson, Transportation

Ashley Landis, Transportation

Keith Bryant, Transportation

### **Explanation**

- The City seeks to make data-driven decisions to best serve the mobility needs of the public in a rapidly growing and changing City.
- Data collection is important to inform engineering and planning decisions, collect and assess traffic safety data, track changes over time, rank priorities, and assess project success.
- Accurate counts at intersections (turning movement counts) and mid-block locations are also critical because this data is shared with the Charlotte Regional Transportation Planning Organization (CRTPO) and the Metropolitan Planning Organization (MPO).
- Accurate and recent traffic data collection is critical to the CRTPO and the MPO organizations for the following reasons:
  - Validating the region's travel demand model, the tool used for local and regional transportation planning and air quality conformity,
  - Implementing federal and state transportation planning requirements, and
  - Aiding CRTPO in the monitoring of performance measures as federally mandated by the Fixing America's Surface Transportation Act.
- Other necessary uses of this data collection include:
  - Providing average annual daily traffic data used to design Community Investment Plan projects,
  - Providing data to assist the City when responding to residents' requests such as traffic calming measures, and
  - Analyzing motor vehicle, pedestrian, and bicycle count data in conjunction with crash statistics to support the City's Vision Zero initiative.
- On October 4, 2017, the City issued a Request for Proposals (RFP); three proposals were received.
- Quality Counts, LLC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to the RFP requirements.
- The estimated contract expenditure is \$95,000 per year 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: General Community Investment Plan

## 38. Pavement Condition Rating Services

### **Action:**

**Approve a contract for up to \$549,900 with Data Transfer Solutions for Pavement Condition Rating Analysis Services.**

**Staff Resource(s):**

Liz Babson, Transportation  
Charles Jones, Transportation

**Cooperative Purchasing Exemption**

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

**Explanation**

- The City currently maintains 5,322 lane miles of streets.
- Pavement condition surveys are critical to planning and scheduling roadway maintenance and resurfacing. Pavement condition rating information allows for programming of limited resurfacing funds to maximize the City's overall pavement condition rating.
- The rating process includes the collection of roadway asset information and a condition assessment of each City-maintained pavement segment.
- Data Transfer Solutions has a contract awarded through Houston-Galveston Area Council Cooperative Purchasing Program which offers competitively obtained contracts to public agencies nationwide for asset data collection services.
- This work will be completed during the first quarter of 2019.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Powell Bill Fund

## **39. Central Avenue/Kilborne Drive/Norland Road Pedestrian Improvements Project Design Phase**

**Action:**

**Approve a contract in the amount of \$272,960 with Alta Planning + Design, Inc. for engineering design services for the Central Avenue/Kilborne Drive/Norland Road Pedestrian Improvements Project.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
Veronica Wallace, Engineering and Property Management  
Mark Grimshaw, Engineering and Property Management

**Explanation**

- This contract will provide design services for the Central Avenue/Kilborne Drive/Norland Road Pedestrian Improvements project identified in the Central/Albemarle/Shamrock Comprehensive Neighborhood Improvement Program located in Council Districts 1 and 5.
- This project will include pedestrian and bicycle improvements and will enhance the existing City-owned parcel (parcel identification number 101-183-02) located at the intersection of Kilborne Drive and Central Avenue to create an Urban Greenspace with public art reflecting the history and culture of the area.
- Improvements will include, but are not limited to sidewalks, bicycle lanes, storm drainage, utility relocations, right-of-way/easements, and traffic control.
- On February 24, 2016, the City issued a Request for Qualifications (RFQ); 20 proposals were received.
- Alta Planning + Design, Inc. was selected as the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ

requirements.

- On November 28, 2016, City Council approved a contract in the amount of \$189,600 to Alta Planning + Design, Inc. for planning services for the Central Avenue/Kilborne Drive and Norland Road Pedestrian Improvements project.
- Alta Planning + Design, Inc. has completed the planning phase which included traffic analysis, public meetings and outreach, conceptual plans, field surveys, and mapping.

#### **Charlotte Business INclusion**

The City negotiates participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Alta Planning + Design, Inc. has committed 10.06% (\$27,450) of the total contract amount to the following certified firm:

- The Dodd Studio, LLC (SBE) (\$27,450) (landscape architecture)

#### **Fiscal Note**

Funding: General Community Investment Plan

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

Map

[Location Map - Central Avenue-Kilborne Drive-Norland Road Pedestrian Improvements Design Phase](#)

## **40. Charlotte-Mecklenburg Police Department Hickory Grove Division Station Construction**

#### **Action:**

- A. Reject the low-bid submitted by Miles-McClellan Construction Company, Inc. for the Charlotte-Mecklenburg Police Department Hickory Grove Division Station Construction, and**
- B. Approve a contract in the amount of \$7,843,254.15 to the lowest responsive bidder MV Momentum Construction, LLC for the Charlotte-Mecklenburg Police Department Hickory Grove 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**

- The Hickory Grove Division Police Station project will include construction of a 13,300 square foot facility located at 7025 Albemarle Road in Council District 5.
- The Hickory Grove Division is currently occupying a leased property at 5727 North Sharon Amity Road.
- In 2010, City Council approved the Facilities Strategic Plan for Police Stations. The goals for division stations in the Plan are:
  - Owned and maintained by the City, not located in leased facilities,
  - Constructed in highly visible and accessible locations that contribute to the community perception of safety and security,
  - Sized to accommodate future personnel growth and support the functions a patrol division is expected to provide to the community,
  - Designed to be highly recognizable as a CMPD division station while reflecting the exterior design context of the community where it is located, and
  - Support the functional needs of a patrol division based on a standardized facility design template.
- To date, five of the planned 13 division stations have been completed.
- The Hickory Grove Division Station will be built to achieve basic-level LEED version four certification

per the City Policy on Sustainable Facilities. LEED certification is awarded to buildings that demonstrate a high level of energy-efficiency and sustainable design.

- The designers have estimated that by incorporating these elements into the construction, this building will save approximately 25 percent in annual energy usage compared to buildings built to minimum building code standards.
- On February 2, 2018, the City issued the Invitation to Bid; seven bids were received.
- MV Momentum Construction, LLC was selected as the lowest responsive, responsible bidder.
- Council approved a total of \$9.1 million as part of the Fiscal Year 2016 and 2018 Community Investment Plans for the design and construction of this facility.
- The project is anticipated to be complete by fourth quarter 2019.

#### **Reject Low-bid Explanation**

Miles-McClellan Construction Company, Inc.'s bid in the amount of \$7,827,000 was found to be non-responsive as a result of failing to meet the City's Charlotte Business INclusion (CBI) Program established subcontracting goal.

#### **Charlotte Business INclusion**

Established SBE Goal: 19.00%

Committed SBE Goal: 20.59%

MV Momentum exceeded the established subcontracting goal, and has committed 19.07% (\$1,545,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RD Franklin Electric (SBE) (\$680,000) (electrical system)
- JR Mechanical (SBE) (\$515,000) (HVAC)
- Taylor Interiors (SBE, MBE) (\$220,000) (framing/drywall)
- Windons2Wall, Inc (SBE) (\$130,000) (storefront/glazing)

Established MBE Goal: 8.00%

Committed MBE Goal: 2.96%

MV Momentum failed to meet the established subcontracting goal, but earned the minimum Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INclusion Policy). MV Momentum has committed 2.96% (\$220,000) of the total contract amount to the following certified firm:

- Taylor Interiors (MBE, SBE) (\$220,000) (framing/drywall)

A detailed write-up of MV Momentum's Good Faith Efforts is attached.

Subsequent to Bid Opening, MV Momentum has committed an additional .60% (\$130,000) to the following certified firm:

Taylor Interiors (SBE, MBE) (\$45,000) (framing/drywall)

#### **Fiscal Note**

Funding: General Community Investment Plan

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

Map

Good Faith Efforts Summary

[Location Map - CMPD Hickory Grove Division Station](#)

[GFE Attachment - CMPD Hickory Grove Project](#)

## **41. Plumbing and Miscellaneous Related Supplies**

#### **Action:**

- A. Approve unit price contracts with the following companies for the purchase of plumbing and miscellaneous related supplies for three years:**

- **Ferguson Enterprises, Inc. dba Ferguson Facilities Supply,**
- **MORSCO Supply, LLC., and**

**B. Authorize the City Manager to approve possible price adjustments and amend the contracts consistent with the purpose for which the contracts were approved.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

William Haas, Engineering and Property Management

**Explanation**

- Engineering and Property Management is responsible for the operations and maintenance of municipal facilities, structures, and assets including office, warehouse, storage, vehicle maintenance, communication towers, and public safety.
- These contracts will provide plumbing and related supplies including, but not limited to, small tools, chemicals, adhesives, sealants, tape, safety, fasteners, plumbing repair parts, and any accessories and related components necessary for new, retrofit, or repairs at various city facilities.
- On May 7, 2018, the City issued an Invitation to Bid; three bids were received.
- Ferguson Enterprises, Inc. dba Ferguson Facilities Supply and MORSCO Supply, LLC were selected as the lowest responsive bidders.
- Estimated annual expenditures are \$200,000.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Various department operating and capital budgets

## **42. Fleet Management Parts Outsourcing**

**Action:**

- A. Approve a contract with MANCON LLC for providing Parts Department Outsourcing Service for an initial term of five years, and**
- B. Authorize the City Manager to renew the contract for up to two, additional one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

Chris Trull, Engineering and Property Management

**Explanation**

- Parts management functions at the City's six fleet service facilities include managing the on-site inventories of vehicle and equipment parts, ordering and receiving parts, and distributing parts to fleet management technicians for vehicle and equipment maintenance and repairs. This is currently a city-staffed function.
- A staff assessment of the parts management operation, which included outreach to other municipal fleet management operations, identified the following opportunities for service improvements and efficiencies:
  - Increased availability and decreased wait times for parts,
  - Improved turn-around time for vehicle repairs and maintenance,
  - Enhanced expertise in parts sourcing and ordering,
  - Centralization and simplification of contracts management,
  - Reduction in workload for invoice processing, parts receiving and payment, and



- Elimination of accumulation of obsolete parts.
- The City has determined these efficiencies can be achieved by outsourcing the parts management function.
- The parts management contract will cover staffing, management, service provision, original and aftermarket equipment parts, supplies, lubricants, tires, and special equipment, as well as delivery vehicles to support City needs.
- The annual cost to outsource is roughly equal to the annual cost of the city-staffed function, and the improved service capacity, efficiency and productivity gains provide significant advantages and positive business impacts to City operations.
- The contract calls for at least 80 percent of parts to be available on-site. This represents a significant increase from the current estimated level of 60 percent and will contribute to improved turn-around time for city vehicles.
- Hydraulic hoses will be constructed on-site, and they will be available more quickly to technicians.
- The City will no longer accumulate obsolete parts.
- Time spent on administrative functions will be reduced by an estimated 2,180 staff hours, as the number of parts contracts will be reduced from 40 to one, and the number of invoices processed will be reduced by approximately 14,000.
- On February 14, 2018, the City issued a Request for Proposals (RFP) for Parts Department Outsourcing Services. In response to the RFP, the City received five proposals.
- MANCON LLC best meets the City's needs in terms of qualifications, system integration, experience, cost, and responsiveness to RFP requirements.
- The Privatization and Competition Advisory Committee (PCAC) has been engaged in review of Fleet Management's parts operation and development of the RFP. The PCAC supports the transition to an outsourced parts service model.
- Estimated contract expenditures are \$8,500,000 annually (which includes an administration fee and the purchase of approximately \$7,500,000 in parts).
- Outsourcing will be implemented sequentially at each of the six fleet management facilities over a period of approximately nine months.
- A one-time \$1.2 million reimbursement from MANCON LLC for parts previously purchased by the City is anticipated, depending on the amount of City parts inventory liquidated at each location during implementation.
- Impacts to employees will be mitigated over the nine month implementation period, where possible, through transfers to other city jobs and through coordinating with MANCON LLC to employ impacted staff.

**Charlotte Business INclusion**

A subcontracting goal was not established for this contract due to limited direct subcontracting opportunities. However, MANCON LLC has committed to 10% utilization with MWSBE firms in various scopes of indirect services including, but not limited to:

- Supplies (Office supplies, coffee, shop rages, bathroom supplies)
- Advertising
- Signage
- Catering
- Temp Staffing and day laborers
- Delivery or courier Services
- Janitorial/Cleaning Services

City staff will continue to work with MANCON LLC to identify and maximize subcontracting spend opportunities for MWSBEs.

**Fiscal Note**

Funding: Engineering and Property Management Operating Budget

## 43. Vehicle Communication and Electrical Equipment Installation

## and Removal Services

### Action:

- A. Approve a unit price contract with Mobile Communications America for vehicle communication and electrical equipment installation and removal services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Mike Davis, Engineering and Property Management

Chris Trull, Engineering and Property Management

### **Explanation**

- The City uses an outside service provider to install and remove radio and communications equipment, emergency response equipment, video recorder systems, speed measurement devices, and various accessories mounted in City public safety vehicles and other City fleet vehicles.
- The services consist of removing equipment from vehicles being decommissioned, cleaning and testing equipment for proper operation, and installing the old or new equipment into new or existing fleet vehicles.
- On April 10, 2018, the City issued a Request for Proposals (RFP); one proposal was received.
- Mobile Communications America meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Estimated contract expenditures are \$300,000 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: Engineering and Property Management Operating Budget

## **44. Land Acquisition for Charlotte Gateway Station**

### Action:

- A. Approve the purchase of five parcels (parcel identification numbers 073-162-01, 073-162-02, 073-161-06, 073-161-03, 073-161-01) of approximately 1.1 acres located at West 4th Street and South Graham Street for \$6,810,000 from Mecklenburg County, and**
- B. Adopt a budget ordinance appropriating \$4,475,892 from Municipal Debt Service Fund Balance.**

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

Mike Davis, Engineering and Property Management

Tony Korolos, Engineering and Property Management

John Lewis, CATS

### **Explanation**

- The Charlotte Gateway Station (CGS) 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.
- Mecklenburg County owns 1.1 acres, improved with a parking lot, at the corner of West 4th Street and South Graham Street, adjacent to the planned CGS (Council District 2).
- The City will purchase and incorporate the County parcels into the overall CGS Master Development,

which calls for the CATS bus component to be placed there.

- This property was appraised for \$6,810,000.
- This property will enhance redevelopment opportunities in the CGS area, including development of affordable housing.
- The terms of the purchase are as follows:
  - Purchase price of \$6,810,000,
  - Purchase agreement within five days of Council approval, and
  - Closing to occur not more than sixty days.
- CATS will use an FTA funding source for \$2,334,108 of the purchase. The remaining balance of \$4,475,892 will be funded by the City CIP Gateway Station funding.
- The CGS will be completed in phases using federal and state grant funding, as available through the North Carolina Department of Transportation, a CGS project partner, and the Federal Railroad Administration TIGER Grant Agreement.

**Fiscal Note**

Funding: CATS Community Investment Plan

**Attachment(s)**

Map

Budget Ordinance

[Location Map - Gateway Station](#)

[CGS Ordinance for Land Purchase](#)

## 45. Land Acquisition for Charlotte-Mecklenburg Police Department South Division Station

**Action:**

**Approve the purchase of a 7.5-acre parcel (parcel identification number 223-132-08) located at 11217 Providence Road West for the amount of \$5,175,000.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

Tony Korolos, Engineering and Property Management

Kerr Putney, Police

Jeff Estes, Police

**Explanation**

- In February 2010, the Charlotte-Mecklenburg Police Department (CMPD) adopted the Facilities Strategic Plan, which outlines facility goals through 2025 and prioritizes the transition from leased division offices to City-owned stations. The Facilities Strategic Plan was updated in 2016 and identified construction of the South Division Station as a top five priority.
- The property is 7.5 acres at 11217 Providence Road West (parcel identification number 223-132-08) in Council District 7 and zoned R-3 (residential).
- The parcel is well-situated to meet CMPD objectives to provide quality and efficient service and be highly visible and accessible within the community.
- The property was appraised for \$5,150,000.
- The terms of the purchase are:
  - \$5,175,000 purchase price,
  - 30-day due diligence period, and
  - 30-day closing period.
- CMPD South Division currently leases 9,510 square feet in the building at 8050 Corporate Center Drive for \$167,212.08 annually. The lease expires on October 31, 2021.
- As part of the mandatory referral process, the Planning Commission reviewed the transaction on April 17, 2018, and voted to recommend the transaction with no additional comments.

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Land Purchase for Charlotte-Mecklenburg Police Department South Division Station](#)

## 46. Sale of City-owned Property on Parkwood Avenue

**Action:**

**Adopt a resolution approving the private sale of 1621 and 1623 Parkwood Avenue (parcel identification numbers 083-137-12 and 083-137-13) consisting of 0.259 acres of vacant land to Vista Homes II, LLC for the development of four townhome units which will include an affordable unit.**

**Staff Resource(s):**

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

**Explanation**

- One of City Council's priorities is to build and preserve vibrant and diverse neighborhoods by expanding the supply of affordable housing through new construction and preservation of the existing housing stock.
  - In January 2016, City Council established a goal of creating 5,000 affordable housing units within a five-year period.
  - On October 10, 2016, City Council accelerated the goal of creating 5,000 affordable housing units from five years to three years.
  - The sale of the city properties at Parkwood Avenue for use as affordable housing furthers this goal.
- The use of publicly-owned land is one of the tools proven to assist communities across the country in the creation of affordable housing.
- The city-owned property contains 0.259 acres of vacant land currently zoned B-1 (neighborhood business) permitting residential uses in Council District 1.
- An appraisal of the property on April 9, 2018, established a fair market value of \$209,300.
- Vista Homes II, LLC, a Charlotte-based developer, desires to purchase the city-owned parcels for the development of a mixed price point housing community with an affordable HouseCharlotte qualified unit.
  - The proposed housing unit will target households earning at or below 80 percent of the area median income with a long-term affordability deed restriction placed on the affordable unit.
  - The maximum purchase price for the new construction unit is \$224,000.
  - The HouseCharlotte program provides 10-year, deferred, forgivable down payment assistance loans to qualified applicants to purchase homes within Charlotte City limits.
- The offer from Vista Homes includes the following terms:
  - Purchase price of \$140,000,
  - Earnest money deposit of \$7,000 within five days of City Council's approval to accept the offer,
  - Due diligence period of 60 days, and
  - Closing to occur within 120 days from the end of the due diligence period.
- This transaction is consistent with the Council adopted City-Owned Real Estate and Facilities Policy.

**Fiscal Note**

Funding: Proceeds from the sale will be deposited into the City's General Pay-As-You-Go Capital Fund

**Attachment(s)**

Map  
Resolution

[Location Map - Sale of City Property 1621-1623 Parkwood Avenue](#)

[Parkwood Avenue Resolution DRAFT 5.14.18](#)

## 47. Sale of City-owned Property on Spencer Street

### **Action:**

**Adopt a resolution approving the private sale of a parcel on Spencer Street (parcel identification number 091-091-04) consisting of 1.37 acres of vacant land to Shea Real Estate Investments, LLC, a wholly owned subsidiary of Shea Homes which will include affordable units.**

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

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

### **Explanation**

- One of City Council's priorities is to build and preserve vibrant and diverse neighborhoods by expanding the supply of affordable housing through new construction and preservation of the existing housing stock.
  - In January 2016, City Council established a goal of creating 5,000 affordable units within a five-year period.
  - On October 10, 2016, City Council accelerated the goal of creating 5,000 affordable housing units from five years to three years.
  - The sale of the city property on Spencer Street for use towards affordable housing furthers this goal.
- The use of publicly-owned land is one of the tools proven to assist communities across the country in the creation of affordable housing.
- The city-owned property contains 1.37 acres of vacant land currently zoned R-5 (single family) in Council District 1.
- An appraisal of the property on April 9, 2018, established a fair market value of \$50,000.
- Shea Homes desires to purchase the city-owned landlocked parcel coupled with adjacent parcels for the development of a mixed price point housing community which will include a minimum of ten percent HouseCharlotte qualified units.
  - The proposed housing units will target households earning at or below 80 percent of the area median income with a long-term affordability deed restriction placed on the affordable units.
  - The maximum purchase price for a new construction unit is \$224,000.
  - The HouseCharlotte program provides 10-year, deferred, forgivable down payment assistance loans to qualified applicants to purchase homes within Charlotte City limits.
- The offer from Shea Homes includes the following terms:
  - Purchase price of \$50,000,
  - Earnest money deposit of \$2,500 within 10 days of City Council's approval to accept the offer,
  - Due diligence period of 240 days, and
  - Closing to occur within 240 days from the end of the due diligence period.
- This transaction is consistent with the Council adopted City-Owned Real Estate and Facilities Policy.

### **Fiscal Note**

Funding: Proceeds from the sale will be deposited into the City's General Pay-As-You-Go Capital Fund

### **Attachment(s)**

Map  
Resolution

[Location Map - Sale of City Property - Spencer Street](#)

[Spencer Street Resolution DRAFT 5.14.18](#)

## 48. 501 East Trade Street Parking Management Services

### **Action:**

**Approve a two-year contract with LAZ Parking GA, LLC for parking management services.**

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

Mike Davis, Engineering and Property Management

Tony Korolos, Engineering and Property Management

### **Explanation**

- The City owns a surface parking lot at 501 East Trade Street (parcel identification number 080-054-01) in Council District 1. The City utilizes management companies to conduct daily operations at City-owned parking facilities that are accessible to the public.
- On April 4, 2018, the City issued a Request for Proposals (RFP); seven proposals were received.
- LAZ Parking GA, LLC best meets the City's needs in terms of qualifications, experience, budget, and responsiveness to RFP requirements.
- Net revenues will be submitted to the City on a monthly basis along with a report showing reimbursable expenses, management fees and revenues collected. Estimated net revenues are \$933,017 in year one and \$981,632 in year two of the contract.
- The City has a 60-day termination option built into the contract that can be exercised at any point in time.
- This is an interim use of the City-owned property until further analysis for redevelopment and sale can be completed.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Revenues from this contract will be deposited into the City's General Fund.

### **Attachment(s)**

Map

[Location Map - 501 E. Trade Street Parking Management Services](#)

## 49. Stevens Creek Lift Station, Force Main, and Gravity Sewer

### **Action:**

**Approve a contract in the amount of \$12,102,796.47 to the lowest responsive bidder English Construction Company, Inc. for construction of the Stevens Creek Lift Station, Force Main, and Gravity Sewer.**

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

Angela Lee, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- This contract will include the construction of a regional lift station, approximately 14,600 linear feet of 20-inch sewer force main, 12,800 linear feet of gravity sewer ranging in size from eight to 24 inches, and all associated infrastructure.
- The lift station will serve the Goose Creek and Stevens Creek drainage basins and will be located on Mecklenburg County's Stevens Creek Nature Preserve property.

- This Project will provide this area of the Town of Mint Hill with access to the public sewer system. By providing public sewer, residents with failing septic systems or properties not served by septic systems can receive sewer services. This Project will also facilitate the future removal of a nearby small wastewater package plant the City acquired through the Aqua system purchase in spring 2016.
- The Project is partially funded through a five-year developer reimbursable contract with the Bridges of Mint Hill, LLC, previously approved by City Council on October 28, 2014.
- On July 3, 2018, the City issued an Invitation to Bid; three bids were received.
- English Construction Company, Inc. was selected as the lowest responsive, responsible bidder.
- This project is anticipated to be complete by first quarter 2020.

**Charlotte Business INclusion**

Established MSBE Goal: 5.00%

Committed MSBE Goal: 5.01%

English Construction Company, Inc. met the established subcontracting goal and has committed 5.01% (\$606,000) of the total contract to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution Services, LLC (SBE, WBE) (\$400,000) (material supplier)
- P&TL, Inc. (SBE) (\$125,000) (silt fence, seeding)
- All Points Trucking, Inc. (SBE, WBE) (\$48,000) (hauling)
- Carolina Wetland Services, Inc. (SBE, WBE) (\$33,000) (wetlands seeding and planting)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

[07232018 StevensCreekMapOption1](#)

## 50. Construct Vacuum Truck Receiving Station

**Action:**

**Approve a contract in the amount of \$1,145,100 to the lowest responsive bidder Dellinger, Inc. for the construction of Zone 4 Facility Vacuum Truck Receiving Station.**

**Staff Resource(s):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- This Project will construct a new receiving station used to dispose of materials collected by vacuum trucks, when cleaning out the sanitary sewer system. This system will be installed at the Zone 4 facility, located in Southwest Charlotte along West Tyvola Road (Council District 3).
- The Charlotte Water Field Operations Division currently operates four geographically-spaced centers, referred to as Zones, in order to reduce crew travel and response times.
- The new receiving station will improve employee safety and provide for additional capacity needed for operation support.
- On May 11, 2018, the City issued an Invitation to Bid; five bids were received.
- Dellinger, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the first quarter of 2019.

**Charlotte Business INclusion**

Established MSBE Goal: 5.00%

Committed MSBE Goal: 7.82%

Dellinger, Inc. met the established subcontracting goal and committed 7.82% (\$89,596) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Page Power Systems, Inc. (SBE) (\$53,951) (electrical)
- Maybury Fencing Inc. (SBE) (\$24,764) (fencing)
- Martin Resources, LLC (SBE) (\$9,300) (hauling)
- P&TL, Inc. (SBE) (\$1,581) (temporary silt fence)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

[Zone 4 Field Operations Facility Map](#)

## 51. Excavation and Trenching Equipment Purchase

**Action:**

- A. Approve a unit price contract to the lowest responsive bidder NTS Mikedon LLC, dba National Trench Safety, for the purchase of Excavation and Trenching Equipment for an initial term of two years, and**
- B. Authorize the City Manager to renew the contract for up to three additional, 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):**

Angela Lee, Charlotte Water  
Shawn Coffman, Charlotte Water

**Explanation**

- This contract is for the purchase of trench boxes and accessories, as well as the modification and maintenance needed to keep the equipment in compliance with applicable safety regulations.
- Charlotte Water uses excavation trenching equipment to ensure employee safety and protection from falling dirt, soil, rock, concrete, and other materials, while maintaining infrastructure.
- On April 30, 2018, the City issued an Invitation to Bid; one bid was received.
- NTS Mikedon LLC, dba National Trench Safety, was selected as the lowest responsive, responsible bidder.
- Prices will be fixed for the initial term with price adjustments to be considered at time of renewal.
- Estimated annual expenditures are \$100,000.

**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

## 52. Charlotte Water Stone Hauling Service

**Action:**

- A. Approve a unit price contract with Silverback Brothers LLC for hauling stone for an initial term of one year, and**



- B. Authorize the City Manager to renew the contract for up to three additional, 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):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

**Explanation**

- Silverback Brothers LLC will provide stone hauling service in accordance with the City's crushed stone contract provisions.
- Charlotte Water contracts with a third-party vendor to haul stone to four field operations facilities and designated jobsites for repairing holes made in the process of fixing water and sewer line breaks.
- On April 20, 2018, the City issued a Request for Proposals (RFP); two proposals were received.
- Silverback Brothers LLC 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 RFP requirements.
- Expenditures are estimated to be \$150,000 annually.

**Charlotte Business INclusion**

The CBI Policy allows for certain contracts to be designated for solicitation only to SBEs. For this contract, the City solicited proposals only from City certified SBEs (Part A: Section 2.3 of the Charlotte Business INclusion Policy) with 100% of the project participation being committed to the following certified firm:

- Silverback Brothers LLC (SBE, MBE)

**Fiscal Note**

Funding: Charlotte Water Operating Budget

## **53. LYNX Blue Line Maintenance of Way Services**

**Action:**

- A. Approve a contract for up to \$304,410.75 with R. J. Corman Railroad Services, LLC for Maintenance of Way services for the LYNX Blue and Gold Lines, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

John Lewis, CATS

Allen Smith III, CATS

**Explanation**

- The LYNX Blue Line requires continuous preventive maintenance of the track, track bed (ballast), and overhead catenary system along the alignment to maintain passenger safety, system reliability, ride quality, and prevent degradation of the alignment.
- To ensure the system remains in a state of good repair, CATS performs major maintenance activities annually during a 48-hour weekend shut-down of its rail and streetcar systems.
- To complete all the required work during the limited shut-down, additional manpower and equipment resources, which CATS does not currently possess, are needed.
- The work to be performed under this contract includes:
  - Replacement of broken or worn rail,
  - Ballast replacement, decontamination, and surfacing,
  - Drainage and track inspection,
  - Joint replacement,
  - Switch and turnout cleaning,

- Industrial maintenance, and
  - Right-of-way clearing.
- On May 24, 2018, the City issued a Request for Proposals (RFP); one proposal was received.
- R.J. Corman Railroad Services, LLC meets the City's needs in terms of qualifications, experience, cost and responsiveness to RFP requirements.

**Disadvantage Business Enterprise**

Pursuant to the United States Department of Transportation DBE Program, Subpart C, no DBE utilization goal was set for this contract because there are no subcontracting opportunities.

**Fiscal Note**

Funding: CATS Community Investment Plan

## **54. Airport Energy Infrastructure/South Campus Fiber Ductbank Change Order #1**

**Action:**

**Approve change order #1 for \$1,937,839 to Brooks Berry Haynie & Associates, Inc. for Energy Infrastructure/South Campus Fiber Ductbank project electrical infrastructure.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- On November 28, 2016, City Council approved a construction contract with Brooks Berry Haynie & Associates, Inc. for electrical infrastructure.
- The Airport has been working to upgrade its electrical infrastructure after a series of power outages over the past five years.
- The Energy Infrastructure / South Campus Fiber Ductbank project will provide concrete-encased conduit pathways for future upgrades to airport electrical transmission service, as well as redundancy and enhanced connectivity for the airport's security and communications fiber optic system.
- The change order work includes repairing a Federal Aviation Administration cable, underground electrical feeds for an emergency air conditioner for Concourse A Expansion, and for power redundancy between Concourse A Expansion and the Hourly Parking Deck.
- The change order also includes airfield electrical lighting and concrete work associated with taxiway demolition in the vicinity of the duct bank construction.
- The new total value of the contract is \$9,936,274.61.
- This activity is occurring on airport property, Council District 3.

**Charlotte Business INclusion**

All additional work involved in this change order will be performed by Brooks Berry Haynie & Associates, Inc. and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Aviation Community Investment Plan

## **55. Airport Runway 18L/36R High Intensity Runway Lights and Cable Rehabilitation**

**Action:**

**Approve a contract in the amount of \$398,358.60 to the lowest responsive bidder Brooks Berry Haynie & Associates, Inc. for the Runway 18L/36R High Intensity Runway Lights and Cable Rehabilitation project.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- Part of the Airport's airfield lighting and visual navigational aids is the High Intensity Runway Lights (HIRL) system. The HIRL system is the configuration of lights that define the runway-boundaries and usable landing area for aircraft.
- The current HIRL system is nearing the end of its useful life and needs to be replaced in order to keep in compliance with Federal Aviation Administration standards.
- On April 9, 2018, the City issued an Invitation to Bid; two bids were received. The project was re-advertised on May 7, 2018; one bid was received.
- Brooks Berry Haynie & Associates was selected as the lowest responsive, responsible bidder.
- This activity is occurring on airport property, Council District 3.

**Charlotte Business INClusion**

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

**Fiscal Note**

Funding: Aviation Community Investment Plan

## 56. Airport Roof Replacement at 4840 Express Drive

**Action:**

**Approve a contract in the amount of \$512,575 to the lowest responsive bidder Mecklenburg Roofing, Inc. for the 4840 Express Drive roof replacement project.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- This project will replace the roof system at 4840 Express Drive.
- The existing roof is over 30 years old and has surpassed its useful life.
- On May 1, 2018, the City issued an Invitation to Bid; three bids were received.
- Mecklenburg Roofing, Inc. was selected as the lowest responsive, responsible bidder.
- This activity is occurring on airport property, Council District 3.

**Charlotte Business INClusion**

Established MSBE Goal: 3.00%

Committed MSBE Goal: 4.73%

Mecklenburg Roofing Inc. exceeded the established subcontracting goal and has committed 4.73% (\$24,245) of the total contract amount to the following firms:

- Berry's Container Service (SBE) (\$4,950) (dumpster services and debris hauling)
- Besco Electric Corporation (MBE) (\$19,295) (electrical removal and reinstall after soffit installation)

**Fiscal Note**

Funding: Aviation Community Investment Plan

## 57. Airport Conveyor System, Passenger Boarding Bridges Parts and Equipment

**Action:**

**A. Approve a unit price contract to the lowest responsive bidder BDI, Inc. for the purchase of**

**conveyor system and passenger boarding bridges parts and equipment 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**

- The Airport relies heavily on passenger boarding bridges and baggage carousels to provide services to the traveling public.
- This contract will provide for the purchase of parts that are compatible to these systems.
- On February 16, 2018, the City issued an Invitation to Bid; three bids were received.
- BDI, Inc. was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$150,000.
- This activity is occurring on airport property, Council District 3.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Aviation Operating Budget

## **58. Airport Terrazzo Flooring Maintenance**

**Action:**

- A. Approve a unit price contract with Sunshine Cleaning Systems, Inc. for terrazzo floor cleaning and maintenance for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- Terrazzo is a composite material that is used as flooring over an estimated 500,000 square feet throughout the Airport's main passenger terminal and the lobby of the business valet parking deck. The airport contracts for cleaning and polishing of terrazzo floors to maintain the terrazzo's durability and aesthetically pleasing high-gloss shine.
- Cleaning of terrazzo flooring requires specially trained personnel and equipment.
- On March 14, 2018, the City issued a Request for Proposals (RFP); four proposals were received.
- Sunshine Cleaning Systems, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The estimated annual expenditure is \$500,000.
- This activity is occurring on airport property, Council District 3.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Aviation Operating Budget

**59. Airport Airfield Marking Paint Contract****Action:**

- A. Approve the purchase of Pride-Baker Paint, as authorized by the sole source exemption of G.S. 143-129 (e)(6), and**
- B. Approve a unit price contract with Prison Rehabilitative Industries and Diversified Enterprises, Inc. for the purchase of Pride-Baker Paint for the term of three years.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**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 performance or price competition is not available.
- The City Council must approve purchases made under the sole source exception.

**Explanation**

- This contract will provide paint needed for airfield markings required to keep in compliance with the marking standards set forth by the Federal Aviation Administration (FAA) and the requirements for the annual Airport FAA Part 139 Inspection.
- This is a proven product and, due to its durability, will result in cost savings and reduce the manhours necessary to maintain these FAA standards.
- Annual expenditures under the contract are estimated to be \$120,000.
- The activity is occurring on airport property, Council District 3.

**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: Aviation Operating Budget

**60. Airport Arborist Services Contract****Action:**

- A. Approve a unit price contract with F A Bartlett Tree Expert Company for Arborist Services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- This contract will provide certified arborist services to perform large scale maintenance beyond the capabilities of city staff.
- Arborist services include: full tree removals, pruning operations in excess of twelve feet in height, and various preventive maintenance and canopy reductions to meet Federal Aviation Administration guidelines.
- On March 20, 2018, the City issued a Request for Proposals (RFP); two proposals were received.
- F A Bartlett Tree Expert Company best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The estimated annual expenditure is \$100,000.
- This activity is occurring on airport property, Council District 3.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Aviation Operating Budget

## **61. Airport Community Roundtable Facilitator and Technical Support Services**

**Action:**

- A. Approve a contract for up to \$210,000 with Customer Services Solution, Inc. for Facilitator Services for an initial term of three years,**
- B. Approve a contract for up to \$480,000 with Harris, Miller, Miller & Hanson, Inc. for Technical Consultant Services for an initial term of three years, and**
- C. Authorize the City Manager to renew the contracts for up to two additional, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Brent Cagle, Aviation

Haley Gentry, Aviation

**Explanation:**

- The Airport is currently facilitating an Airport Community Roundtable (ACR), a group of community members working with the Federal Aviation Administration (FAA), the airlines, and the Airport on airport-related noise impacts.
- On March 26, 2018, the City issued a Request for Proposals (RFP); six proposals were received.
- Customer Services Solution, Inc. best meets the City's needs in terms of qualifications, experience, and responsiveness to RFP requirements as the facilitator for the ACR.
- Harris, Miller, Miller & Hanson, Inc. best meets the City's needs in terms of qualifications, experience, and responsiveness to RFP requirements as the technical consultant in support of Aviation's work on the airport noise program.
- It is anticipated that the contracts may be renewed for up to two additional, one-year terms at prices to be negotiated based on market conditions.

**Charlotte Business INclusion**

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

However, Customer Services Solution, Inc. is a City SBE and Harris, Miller, Miller & Hanson, Inc. is a DBE.

**Fiscal Note**

Funding: Aviation Operating Budget

## 62. Airport Federal Aviation Administration Grant Acceptance

**Action:**

**Adopt a resolution accepting a grant in the amount of \$12,602,171 from the Federal Aviation Administration for Airport projects.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- Each year, the Federal Aviation Administration (FAA) provides Airport Improvement Program entitlement grant funding based on the Airport's operations and number of boarded passengers.
- The total amount of the entitlement grant funding for fiscal year 2018 is \$12,602,171.
- Per the grant terms, proceeds from this grant will fund 75 percent of the project cost for the reimbursement of West Ramp Expansion Phase I.
- Local share from Aviation will pay for the remaining 25 percent of the project cost, which is \$4,200,724.
- Aviation intends to seek approval from the FAA to reimburse local funds spent with future Passenger Facility Charge funds.
- This activity is occurring on airport property, Council District 3.

**Fiscal Note**

Funding: Aviation Community Investment Plan

**Attachment(s)**

Resolution

[RES.STATEGRANT072318 FAA.pdf](#)

## 63. Airport Funds from North Carolina Department of Transportation

**Action:**

- A. Adopt a resolution accepting funds from the North Carolina Department of Transportation Division in the amount of \$25,000,000 as authorized by the N.C.S.L 2017-57 §34.19(c) for improvements to the Charlotte Douglas International Airport, and**
- B. Approve and authorize the City Manager to execute the Airport Improvement and Debt Service Funding Agreement between the City of Charlotte and the North Carolina Department of Transportation.**

**Staff Resource(s)**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- In June 2017, the General Assembly of North Carolina issued Senate Bill 57 §34.19(c) that allowed the appropriated funds of the Highway Fund to the Department of Transportation to be allocated for capital improvements at commercial service airports.
- For Fiscal Year 2019, \$25,000,000 was allocated to the Charlotte Douglas International Airport.

- These funds will be used for the acquisition of land near the Airport's new entrance at North Josh Birmingham Parkway and Wilkinson Boulevard, known as CLT Gateway Central.
- This activity is occurring on airport property, Council District 3.

**Fiscal Note**

Funding: Aviation Community Investment Plan

**Attachment(s)**

Resolution

[Resolution for NCDOT](#)

## 64. Air Canada Lease

**Action:**

**Approve a five-year lease with Air Canada for office space in the terminal of the Charlotte Douglas International Airport.**

**Staff Resource(s):**

Brent Cagle, Aviation

Haley Gentry, Aviation

**Explanation**

- Aviation has agreed to lease 169 square feet of office space in the terminal to Air Canada to support its airline operations.
- Annual rent based on the terminal rental rate is \$7,062.78, with a total five-year lease value of \$35,313.90.
- This activity is occurring on airport property, Council District 3.

**Fiscal Note**

Funding: Revenue from the lease agreement will be deposited within Aviation's operating budget

## 65. Host International, Inc. Warehouse Leases

**Action:**

- A. Approve a three-year lease with Host International, Inc. for the warehouse located at 4732 -B West Boulevard, and**
- B. Approve a three-year lease with Host International, Inc. for the warehouse located at 4800 -A West Boulevard.**

**Staff Resource(s):**

Brent Cagle, Aviation

Haley Gentry, Aviation

**Explanation**

- Host International, Inc. requires warehouse space to operate as the food and beverage master concessionaire at the Airport.
- The fair market rent value for these facilities is as follows:
  - 4732-B West Boulevard: (1,200 square feet, total annual lease value \$21,312), and
  - 4800-A West Boulevard: (6,400 square feet, total annual lease value \$103,953.60).
- This activity is occurring on airport property, Council District 3.

**Fiscal Note**

Funding: Revenue from the lease agreements will be deposited within Aviation's operating budget

## 66. IT Financial Management Software



**Action:**

- A. Approve a contract with Nicus Software, Inc. to provide and implement an IT Financial Management system for a term of three years,**
- B. Authorize the City Manager to renew the contract for up to two optional one-year renewals and approve price adjustments and amend the contract consistent with the purpose for which the contract was awarded,**
- C. Authorize the City Manager to purchase maintenance and support for as long as the City uses the system, and**
- D. Authorize the City Manager to purchase such additional software licenses, services, and hardware as needed from time to time to optimize the City's use of the system.**

**Staff Resource(s):**

Jeff Stovall, Innovation and Technology

**Explanation**

- In fiscal year 2015, Innovation and Technology (I&T) adopted a business model utilizing "FullCost" methodology which has provided the foundation for working to meet Citywide technology expectations through greater budget transparency.
- I&T determined that additional progress requires the implementation of a full-service IT Financial Management system. Such a system will provide cost optimization, transparency, and allow for IT demand management, chargebacks/showbacks, spend management indexed to services consumed, and the total cost of providing technology services.
- On February 15, 2018, the City issued a Request for Proposals (RFP); three proposals were received.
- Nicus Software, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Initial annual expenditures for licensing and implementing the system are estimated to be \$250,000. Expenditures in this category are expected to include implementation, training, and support totaling \$650,000 over three years. Renewal options include a two percent escalation each year in years four and five.

**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: Innovation and Technology Operating Budget and Community Investment Plan

## **67. Updated Rules for Pre-audit of Electronic Payments**

**Action:**

- A. Adopt a resolution authorizing the City of Charlotte to engage in electronic payments as defined by G.S. 159-28,**
- B. Authorize the Finance Officer to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03 .0409, and**
- C. Authorize the Finance Officer to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03 .0410.**

**Staff Resource(s):**

Randy Harrington, Management and Financial Services

Teresa Smith, Management and Financial Services

**Explanation**

- GS 159-28 was modified in 2015 by the NC legislature to allow the Local Government Commission (LGC) to adopt rules to address the execution of the pre-audit and disbursement process related to electronic payments for local government units.
- The LGC issued new regulations to municipalities in March 2018 to address the revised legislation.
- A pre-audit is a stamp indicating budgeted funds are available which is applied to purchase orders, contracts, and checks. These new rules were necessary since an electronic payment has no physical form and cannot be stamped.
- In order for the City to be exempt from affixing the pre-audit and disbursement certificate requirements on electronic payments:
  - Council must adopt a resolution authorizing electronic payments,
  - Council may delegate authority to develop policies and procedures for electronic payments to the Finance Officer,
  - Policies and procedures for electronic payments must be developed, and
  - Quarterly reporting of budget to actuals must be made to the Council.

**Attachment(s)**

Resolution

[Resolution](#)

## **68. Cooperative Purchasing Contracts for Vehicles and Equipment**

**Action:**

- A. Approve the purchase of automobiles, refuse equipment, sewer cleaning equipment, heavy equipment, sewer cleaning equipment, cab chassis, and street maintenance equipment from cooperative contracts,**
- B. Approve unit price contracts as Citywide contracts with the following for the purchase of automobiles, refuse equipment, sewer cleaning equipment, and heavy equipment under the North Carolina Sheriff's Association (NCSA), for the term of one year:**
  - Asheville Ford Lincoln, Modern Ford of Boone, Cooper Ford, Piedmont Truck Center, and Modern Chevrolet (NCSA contract # 18-04-0912),
  - Amick Equipment Co. Inc., Excel Truck Group, Godwin Manufacturing Co. Inc., LiftOne LLC, Jet-Vac Equipment Co. Inc., Public Works Equipment and Supply Inc., Rodders and Jets Supply Co., Southern Truck Service Inc., Southern Vac, and Young's Truck Center (NCSA contract # 19-03-0504),
- C. Approve unit price contract as Citywide contracts with the following for the purchase of sewer cleaning trucks, cab chassis, and street maintenance equipment for the term of one year:**
  - Houston Freightliner (HGAC contract # HT06-18),
  - Jet-Vac Equipment Co. Inc., Rodders and Jets Supply Co., and Sewer Equipment Co. of America (HGAC contract # SC01-18),
  - M-B Companies Inc. (HGAC contract # SM10-16), and
- D. Authorize the City Manager to extend the contracts for additional one-year terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

**Staff Resource(s):**

Randy Harrington, Management and Financial Services  
Mike Davis, Engineering and Property Management  
Chris Trull, Engineering and Property Management

**Cooperative Purchasing Exemption**

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

**Explanation**

- The City assesses vehicle and equipment on an annual basis to determine replacement needs based on a rating of vehicle usage, age, maintenance costs, and condition.
- G.S. 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- Cooperative purchasing agreements result from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs, all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise that can be utilized on a local, regional, and national level.
- Vehicles and equipment being purchased include light and medium duty pickup trucks, heavy duty cab and chassis, refuse cab and chassis, refuse bodies, street maintenance equipment, sewer cleaning equipment, and forklifts.
- Fiscal Year 2019 expenditures for all contracts combined are estimated to be \$21,410,400.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: General and Enterprise Capital Equipment Replacement Funds

## **69. Cooperative Purchasing Contracts for Construction and Agricultural Equipment**

**Action:**

- A. **Approve the purchase of construction and agricultural equipment from cooperative contracts,**
- B. **Approve unit price contracts with the following for the purchase of construction and agricultural equipment as Citywide contracts under the Sourcewell cooperative program for the term of one year:**
  - **Ditch Witch of Charlotte Inc. (Sourcewell contract # 012418-CMW),**
  - **MAP Enterprises Inc. (Sourcewell contract # 012418-TIM),**
  - **Carolina Tractor (Sourcewell contract 032515-CAT),**
  - **Company Wrench Ltd. (Sourcewell contract # 042815-JCB),**
  - **Charlotte Tractor (Sourcewell contracts # 042815-KBA and 062117-KBA),**
  - **Ascendum Machinery Inc. (Sourcewell contract # 052015-CEC),**
  - **Morbark LLC (Sourcewell contract 062117-MBI),**
  - **M-B Companies Inc. (Sourcewell contract # 080114-MBC),**
  - **National Auto Fleet Group (Sourcewell contracts # 081716-NAF and 120716-NAF),**
  - and**
- C. **Authorize the City Manager to extend the contracts for additional one-year terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

**Staff Resource(s):**

Randy Harrington, Management and Financial Services  
Mike Davis, Engineering and Property Management  
Chris Trull, Engineering and Property Management

**Cooperative Purchasing Exemption**

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

**Explanation**

- The City assesses vehicles and equipment on an annual basis to determine replacement needs based on a rating of vehicle usage, age, maintenance costs, and condition.
- G.S. 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- Cooperative purchasing agreements result from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs, all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise that can be utilized on a local, regional, and national level.
- Vehicles and equipment being purchased include construction equipment, excavators, skid steers, heavy duty cab and chassis, aerial light truck bodies, utility vehicles, and wood chippers.
- Fiscal Year 2019 expenditures for all contracts combined are estimated to be \$3,339,000.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: General and Enterprise Capital Equipment Replacement Funds

## **70. Cooperative Purchasing Contract for Electrical, Lighting, and Data Communications Equipment and Supplies**

**Action:**

- A. Approve the purchase of Electrical, Lighting, and Data Communications Equipment and Supplies from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3),**
- B. Approve a unit price contract with Graybar Electric Company, Inc. for the purchase of Electrical, Lighting and Data Communications Equipment and Supplies for a term of three years under the U.S. Communities Government Purchasing Alliance contract #EV2370, dated February 1, 2018, and**
- C. Authorize the City Manager to extend the purchase of products from Graybar Electric Company, Inc. for as long as they have a contract in effect with U.S. Communities, at prices and terms that are the same or more favorable than those offered under the cooperative contact.**

**Staff Resource(s):**

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

**Cooperative Purchasing Exemption**

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

**Explanation**

- Electrical, lighting, and data communications equipment and supplies are routinely required by Engineering and Property Management, Aviation, Charlotte Water, CDOT, and other City departments for daily operations and maintenance of more than 300 municipal facilities.
- On August 25, 2014, the City Council approved a U.S. Communities cooperative purchasing agreement with Graybar Electric Company, Inc. for the term of three years and authorized the City Manager to renew the agreement for additional terms as long as the cooperative contract was in effect.
- The U.S. Communities cooperative contract was resolicited by Kansas City, Missouri, and a new contract was awarded to Graybar on February 1, 2018.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs, all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise that can be utilized on a national level.
- Annual expenditures are estimated to be \$2,000,000.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Department Operating Budget

## **71. Cresswind Phase 2 Area Voluntary Annexation Public Hearing Date**

**Action:**

**Adopt a resolution setting the public hearing for August 27, 2018, for Cresswind Phase 2 Area Annexation.**

**Staff Resource(s):**

Taiwo Jaiyeoba, Planning

Katrina Young, Planning

**Explanation**

- The City has received a petition for voluntary annexation of private properties.
- Public hearings are required prior to City Council action on annexation requests.
- These properties are located within Charlotte's extraterritorial jurisdiction.
- Area proposed for annexation shares boundary with current city limits.
- Annexation of these areas at this time will allow for more orderly land development review, extension of City services, capital investments, and future annexation processes.
- The 122.494-acres site is located on the east side of I-485 and south of Camp Stewart Road in East Mecklenburg County.
  - The properties are currently vacant.
  - The petitioner has plans to develop approximately 247 residential units.
  - The properties are zoned (R-3) single family residential at three dwelling units per acre and (MX-1 INNOV) mixed use residential, innovative.
  - The properties are located immediately adjacent to Council District 5.
  - Petitioned area includes four parcels 111-201-08, 111-201-99, 111-201-05, and 111-221-07.

**Consistency with City Council Policies**

- This annexation is consistent with City voluntary annexation policies approved by the City Council on March 24, 2003, more specifically this:
  - 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.

**Public Hearing Date**

The resolution sets Monday, August 27, 2018, for the public hearing.

**Attachment(s)**

Map

Resolution

[Cresswind Annexation Map BW \(3\)](#)

[Resolution Cresswind Area Annexationrev1](#)

## 72. Americans with Disabilities Act Self-Evaluation and Transition Plan Contract

**Action:**

- A. Approve a contract with Altura Solutions, L.P for Americans with Disabilities Act self-evaluation and transition plan services for an initial term of one year,**
- B. Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved, and**
- C. Authorize the City Manager to amend the contract with Cole and Associates, Inc. for ADA Pedestrian Facilities Inventory and Assessment Services in the amount of \$147,000.**

**Staff Resource(s):**

Willie Ratchford, Community Relations Committee

Liz Babson, Transportation

**Explanation**Actions A and B

- The City is seeking a company to evaluate and assess all City-owned and occupied facilities, City programs, policies, procedures, and public-facing information technology applications for Americans with Disabilities Act (ADA) compliance.
- The ADA Transition Plan is federally mandated and the risk for not implementing one citywide is loss of federal funds. These efforts also promote the Equity and Inclusion Assessment established on July 16, 2018.
- The company will provide an ADA Transition Plan, detailing the ADA compliance of all facilities, programs, policies, procedures, and public-facing information technology applications, and a list of priorities and costs of those areas needing to be corrected.
- On January 30, 2018, the City issued a Request for Proposals; seven proposals were received.
- Altura Solutions, L.P best meet the City's needs in terms of qualifications, experience, and cost and provided a creative solution to address the City's needs and goals.
- The contract is anticipated to be renewed for up to four, one-year terms for Altura Solutions, L.P. to provide the evaluation and final transition plan for the City.
- Estimated total contract expenditures are \$761,000.

Action C

- The City of Charlotte was reviewed by and received a report from the NCDOT Office of Civil Rights ADA Unit in December 2016 noting deficiencies, one of which included the need for an inventory of all City pedestrian facilities.
- City Council approved a contract with Cole and Associates, Inc. to assess Pedestrian Facilities in the public rights-of-way for ADA compliance on March 27, 2017.

- This amendment is for Cole and Associates, Inc. to prioritize the data and establish a complete list of how the City plans to remove all the physical barriers that prevent ADA compliance as required by the ADA Transition Plan. This scope of work is required for Altura Solutions, L.P. to receive the data required to proceed with the transition plan.
- The amendment will adjust the scope of Cole and Associates, Inc.'s contract to add ADA prioritization services in advance of the work being done for the Citywide ADA Transition Plan.

**Charlotte Business INclusion**

Established MWSBE Goal: 10%

Committed MWSBE Goal: 10%

Altura Solutions, L.P. Company met the established MWSBE subcontracting goal and has committed 10% (\$76,100) of the total contract amount to the following certified MWBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Baseline Mobility Group, Inc. (MBE)(\$38,050) (Engineering Support)
- Simon Resources, Inc. (WBE)(\$38,050) (Public Engagement & Communications Support)

Altura Solutions, L.P. is a certified MBE with North Carolina HUB Office.

**Fiscal Note**

Funding: General Community Investment Plan

## 73. Refund of Property Taxes

**Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$11,691.01.**

**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](#)

## 74. Meeting Minutes

**Action:**

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

- **May 16, 2018 Budget Adjustments,**
- **May 21, 2018, Zoning Meeting,**
- **May 30, 2018, Budget Adjustments/Preliminary Votes,**
- **May 30, 2018, Business Meeting/Zoning Hearings, and**
- **June 4, 2018, Special Meeting/Strategy Session.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

### 75. Aviation Property Transaction - Little Rock and Keeter Drive

**Action:**

**Approve the following Property Acquisitions:**

**Project:** Airport Gateway Central

**Owner(s):** Catherine Elizabeth Allison Huntley and Ronald Dean Husband

**Property Address:** Off of Little Rock Road and Keeter Drive

**Total Parcel Area:** .913 acres

**Property to be acquired by Easements:** N/A

**Structures/Improvements to be impacted:** Commercial Trailer

**Landscaping to be impacted:** N/A

**Zoned:** I-2

**Use:** Commercial

**Tax Code:** 055-369-50 and 055-369-52

**Purchase Price:** \$825,000 and all relocation benefits in compliance with Federal, State or Local regulations

**Council District:** 3

### 76. In Rem Remedy 11026 Beau Riley Road

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

**Public Purpose:**

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

**Policy:**

- Housing and Neighborhood Development and Community Safety

**The In Rem Remedy items were initiated from 3 categories:**

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

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

**Public Safety: (11026 Beau Riley Road)**



**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (11026 Beau Riley Road) (Neighborhood Profile Area 151).**

**Attachment(s)**

In Rem Packet for (11026 Beau Riley Road, Council District 7)

[In Rem Remedy 11026 Beau Riley Rd.pdf](#)

## **77. In Rem Remedy 5626 Murrayhill Road**

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

**Public Purpose:**

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

**Policy:**

- Housing and Neighborhood Development and Community Safety

**The In Rem Remedy items were initiated from 3 categories:**

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

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

**Field Observation: (5626 Murrayhill Road)****Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (5626 Murrayhill Road) (Neighborhood Profile Area 393).**

**Attachment(s)**

In Rem Packet for (5626 Murrayhill Road, Council District 6)

[In Rem Remedy 5626 Murrayhill Rd.pdf](#)

## **78. In Rem Remedy 209 Pawley Drive**

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

**Public Purpose:**

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

**Policy:**

- Housing and Neighborhood Development and Community Safety

**The In Rem Remedy items were initiated from 3 categories:**

1. Public Safety - Police and/or Fire Departments

2. Complaint - petition by citizens, tenant complaint, or public agency referral
3. Field Observation - concentrated code enforcement program

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

**Field Observation: (209 Pawley Drive)**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (209 Pawley Drive) (Neighborhood Profile Area 376).**

**Attachment(s)**

In Rem Packet for (209 Pawley Drive, Council District 2)

[In Rem Remedy 209 Pawley Dr.pdf](#)

## **79. Property Transactions - Beards Creek Sewer Replacement, Parcel #1**

**Action: Approve the following Condemnation: Beards Creek Sewer Replacement, Parcel #1**

**Project:** Beards Creek Sewer Replacement, Parcel #1

**Owner(s):** Colonial Realty Limited Partnership

**Property Address:** 811 Matthews Commons Drive

**Total Parcel Area:** 818,969 sq. ft. (18.801 ac.)

**Property to be acquired by Easements:** 11,683 sq. ft. (.268 ac.) in Sanitary Sewer Easement, plus 10,337 sq. ft. (.237 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-15

**Use:** Multi-family

**Tax Code:** 193-231-07

**Appraised Value:** \$19,325

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

**Council District:** N/A (Matthews)

## **80. Property Transactions - Beards Creek Sewer Replacement, Parcel #5**

**Action: Approve the following Condemnation: Beards Creek Sewer Replacement, Parcel #5**

**Project:** Beards Creek Sewer Replacement, Parcel #5

**Owner(s):** SC Windsor Square, LLC

**Property Address:** 1804 Windsor Square Drive

**Total Parcel Area:** 1,283,351 sq. ft. (29.462 ac.)

**Property to be acquired by Easements:** 11,165 sq. ft. (.256 ac.) in Sanitary Sewer Easement, plus 13,838 sq. ft. (.318 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** O-1(CD)

**Use:** Commercial

**Tax Code:** 193-302-02

**Appraised Value:** \$43,575

**Outstanding Concerns:** Property owner has become unresponsive.

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

**Council District:** N/A (Matthews)

## **81. Property Transactions - Beards Creek Sewer Replacement, Parcel #6**

**Action:** Approve the following Condemnation: Beards Creek Sewer Replacement, Parcel #6

**Project:** Beards Creek Sewer Replacement, Parcel #6

**Owner(s):** Costco Wholesale Corporation

**Property Address:** 2125 Matthews Township Parkway

**Total Parcel Area:** 645,315 sq. ft. (14.814 ac.)

**Property to be acquired by Easements:** 7,837 sq. ft. (.18 ac.) in Sanitary Sewer Easement, plus 13,410 sq. ft. (.308 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** B-1S(CD)

**Use:** Commercial

**Tax Code:** 193-521-15

**Appraised Value:** \$34,700

**Outstanding Concerns:** Property has become unresponsive.

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

**Council District:** N/A (Matthews)

## **82. Property Transactions - Beards Creek Sewer Replacement, Parcel #8**

**Action:** Approve the following Condemnation: Beards Creek Sewer Replacement, Parcel #8

**Project:** Beards Creek Sewer Replacement, Parcel #8

**Owner(s):** IA Matthews Sycamore, LLC

**Property Address:** 10530 Northeast Parkway

**Total Parcel Area:** 1,902,894 sq. ft. (43.684 ac.)

**Property to be acquired by Easements:** 40,917 sq. ft. (.939 ac.) in Sanitary Sewer Easement, plus 63,099 sq. ft. (1.449 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** B-1S(CD)

**Use:** Commercial

**Tax Code:** 193-521-07

**Appraised Value:** \$158,325

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

**Council District:** N/A (Matthews)

## **83. Property Transactions - Beckwith - Meadow Drainage Improvements, Parcel #5 and 6**

**Action:** Approve the following Condemnation: Beckwith - Meadow Drainage Improvements, Parcel #5 and 6

**Project:** Beckwith - Meadow Drainage Improvements, Parcel #5 and 6

**Program:** Flood Control

**Owner(s):** Shamrock Holding, LLC

**Property Address:** 1920 Shamrock Drive

**Total Parcel Area:** 16,856 sq. ft. (.387 ac.)

**Property to be acquired by Fee:** 47,777.42 sq. ft. (1.097 ac.) in Fee Simple

**Structures/Improvements to be impacted:** Commercial building

**Landscaping to be impacted:** None

**Zoned:** B-1

**Use:** Commercial

**Tax Code:** 093-103-10

**Appraised Value:** \$300,000

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

**City's Response to Property Owner's Concerns:** Staff informed the property owner they could obtain an appraisal in order to justify a counter offer.

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

**Council District:** 1

## **84. Property Transactions - Cutchin Drive Drainage Improvements, Parcel #1**

**Action:** Approve the following Condemnation: Cutchin Drive Drainage Improvements, Parcel #1

**Project:** Cutchin Drive Drainage Improvements, Parcel #1

**Program:** Flood Control

**Owner(s):** David H. Ramsey and Catherine R. Bodman

**Property Address:** 3400 Cambria Road

**Total Parcel Area:** 25,341 sq. ft. (.582 ac.)

**Property to be acquired by Easements:** 243 sq. ft. (.006 ac.) in Storm Drainage

Easement, plus 1,024 sq. ft. (.024 ac.) in Temporary Construction Easement, plus 2,161 sq. ft. (.05 ac.) in Existing Drainage Accepted as Storm Drainage Easement

**Structures/Improvements to be impacted:** Retaining wall and irrigation

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 209-056-06

**Appraised Value:** \$25,650

**Property Owner's Concerns:** The property owner was concerned about the impacts to the property and the amount of compensation being offered.

**City's Response to Property Owner's Concerns:** Staff informed the property owner that the City would restore and repair the areas impacted. Staff informed the property owner that he could present a counter offer with justification.

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

**Council District:** 6

## 85. Property Transactions - Cutchin Drive Drainage Improvements, Parcel #2

**Action:** Approve the following Condemnation: Cutchin Drive Drainage Improvements, Parcel #2

**Project:** Cutchin Drive Drainage Improvements, Parcel #2

**Program:** Flood Control

**Owner(s):** Jeffrey C. Cline and Molly F. Cline

**Property Address:** 3340 Cambria Road

**Total Parcel Area:** 20,253 sq. ft. (.465 ac.)

**Property to be acquired by Easements:** 18 sq. ft. ( ac.) in Storm Drainage Easement, plus 683 sq. ft. (.016 ac.) in Temporary Construction Easement, plus 2,376 sq. ft. (.055 ac.) in Existing Drainage Accepted as Storm Drainage Easement

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

**Landscaping to be impacted:** Tree

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 209-054-07

**Appraised Value:** \$12,975

**Outstanding Concerns:** Property owner has become unresponsive.

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

**Council District:** 6

## **86. Property Transactions - Cutchin Drive Drainage Improvements, Parcel #8**

**Action:** Approve the following Condemnation: Cutchin Drive Drainage Improvements, Parcel #8

**Project:** Cutchin Drive Drainage Improvements, Parcel #8

**Program:** Flood Control

**Owner(s):** Manuel Garmilla and Carmen Carcer

**Property Address:** 3222 Mountainbrook Road

**Total Parcel Area:** 42,691 sq. ft. (.980 ac.)

**Property to be acquired by Easements:** 1,154 sq. ft. (.026 ac.) in Storm Drainage Easement, plus 763 sq. ft. (.018 ac.) in Temporary Construction Easement, plus 120 sq. ft. (.003 ac.) in Existing Drainage Accepted as Storm Drainage Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 209-083-65

**Appraised Value:** \$10,000

**Property Owner's Concerns:** The property owner was concerned with the project schedule and the amount of compensation being offered.

**City's Response to Property Owner's Concerns:** Staff explained the project schedule and that they could obtain their own appraisal in order to justify a counter offer.

**Recommendation:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if

necessary, just compensation can be determined by the court.

**Council District:** 6

## **87. Property Transactions - Cutchin Drive Drainage Improvements, Parcel #18**

**Action:** Approve the following Acquisition: Cutchin Drive Drainage Improvements, Parcel #18

**Project:** Cutchin Drive Drainage Improvements, Parcel #18

**Program:** Flood Control

**Owner(s):** Daniel Bowen and Stephanie Bowen

**Property Address:** 3041 Cutchin Drive

**Total Parcel Area:** 21,443 sq. ft. (.492 ac.)

**Property to be acquired by Easements:** 3,870 sq. ft. (.089 ac.) in Storm Drainage Easement, plus 252 sq. ft. (.006 ac.) in Temporary Construction Easement, plus 1,224 sq. ft. (.028 ac.) in Existing Drainage Accepted as Storm Drainage Easement

**Structures/Improvements to be impacted:** Irrigation, fence and driveway

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 209-063-25

**Purchase Price:** \$61,800

**Council District:** 6

## **88. Property Transactions - Fieldcrest Road to Barringer Drive Sanitary Sewer Replacement, Parcel #2**

**Action:** Approve the following Condemnation: Fieldcrest Road to Barringer Drive Sanitary Sewer Replacement, Parcel #2

**Project:** Fieldcrest Road to Barringer Drive Sanitary Sewer Replacement, Parcel #2

**Owner(s):** American IRA, LLC

**Property Address:** 1427 Rollingwood Drive

**Total Parcel Area:** 38,165 sq. ft. (.876 ac.)

**Property to be acquired by Easements:** 2,774.76 sq. ft. (.064 ac.) in Sanitary Sewer Easement, plus 2,731.3 sq. ft. (.063 ac.) in Temporary Construction Easement



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

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 145-161-26

**Appraised Value:** \$4,275

**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:** 3

## **89. Property Transactions - Fieldcrest Road to Barringer Drive Sanitary Sewer Replacement, Parcel #9**

**Action:** Approve the following Condemnation: Fieldcrest Road to Barringer Drive Sanitary Sewer Replacement, Parcel #9

**Project:** Fieldcrest Road to Barringer Drive Sanitary Sewer Replacement, Parcel #9

**Owner(s):** Heirs of Barbara Andrews Pratt

**Property Address:** 1311 Rollingwood Drive

**Total Parcel Area:** 13,141 sq. ft. (.302 ac.)

**Property to be acquired by Easements:** 1,502.76 sq. ft. (.034 ac.) in Sanitary Sewer Easement, plus 1,364.08 sq. ft. (.031 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 145-161-19

**Appraised Value:** \$4,700

**Property Owner's Counteroffer:** \$4,700

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

**Council District:** 3

## **90. Property Transactions - Fieldcrest Road to Barringer Drive**

## Sanitary Sewer Replacement, Parcel #23

**Action:** Approve the following Condemnation: Fieldcrest Road to Barringer Drive Sanitary Sewer Replacement, Parcel #23

**Project:** Fieldcrest Road to Barringer Drive Sanitary Sewer Replacement, Parcel #23

**Owner(s):** Uvonna Lytease Mathis Cottrell, Tregg Rea Mathis and Otha Townsend

**Property Address:** 1101 Rollingwood Drive

**Total Parcel Area:** 9,340 sq. ft. (.214 ac.)

**Property to be acquired by Easements:** 1,458.08 sq. ft. (.033 ac.) in Sanitary Sewer Easement, plus 1,823.93 sq. ft. (.042 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** Storage building

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 145-152-16

**Appraised Value:** \$4,900

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

**Council District:** 3

## 91. Property Transactions - Lincoln Heights Drainage Improvements, Parcel #6

**Action:** Approve the following Condemnation: Lincoln Heights Drainage Improvements, Parcel #6

**Project:** Lincoln Heights Drainage Improvements, Parcel #6

**Program:** Flood Control

**Owner(s):** Sylvia Denise Bidgood, Patrice Yvette Bidgood and Lamari Marquise Bidgood

**Property Address:** 2000 St. Luke Street

**Total Parcel Area:** 12,500 sq. ft. (.287 ac.)

**Property to be acquired by Easements:** 443.01 sq. ft. (.01 ac.) in Storm Drainage Easement, plus 670.45 sq. ft. (.015 ac.) in Temporary Construction Easement, plus 513.85 sq. ft. (.012 ac.) in Utility Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-5

**Use:** Single-family Residential

**Tax Code:** 075-035-06

**Appraised Value:** \$1,050

**Outstanding Concerns:** Property owner has become unresponsive.

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

**Council District:** 2

## **92. Property Transactions - Margaret Wallace - Cedarbark to Idlewild Sidewalk, Parcel #5**

**Action:** Approve the following Acquisition: Margaret Wallace - Cedarbark to Idlewild Sidewalk Parcel #5

**Project:** Margaret Wallace - Cedarbark to Idlewild Sidewalk, Parcel #5

**Owner(s):** Frances W. Lilly

**Property Address:** 4313 Margaret Wallace Road

**Total Parcel Area:** 486,065 sq. ft. (11.158 ac.)

**Property to be acquired by Fee:** 2,194 sq. ft. (.05 ac.) in Fee Simple

**Property to be acquired by Easements:** 8,672 sq. ft. (.199 ac.) in Sidewalk and Utility Easement, plus 2,434 sq. ft. (.056 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-17MF

**Use:** Multi-family

**Tax Code:** 193-043-24

**Purchase Price:** \$17,375

**Council District:** 4

## **93. Property Transactions - McAlpine Creek Relief Sewer Phase IV, Parcel #196**

**Action:** Approve the following Condemnation: McAlpine Creek Relief Sewer Phase IV, Parcel

**#196**

**Project:** McAlpine Creek Relief Sewer Phase IV, Parcel #196

**Owner(s):** Realty Income Properties 25, LLC

**Property Address:** 7700 Krefeld Drive

**Total Parcel Area:** 684,023 sq. ft. (15.703 ac.)

**Property to be acquired by Easements:** 9,500 sq. ft. (.218 ac.) in Temporary Construction Easement

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

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

**Zoned:** B-2(CD)

**Use:** Commercial

**Tax Code:** 193-073-01

**Appraised Value:** \$30,150

**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:** 5

## **94. Property Transactions - McAlpine Creek Relief Sewer Phase IV, Parcel #197**

**Action:** Approve the following Condemnation: McAlpine Creek Relief Sewer Phase IV, Parcel #197

**Project:** McAlpine Creek Relief Sewer Phase IV, Parcel #197

**Owner(s):** Horizon Development Properties, Inc.

**Property Address:** 2500 Margaret Wallace Road

**Total Parcel Area:** 352,749 sq. ft. (8.098 ac.)

**Property to be acquired by Easements:** 11,575 sq. ft. (.266 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** Fence

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

**Zoned:** R-12

**Use:** Multi-family

**Tax Code:** 193-073-03

**Appraised Value:** \$11,600

**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:** 5

## **95. Property Transactions - McAlpine Creek Relief Sewer Phase IV, Parcel #209**

**Action:** Approve the following Condemnation: McAlpine Creek Relief Sewer Phase IV, Parcel #209

**Project:** McAlpine Creek Relief Sewer Phase IV, Parcel #209

**Owner(s):** J. Vaughn Klutts, Jr. and Klutts Family, LLC

**Property Address:** Overlook Trail

**Total Parcel Area:** 27,269 sq. ft. (.626 ac.)

**Property to be acquired by Easements:** 1,095 sq. ft. (.025 ac.) in Sanitary Sewer Easement, plus 7,116 sq. ft. (.163 ac.) in Temporary Construction Easement

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

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

**Zoned:** R-4

**Use:** Rural Home site

**Tax Code:** 165-201-98

**Appraised Value:** \$1,050

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

**Council District:** 5

## **96. Property Transactions - McAlpine Creek Relief Sewer Phase IV, Parcel #237**

**Action:** Approve the following Condemnation: McAlpine Creek Relief Sewer Phase IV, Parcel #237

**Project:** McAlpine Creek Relief Sewer Phase IV, Parcel #237

**Owner(s):** Estherma P. Jones, Zsa Zsa Romelle Maxwell, Cydney Kim Maxwell and Tashe Devarone Borrelli

**Property Address:** 9230 Goldenrod Lane

**Total Parcel Area:** 773,190 sq. ft. (17.750 ac.)

**Property to be acquired by Easements:** 1,668 sq. ft. (.038 ac.) in Temporary Construction Easement

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

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

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 135-122-22

**Appraised Value:** \$300

**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:** 5

## **97. Property Transactions - McAlpine Creek Relief Sewer Phase IV, Parcel #239**

**Action:** Approve the following Condemnation: McAlpine Creek Relief Sewer Phase IV, Parcel #239

**Project:** McAlpine Creek Relief Sewer Phase IV, Parcel #239

**Owner(s):** Southern Land Solutions, LLC

**Property Address:** 5046 Rivergreen Lane

**Total Parcel Area:** 142,006 sq. ft. (3.260 ac.)

**Property to be acquired by Easements:** 778 sq. ft. (.018 ac.) in Temporary Construction Easement

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

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

**Zoned:** R-4

**Use:** 100 Year Flood Plain - Ac

**Tax Code:** 135-111-03

**Appraised Value:** \$150

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

**Council District:** 5

## **98. Property Transactions - Tuckaseegee - Berryhill - Thrift Roundabout, Parcel #1**

**Action:** **Approve the following Condemnation: Tuckaseegee - Berryhill - Thrift Roundabout, Parcel #1**

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement.

**Project:** Tuckaseegee - Berryhill - Thrift Roundabout, Parcel #1

**Owner(s):** Khoai C. Nguyen

**Property Address:** 2400 Tuckaseegee Road

**Total Parcel Area:** 7,871 sq. ft. (.181 ac.)

**Property to be acquired by Fee:** 894 sq. ft. (.021 ac.) in Fee Simple

**Property to be acquired by Easements:** 1,199 sq. ft. (.028 ac.) in Sidewalk and Utility Easement, plus 1,518 sq. ft. (.035 ac.) in Temporary Construction Easement, plus 231 sq. ft. (.005 ac.) in Utility Easement

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

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

**Zoned:** B-1

**Use:** Commercial

**Tax Code:** 071-093-19

**Appraised Value:** \$15,875

**Property Owner's Counteroffer:** \$30,000

**Property Owner's Concerns:** The property owner is concerned with how the project impacts the function of the property after the project is completed, the loss of parking spaces and amount of compensation being offered.

**City's Response to Property Owner's Concerns:** Staff explained the project to the property owner and informed them that they could obtain an appraisal to justify their 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: 3

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

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

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement.

**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

**Amount Withheld for Environmental Mitigation, per Federal Guidelines:** \$17,725  
(Estimated cost of mitigation is \$30,000)

**Initial Deposit Amount:** \$0

**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 that they could obtain an appraisal in order to justify their 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: 3

## 100. Property Transactions - Tuckaseegee - Berryhill - Thrift



## Roundabout, Parcel #8

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

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement.

**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

**Amount Withheld for Environmental Mitigation, per Federal Guidelines:** \$15,000

**Initial Deposit Amount:** \$30,775

**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

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

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

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement.

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

**Owner(s):** BIN - BR1304, LLC

**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

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

**City's Response to Property Owner's Concerns:** Staff informed the property owner they could obtain an appraisal in order to justify a counter offer.

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

**Council District:** 3

## Adjournment

## REFERENCES

### 102. Reference - Charlotte Business INClusion Policy

The following excerpts from the City's Charlotte Business INClusion Policy are intended to provide further explanation for those agenda items which reference the Charlotte Business INClusion Policy in the business meeting agenda.

#### **Part A: Administration & Enforcement**

**Appendix Section 20: Contract:** For the purposes of establishing an MWSBE subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the City procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration and remodeling; (b) architectural work, engineering, surveying, testing, construction management and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services) , and (d) apparatus, supplies, goods or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, MBE or WBE Goal has been set.
- Financial Partner Agreements, Development Agreements, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INClusion Program Policy.

**Appendix Section 27: Exempt Contracts:** Contracts that fall within one or more of the following categories shall be "Exempt Contracts" from all aspects of the Charlotte Business INClusion Policy, unless the Department responsible for procuring the Contract decides otherwise:

**No Competitive Process Contracts:** Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the City shall be Exempt Contracts, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

**Managed Competition Contracts:** Managed competition contracts pursuant to which a City Department or division competes with Business Enterprises to perform a City function shall be Exempt Contracts.

**Real Estate Leasing and Acquisition Contracts:** Contracts for the acquisition or lease of real estate shall be Exempt Contracts.

**Federal Contracts Subject to DBE Requirements:** Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation shall be Exempt Contracts.

**State Contracts Subject to MWBE Requirements:** Contracts for which a minority and women business participation goal is set pursuant to G.S. 143-128.2(a) due to a building project receiving funding from the State of North Carolina shall be Exempt Contracts.

**Financial Partner Agreements with DBE or MWBE Requirements:** Contracts that are subject to a disadvantaged business development program or minority and women business development program maintained by a Financial Partner shall be Exempt Contracts.

**Interlocal Agreements:** Contracts with other units of federal, state, or local government shall be Exempt Contracts.

**Contracts for Legal Services:** Contracts for legal services shall be Exempt Contracts, unless otherwise indicated by the City Attorney.

**Contracts with Waivers:** Contracts for which the SBO Program Manager or the City Manager waives the SBO Program requirements shall be Exempt Contracts (such as when there are no SBE subcontracting opportunities on a Contract).

**Special Exemptions:** Contracts where the Department and the Program Manager agree that the Department had no discretion to hire an SBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

**Appendix Section 35: Informal Contracts:** Contracts and purchase orders through which the City procures services from a Business Enterprise that fall within one of the following two categories:

**Construction Contracts Less Than or Equal To \$500,000:**

**Service and Commodities Contracts That Are Less Than or Equal To \$100,000:**

**Part B: Formal Construction Bidding**

**Part B: Section 2.1:** When the City Solicitation Documents for a Construction Contract contain an MWSBE Goal, each Bidder must either: (a) meet the MWSBE Goal, or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements. Failure to do so constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

**Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities.**

The City shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no SBEs, MBEs or WBEs (as applicable) to perform scopes of work or provide products or services that the City regards as realistic opportunities for subcontracting.

**Part C: Services Procurement**

**Part C: Section 2.1:** When the City Solicitation Documents for a Service Contract do not contain an SBE Goal, each Proposer must negotiate in good faith with each MWSBE that responds to the Proposer's solicitations and each MWSBE that contacts the Proposer on its own accord. Additionally, the City may negotiate a Committed SBE Goal with the successful Proposer after the Proposal Opening.

**Part C: Section 2.1:** No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish an MWSBE Goal for Service Contracts where there are no MWSBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

**Part D: Post Contract Award Requirements**

**Part D: Section 6: New Subcontractor Opportunities/Additions to Scope, Contract Amendments**

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the City as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the City shall either:

- Notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or
- Establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

## 103. 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.

## 104. 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.