

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, September 10, 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. Charlotte Future 2040 Comprehensive Plan Follow-Up

**Staff Resource(s):**

Taiwo Jaiyeoba, Planning, Design and Development

**Time:** 10 minutes

**Explanation**

- During the Action Review on July 23, 2018, the Planning, Design and Development department provided an overview of the Charlotte Future - 2040 Comprehensive Plan. A major element of the shared vision of growth, development, and capital investments is ongoing communication with City Council and the community. The Planning, Design and Development department will share how the Charlotte Future - 2040 Comprehensive Plan will link, incorporate, and update all existing plans.
- The Charlotte Future - 2040 Comprehensive Plan is anticipated to guide future growth, the evolution of our community's built character, and capital investments throughout Charlotte and our Extra Territorial Jurisdictions. It is also intended to inform the creation of a Unified Development Ordinance, a key implementation tool for achieving the community vision.

**Future Action**

City Council will be asked to authorize the City Manager to negotiate a contract with MIG, Inc. for Charlotte Future - 2040 Comprehensive Plan Services during the Business Meeting on September 10. MIG, Inc. will provide additional staff resources and expertise for the Planning, Design and Development department so there is no disruption in existing planning and zoning activities while the Charlotte Future - 2040 Comprehensive Plan is developed.

[CharlotteFuture2040 Follow Up Presentation Council 091018 new graphic \(002\)](#)

## 4. Celebrating Community Safety

**Staff Resource(s):**

Kerr Putney, Police

**Time:** 30 minutes

**Explanation**

- Consistent with the President's Task Force on 21st Century Policing, the Charlotte-Mecklenburg Police Department (CMPD) has been a leader in community policing. Community policing emphasizes working with neighborhood residents to promote public safety. CMPD works with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community.
- Recommendations 1.1 and 1.2 from the Police Foundation Report also reinforce that CMPD should continue to build on the tradition of community policing by identifying and engaging in opportunities and strategies that promote effective dialogue between CMPD and the community.
- This presentation will provide an update on some of the current community partnership activities and programs.

**Future Action**

The City has launched a new effort for City Council to be given an opportunity to share City Community Engagement events to help build awareness and participation throughout the community.

[CMPD Dinner Briefing - Community Engagement Update - 9.10.18](#)

## 5. 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.

## 6. Closed Session (as necessary)

**BUSINESS MEETING**

**CALL TO ORDER**

**INTRODUCTIONS**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PUBLIC FORUM**

**7. Public Forum**

**8. Consent agenda items 33 through 63 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

**AWARDS AND RECOGNITIONS**

**9. Johnson & Wales Women's Basketball Day**

**Action:**

Council member Egleston will read a proclamation recognizing September 10, 2018, as Johnson & Wales Women's Basketball Day.

**10. National Welcoming Week**

**Action:**

Mayor Lyles will read a proclamation recognizing September 14-23, 2018, as National Welcoming Week.

**11. Gold Star Mothers and Families Day**

**Action:**

Council member Driggs will read a proclamation recognizing September 30, 2018, as Gold Star Mothers and Families Day.

**PUBLIC HEARING****12. Public Hearing on Certificates of Participation Financing for Equipment and Facilities and for Public Safety Certificates of Participation****Action:**

- A. Conduct a public hearing on an \$83,160,000 installment financing contract to finance the City's acquisition of certain equipment and construction of and improvements to facilities, and**
- B. Adopt a resolution authorizing and approving an installment financing contract for the proposed financing and calls for the execution and delivery of various documents necessary to complete the sale.**

**Staff Resource(s):**

Robert Campbell, Finance

**Explanation**

- Certificates of Participation (COPs) are a common debt financing tool used by municipal governments to help fund the purchase of capital equipment, and the construction or renovation of facilities.
- This action authorizes the City to enter into an installment financing contract related to the issuance of not to exceed \$83,160,000 of COPs in October 2018 to finance the following equipment and facilities:
  - Charlotte Water Equipment: \$8.81 million
  - Spectrum Arena Renovations: \$12.50 million
  - Hickory Grove Division Police Station: \$8.75 million
  - South Division Police Station: \$6.10 million
  - Central Division Police Station: \$26.00 million
  - Graham Street Roof Repair: \$1.50 million
  - The Ovens/Bojangles Connector Facility: \$19.50 million
- The City's obligation to repay the debt will be secured by real property and a security interest in the equipment.
- The current action will:
  - Conduct a public hearing on the projects to be financed,
  - Provide information required for Local Government Commission approval of the financing, and
  - Give approval to the City Manager and Chief Financial Officer to take necessary actions to complete the financing.

**Fiscal Note**

Funding: Municipal Debt Service Fund, Tourism Operating Fund and Charlotte Water Capital Fund.

**Attachment(s)**

Resolution

[Resolution](#)



## 13. Public Hearing on Floodplain Ordinance Revisions

### **Action:**

- A. Conduct a public hearing on revisions to the floodplain ordinance, and**
- B. Approve floodplain ordinance revisions.**

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

Mike Davis, Engineering and Property Management  
Daryl Hammock, Engineering and Property Management

### **Explanation**

- The Federal Emergency Management Agency (FEMA) requires that all local floodplain regulations comply with FEMA and state requirements to participate in the National Flood Insurance Program (NFIP).
- Federally-backed flood insurance is made available to communities that participate in the NFIP, and rates are decreased by strong local ordinances.
- The State and FEMA require changes including:
  - Adoption of new floodplain maps,
  - Additional design requirements for fuel storage tanks in to reduce tank failure, and
  - Specifying a timeframe for accumulation of costs associated with substantial improvement/damage to a structure.
- Adoption of these changes is required in advance of the deadline on November 16, 2018, in order to continue participation in NFIP. Failure to adopt these minimally-required changes will result in Charlotte being suspended from participation, resulting in the loss of federally-backed flood insurance and a minimum 30 percent rate increase as policyholders obtain private policies.
- After evaluation of the State's Model Floodplain ordinance, it is recommended that additional ordinance changes which clarify intent, add more specificity, supplement definitions, and further limit flood losses.
- A stakeholder process was conducted with a diverse community group. Representation in the group included the Real Estate and Building Industry Coalition, Sierra Club, Catawba Riverkeeper, Charlotte Regional Realtors Association, Storm Water Advisory Committee, Mecklenburg County Building Development Commission, and City Development Services Technical Advisory Committee. City staff also attended the stakeholder meetings.
- On June 15, 2018, the stakeholder members unanimously recommended making the Federally-required changes, as well as the locally recommended changes to be consistent with the State's model ordinance.
- On July 19, 2018, the Storm Water Advisory Committee unanimously endorsed the same changes.

### **Attachment(s)**

Floodplain Ordinance Revisions

[2018 Charlotte Flood Regulations-Legal Blackline Version 8 2 18](#)

**POLICY**

**14. City Manager's Report**

**BUSINESS****15. Traffic Signal LED Maintenance****Action:**

**Adopt a budget ordinance appropriating \$300,000 from the North Carolina Department of Transportation to the General Fund.**

**Staff Resource(s):**

Liz Babson, Transportation

Charles Abel, Transportation

**Explanation**

- The City transitioned from incandescent to LED traffic signal displays more than 10 years ago. LED displays save energy and have a longer life than incandescent bulbs.
- The North Carolina Department of Transportation (NCDOT) has a statewide traffic signal maintenance program.
- The City previously entered into a Municipal Agreement with NCDOT to maintain traffic control devices.
- NCDOT is providing \$300,000 to replace LED traffic signal displays at intersections of State roads the City maintains.
- This money will fund scheduled replacements at approximately one-third, or 165, of the 500 State intersections, as a part of a three year replacement schedule.

**Fiscal Note**

Funding: Revenue deposited into the Charlotte Department of Transportation Operating Budget

**Attachment(s)**

Map

Budget Ordinance

[LED Traffic Signal Replacement North South](#)

[CDOT ord 9-10-18 NCDOT Contribution](#)

## 16. Private Developer Funds Appropriation

### Action:

- A. Approve Developer Agreements with NR Stonewall Property Owner, LLC and Charlotte Latin School for traffic signal installations and improvements, and**
- B. Adopt a budget ordinance appropriating \$85,463 in private developer funds for traffic signal installations and improvements.**

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

Liz Babson, Transportation  
Charles Abel, Transportation

### **Explanation**

- Private developer agreements and 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 \$85,463 in private developer funding is for traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developers' projects. The funding is restricted to the projects noted below:
  - NR Stonewall Property Owner, LLC contributed \$80,463 for traffic signal modifications by adding a mast arm at Davidson Street and Stonewall Street (Council District 1).
  - Charlotte Latin School contributed \$5,000 for relocation of school flashers at Providence Road 200 feet south of Raintree Lane and at Providence Road 300 feet south of Providence Church Road (Council District 7).
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer(s) 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 Contribution

### **Attachment(s)**

Map  
Budget Ordinance

[Traffic Signal Improvements Map\\_8772](#)

[CDOT ord 9-10-18 Developer Contributions](#)

## 17. Bicycle and Pedestrian Enhancements as Part of the I-485 Project

**Action:**

**Approve a Municipal Agreement with the North Carolina Department of Transportation in the amount of \$1,094,790 for bicycle and pedestrian enhancements as part of the I-485 Project.**

**Staff Resource(s):**

Liz Babson, Transportation  
Brandon Brezeale, Transportation  
Tim Gibbs, Transportation

**Explanation**

- The North Carolina Department of Transportation (NCDOT) initiated a design-build project consisting of express lanes on I-485, from I-77 to US 74 (Independence Boulevard), including construction of the I-485/Weddington Road Interchange and the I-485/East John Street/Old Monroe Road Interchange.
- The I-485 project will require a number of bridges and cross-streets to be reconfigured. This also provides NCDOT and the City with an opportunity to partner to improve bicycle and pedestrian conditions in this area.
- NCDOT requires cities to fund half the cost of a five foot sidewalk width and the full cost of any width of sidewalk beyond five feet wide. These funds are considered "betterments" as part of the highway/major street upgrade.
- The City requested project betterments to enhance pedestrian and bicycle safety and connectivity to following bridges and their approaches (Council Districts 3 and 7):
  - Ballantyne Commons Parkway Bridge,
  - Elm Lane Bridge, and
  - Weddington Road Bridge.
- Construction is anticipated to begin in 2019.
- Total estimated project cost is \$289,500,000.

**Fiscal Note**

Funding: General Community Investment Plan funding for this project is \$1,094,790

**Attachment(s)**

Map  
Resolution

[I485 Express Lanes Map](#)

[I-485 Express Lanes Resolution](#)

## 18. Myrtle Morehead Storm Drainage Improvements, Phase II

### Action:

- A. **Approve a contract in the amount of \$36,941,077.43 to the lowest responsive bidder Renda/JBros Joint Venture for the Myrtle/Morehead Storm Drainage Improvements, Phase II project,**
- B. **Approve a Developer Agreement between the City of Charlotte and Housing Authority of the City of Charlotte, N.C. (CHA) in the amount of \$1,205,360.80, and**
- C. **Adopt a budget ordinance appropriating a reimbursement of \$1,205,360.80 from CHA to the City.**

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

Mike Davis, Engineering and Property Management  
Chad Nussman, Engineering and Property Management  
Angela Lee, Charlotte Water  
Carl Wilson, Charlotte Water

### **Explanation**

#### Action A

- The Myrtle/Morehead Storm Drainage Improvement Project (SDIP), Phase II will replace failing infrastructure and reduce flooding of streets, properties, and structures. Work will include the installation of storm drainage, water and sanitary sewer, curb, gutter, sidewalk, and driveways.
- The project area is in Council District 1, within the Upper Little Sugar Creek watershed with boundaries of South Boulevard to the north, Mount Vernon Avenue to the south, Kenilworth Avenue to the east, and Kingston Avenue to the west.
- This project will also include needed Charlotte Water sanitary sewer and water line improvements and the Euclid Avenue Traffic Calming project.
- Collaboration of these projects ensures cost effectiveness and minimizes impacts to the public during construction.
- Sanitary sewer and water line improvements will be completed along Caldwell Street, Euclid Avenue, Templeton Avenue, Myrtle Avenue, Lexington Avenue, Oriole Avenue, Morehead Street, McDowell Street, and Baxter Street and will be funded by Charlotte Water to provide needed capacity along the South Boulevard Corridor.
- On May 22, 2018, the City issued an Invitation to Bid; three bids were received.
- Renda/JBros Joint Venture was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2022.

#### Action B

- The CHA owns a property (tax parcel ID# 123-021-02) within the project. The CHA is planning to redevelop the parcel.
- The CHA property is encumbered by existing storm drainage that is deteriorating and not sized adequately, nor located appropriately to effectively continue to serve the property.
- The CHA property is also encumbered by sanitary sewer systems within existing sewer easements, the locations of which will not effectively integrate with new storm drainage infrastructure to be installed during the SDIP.
- The City of Charlotte and CHA have determined their mutual objectives can best be met by the installation of new storm drainage and sanitary sewer infrastructure on the CHA property in a new alignment, located within what is expected to become new street right-of-way.

#### Action C

- The CHA has agreed, through the Reimbursement Agreement, to donate all necessary easements (storm drainage, sanitary sewer and temporary construction easements), as well as fund the costs for installation of the sanitary sewer improvements on their property.

- This reimbursement covers the costs of acquisition, design and construction for the sanitary sewer work on the CHA property.

**Charlotte Business INclusion**

Established SBE Goal: 21.00%

Committed SBE Goal at Bid Opening: 13.16%

SBE Commitment to Date: 22.17%

Renda/JBros Joint Venture failed to meet the established SBE subcontracting goal at bid, but earned the Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INclusion Policy) and are recommended for award. At bid, Renda/JBros Joint Venture committed 13.16% (\$4,861,168) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- MTS Trucking (SBE, MBE) (\$3,000,000) (hauling)
- AMP Utility Distribution (SBE) (\$1,200,000) (pipe, manholes)
- BMK Concrete, LLC dba B & B Concrete Inc (SBE) (\$316,168) (concrete)
- CES Group Engineers (SBE) (\$100,000) (survey)
- GDC Supplies & Equipment (SBE, MBE) (\$100,000) (traffic control)
- Harvest Environmental Services (SBE) (\$100,000) (dewatering)
- VHM Contracting (SBE, MBE) (\$25,000) (site services, masonry drainage structures)
- Martin Landscaping (SBE) (\$20,000) (seeding)

Subsequent to Bid Opening, Renda/JBros Joint Venture has committed an additional 9.01% (\$3,327,000) to the following certified firm(s):

- VHM Contracting (SBE, MBE) (\$2,527,000) (site services, masonry drainage structures)
- AMP Utility Distribution (SBE) (\$800,000) (pipe, manholes)

Established MBE Goal: 9.00%

Committed MBE Goal at Bid Opening: 8.46%

MBE Commitment to Date: 15.30%

Renda/JBros Joint Venture failed to meet the established MBE subcontracting goal at bid, but earned the Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INclusion Policy) and are recommended for award. At bid, Renda/JBros Joint Venture committed 8.46% (\$3,125,000) of the total contract amount to the following certified firms:

- MTS Trucking (SBE, MBE) (\$3,000,000) (hauling)
- GDC Supplies & Equipment (SBE, MBE) (\$100,000) (traffic control)
- VHM Contracting (SBE, MBE) (\$25,000) (site services)

Subsequent to Bid Opening, Renda/JBros Joint Venture has committed an additional 6.84% (\$2,527,000) to the following MBE certified firm:

- VHM Contracting (SBE, MBE) (\$2,527,000) (site services, masonry drainage structures)

A further detailed write-up of the Renda/JBros Joint Venture Good Faith Efforts is attached.

**Fiscal Note**

Funding:

Storm Water: Storm Water Community Investment Plan - \$25.2M project estimate

Charlotte Water: Charlotte Water Community Investment Plan - \$10.4M project estimate

Charlotte Housing Authority: \$1.2M project estimate

CDOT: General Community Investment Plan - \$136,000 project estimate

**Attachment(s)**

Map

Budget ordinance

Developer agreement

Good Faith Efforts Summary

[Location Map - Myrtle-Morehead Storm Drainage Improvements Phase II](#)

[StW ord 9-10-18 CHA Contribution](#)

[Myrtle Morehead II - Reimbursement Agreement](#)

[Myrtle Morehead GFE summary- Renda JBros JV Final](#)



## 19. Stevens Creek Trunk Sewer Phase 1 and Stream Restoration Construction and Construction Administration Contracts

### Action:

- A. **Approve a contract in the amount of \$6,677,991.79 to the lowest responsive bidder RH Price, Inc. for construction of the Stevens Creek Trunk Sewer Phase 1 and Stream Restoration Project,**
- B. **Approve a contract for up to \$494,805 with GHD Consulting Services, Inc. for Stevens Creek Trunk Sewer Phase 1 and Stream Restoration Project construction administration services, and**
- C. **Adopt a budget ordinance appropriating \$2,887,464.39 from Mecklenburg County.**

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

Angela Lee, Charlotte Water  
Carl Wilson, Charlotte Water

### **Explanation**

- This project will consist of approximately 10,000 linear feet of new sewer main, ranging in diameter from eight to 24-inches, which will eliminate an existing wastewater package plant, while extending the sewer system to serve future customers in the Stevens Creek Basin within the Town of Mint Hill.
- The sewer main will convey flow along Stevens Creek to the Stevens Creek Lift Station near Interstate 485 and Lawyers Road.

### Action A - Construction Contract

- On July 26, 2018, the City issued an Invitation to Bid; four bids were received.
- RH Price, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete in the fourth quarter of 2019.

### Action B - Construction Administration Services Contract

- The contract provides construction administration and inspection services during construction of the sanitary sewer portion of the project.
- On August 3, 2016, the City issued a Request for Qualifications (RFQ); 16 proposals were received. This project was one of the five projects listed in the RFQ.
- GHD Consulting Services Inc. was determined to be the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- On October 10, 2016, Council awarded the design services contract for Stevens Creek Phase 1.

### Action C - Budget Ordinance

- The project has been combined with a Mecklenburg County-funded stream restoration project, which will restore the banks and vegetation along the same project limits of Stevens Creek.
- On April 9, 2018, Council approved an Interlocal Agreement between the City and Mecklenburg County, defining project finances and coordination.

### **Charlotte Business INclusion**

#### Action A - Construction Contract

Established MSBE Goal: 7.00%

Committed MSBE Goal: 7.03%

RH Price, Inc. met the established subcontracting goal and has committed 7.03% (\$469,320) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion

Policy):

- MTS Trucking, Inc. (SBE, MBE) (\$110,000) (hauling)
- Sanders Constructors, Inc. (SBE) (\$80,000) (clearing)
- P&TL, Inc. (SBE) (\$75,320) (erosion control)
- Maybury Fencing, Inc. (SBE) (\$72,000) (fencing)
- On Time Construction, Inc. (SBE, WBE) (\$68,000) (concrete)
- Carolina Wetland Services, Inc. (SBE, WBE) (64,000) (landscaping)

Action B - Construction Administration Services Contract

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INCLUSION Policy). GHD Consulting Services Inc. has committed 6.27% (\$31,000) of the total contract amount to the following certified firm:

- Joel E. Woods (SBE) (\$31,000) (geotechnical testing)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan and Mecklenburg County

**Attachment(s)**

Map

Budget Ordinance

[RCA Map](#)

[Budget Ordinance-Stevens Creek Trunk Sewer Phase 1 and Stream Restoration Construction and Cons](#)

## 20. North Carolina Clean Water State Revolving Fund Applications

### Action:

- A. **Adopt a resolution authorizing Charlotte Water to apply for a Clean Water State Revolving Fund loan in an amount not to exceed \$5,540,000 for the Mallard Creek Wastewater Treatment Plant Reuse Line Extension,**
- B. **Adopt a resolution authorizing Charlotte Water to apply for a Clean Water State Revolving Fund loan in an amount not to exceed \$24,877,892 for the Mallard Creek Wastewater Treatment Plant Reliability and Ultraviolet Disinfection Improvements Project,**
- C. **Authorize the City Manager to take necessary actions to accept and complete the financing, including applying to the State of North Carolina Department of Environment and Natural Resources and obtaining Local Government Commission approval, and**
- D. **Adopt a budget ordinance appropriating \$30,417,892 from the Clean Water State Revolving Fund Program.**

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

Angela Lee, Charlotte Water  
Ron Hargrove, Charlotte Water  
Robert Campbell, Finance

### **Explanation**

- Charlotte Water desires to apply for and accept Clean Water State Revolving Fund loans for the construction of the Mallard Creek Wastewater Treatment Plant (WWTP) Reliability and Ultraviolet Disinfection Improvements Project and the Mallard Creek WWTP Reuse Line Extension. Both Projects are located in northeast Charlotte, along Highway 29 (Council District 4).
- The North Carolina Clean Water State Revolving Fund loan program offers interest free loans for projects that demonstrate a significant energy savings and low interest loans (1.9 percent) for other projects.
- Funding for these Projects is currently included in the Charlotte Water Community Investment Plan, which is financed through revenue bonds at approximately 3.56 percent interest. However, if selected for the loan program, the City will realize an estimated savings of approximately \$13,000,000 in interest over the 20-year term, compared to traditional financing.
- The loan provides for an interest free construction period with payments beginning after completion of the project.
- These loans are available from a fund established by the State and administered by the Department of Environment and Natural Resources. The City would sign a promissory note to repay the funds, which would then be redistributed for other projects across the State as the City makes payments.
- On September 25, 2017, Council approved a design contract for the Mallard Creek WWTP Reuse Line Extension.
- On March 26, 2018, Council approved a design contract for the Mallard Creek WWTP Reliability and Ultraviolet Disinfection Improvements Project.
- Construction contracts for these projects will be presented to Council on future agendas.

### **Fiscal Note**

Funding: Charlotte Water Debt Service Fund

### **Attachment(s)**

Map  
Budget Ordinance  
Resolution Plant Reuse Line Extension

Resolution Plant Reliability and Ultraviolet Disinfection Improvements Project

[Map-North Carolina Clean Water State Revolving Fund Applications](#)

[NCDENR Revolving Loan - Mallard Creek Ordinance](#)

[New Resolution 1](#)

[New Resolution 2](#)

## 21. Interlocal Agreement to Accept Flow into Charlotte Water's Sanitary Sewer System

### **Action:**

**Adopt a resolution ratifying an Interlocal Agreement with the City of Mount Holly to accept flow into Charlotte Water's Sanitary Sewer System.**

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

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

### **Explanation**

- This agreement would allow the City to accept flow from the City of Mount Holly into Charlotte Water's sanitary sewer collection system. It also includes provisions for constructing, on Mount Holly's existing Wastewater Treatment Plant (WWTP) site, a sewer lift station, related equalization facilities, and dual sanitary sewer lines under the Catawba River.

### **Background**

- This item is related to the Long Creek WWTP (which is outside City limits, adjacent to Council Districts 2 and 3) and associated regional infrastructure, outlined in a presentation to City Council on April 9, 2018.
- The City conducted studies which indicated the need for a WWTP near the confluence of Long Creek and Lake Wylie, to be named the Long Creek WWTP. It also indicated that wastewater treatment needs for Charlotte-Mecklenburg, the City of Belmont, and the City of Mount Holly could be best met through a regional partnership.
- The proposed plant will consolidate three significant discharge permits for existing WWTPs (Mount Holly, Belmont, and Clariant Corporation). The consolidation of these permits will require Belmont and Mount Holly to decommission their existing WWTPs. In turn, Charlotte Water would accept and treat Belmont and Mount Holly's wastewater flows.
- On January 28, 2013, Council approved a Memorandum of Agreement and authorized a Nutrient Allocation Purchase Agreement with Mount Holly.
- On February 13, 2017, Council approved a professional services agreement for a Preliminary Engineering Report that provided preliminary design for the Long Creek WWTP, and associated Mount Holly and Belmont facilities.
- On December 7, 2017, Mount Holly approved a draft form of the Interlocal Agreement.
- An anticipated Interlocal Agreement with Belmont, as well as the design and construction contracts for the Mount Holly, Belmont, and Long Creek WWTP facilities, will be presented to Council on future agendas.
- Concurrently, consulting services for the Long Creek WWTP and associated regional infrastructure is also being presented to City Council for approval.

### **Charlotte Business INclusion**

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

### **Attachment(s)**

Map

Resolution

[Map-Interlocal Agreement to Accept Flow into Charlotte Water's Sanitary Sewer System](#)

[Resolution-Interlocal Agreement to Accept Flow into Charlotte Water's Sanitary Sewer System](#)

## 22. Authorization of Water Sewer Revenue Bond Anticipation Note

### Action:

- A. **Adopt the bond order authorizing the issuance of up to \$100 million of revenue bond anticipation notes,**
- B. **Adopt a bond resolution for the approval, execution, and delivery in connection with the issuance of up to \$100 million of revenue bond anticipation notes, and**
- C. **Authorize the City Manager and Chief Financial Officer to take necessary actions to complete the financing, including submitting the application to the Local Government Commission.**

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

Robert Campbell, Finance  
Angela Lee, Charlotte Water

### **Explanation**

- City Council adopts the Charlotte Water Community Investment Plan which includes capital projects to be funded with debt proceeds. The debt issuance is planned in two steps: a short-term construction period draw program which will then be converted to long-term, fixed rate revenue bonds once construction nears completion (up to 36 months).
- This financing approach reduces interest cost, promotes rate stability, and provides flexibility in the timing of the spending.
- The construction period financing will be in the form of a \$100 million privately-placed drawdown program, allowing the City to reimburse expenses on a monthly basis during construction and eliminating interest expense on funds not yet expended on the project.
- These proceeds will be used for the following categories of projects:
  - Maintenance of existing treatment facilities to ensure reliable treatment processes and regulatory compliance, and
  - Rehabilitation and replacement of existing water and sewer infrastructure that has met its useful performance life.
- This action adopts the bond order and bond resolution for the program.
- The North Carolina Local Government Commission is expected to review and approve this financing on October 2, 2018.

### **Fiscal Note**

Funding: Charlotte Water Debt Service Fund

### **Attachment(s)**

Bond Order  
Bond Resolution  
Water and Sewer Projection Summary

[Bond Order](#)

[Resolution](#)

[Project List](#)

## 23. Nominations to the Business Advisory Committee

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term for a Certified Small Business Enterprise recommended by the Hispanic Contractors Association beginning immediately and ending April 28, 2020.
  - Baldwin Mercedes has resigned.
- One appointment for a partial term recommended by the National Association of Women Business Owners beginning immediately and ending April 28, 2020.
  - Michelle B Smith has resigned.
- One appointment for a partial term beginning immediately and ending December 13, 2020.
  - Jeffrey Wells has resigned.

**Attachment(s)**

Business Advisory Committee Applicants

## 24. Nomination to the Charlotte Regional Visitors Authority

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term in the At-Large category beginning immediately and ending June 30, 2021.
  - Matthew Hirschy has resigned.

**Attachment(s)**

Charlotte Regional Visitors Authority Applicants

## 25. Nominations to Charlotte Tree Advisory Commission

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning immediately and ending December 13, 2020.
  - Jeffrey Wells has resigned.
- One appointment for a partial term beginning immediately and ending December 13, 2018, then continuing for a full three-year term beginning December 14, 2018, and ending December 13, 2021.
  - Chris Breedlove has resigned.

**Attachment(s)**

Charlotte Tree Advisory Commission Applicants

## 26. Nominations to Domestic Violence Board

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term beginning September 22, 2018, and ending September 21, 2021.
  - Tiffani Newbold did not meet attendance requirements.
- One appointment for a partial term beginning immediately and ending September 20, 2020.
  - Gabrielle Alsop has resigned.

**Attachment(s)**

Domestic Violence Advisory Board Applicants

## 27. Nominations to Keep Charlotte Beautiful

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Two appointments for partial terms beginning immediately and ending June 30, 2019.
  - Brenda Adams has resigned.
  - Trici Davis did not meet attendance requirements.

**Attachment(s)**

Keep Charlotte Beautiful Applicants

## 28. Nominations to Neighborhood Matching Grants Fund

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment in the Business Representative category for a partial term beginning immediately and ending April 15, 2019.
  - Marlon Nesbeth has resigned.
- One appointment in the Neighborhood Representative category for a partial term beginning immediately and ending April 15, 2020.
  - Thomas Burch has served two full terms and is not eligible for reappointment.

**Attachment(s)**

Neighborhood Matching Grants Fund Applicants



## 29. Nomination to the Privatization/Competition Advisory Committee

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning immediately and ending March 1, 2019.
  - Tiffani Teachey has resigned.

**Attachment(s)**

Privatization/Competition Advisory Committee Applicants

## 30. Nomination to Transit Services Advisory Committee

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term in the Van Pool Rider category beginning immediately and ending January 31, 2019, and then continuing for a full three-year term from February 1, 2019, until January 31, 2022.
  - Kalan Pegg has resigned.

**Attachment(s)**

Transit Services Advisory Committee Applicants

## 31. Nomination to the Zoning Board of Adjustment

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment in the Alternate category for a partial term beginning immediately and ending January 31, 2021.
  - Allyson Siegel resigned.

**Attachment(s)**

Zoning Board of Adjustment Applicants

## 32. Mayor and City Council Topics

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

**CONSENT****33. Cooperative Purchasing Contract for Police Helicopter Infrared Cameras****Action:**

- A. Approve the purchase of Police Helicopter Infrared Cameras from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3),**
- B. Approve a unit price contract with L-3 Communications EO/IR, Inc. for the purchase of Helicopter Infrared Camera(s) for the term of one year under General Services Administration (GSA) contract GS-03F-0103V,**
- C. Authorize the City Manager to extend the contract for one-year terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract, and**
- D. Authorize the installation to support the replacement and upgrade of the infrared cameras.**

**Staff Resource(s):**

Kerr Putney, Police

Kenneth Anderson, Police

**Cooperative Purchasing Exemption**

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

**Explanation**

- Clouds, haze, and darkness often obscure persons on the ground during police pursuits and searches. Infrared thermal imaging cameras eliminate these barriers using a person's body heat temperature displayed as an image. Helicopter infrared cameras are regularly used during SWAT operations, vehicle and foot pursuits, K-9 tracking, missing person searches, suspect searches, and disasters.
- In 2017, a total of 907 missing persons, vehicles, and suspects were located with the use of helicopters. Many of these actions would not have been successful without the infrared cameras.
- The current infrared cameras require replacement because the equipment is outdated and replacement parts are no longer produced.
- The purchase of replacement infrared cameras will allow seamless operation as it has been tested by the manufacturer with current mission equipment to ensure operation without distortion or error. The camera, searchlight, aerial mapping and flight computers function together to increase mission effectiveness.
- The cost of one fully-equipped infrared camera is \$383,570. The City will purchase one infrared camera in Fiscal Year 2019 and a second infrared camera in Fiscal Year 2020. The cost for the installation of the infrared camera is \$108,430 each.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Police Operating Budget

## 34. Resolution of Intent to Abandon a Portion of an Alleyway off of West Worthington Avenue

### **Action:**

- A. Adopt a Resolution of Intent to Abandon a portion of an alleyway off of West Worthington Avenue, and**
- B. Set a Public Hearing for October 22, 2018.**

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

Liz Babson, Transportation  
Esteban Valverde, 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.
- This abandonment aligns with approved rezoning petition 2017-203.
- The alleyway off of West Worthington Avenue is located in Council District 3.

### **Petitioners**

TAG Ventures, LLC - David Atkins

### **Attachment(s)**

Map  
Resolution

[Council Map](#)

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

## 35. Oakdale Road Widening

### **Action:**

**Approve a contract in the amount of \$8,648,187.89 to the lowest responsive bidder Sealand Contractors Corp. for the Oakdale Road Widening project.**

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

Mike Davis, Engineering and Property Management  
Veronica Wallace, Engineering and Property Management  
Leslie Bing, Engineering and Property Management

### **Explanation**

- This project will improve safety, reduce congestion, and provide accommodations for pedestrians, bicyclists and transit users along Oakdale Road from Old Plank Drive to Dale Avenue (approximately 1 mile), located in Council District 2.
- Work will include widening the existing road to a two-lane road with a median/turn lane, bicycle lanes, sidewalk, curb and gutter, storm drainage, planting strips, retaining walls, and street lighting.
- Construction will also include:
  - Two culvert replacements along Dale Avenue,
  - Storm drainage pipe and structures,
  - Sanitary sewer pipe and structures, and
  - Channel improvements.
- On July 17, 2018, the City issued an Invitation to Bid; three bids were received.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2020.

### **Charlotte Business INclusion**

Established SBE Goal: 22.00%  
Committed SBE Goal: 22.00%

Sealand Contractors Corp. met the established SBE subcontracting goal, and has committed 22.00% (\$1,902,608.30) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Darnell Jones Trucking, Inc. (SBE, MBE) (\$475,000) (hauling)
- On Time Construction, Inc. (SBE) (\$310,550) (concrete)
- Cochise Trucking (SBE) (\$289,500) (hauling)
- Affordable Source Trucking, LLC (SBE, MBE) (\$281,400) (hauling)
- Buffkin Trucking, Inc. (SBE, MBE) (\$281,400) (hauling)
- Maybury Fencing Inc. (SBE) (\$85,455) (fence)
- AMP Utility Distribution Services, LLC (SBE) (\$63,000) (utility material)
- Ground Effects, Inc. (SBE, WBE) (\$60,879.30) (pavement markings)
- R & N Construction Group, LLC (SBE, WBE) (\$42,920) (retaining wall)
- Erosion Defence, LLC (SBE) (\$12,504) (erosion control)

Established MBE Goal: 9.00%  
Committed MBE Goal: 12.00%

Sealand Contractors Corp. exceeded the established MBE subcontracting goal, and has committed 12.00% (\$1,037,800) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Darnell Jones Trucking, Inc. (SBE, MBE) (\$475,000) (hauling)
- Affordable Source Trucking, LLC (SBE, MBE) (\$281,400) (hauling)
- Buffkin Trucking, Inc. (SBE, MBE) (\$281,400) (hauling)

### **Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Oakdale Road Widening](#)

## 36. Beatties Ford Road/Sunset Road Pedestrian Improvements Design Services

**Action:**

**Approve a contract in the amount of \$534,103 with DRMP, Inc. for engineering design services for the Beatties Ford Road/Sunset Road Pedestrian Improvements Project.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
Veronica Wallace, Engineering and Property Management  
Imad Fakhreddin, Engineering and Property Management

**Explanation**

- This contract will provide design services for the Beatties Ford Road/Sunset Road Pedestrian Improvements Project identified in the Sunset-Beatties Ford Comprehensive Neighborhood Improvement Program in Council District 2. The project limits are along Beatties Ford Road from Pauline Lane to Lakeview Road, and Sunset Road from Oakdale Road to the Sunset Corners Shopping Center.
- This project will provide better access to the park and improve safety of pedestrians, bicyclists, and motorists.
- Improvements will include, but are not limited to sidewalks, accessible ramps, and a traffic signal at the intersection of Beatties Ford Road and Trinity Road.
- On February 24, 2016, the City issued a Request for Qualifications (RFQ); 20 proposals were received.
- DRMP, 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 February 27, 2017, City Council approved a contract in the amount of \$290,000 to DRMP, Inc. for planning services for the Beatties Ford Road/Sunset Road Pedestrian and Bicycle Improvements project.
- DRMP, 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 subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). DRMP, Inc. has committed to 10.44% (\$55,765) of the total contract to the following certified firms:

- Hinde Engineering, Inc. (SBE) (\$40,800) (Utility Design/Coordination Services)
- Joel E. Wood Associates, PLLC (SBE) (\$6,605) (Geotechnical Services)
- CMW Design Strategies, PLLC (SBE) (\$8,360) (Urban Design/Landscape Architecture Services)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Design Services for Hornets Nest Park Area Pedestrian Improvements at Sunset and Bc](#)

## 37. Charlotte-Mecklenburg Police Department Freedom Division Generator Installation

**Action:**

Approve a contract in the amount of \$129,000 to the lowest responsive bidder Dosan Corp. for the Charlotte-Mecklenburg Police Department Freedom Division Generator Installation project.

**Staff Resource(s):**

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

**Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) Freedom Division Generator Installation project will replace the existing back-up generator at 4150 Wilkinson Boulevard, located in Council District 3.
- The current generator has exceeded its service life and does not provide sufficient capacity to operate the entire facility in the event of a power failure.
- The new generator will provide complete back-up power for all building systems, including HVAC, lighting, and remote gates.
- On July 6, 2018, the City issued an Invitation to Bid; four bids were received.
- Dosan Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2019.

**Charlotte Business INclusion**

Construction contracts estimated to be less than \$300,000 are informal and exempt from the goal setting process (Part A: Section 3:1 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Charlotte-Mecklenburg Police Department Freedom Division Generator Installation](#)

## 38. Land Acquisition for Charlotte Water

### **Action:**

**Approve the purchase of an approximately 23-acre parcel located at 12300 US Highway 29 (parcel identification number 051-081-26) in the amount of \$4,350,000 from Trevi Partners, LLC.**

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

Mike Davis, Engineering and Property Management  
Tony Korolos, Engineering and Property Management  
Angela Lee, Charlotte Water

### **Explanation**

- Charlotte Water operates the Mallard Creek Wastewater Treatment Plant at 12408 US Highway 29 in northeast Charlotte. The treatment plant is in a developing area and surrounded by residential neighborhoods.
- Staff anticipates an expansion of the Mallard Creek Wastewater Treatment plant within the next 10 years to address capacity needs. This property will provide land area for construction if additional property is required for facility expansion.
- Acquisition of the 23-acre parcel (parcel identification number 051-081-26) adjacent to the treatment plant on Highway 29 (Council District 4) would create a buffer between the plant and future development and provide additional opportunities for secondary treatment plant access and expansion.
- The terms of the acquisition are:
  - Purchase price: \$4,350,000, negotiated based on appraised value,
  - Due diligence period: 30 days,
  - Earnest money deposit: five percent, and
  - Closing period: 30 days.

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

### **Attachment(s)**

Map

[Location Map - Land Purchase for Charlotte Water](#)

## 39. McAlpine Creek Wastewater Treatment Plant Reliability Improvements Project Change Order #1

**Action:**

Approve Change Order #1 for \$538,723.17 to The Harper Corporation-General Contractors for the McAlpine Creek Wastewater Treatment Plant Reliability Improvements Project.

**Staff Resource(s):**

Angela Lee, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- This change order will provide for the installation and start-up of three new pumps in the intermediate pumping station at the McAlpine Wastewater Treatment Plant, located in the southern part of Mecklenburg County (Council District 7).
- These pumps are used to lift the wastewater flow up to the next step in the treatment process.
- The original project scope included the refurbishment of these pumps, however sandblasting revealed significant corrosion which will require replacement with new pumps instead.
- On November 14, 2016, Council awarded a construction contract to The Harper Corporation-General Contractors for \$6,369,438 for this project.
- The new total value of the contract is \$6,908,161.17.
- This change order will be funded within the existing Charlotte Water Community Investment Plan.
- The project is anticipated to be complete by the fourth quarter of 2018.

**Charlotte Business INclusion**

All additional work involved in this Change Order will be performed by The Harper Corporation-General Contractors and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

[Map-McAlpine Creek Wastewater Treatment Plant Reliability Improvements Project Change Order #1](#)



## 40. Four Mile Creek Tributary Sanitary Sewer Improvements

### **Action:**

**Approve a contract in the amount of \$2,643,353.89 to the lowest responsive bidder State Utility Contractors, Inc. for construction of the Four Mile Creek Tributary Sanitary Sewer Improvements Project.**

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

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

### **Explanation**

- This project includes the replacement of approximately 4,300 linear feet of 15 and eight-inch diameter gravity sewer, including a segment of gravity sewer underneath Interstate 485, to address sanitary sewer capacity limitations in the area.
- The Four Mile Creek Tributary gravity sewer serves customers located along the Interstate 485 corridor between Weddington Road, Pleasant Plains Road, and McKee Road in the Town of Matthews (adjacent to Council District 7).
- The area serviced by this gravity sewer is experiencing a high rate of infill development and the existing gravity sewer cannot accommodate projected growth.
- On July 6, 2018, the City issued an Invitation to Bid; two bids were received.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete in the second quarter of 2019.

### **Charlotte Business INclusion**

Established MSBE Goal: 7.00%

Committed MSBE Goal: 7.17%

State Utility Contractors, Inc. met the established subcontracting goal and has committed 7.17% (\$189,500) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution Services, LLC (SBE) (\$105,200) (material supplier)
- Sanders Constructors, Inc. (SBE) (\$41,700) (clearing)
- All Points Trucking, Inc. (SBE) (\$30,500) (hauling)
- P&TL, Inc. (SBE) (\$12,100) (erosion control)

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

### **Attachment(s)**

Map

[4 Mile Creek Construction RCA Map](#)

## 41. Consulting Services for the Long Creek Wastewater Treatment Plant and Associated Regional Infrastructure

### Action:

- A. Approve a contract with HDR Engineering of the Carolinas, Inc. for Consulting Services for the Long Creek Wastewater Treatment Plant and Associated Regional Infrastructure Project for an initial term of two years, and**
- B. Authorize the City Manager to renew the contract for up to two, two-year terms and to amend the contract consistent with the purpose for which the contract was approved.**

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

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- An Owner's Advisor is a professional engineering firm contracted to serve as a consultant. Charlotte Water has utilized Owner's Advisor services in the past when undertaking complex construction projects.
- This firm provides specialized expertise and supplements the City's resources during various phases of project delivery, including planning, procurement, design, and construction management, as well as providing additional technical knowledge.
- This item is related to the Long Creek Wastewater Treatment Plant (WWTP) (which is outside of City limits, adjacent to Council Districts 2 and 3) and associated regional infrastructure, outlined in a presentation to City Council on April 9, 2018.
- On April 6, 2018, the City issued a Request for Qualifications (RFQ); three proposals were received.
- HDR Engineering of the Carolinas, Inc. was determined to be the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- On February 13, 2017, Council approved a professional services agreement for a Preliminary Engineering Report that provided preliminary design for the Long Creek WWTP and associated Mount Holly and Belmont facilities.
- Concurrently, the Interlocal Agreement with the city of Mount Holly to accept flow into Charlotte Water's sanitary sewer collection system is also being presented to City Council for approval.
- The Long Creek WWTP and associated regional infrastructure is estimated to be in operation in the fourth quarter of 2023. The Owner's Advisor would serve through the one year warranty period concluding in 2024.
- Estimated contract expenditures are \$18 million in the aggregate over the possible six year term.

### **Charlotte Business INclusion**

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). HDR Engineering of the Carolinas, Inc. has committed 7.00% (\$345,500) for the initial two year term with the following certified firms:

- Chef Charles Catering (SBE) (\$10,000) (catering)
- CriTek Engineering Group, P.C. (SBE, MBE) (\$240,500) (inspection services)
- Lil Associates II, Inc. (SBE, MBE) (\$30,000) (inclusion participation support)
- Richa Graphics (SBE) (\$15,000) (printing)
- Yellow Duck Marketing (SBE) (\$50,000) (public relations)

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

### **Attachment(s)**

Map

[Long Creek OA Map](#)

## 42. CATS Video Maintenance and Repair Services

### **Action:**

**Approve a contract for \$263,463 with Transit Solutions LLC (TSI) for Video Maintenance and Repair services at various CATS facilities.**

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

John Lewis, CATS

Kenneth Chapman, CATS

### **Explanation**

- The City installs and maintains cameras and Blue Light phones in order to provide safety and security at all CATS facilities, equipment, and land.
- The City previously contracted with TSI to maintain facility and alignment cameras and Blue Light phones for CATS; that contract with TSI has now expired.
- On December 11, 2017, City Council authorized an agreement with A3 Communication based on a competitive solicitation process.
- Prior to going live, the new vendor, A3 Communications, requires onboarding, safety, and security training.
- In order to maintain continuity of safety and security services, a contract is necessary with the previous vendor, TSI, while the new vendor, A3 Communications, completes the required training.
- Waiver of a competitive solicitation process may be granted on a limited basis when deemed appropriate and in the City's best interest. A waiver has been approved for these services.
- The contract amount is \$263,463 and covers the period between January 1, 2018 and September 30, 2018, for services rendered during A3 Communication's on boarding time period.

### **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: CATS Operating Budget

## 43. Airport Concourse A Expansion Phases 2 and 3 Programming

### **Action:**

**Approve a contract in the amount of \$1,472,066 to Perkins+Will North Carolina, Inc. for conceptual studies and an architectural report for Phases 2 and 3 of the Concourse A Expansion.**

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- Many of the airlines currently operating at the Airport have requested additional passenger gates. Concourse A Expansion Phase 1 of the first expansion phase of nine new gates opened to the public July 18, 2018. Phases 2 and 3 will be similar in size and capacity, providing nine new gates per phase.
- On January 29, 2018, the City issued a Request for Qualifications; four responses were received.
- Perkins + Will North Carolina was selected based on their qualifications.
- The contract will provide for conceptual drawings and an architectural report in order to give a scope and design of the new gates.
- Once the conceptual drawings are completed, the Airport will negotiate an architectural design contract with Perkins+Will North Carolina, Inc. for the design of the facility, including construction documents and construction administration, which will require City Council approval in the future.
- This activity is occurring on Airport property, Council District 3.

### **Charlotte Business INclusion**

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

Perkins+Will North Carolina, Inc. has committed 18.80% (\$276,725) of the total contract amount to the following certified firms:

- C-Design (SBE) (\$262,500) (architectural services)
- Sweetwater Utility Exploration, LLC. (SBE) (\$14,225) (utility locating)

### **Fiscal Note**

Funding: Aviation Community Investment Plan

## 44. Airport Baggage Handling System Operation, Maintenance, and Repair Services Contract

### Action:

- A. **Approve a contract with Siemens Postal, Parcel & Airport Logistics, LLC for Baggage Handling System operation, maintenance, and repair for a term of three years,**
- 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, and**
- C. **Authorize the City Manager to purchase maintenance and support for the software associated with the Baggage Handling System for as long as the City uses the system.**

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- The Airport Baggage Handling System (BHS) sorts and screens over four million pieces of checked baggage annually, and requires software system updates and parts replacement to ensure ongoing operations.
- This contract will provide for BHS operation, maintenance, and repair services.
- On May 23, 2018, the City issued a Request for Proposals (RFP); 11 proposals were received.
- Siemens Postal, Parcel & Airport Logistics, LLC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$3,821,562.
- This activity is occurring on airport property, Council District 3.

### **Charlotte Business INClusion**

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INClusion Policy). Siemens Postal, Parcel & Logistic, LLC has committed 11.70% (\$1,195,209) of the base estimated contract amount (\$10,215,247) to the following firm:

- Link Staffing Services (SBE)(\$1,195,209)(personal services, jam runners, manual encoders, and porters)

### **Fiscal Note**

Funding: Aviation Community Investment Plan and Aviation Operating Budget

## 45. Airport Security Background Check Services Contract Extension

### Action:

- A. **Approve a two year contract extension with Transportation Security Clearinghouse for criminal history records checks, security threat assessment services, and record of arrest services, and**
- B. **Authorize the City Manager to renew the contractor for up to one, one-year term 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**

- In compliance with federal regulations, those employed at Charlotte Douglas International Airport undergo a background check prior to being issued an identification badge.
- Record of arrest services allow for continuous background check vetting for individuals who hold security badges at the Airport.
- On December 9, 2013, City Council awarded a three-year contract with Transportation Security Clearinghouse to provide criminal history records checks, security threat assessment services, and rap back services for the Airport.
- The original contract included two, one-year extensions. Those extensions have been exercised and the current contract will expire on December 9, 2018.
- Aviation is currently in the process of implementing an Identity Management System (IDMS), which is expected to be complete in third quarter 2019.
- IDMS automates some credentialing office functions including the criminal history records checks and security threat assessment and will integrate closely with the Transportation Security Clearinghouse system.
- The Aviation Department intends to issue a Request for Proposals for criminal history record checks and security threat assessment checks services in 2020, once the IDMS system is implemented and stable.
- A waiver of solicitation was submitted and approved on May 17, 2018. A waiver was requested due to the close integration of Transportation Security Clearinghouse and the IDMS, where it is vital that the implementation of IDMS occurs without service interruption.
- Estimated contract expenditures are \$250,000 annually.
- 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

## 46. Airport Technology Service Contracts

### Action:

- A. Approve unit price contracts with the following companies for technology services work for an initial term of five years:
- AECOM Technical Services, Inc. of North Carolina
  - AME Consulting Engineers, PC (SBE)
  - Alliance of Professionals & Consultants, Inc.
  - Ariespro
  - Arora Engineers Inc. (DBE)
  - Birdi Inc. (DBE)
  - Burns Engineering Inc.
  - Carolinas IT Inc.
  - Chrysalis Global Aviation
  - Creelman, Inc.
  - db Consulting, Inc.
  - DotClark Consulting, LLC (MBE, SBE)
  - Eden & Associates, PC (DBE)
  - Faith Group, LLC
  - G&S Communications and Technical Services, Inc. (SBE)
  - High Performance Technologies, LLC
  - Image Solutions and Services, Inc.
  - Innovative Technology Engineering, LLC
  - Intratek Computer, Inc.
  - PepperRoss, LLC
  - Ross & Baruzzini, Inc.
  - Rove, LLC
  - Siemens Postal, Parcel & Airport Logistics, LLC
  - Tamironics, Ltd
  - Thales USA, Inc.
  - Dottie Rose Consulting, LLC
  - The JW Group, Inc.
  - The Select Group
- 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,
- C. Authorize the City Manager to purchase maintenance and support for systems purchased under these contracts for as long as the City uses the systems, 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 systems purchased under these contracts.

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

Brent Cagle, Aviation

Haley Gentry, Aviation

### **Explanation**

- The City is responsible for overseeing and managing the technology environment for the operation of the Airport 24 hours a day.
- It is critical to ensure the Airport's technology systems are stable and safe to allow for tenants to connect to their own technology systems.
- These task order contracts will provide Aviation the necessary flexibility to ensure the needs of the

rapidly changing environment are met.

- These contracts include general technology services and may include the purchase and maintenance of software or hardware.
- On January 29, 2018, the City issued a Request for Proposals (RFP); 59 proposals were received.
- The above companies best meet the City's needs in terms of experience, staffing, compensation, and responsiveness to RFP requirements.
- Estimated annual expenditures across all contracts is \$780,000.
- These services will occur on Airport property, Council District 3.

#### **Charlotte Business INclusion**

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

However, the City decided to pre-qualify MWSBE and DBE firms in an effort to provide a greater opportunity for participation on airport technology projects. Six of these contracts will be awarded to the following firms:

- AME Consulting Engineers, PC (SBE)
- Arora Engineers Inc. (DBE)
- Birdi Inc. (DBE)
- DotClark Consulting, LLC (MBE, SBE)
- Eden & Associates, PC (DBE)
- G&S Communications and Technical Services, Inc. (SBE)

Subcontracting goals will be determined on a task order basis as the scopes of the projects are defined.

#### **Fiscal Note**

Funding: Aviation Community Investment Plan and Aviation Operating Budget



## 47. Airport Acquisition and Relocation Contract Services

### **Action:**

**Approve a one year contract extension for THC, Inc. to provide professional services for the Airport's Land Acquisition and Noise Compatibility Programs.**

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

Brent Cagle, Aviation

Haley Gentry, Aviation

### **Explanation**

- The City acquires property for Airport master plan expansion and noise compatibility as required for aeronautical and non-aeronautical purposes.
- On September 23, 2013, City Council approved a contract with THC, INC for acquisition and relocation services.
- This contract is for the relocation of businesses and residents whose land the City purchases, for both master plan expansion as well as the Federal Aviation Administration Part 150 land purchasing program. This contract is set to expire September 30, 2018.
- The City and THC, Inc. are in the middle of a major acquisition and relocation project, Gateway Central, which is anticipated to be completed by September 2019.
- This contract extension will allow Aviation to complete this major project before going through a new selection process.
- Aviation plans to competitively solicit for acquisition and relocation consultant in May of 2019, with the contract slated to start October 1, 2019.
- The one-year extension is estimated to be valued at \$400,000.
- These services will acquire properties located around Airport property, Council District 3.

### **Disadvantaged Business Enterprise**

All additional work involved in this extension will be performed by THC, Inc and their existing subconsultants.

### **Fiscal Note**

Funding: Aviation Community Investment Plan

## 48. Charlotte Future 2040 Comprehensive Plan Support Services

### Action:

- A. Authorize the City Manager to negotiate a contract with MIG, Inc. for Charlotte Future 2040 Comprehensive Plan Services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to one, one-year term with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Taiwo Jaiyeoba, Planning, Design and Development

### **Explanation**

- The Planning, Design and Development Department is engaging additional expertise beyond the City's team to develop a unifying plan that provides a framework for community consensus on future growth. The Comprehensive Plan (Plan) is anticipated to guide future growth, the evolution of our community's built character, and capital investments throughout Charlotte and our Extra Territorial Jurisdictions (ETJ). It is also intended to inform the creation of a Unified Development Ordinance, a key implementation tool for achieving the community vision.
- The Plan is to be completed within 24 months, which will fall into three Fiscal years for funding purposes (September of Fiscal Year 2019 to September of Fiscal Year 2021).
- The Transportation and Planning Council Committee reviewed and discussed the preliminary schedule and engagement.
- The Plan will integrate numerous other existing plans and policies to help us better understand the impacts and trade-offs of decisions regarding growth. Additionally, the Plan will fill policy gaps, update outdated policy and link policy to implementation strategies.
- Outcomes of the Plan will include an updated overall Vision and Growth Framework, policies for each Plan element that are woven into a cohesive plan, and a future land use/community character/place type map. The Plan will also include a rigorous implementation plan, potential funding strategies and monitoring metrics.
- The contract will include an initial phase to conduct a project chartering session, and to develop a final project plan, scope of work, and milestone pricing schedule to be incorporated into the contract via amendment.
- On July 6, 2018, the City issued a Request for Qualifications (RFQ); seven proposals were received.
- MIG, Inc. best meets the City's needs in terms of qualifications, team experience, cost, and responsiveness to RFQ requirements. MIG has recently completed similar work for Denver, Colorado, and San Antonio, Texas, among other cities. Recent local experience includes the Center City 2020 Plan and the North Tryon Vision Plan.
- The contract can be renewed, if needed, for a one-year term at prices to be negotiated based on market conditions.
- Estimated contract expenditures are \$300,000 per year, and \$900,000 over the three-year contract term.

### **Charlotte Business INclusion**

The City negotiates subcontracting participation after the selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). The Company has identified the following subcontractors to perform approximately 18.20% of the work across the indicated categories:

- City Explained, Inc. (GIS, Community Viz)(SBE)(\$72,900)
- Gwendolyn D. Jackson dba Urbane Environments (Outreach Support)(MBE)(\$24,300)
- Neighboring Concepts PLLC (MBE)(\$41,400)
- Pride Communications, LLC (Public Relations, Communications)(SBE)(\$25,200)

### **Fiscal Note**

Funding: Planning, Design and Development Operating Budget

## 49. Northlake 3 Area Voluntary Annexation Set Public Hearing Date

### **Action:**

**Adopt a resolution setting the public hearing for September 24, 2018, for Northlake 3 Annexation.**

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

Taiwo Jaiyeoba, Planning, Design and Development

Katrina Young, Planning, Design and Development

### **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.
- A previous hearing date was set for September 10, 2018, however additional time is needed for 10 day advertisement notification.
- 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 15.047-acres site is located between I-485 and Northlake Centre Parkway in Northwest Mecklenburg County.
  - The properties are currently vacant,
  - The petitioner has plans to develop approximately 273 residential units,
  - The properties are zoned (R-3) single family residential at three dwelling units per acre,
  - The properties are located immediately adjacent to City Council District 2, and
  - Petitioned area consists of parcels 025-103-02, 025-081-23B (which is part of parcel 025-081-23), 025-103-09, and 025-081-22B (which is part of parcel 025-081-22).

### **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, September 24, 2018, for the public hearing.

### **Attachment(s)**

Application

Map

Resolution

[VoluntaryAnnexation Northlake3 5 30 18](#)

[Map - Northlake 3 Voluntary Annexation](#)

[Resolution to set hearing - Northlake 3 Annexation](#)

## 50. Old Concord at the Blue Line Apartments Bond Issuance Approval

**Action:**

**Adopt a resolution granting the Charlotte Housing Authority's request to issue multi-family housing revenue bonds, in an amount not to exceed \$20 million, to finance the development of Old Concord Apartments at the Blue Line.**

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services  
Miles Vaughn, Housing and Neighborhood Services

**Explanation**

- The Charlotte Housing Authority (CHA) is requesting that the City adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Old Concord Apartments at the Blue Line, a 198 -unit affordable housing development. The NRP Group, LLC is the developer of the community, which will be located at 5625 and 5635 North Tryon Street.
- This action does not obligate the City financially or impact the Community Investment Plan.
- Adoption of a resolution is required by the governmental unit with jurisdiction over the area where the development is located in order to satisfy Section 147(f) of the Internal Revenue Service Code of 1986.
- The CHA bonds, which are not to exceed \$20 million, will be used to finance land acquisition and construction.
- This development supports City Council's commitment to achieving 5,000 affordable housing units within three years as outlined in the Community Letter.

**Background**

- On September 25, 2017, City Council approved a Housing Trust Fund allocation of \$5.1 million for the construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit allocation and bond allocation capacity totaling \$20 million for the project in August 2018.

**Attachment(s)**

Charlotte Housing Authority Resolution  
City of Charlotte Resolution

[Active 103715003 1 CHA - Old Concord - City Council TEFRA Approval Resol..](#)

[Active 103774043 1 CHA - Old Concord - Inducement Resolution \(March 2018...](#)

## 51. Refund of Property Taxes

**Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$4,564.24.**

**Staff Resource(s):**

Robert Campbell, Finance  
Susan Walker, Finance

**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](#)

## 52. Meeting Minutes

**Action:**

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

- **July 23, 2018, Business Meeting, and**
- **August 14, 2018 Special Meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**PROPERTY TRANSACTIONS****53. In Rem Remedy: 2415 Newland 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 three 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: (2415 Newland Road)****Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (2415 Newland Road) (Neighborhood Profile Area 374).**

**Attachment(s)**

In Rem Packet for (2415 Newland Road, Council District 2)

[In Rem Remedy 2415 Newland Rd](#)

## 54. Airport Property Transaction - Portion of 4349 Scott Futrell Drive

**Action:**

**Approve the following Property Acquisition: Airport Gateway Central**

**Acquisition**

**Project:** Airport Gateway Central

**Owner(s):** American Freightways Corp (FedEx Freight, Inc., and Arkansas Corporation)

**Property Address:** 4349 Scott Futrell Drive

**Total Parcel Area:** 43.878 acres

**Property to be acquired in Fee:** 1.185 acres

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

**Structures/Improvements to be impacted:** N/A

**Landscaping to be impacted:** Trees

**Zoned:** I-2

**Use:** Commercial

**Tax Code:** 061-282-02

**Purchase Price:** \$118,500 and all relocation benefits in compliance with Federal, State or Local regulations

**Council District:** 3

## 55. Property Transactions - Beards Creek Sewer Replacement, Parcel #5.1

**Action:** Approve the following Acquisition: Beards Creek Sewer Replacement, Parcel #5.1

**Project:** Beards Creek Sewer Replacement, Parcel #5.1

**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:** R-20MF

**Use:** Commercial

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

**Purchase Price:** \$55,308

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



## 56. Property Transactions - Four Mile Creek Tributary Sewer Replacement, Parcel #15

**Action:** Approve the following Condemnation: Four Mile Creek Tributary Sewer Replacement, Parcel #15

**Project:** Four Mile Creek Tributary Sewer Replacement, Parcel #15

**Owner(s):** Christopher M. Gushue and Denise L. Gushue

**Property Address:** 2400 Honey Creek Lane

**Total Parcel Area:** 30,484 sq. ft. (.700 ac.)

**Property to be acquired by Easements:** 2,258 sq. ft. (.052 ac.) in Sanitary Sewer Easement, plus 1,120 sq. ft. (.026 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-15

**Use:** Single-family Residential

**Tax Code:** 227-402-19

**Appraised Value:** \$1,500

**Property Owner's Concerns:** The property owner requested for all easements, existing and proposed, to be removed from their property.

**City's Response to Property Owner's Concerns:** Staff informed the property owner that all easements, existing and proposed, are needed by the City.

**Outstanding Concerns:** The property owners became unresponsive.

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

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

## 57. Property Transactions - Four Mile Creek Tributary Sewer Replacement, Parcel #18

**Action:** Approve the following Condemnation: Four Mile Creek Tributary Sewer Replacement, Parcel #18

**Project:** Four Mile Creek Tributary Sewer Replacement, Parcel #18

**Owner(s):** Matthew T. Crowgey and Leslie P. Crowgey

**Property Address:** 2301 Winterbrooke Drive

**Total Parcel Area:** 28,840 sq. ft. (.662 ac.)

**Property to be acquired by Easements:** 2,109 sq. ft. (.048 ac.) in Sanitary Sewer Easement, plus 4,314 sq. ft. (.099 ac.) in Temporary Construction Easement, plus 3,649 sq. ft. (.084 ac.) in Existing Sanitary Sewer Easement

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

**Landscaping to be impacted:** Various plantings

**Zoned:** R-15

**Use:** Single-family Residential

**Tax Code:** 227-402-60

**Appraised Value:** \$5,575

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

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

## 58. Property Transactions - Four Mile Creek Tributary Sewer Replacement, Parcel #36

**Action:** Approve the following Condemnation: Four Mile Creek Tributary Sewer Replacement, Parcel #36

**Project:** Four Mile Creek Tributary Sewer Replacement, Parcel #36

**Owner(s):** Williams Business Properties, LLC

**Property Address:** 1700 Weddington Road

**Total Parcel Area:** 774,531 sq. ft. (17.781 ac.)

**Property to be acquired by Easements:** 1,514 sq. ft. (.035 ac.) in Sanitary Sewer Easement, plus 4,262 sq. ft. (.098 ac.) in Access Easement, plus 6,337 sq. ft. (.145 ac.) in Temporary Construction Easement, plus 51,111 sq. ft. (1.173 ac.) in Existing Sanitary Sewer Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-15

**Use:** Single-family Residential

**Tax Code:** 227-291-01

**Appraised Value:** \$5,775

**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 they could obtain their own appraisal.

**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)

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

**Action:** Approve the following Acquisition: McAlpine Creek Relief Sewer Phase IV, Parcel #19

**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

**Purchase Price:** \$11,600

**Council District:** 5

## 60. Property Transactions - Providence Road Sidewalk, Parcel #21

**Action:** Approve the following Acquisition: Providence Road Sidewalk, Parcel #21

**Project:** Providence Road Sidewalk, Parcel #21

**Owner(s):** Providence Court Homeowners Association, Inc.

**Property Address:** 4700 Providence Road

**Total Parcel Area:** 2,690 sq. ft. (.062 ac.)

**Property to be acquired by Easements:** 2,145 sq. ft. (.049 ac.) in Sidewalk and Utility Easement, plus 545 sq. ft. (.013 ac.) in Temporary Construction Easement

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

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

**Zoned:** R-1

**Use:** Single-family Residential

**Tax Code:** 000-000-00 (Common open space)

**Purchase Price:** \$11,700

**Council District:** 6

## 61. Property Transactions - Steele Creek Sanitary Sewer Improvements, Parcel #6

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

**Project:** Steele Creek Sanitary Sewer Improvements, Parcel #6

**Owner(s):** HMI Lakemont West, LLC

**Property Address:** 13315 Carowinds Boulevard

**Total Parcel Area:** 3,204,852 sq. ft. (73.573 ac.)

**Property to be acquired by Easements:** 3,993.49 sq. ft. (0.092 ac.) in Sanitary Sewer Easement, plus 19,462.21 sq. ft. (.447 ac.) in Permanent Access Easement, plus 5,246.09 sq. ft. (.120 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** I-1

**Use:** Industrial

**Tax Code:** 203-152-02

**Appraised Value:** \$24,600

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

**City's Response to Property Owner's Concerns:** City staff informed property owner 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:** 3

## 62. Property Transactions - Steele Creek Sanitary Sewer Improvements, Parcel #24

**Action:** Approve the following Condemnation: Steele Creek Sanitary Sewer Improvements, Parcel #24

**Project:** Steele Creek Sanitary Sewer Improvements, Parcel #24

**Owner(s):** HMI Lakemont West, LLC

**Property Address:** 13833 Carowinds Boulevard

**Total Parcel Area:** 512,137 sq. ft. (11.757 ac.)

**Property to be acquired by Easements:** 1,816.71 sq. ft. (.042 ac.) in Access Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** I-1

**Use:** Industrial

**Tax Code:** 203-152-04

**Appraised Value:** \$600

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

**City's Response to Property Owner's Concerns:** City staff informed property owner 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:** 3

### **63. Property Transactions - Stonewall / Mint / Graham Pedestrian Safety, Parcel #1**

**Action:** Approve the following Acquisition: Stonewall / Mint / Graham Pedestrian Safety, Parcel #1

**Project:** Stonewall / Mint / Graham Pedestrian Safety, Parcel #1

**Owner(s):** Duke Energy Carolinas, LLC

**Property Address:** 501 South Mint Street

**Total Parcel Area:** 90,169 sq. ft. (2.070 ac.)

**Property to be acquired by Easements:** 773 sq. ft. (.018 ac.) in Sidewalk and Utility Easement, plus 394 sq. ft. (.009 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** UMUD

**Use:** Commercial

**Tax Code:** 073-041-02

**Purchase Price:** \$87,125

**Council District:** 1

### **ADJOURNMENT**



## REFERENCES

## 64. 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 that reference the Charlotte Business INclusion Policy in the business meeting agenda.

### **Part A: Administration and Enforcement**

#### **Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs).**

When feasible, the Charlotte Business INclusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

**Part A: Section 3.1: Subcontracting Goals.** The City shall establish one or more Subcontracting Goals for all Construction Contracts of \$300,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

**Appendix Section 20: Contract:** For the purposes of establishing an (Minority, Women, and Small Business Enterprise (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, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, 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 are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INclusion Policy:

**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, 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.

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

**Federal Contracts Subject to Disadvantaged Business Enterprise (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.

**State Funded Contracts Subject to the State's MWBE Requirements:** Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

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

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

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

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

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

**Appendix Section 35: Informal Contracts:** Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the City Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

## **Part B: Construction and Commodities Contracts**

**Part B: Section 2.1:** When the City sets a Subcontracting Goal, each Bidder must either: (a) meet each Subcontracting Goal; or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements for each unmet Subcontracting Goal. Failure to comply 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: Service Contracts**

**Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities.** The City shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified; or (b) there are no SBEs or MWBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

**Part C: Section 2.1(b) and 2.1(c):** The City may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer's Committed Subcontracting Goals; and (c) an affidavit listing the SBEs and MWBEs it intends to use on the Contract.

**Part C: Section 2.1(h) Negotiated Goals:** The City may seek to negotiate Subcontracting Goals after Proposals have been submitted.

## **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 (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

**65. 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
  - Leaving 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 term "fee simple" is a synonym for ownership and 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.

## 66. 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.