

City of Charlotte

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



Meeting Agenda

Monday, October 22, 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. Economic Development Strategy and NEWCO

Staff Resource(s):

Tracy Dodson, City Manager's Office

Time: 20 minutes

Explanation

- This presentation will provide an update on the proposed reorganization of Economic Development and NEWCO.
- Economic Development is reorganizing to focus on helping Charlotte's businesses and residents thrive by building great places, growing and attracting talent, creating jobs, and advancing Charlotte.
- An update on NEWCO, the Charlotte Chamber and Charlotte Regional Partnership merger, and how the City's new strategy will allow us to play a larger collaborative role in the region.

Future Action

This presentation is for information purposes only.

[NEWCO Action Review](#)

4. 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.

5. Closed Session (as necessary)

**6:30 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
CHAMBER**

Call to Order

Introductions

Invocation

Pledge of Allegiance

PUBLIC FORUM

6. Public Forum

7. Consent agenda items 16 through 45 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

Consideration of Consent Items shall occur in the following order:

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

PUBLIC HEARING

8. Public Hearing on a Resolution to Close a Portion of an Alleyway Off of West Worthington Avenue

Action:

- A. Conduct a public hearing to close a portion of an alleyway off of West Worthington Avenue, and
- B. Adopt a resolution to close a portion of an alleyway off of West Worthington Avenue.

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.
- The alleyway off of West Worthington Avenue is located in Council District 3.

Petitioners

Tag Ventures, LLC - Mr. David Atkins

Right-of-Way to be Abandoned

The alleyway to be abandoned is located within a block bound by West Worthington Avenue, South Mint Street, Woodcrest Avenue, and South Tryon Street.

Reason

The abutting property owners wish to permanently close the alleyway in order to reassemble the land and create a more viable parcel for future redevelopment.

Notification

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

Adjoining property owner(s)

Mr. Adam Rappaport - No objections

Neighborhood/Business Association(s)

Wilmore Neighborhood Association - Notified/no comments

Private Utility Companies - No objections

City Departments

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

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

Attachment(s)

Map

Resolution

[Council Map](#)

[Resolution to Close a portion of an alleyway off W. Worthington Ave.](#)

POLICY

9. City Manager's Report

10. Eastland Mall Redevelopment

Action:

Authorize the City Manager to negotiate and approve a pre-development agreement with the selected development team and reimburse 50 percent of the costs associated with the activities described in the agreement, up to a maximum, aggregate reimbursement of \$250,000.

Committee Chair:

James Mitchell, Economic Development

Staff Resource(s):

Tracy Dodson, City Manager's Office

Todd DeLong, Economic Development

Explanation

- The City purchased approximately 80.4 acres of the former Eastland Mall property in August 2012 as an opportunity to aid economic development and neighborhood revitalization in the area. Eastland Mall was demolished in 2013.
- The redevelopment principles created by the Eastland Area Strategies Team help guide the redevelopment of the site:
 - Enhance the perceptions of the Eastland area and East Charlotte,
 - Unify local communities,
 - Create connectivity and walkability for surrounding neighborhoods,
 - Take advantage of natural features,
 - Create opportunity for civic development, and
 - Increase equitable economic development.
- On April 26, 2016, City Council approved the sale of 11.4 acres of the former Eastland Mall property to the Charlotte Mecklenburg Board of Education for the construction of a new school. The new, K-8 school opened in August 2018 and expands capacity for the Spanish language immersion magnet program.
- In June 2017, the Economic Development Committee (Committee) provided direction to seek a private development partner prior to engaging in additional site preparation work.
- On March 26, four development teams interested in partnering with the City presented general development concepts to the Committee.
- An evaluation team comprising multiple City departments (Engineering and Property Management, Planning, Design and Development, CATS, and Economic Development), as well as Mecklenburg County, assessed each team based on their experience and ability to deliver a successful redevelopment. The criteria used to evaluate each team included: financial qualifications and strategy, experience of the development team, project approach and timeline, and master plan and due diligence.
- During the August 27 Committee meeting staff presented the results of the evaluations and recommended the City engage with the Crosland Southeast / Eastland Community Development, Inc. team based on the following factors:
 - Provided clear examples of successfully developing comparable complex properties in other cities,
 - Demonstrated experience obtaining adequate financing/funding,
 - Demonstrated experience with public private partnerships with comparable developments, and
 - Understood importance of community involvement throughout the development process.
- During the September 24 Committee meeting, the Committee voted unanimously (Mitchell, Driggs, Harlow, Mayfield, and Newton) to direct staff to engage exclusively with the Crosland Southeast/Eastland Community Development, Inc. team to work through the terms of a pre-development agreement, which would outline the necessary site work to start a joint-redevelopment effort between the City and the development team.
- The pre-development agreement represents an initial partnership between the City and the

development team that will improve knowledge and understanding of the site, while also reducing risk and cost for all parties.

- Partnering with the development team on these activities will save the City nearly \$200,000 compared to the City completing this work as originally proposed in June 2017.
- The scope of the pre-development agreement will generally comprise the following:
 - Community Communications Plan,
 - Physical Site Investigation,
 - Project Envisioning / Master Planning,
 - Civil Engineering, and
 - Fiscal Impact Assessment.
- The general terms of the pre-development agreement are as follows:
 - Pre-development tasks shall be completed within seven to nine months,
 - Workshops will be held to engage City Council on the progress of the pre-development activities and discuss key decisions,
 - The City would own all plans/deliverables should either party decide to move away from the partnership after conducting the pre-development work,
 - The total estimated cost of the work is between \$550,000 and \$600,000, and
 - The City would reimburse 50 percent of the completed expenditures subject to a not-to-exceed amount of \$250,000.
- On October 8, 2018, the Committee received information about the general terms and tasks associated with a pre-development agreement between the City and the selected development team. The Committee voted unanimously (Mitchell, Driggs, Harlow, Mayfield, and Newton) to recommend this item for consideration by the full Council.

Fiscal Note

Funding: General Community Investment Plan

BUSINESS

11. Private Developer Funds Appropriation

Action:

- A. **Approve Developer Agreements with Central Piedmont Community College and RailYard LLC for traffic signal installations and improvements, and**
- B. **Adopt a budget ordinance appropriating \$74,800 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 \$74,800 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:
 - Central Piedmont Community College contributed \$36,800 for traffic signal modifications at the intersection of 3rd Street and Charlottetowne Avenue (Council District 1).
 - RailYard LLC contributed \$38,000 for traffic signal modifications at Tryon Street and Bland Street (Council District 3).
- 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](#)

[Budget Ordinance CPCC&RailYard](#)

12. Consulting Services for Interstate 77 Corridor Study

Action:

- A. **Adopt a resolution approving a Municipal Agreement with the North Carolina Department of Transportation and accept supplemental funding in Fixing America's Surface Transportation Act in the amount of \$2,000,000,**
- B. **Authorize the City Manager to negotiate and approve a contract for up to \$2,000,000 with Atkins North America, Inc. for consulting services for Interstate 77 Corridor Study, and**
- C. **Adopt a budget ordinance appropriating \$2,000,000.**

Staff Resource(s):

Liz Babson, Transportation

Taiwo Jaiyeoba, Planning, Design and Development

Candice Rorie, Planning, Design and Development

Explanation

- The purpose of this work is to develop a master-planning document that comprehensively incorporates and capitalizes on past, existing, and ongoing planning efforts for the Interstate 77 corridor throughout the region.
- Funding for this work is a combination of federal and state funds; no City funds are required.
- The study area will include the Interstate 77 corridor and parallel transportation network from Exit 54 in Statesville to Exit 77 in Rock Hill, South Carolina. The planning document will focus on regional and local needs and priorities within and along the corridor with particular emphasis on:
 - Congestion management,
 - Connectivity within the system,
 - Investment/funding strategies,
 - Technology,
 - Multi-modal recommendations,
 - Land use coordination,
 - Freight movement, and
 - Any other priority that may be identified during the study process.
- On July 3, 2018, the City issued a Request for Qualifications (RFQ); five proposals were received.
- Atkins North America, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Background

- The City is the lead planning agency for the Charlotte Regional Transportation Planning Organization.
- City staff supports the regional transportation planning process by providing complex, multidimensional tasks covering a range of transportation planning, engineering, and administrative services, including coordination of projects like this one.

Charlotte Business INClusion

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

Fiscal Note

Funding: General Grants Fund

Attachment(s)

Resolution

Budget Ordinance

[FY19 Resolution for I-77 Corridor Study MA 10 22 18](#)

[I-77 Corridor Study Budget Ordinance](#)

13. Metropolitan Planning Program Grant Municipal Agreement

Action:

Adopt a resolution authorizing the City Manager to execute a municipal agreement with the North Carolina Department of Transportation to support transit-planning activities for the Charlotte Regional Transportation Planning Organization.

Staff Resource(s):

Liz Babson, Transportation

John Lewis, CATS

Taiwo Jaiyeoba, Planning, Design and Development

Bob Cook, Planning, Design and Development

Explanation

- The Federal Transit Administration (FTA) awarded the Fiscal Year 2019 Metropolitan Planning Grant to the City in July 2018.
- The North Carolina Department of Transportation requires grant recipients to enter into a new Municipal Agreement to receive the annual allocation. Municipal agreements require City Council approval.
- The City receives this grant annually as the lead planning agency for the Charlotte Regional Transportation Planning Organization (CRTPO) and as the major fixed-route transit operator for the urban area.
- The Charlotte Department of Transportation and CATS are responsible for the deliverables outlined in this grant, including:
 - The federally compliant travel demand model required for transportation planning and air quality conformity, and
 - Updating the Transit Element of the Metropolitan Transportation Plan, developing transit travel demand forecasts, conducting ridership surveys, and monitoring and updating the Transportation Improvement Program, as necessary, to advance projects and ensure compliance with federal regulations.
- The total FTA planning budget for the City is \$556,000, of which \$444,800 (80 percent) consists of federal funds, \$55,600 (10 percent) of state funds, and \$55,600 (10 percent) of CRTPO local funds.

Fiscal Note

Funding: General Grants Fund

Attachment(s)

Resolution

[FY19 Metropolitan Planning Program Grant Municipal Agreement Resolution](#)

14. Interlocal Agreement for Mecklenburg County to Provide Monitoring and Analysis Services

Action:

- A. **Adopt a resolution ratifying an Interlocal Agreement with Mecklenburg County for Monitoring and Analysis Services for an initial term of five years and six months, and**
- B. **Authorize the City Manager to renew the Agreement for up to two, two-year terms with possible price adjustments and to amend the Agreement consistent with the purpose for which the Agreement was ratified.**

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- Under this Interlocal Agreement, Mecklenburg County will provide monitoring and analysis services at Mountain Island Lake (adjacent to Council District 2) and Lake Norman (located in the northwest part of Mecklenburg County), which are the water sources for Charlotte Water.
- These services consist of surface water analytical, sediment, and real-time monitoring, which will provide data that can be used to ensure the protection of human and ecological health.
- In 2012, the City and the County entered into an Agreement for the County to collect and analyze water samples monthly from Charlotte Water's source water.
- This Agreement will continue an important partnership between the City and County, which facilitates better long-term planning and service delivery, since both entities make use of these same regional resources.
- Price adjustments may be reviewed and negotiated annually.
- Estimated Agreement expenditures are \$150,000 annually.

Fiscal Note

Funding: Charlotte Water Operating Budget

Attachment(s)

Resolution

[Resolution Ratifying Interlocal Agreement with Mecklenburg County for Monitoring and Analysis Services](#)

15. Mayor and City Council Topics

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

CONSENT

16. Fiscal Year 2018 Law Enforcement-Based Direct Victim Services Grant

Action:

Authorize the City Manager to accept a three-year, Law Enforcement-Based Direct Victim Services Grant in the amount of \$236,695 from the U.S. Department of Justice.

Staff Resource(s):

Kerr Putney, Police

Chris Dozier, Police

Susan Manassah, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) often applies for grants to fund programs and expenses that support their approved operating budget.
- The City has applied for and received the Law Enforcement-Based Direct Victim Services Grant. CMPD has been awarded funding for Fiscal Year 2018.
- The grant will fund a new Youth Victim Advocate position and grief counseling services to support the Victim Support Group.
- The grant is for a three-year term October 1, 2018, through September 30, 2021.
- According to grant parameters, the City must accept this award by November 10, 2018, in order to receive the funds.
- The total amount of this grant award is \$236,695. This grant does not require the City to provide matching funds.
- At the conclusion of the grant, CMPD will evaluate the need for the grant-funded position.

Fiscal Note

Funding: General Grant Fund

17. U.S. Department of Justice FY 2018 Edward Byrne Memorial Justice Assistance Grant

Action:

Authorize the City Manager to accept a four-year, Edward Byrne Memorial Justice Assistance Grant in the amount of \$507,734 from the U.S. Department of Justice.

Staff Resource(s):

Kerr Putney, Police

Coerte Voorhees, Police

Morgan Parks, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) often applies for grants to fund programs and expenses that support their approved operating budget.
- Each year, the City applies for and receives the Edward Byrne Memorial Justice Assistance Grant. CMPD has been awarded another year of grant funding for Fiscal Year 2018.
- The grant will fund overtime for neighborhood patrols and crime lab staff as well as a Police Cadet Program.
- The grant requires that Mecklenburg County receive 25 percent of the total award as a law enforcement partner and will be used to fund technology improvements for arrest processing.
- The City's share of the funding will be \$380,801; Mecklenburg County will receive \$126,933.
- The grant is for a four-year term from October 1, 2017, to September 30, 2021.
- According to grant parameters, the City must accept the grant award by November 15, 2018, in order to receive funding.
- The grant totals \$507,734 and does not require any matching contribution from the City.

Fiscal Note

Funding: General Grant Fund

18. Resolution of Intent to Abandon a Portion of Sam Neely Road

Action:

- A. Adopt a Resolution of Intent to Abandon a portion of Sam Neely Road, and**
- B. Set a Public Hearing for November 26, 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.
- The portion of Sam Neely Road is located in Council District 3.

Petitioners

Westinghouse Real Estate Development, LLC - Marshall Gilchrist

Attachment(s)

Map
Resolution

[Council Map Sam Neely Road](#)

[Resolution of Intent to Close a Portion of Sam Neely Road](#)

19. Resolution of Intent to Abandon an Unopened Alleyway Off of Spencer Street

Action:

- A. Adopt a Resolution of Intent to Abandon an unopened alleyway off of Spencer Street, and**
- B. Set a Public Hearing for November 26, 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.
- The alleyway off of Spencer Street is located in Council District 1.

Petitioners

Carolina Cottage Homes, LLC - Peter Harakas

Attachment(s)

Map
Resolution

[Council Map Spencer St](#)

[Resolution of Intent to Close an unopened alleyway off of Spencer Street](#)

20. Infrastructure Reimbursement Agreement

Action:

Authorize the City Manager to negotiate and execute an Infrastructure Reimbursement Agreement with White Point Pace Partners LLC in an amount not to exceed \$5,000,000 for the design and construction of portions of two City projects, which agreement includes 20 percent MWSBE subcontracting goal on the infrastructure improvements.

Staff Resource(s):

Tracy Dodson, City Manager's Office
Mike Davis, Engineering and Property Management
Veronica Wallace, Engineering and Property Management

Explanation

- White Point Pace Partners LLC (White Point) purchased property located at 340 East 16th Street (Council District 2). The property is located just north of Uptown adjacent to Parkwood Avenue, 16th Street, and the Charlotte Area Transit System LYNX Blue Line Extension (BLE).
- City Council approved rezonings for this redevelopment on May 16, 2016 and December 19, 2016 (Rezoning Petition numbers 2016-029 and 2016-130 respectively), which includes 83,000 square feet of office space and around 55,000 square feet of retail space, including a 22,000-square-foot food hall.
- There are two City projects in the vicinity of the Optimist Hall redevelopment project. The two projects are:
 - Parkwood Avenue Streetscape project (Northeast Corridor Infrastructure Program), and
 - 16th Street Streetscape project (Applied Innovation Corridor).
- White Point and the City agreed to partner in an effort to minimize impacts to the surrounding community. White Point has agreed to include portions of these active City projects as part of their development project.
- Coordinating this work with the developer now will eliminate future City project impacts to the Optimist Hall Development and other surrounding developments.
- Infrastructure improvements identified in the City projects include:
 - Curb, gutter, storm drainage, new median, striping, and temporary traffic signal at Belmont Avenue and Parkwood Avenue, and
 - Realignment of 16th Street between the BLE and Parkwood Avenue to include all roadway construction and utility relocation components.
- These improvements focus on key road corridors at the perimeter of the redevelopment site and will provide greater connectivity and accessibility for the site and surrounding neighborhoods.
- Under the terms of the agreement, the developer would build the public improvements and be reimbursed upon completion. The reimbursement to the developer would be funded by the Community Investment Plan and would not exceed \$5 million.
- State law and the City Charter authorize the City to enter into a contract with a private property owner or developer for the reimbursement of costs associated with the design and construction of municipal infrastructure when doing such work separately would be impracticable.

Charlotte Business INclusion

The City has established a 20% MWSBE subcontracting goal on the infrastructure improvements and White Point Pace Partners LLC will utilize certified MWSBEs to meet the established goal in the following scopes of targeted work, including but not limited to (Part G, Section 2.6 of the Charlotte Business INclusion Policy):

- Curb/Gutter
- Sidewalk
- Storm Drainage
- Utilities
- Conduit
- Milling and Grading

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Map for Optimist Hall](#)

21. Charlotte-Mecklenburg Police Department Independence Division Station Design Services

Action:

Approve a contract in the amount of \$900,000 with Moseley Architects, PC for architectural design services for Charlotte-Mecklenburg Police Department (CMPD) Independence Division facility.

Staff Resource(s):

Mike Davis, Engineering and Property Management
William Haas, Engineering and Property Management
Kerr Putney, Police
Johnny Jennings, Police

Explanation

- This contract with Moseley Architects, PC will provide design services for a facility at 5809 East Independence Boulevard (parcel identification numbers 165-012-01 and 165-041-03), in Council District 5.
- This new facility will include:
 - Approximately 14,500 square feet for the CMPD,
 - Secured parking for 135 vehicles, and
 - Visitor parking.
- Design services include, but are not limited to, site and building planning, design and engineering services, construction administration, closeout, and warranty.
- In 2010, City Council approved the Facilities Strategic Plan for division stations, with goals that stations are:
 - Owned and maintained by the City (i.e., not located in leased facilities),
 - Constructed in highly visible and accessible locations that contribute to the community perception of safety and security,
 - Sized to accommodate future personnel growth and support the functions which a patrol division is expected to provide the community,
 - Designed to be highly recognizable as a CMPD division station while reflecting the exterior design context of the community where it is located, and
 - Designed to support the functional needs of a patrol division based on a standardized facility design template.
- City Council approved the land acquisition for one of the Independence Division parcels on April 23, 2018 (parcel identification number 165-012-01). City Staff is currently negotiating with the property owner for the second parcel (parcel identification number 165-041-03).
- The Independence Division Station will be designed to achieve LEED version 4 certification, per the City Policy on Sustainable Facilities. LEED certification is awarded to buildings that demonstrate a high level of energy efficiency and sustainable design.
- The design will also consider how to meet the intent of the low-carbon resolution adopted by Council on June 25, 2018.
- CMPD Independence Division currently leases approximately 10,000 square feet in the building at 9315 Monroe Road for \$108,392.16 annually. The lease expires May 31, 2023.
- On March 22, 2016, the City issued a Request for Qualifications (RFQ); 10 proposals were received.
- Moseley Architects, PC is the firm best qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Moseley Architects, PC has committed 10.56% (\$95,000) of the total contract amount to the following certified firms:

- Capstone Civil Group, Inc. (SBE, MBE) (\$80,000) (civil engineering)

- R.M. Rutherford & Associates, Inc. (SBE) (\$15,000) (cost estimating)

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Charlotte-Mecklenburg Police Department Independence Division Station Design Servic](#)

22. Storm Water Services Media Buying and Creative Services

Action:

- A. Approve a contract in the amount of \$437,700 with The Agency Marketing Group for media buying services for a three-year term, and
- B. Approve a contract in the amount of \$237,300 with Saturday Brand Communications, Inc. for creative services for a three-year term.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Marc Recktenwald, Engineering and Property Management

Explanation

- These contracts are part of an ongoing effort by Charlotte-Mecklenburg Storm Water Services to educate and inform the public about issues related to surface water quality, flood safety, infrastructure, and volunteer opportunities.
- The media buying and creative services contracts are funded through the stormwater utility fee and coordinated with Mecklenburg County to reduce cost and streamline advertising efforts. Services will be coordinated with Charlotte Communications and Marketing and the Mecklenburg County Public Information Department as needed.
- Federal Clean Water Act and various Federal Emergency Management Agency programs necessitate public education campaigns to inform citizens about surface water pollution and flooding risks, and these contracts enable countywide compliance.
- The County will pay \$81,000 and the City will pay \$144,000 per year for both the media buying and creative services contracts.
 - The County will pay \$57,930 and the City will pay \$87,970 per year for the media buying contract.
 - The County will pay \$23,070 and the City will pay \$56,030 per year for the creative service contract.
- Fiscal Year 2019 will be Charlotte-Mecklenburg Storm Water Service's 17th year conducting the campaign.

Action A

- The media buying contract with Agency Marketing Group provides radio, television, internet, and print advertising for Charlotte-Mecklenburg Storm Water Services media campaign.
- A contract for media buying service provides the most cost-effective way to place advertising, negotiate media rates, and space and obtain added value services because of multiple client bases.
- On March 23, 2018, the City issued a Request for Proposals (RFP); two proposals were received.
- The Agency Marketing Group best meets the City's needs in terms of qualifications, experience, cost and responsiveness to RFP requirements.

Action B

- The creative services contract with Saturday Brand Communications, Inc. provides strategic planning, creative development, and graphic design to support education and public engagement activities of Charlotte-Mecklenburg Storm Water Services. This contract will support, educate, and inform the public about issues related to surface water quality, flood safety, infrastructure and volunteer opportunities.
- On March 27, 2018, the City issued an RFP; four proposals were received.
- Saturday Brand Communications, Inc. best meets the City's needs in terms of qualifications, experience, cost and responsiveness to RFP requirements.

Charlotte Business INclusion

Action A

No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy). The Agency Marketing Group is a certified small business enterprise (SBE) with the City of Charlotte.

Action B

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INClusion Policy). Saturday Brand Communications, Inc. has committed 5.06% (\$12,000) of the total contract amount to the following certified firms:

- Infiniti Scope, LLC (SBE) (videography services)
- JB Long Photography (SBE) (photography services)

Fiscal Note

Funding: Engineering and Property Management Operating Budget

23. McAlpine Creek Relief Sewer Construction Phase 4

Action:

Approve a contract in the amount of \$11,294,728.28 to the lowest responsive bidder State Utility Contractors, Inc. for the McAlpine Creek Relief Sewer Phase 4 project.

Staff Resource(s):

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

Explanation

- The McAlpine Creek relief sewer is needed to address both wet weather and higher anticipated wastewater flow, due to projected growth in the McAlpine Creek drainage basin. This drainage basin extends from the McAlpine Creek Wastewater Treatment Plant (Council District 7) to near Lawyers Road along McAlpine Creek (Council District 5).
- The relief sewer was intended to be constructed over a number of years in several phases. Construction on Phases 1, 2, and 3 was completed in 2010, 2012, and 2016, respectively. Phase 4, the final phase, will extend from Independence Boulevard to Lawyers Road (Council District 5), and includes over 16,000 feet of 30 and 36-inch diameter pipe.
- On August 27, 2018, the City issued an Invitation to Bid; five bids were received.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the first quarter of 2020.

Charlotte Business INClusion

Established MSBE Goal: 7.00%

Committed MSBE Goal: 11.15%

State Utility Contractors, Inc. met the established subcontracting goal and has committed 11.15% (\$1,258,900) 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) (\$1,175,900) (material supply)
- P&TL, Inc. (SBE) (\$42,000) (silt fence)
- Carolina Wetland Services, Inc. (SBE, WBE) (\$41,000) (plantings)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[MCRSPH4_ForRCA \(3\)](#)

24. Laboratory Information Management System Upgrade and Software Maintenance

Action:

- A. Approve a one-year contract with Labworks LLC to implement a software upgrade and provide software support maintenance for the Laboratory Information Management System,
- B. Authorize the City Manager to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved, and
- C. Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the City uses the system.

Staff Resource(s):

Angela Lee, Charlotte Water

David Czerr, Charlotte Water

Explanation

- Laboratory Information Management System software is the primary means by which the Charlotte Water Laboratory runs its business. The scope of this project includes annual maintenance and professional services that will enable an upgrade to the latest software version.
- A waiver of the competitive solicitation process for services 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 due to Labworks LLC being the manufacturer of the software, which will need to provide and implement the newest version.
- Expenditures for licensing and implementing the system are estimated to be \$57,405.
- Expenditures for maintenance and support are estimated to be \$31,830 annually.

Charlotte Business INClusion

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

Fiscal Note

Funding: Charlotte Water Community Investment Plan and Operating Budget

25. Regional Biosolids Transfer Preliminary Engineering

Action:

Approve a contract for up to \$594,200 with CDM Smith, Inc. for Regional Biosolids Transfer Project Preliminary Engineering.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- This contract provides preliminary engineering to recommend the preferred option of expanding and consolidating biosolids transfer between wastewater treatment plants (WWTPs).
- Charlotte Water currently transfers biosolids from the Sugar Creek WWTP (Council District 6) to the McAlpine Creek WWTP, located in the Town of Pineville (adjacent to Council District 7), for treatment. Charlotte Water plans to consolidate biosolids processing at the McAlpine Creek WWTP, and is planning to transfer biosolids from two additional WWTPs.
- On May 23, 2018, the City issued a Request for Qualifications (RFQ); two proposals were received.
- CDM Smith, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The detailed design contract is expected to be presented to Council for approval in the third quarter of 2019.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). CDM Smith has committed 17.17% (\$102,000) of the total contract amount to the following certified firms:

- CES Group Engineers, LLP (SBE, WBE) (\$94,000) (surveying and aerial mapping)
- Southern Engineering and Testing, P.C. (SBE) (\$8,000) (geotechnical)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[REGIONAL SOLIDS CONVEYANCE PROJECT - Map](#)

26. Irvins Creek Tributary Sanitary Sewer Design-Build Construction Phase Services

Action:

Approve a Guaranteed Maximum Price of \$3,920,396 to Garney Companies, Inc. for Design-Build Phase 2 Construction Services for the Irvins Creek Tributary Sanitary Sewer project.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- The Guaranteed Maximum Price (GMP) is the maximum cost for construction of approximately 3,500 linear feet of 24-inch gravity sanitary sewer and approximately 350 linear feet of 20-inch force main in the Town of Mint Hill.
- The purpose of this project is to alleviate sewer capacity restrictions identified through Charlotte Water's Capacity Assurance Program by constructing a larger sanitary sewer trunk that will provide service for the proposed Steven's Creek regional sewer lift station.
- On November 27, 2017, Council approved a contract with Garney Companies, Inc. for Progressive Design-Build Phase 1 design services. Based on the design, a GMP for construction services was developed.
- This request is for the approval of the GMP.

Charlotte Business INclusion

The City negotiates subcontracting participation for Design Build contracts after scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). Garney Companies, Inc. has committed 10.03% (\$393,407.92) of the approved tasks to the following certified firms:

- Fuller & Co. Construction, LLC (SBE) (\$142,437.12) (bore installation)
- Oliver Paving Company (SBE) (\$61,625) (asphalt paving repair)
- All Points Trucking, Inc. (SBE, WBE) (\$61,622) (hauling)
- AMP Utility Distribution Services, LLC (SBE) (\$42,273.80) (material supplier)
- CES Group Engineers, LLP (SBE, WBE) (\$39,900) (as-built drawings, surveying)
- P&TL, Inc. (SBE) (\$38,550) (erosion control)
- Capstone Civil Engineering, Inc. (SBE, MBE) (\$7,000) (material testing)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Irvins Creek Tributary Trunk Line Map - Construction Phase](#)

27. Electronic Auction for Disposal of Surplus Dewatering Centrifuges

Action:

- A. Adopt a resolution declaring specific equipment as surplus,**
- B. Authorize said items for sale by electronic auction beginning November 5, 2018, and ending December 10, 2018, and**
- C. Authorize the City Manager to approve certain administrative and storage fees as may be required from time to time for auction events.**

Staff Resource(s):

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

Explanation

- Pursuant to North Carolina General Statute 160A-270(c), approval is requested for an electronic auction.
- Charlotte Water is requesting the disposal of two Alfa Laval Sharples DC-906 Centrifuges.
- The electronic auction will be conducted by Rogers Realty and Auction Company (www.rogersauctiongroup.com). On January 11, 2016, Council approved a contract with Rogers Realty and Auction Company, Inc. for auctioneer and related services as the result of a competitive selection process.
- The auction company will be compensated through auction proceeds (seven percent of the total gross sales price).
- Net proceeds from this auction will be distributed to Charlotte Water.

Attachment(s)

Resolution

[Electronic auction\(centrifuges\) Resolution](#)

28. Airport Uninterruptable Power Supplies

Action:

Approve a unit price contract with Vertiv Services Inc. for preventative maintenance, parts, and services for uninterruptable power supplies and battery systems for a term of five years.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- An Uninterruptable Power Supplies (UPS) system provides clean and uninterrupted power to critical computer equipment that requires 100 percent uptime.
- The City has installed two Liebert UPS systems in the new Concourse A Expansion Phase 1 to support existing critical operations and technology loads, and to support upcoming Concourse A Expansions Phases 2 and 3.
- A waiver of the 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. As the Original Equipment Manufacturer of Liebert UPS systems, Vertiv Services Inc. maintains all product updates and changes, has extensive knowledge of engineering specifications, and is up-to-date on current issues and resolutions. Due to the critical nature of this equipment, Aviation requested this service only be performed by the factory-trained technicians from Vertiv Services Inc. which will minimize risk to critical infrastructure.
- The total estimated contract expenditures are \$225,000 in the aggregate over the five-year term.
- 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

29. Airport Runway 18C/36C Joint Seal Replacement

Action:

Approve a contract for the amount of \$151,015 to RS&H Architects, Engineers, Planners, Inc. for design services of the Runway 18C/36C Joint Sealant Replacement.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The replacement of the joint sealant on Runway 18C/36C and Taxiway Echo is necessary to provide longevity to the life of the current runway pavement.
- This contract is to complete design and bid documents for a future construction project to replace joint sealant and repair spalls on Runway 18C/36C.
- On March 23, 2017, the City issued a Request for Qualifications; 24 proposals were received and five firms were selected for future projects.
- RS&H Architects, Engineers, Planners, Inc. is the best qualified firm to meet the City's needs based on their experience on similar airfield projects.
- This activity is occurring on airport property (Council District 3).

Disadvantaged Business Enterprise

The City negotiates subcontracting participation after the proposal selection process.

RS&H Architects, Engineers, Planners, Inc. has committed 9.04% (\$13,664) of the total contract amount to the following certified firms:

- CES Group Engineers (DBE, SBE, WBE) (\$12,000) (surveying)
- Capstone Civil Engineering, Inc. (DBE, SBE, MBE) (\$1,664) (geotechnical services)

Fiscal Note

Funding: Aviation Community Investment Plan

30. Airport Fire Control Systems Contract Extension and Amendment

Action:

- A. Approve a one-year extension and amendment of the Fire Protection Equipment Maintenance Services contract with Fire Control Systems of Charlotte, and**
- B. Authorize the City Manager to approve up to one, one-year renewal 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

- Fire Control Systems of Charlotte performs water flow testing, pre-action control panel maintenance, testing of tamper control valves, and exercises the fire pumps. These tests are performed to ensure the reliability and integrity of the systems in accordance with National Fire Protection Act.
- On November 9, 2015, the City entered into a three-year contract with two, one-year extension options with Fire Control Systems of Charlotte for fire protection equipment maintenance services.
- This request is to exercise the first one-year renewal option and to amend the contract to include additional equipment for new facilities, including Concourse A Expansion, Baggage Transfer Point, Field Maintenance, and East Terminal Expansion Phase Two.
- Estimated contract expenditures are \$170,000 in the aggregate over the four-year term (original three-year contract plus one-year renewal).
- 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

31. Airport Facilities Engineering Design Services

Action:

- A. Approve a unit price contract for facilities engineering design services with the following vendors for a contract term of two years:**
- **RDK Engineers NC, Inc.,**
 - **AME Consulting Engineers PC, and**
- B. Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The Aviation Department has traditionally managed small or specialized HVAC projects, including equipment replacement and associated electrical upgrades, plumbing modifications and carpentry work. Due to the growth of the facility, the amount of projects has increased and more project management is required.
- These contracts will provide engineering services for all aspects of mechanical, electrical, and structural design, or any type of work covered by Aviation's facilities maintenance department.
- On August 31, 2017, the City issued a Request for Qualifications (RFQ); 11 proposals were received and five firms were selected for future projects.
- RDK Engineers NC, Inc. and AME Consulting Engineers PC, best meet the City's needs on the basis of demonstrated competence and qualification of professional services to the RFQ requirements.
- Pricing for these services will be based on the size and nature of the project.
- Total estimated contract expenditures for both contracts over the two-year term are \$700,000.
- This activity is occurring 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, AME Consulting Engineers PC is a certified SBE.

Fiscal Note

Funding: Aviation Community Investment Plan and Aviation Operating Budget

32. Airport Architectural Consultation Services

Action:

Approve contracts for architectural consultation services with the following vendors for a three-year term:

- **RS&H Architects Engineers Planners, Inc.,**
- **The Wilson Group Architects, PA.,**
- **GS&P/NC PC, and**
- **C Design Inc.**

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The Aviation Department requires architectural consultation and programming services for terminal, cargo, and all ancillary airport facilities.
- On March 23, 2017, the City issued a Request for Qualifications; 16 proposals were received.
- RS&H Architects Engineers Planners, Inc., The Wilson Group Architects, PA., GS&P/NC PC, and C Design Inc. best meet the City's needs in terms of qualifications and experience.
- Pricing for these services will be based on the size and nature of the project.
- Total estimated contract expenditures for all contracts over the three-year term are \$4,500,000.

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 Wilson Group Architects, PA and C Design Inc are certified SBE firms.

Fiscal Note

Funding: Aviation Community Investment Plan

33. Airport Marketing Agency Services

Action:

- A. Approve contracts with the following companies for marketing agency services for an initial term of three years:
- Chernoff Newman, LLC,
 - Eric Mower and Associates/Charlotte, Inc., and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

Staff Resource(s):

Brent Cagle, Aviation

Haley Gentry, Aviation

Explanation

- The airport utilizes marketing agency services to develop appropriate strategies and to implement, monitor, and optimize campaigns to ensure maximum revenue for Airport parking, concessions, air service, and general airport development.
- On July 30, 2018, the City issued a Request for Proposals (RFP); 16 proposals were received.
- Chernoff Newman, LLC. and Eric Mower and Associates/Charlotte Inc. best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Estimated contract expenditures for both contracts during the first year are \$800,000.
- This activity is occurring 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).

Fiscal Note

Funding: Aviation Operating Budget

34. Airport State Grant Acceptance

Action:

- A. Authorize the City Manager to execute grant agreement with the North Carolina Department of Transportation in the amount of \$500,000 for West Ramp Expansion Phase I, and
- B. Adopt a resolution accepting a grant in the amount of \$500,000 from the North Carolina Department of Transportation Division of Aviation for West Ramp Expansion Phase I.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The North Carolina Department of Transportation's Division of Aviation provides aid to airports for the purpose of planning, acquiring, constructing, or improving airport facilities.
- For Fiscal Year 2019, the Aviation Department received \$500,000.
- This grant will provide \$500,000 to fund the West Ramp Expansion Phase I project previously budgeted with Aviation Discretionary Funds.
- This activity is occurring on Airport property (Council District 3).

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment(s)

Resolution

[RES.STATEGRANT.102218 \(2\).docx](#)

35. Firewall Consolidation Services

Action:

- A. Approve the purchase of Check Point internet security firewall equipment, software, and support from a federal contract as authorized by G.S. 143-129(e)(9a),**
- B. Approve unit price contracts with EC America, Inc., immixGroup, Inc., and Rove, LLC for the purchase of Check Point internet security firewall equipment, software, and support for a term of three years under General Services Administration (GSA) Schedule No. GS-35F-0511T, effective June 27, 2007, and**
- C. Authorize the City Manager to extend the contract for one-year terms as long as the federal contract is in effect, at prices and terms that are the same or more favorable than those offered under the federal contract.**

Staff Resource(s):

Brad Dunkle, Innovation and Technology

Federal Contract Exemption

G.S. 143-129(e)(9a) allows local governments to purchase from contracts established by the United States government, including any federal agency, if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the federal contract.

Explanation

- The City's current firewall infrastructure is planned to end its useful life between 2020 and 2021. New equipment will give us increased capacity and new functionality to mitigate attacks.
- The City will replace and consolidate six clusters of firewalls across two different data centers as part of a proactive defensive posture to ensure future security and capacity needs.
- New equipment will have the capacity to add additional security measures and increase resources to existing firewalls without purchasing additional hardware.
- The City has been using Check Point products since 2001 and has a high level of familiarity with the company's products.
- On June 27, 2007, the referenced contracts were awarded by GSA for a term of 10 years. The contracts have been extended through June 26, 2022.
- EC America, Inc., immixGroup, Inc., and Rove LLC are willing to provide firewall equipment, software, and support to the City at the same or better terms as are provided in its contract with GSA.
- Initial expenditures under the contracts are estimated to be \$1,300,000 in Fiscal Year 2019. Ongoing annual expenditures are estimated at \$400,000 which is offset by a reduction of \$150,000 in current operating expenditures.

Charlotte Business INclusion

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

Fiscal Note

Funding: Innovation and Technology Operating Budget and Technology Refresh Fund

36. Applicant Tracking System

Action:

- A. Approve a three-year contract with JobAps, Inc. to provide and implement an Applicant Tracking System and On-Boarding System,
- B. Authorize the City Manager to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved, and
- C. Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the City uses the system.

Staff Resource(s):

Sheila Simpson, Human Resources
Kerr Putney, Police

Explanation

- The City will administer an Applicant Tracking System and an On-Boarding System to manage and organize hiring processes throughout the City. Currently, the City keeps two parallel recruitment systems. This application will remove this redundancy.
- The City will do a single system implementation to include all City departments, including the Charlotte-Mecklenburg Police Department.
- Having a system that integrates with PeopleSoft for the sole purpose of hiring, will increase customer satisfaction and improve the recruitment process by:
 - Establishing automated workflows to more effectively handle the application and hiring process;
 - Allow for robust applicant reporting, improve efficiency, track recruitment efforts and track interests in the departments by future applicants; and
 - Allow applicants to easily track their progress through the hiring process, respond to needs for additional documentation, schedule testing, and satisfy other requirements.
- Estimated expenditures are \$280,000, including implementation, professional services, conversion services and training.
- On May 31, 2018, the City issued a Request for Proposals (RFP); six proposals were received.
- JobAps, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Expenditures for on-going maintenance and support are estimated to be \$100,000 per year.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Grants Fund

37. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$1,659.31.

Staff Resource(s):

Robert Campbell, Finance

Mark Goodman, 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.pdf](#)

[Resolution.pdf](#)

38. Meeting Minutes

Action:

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

- **September 24, 2018 Special Meeting, and**
- **September 24, 2018 Business/Zoning Meeting**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

39. Property Transactions - City View Drive and Independence Boulevard CMPD Independence Division Office Site, Parcel #03

Action:

Approve the following Property Condemnation: City View Drive and Independence Boulevard CMPD Independence Division Office Site, Parcel #03

Project: CMPD Independence Division Office

Owner(s): Carl McEwen Ellington, Sr., Jean H. Lamb, McDowell/Cochrane, LLC, Carl M. Ellington, Jr., Janet E. Hall, Mary E. Ellington and McEwen Associates, LLC

Property Address: On City View Drive - off Independence Boulevard

Total Parcel Area: 2,500 SF

Property to be acquired by Fee: 2,500 SF (.057 AC) in Fee Simple

Structures/Improvements to be impacted: Billboard

Landscaping to be impacted: None

Zoned: B-2

Use: Small business

Tax Code: 165-041-03

Appraised Value: \$62,000

Property Owner's Concerns: Property owners are concerned about the amount of compensation being offered.

City's Response to Property Owner's Concerns: Staff informed the property owner's attorney 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: 5

40. Property Transactions - Cross Charlotte Trail Bradywine - Tyvola, Parcels #10 and 11

Action: Approve the following Condemnation: Cross Charlotte Trail Bradywine - Tyvola, Parcels #10 and 11

Project: Cross Charlotte Trail Bradywine - Tyvola, Parcels #10 and 11

Owner(s): JSMB, LLC

Property Address: 2100 Hassell Place

Total Parcel Area: 43,920 sq. ft. (1.008 ac.)

Property to be acquired by Easements: 8,516 sq. ft. (.196 ac.) in Permanent Greenway Easement, plus 5,211 sq. ft. (.12 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-5

Use: Single-family Residential

Tax Code: 175-151-05 and 175-151-07

Appraised Value: \$55,050

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

Council District: 6

41. Property Transactions - Cross Charlotte Trail Bradywine - Tyvola, Parcel #15

Action: Approve the following Condemnation: Cross Charlotte Trail Bradywine - Tyvola, Parcel #15

Project: Cross Charlotte Trail Bradywine - Tyvola, Parcel #15

Owner(s): Matthew Paul LeBlanc and Catherine Ann Mellon LeBlanc

Property Address: 2116 Hassell Place

Total Parcel Area: 29,569 sq. ft. (.679 ac.)

Property to be acquired by Easements: 7,617 sq. ft. (.175 ac.) in easement Name, plus 1,197 sq. ft. (.027 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-5

Use: Single Family Residential

Tax Code: 175-151-11

Appraised Value: \$50,850

Property Owner's Counteroffer: \$156,528.44

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

City's Response to Property Owner's Concerns: Staff informed the property owners that they could obtain their own appraisal in order to justify the counter offer.

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

Council District: 6

42. Property Transactions - Hinsdale - Tinkerbell Drainage Improvements, Parcel #67

Action: Approve the following Acquisition: Hinsdale - Tinkerbell Drainage Improvements, Parcel #67

Project: Hinsdale - Tinkerbell Drainage Improvements, Parcel #67

Program: Flood Control

Owner(s): Tiffany G. Martin and David F. Martin

Property Address: 5608 Bellechasse Street

Total Parcel Area: 17,578 sq. ft. (.404 ac.)

Property to be acquired by Easements: 1,101.87 sq. ft. (.025 ac.) in Storm Drainage Easement, plus 166.28 sq. ft. (.004 ac.) in Sanitary Sewer Easement, plus 75.43 sq. ft. (.002 ac.) in Temporary Construction Easement, plus 1,208.74 sq. ft. (.028 ac.) in Utility Easement, plus 566.96 sq. ft. (.013 ac.) in Storm Drainage Easement and Utility Easement, plus 67.94 sq. ft. (.002 ac.) in Sanitary Sewer Easement and Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 209-104-26

Purchase Price: \$45,250

Council District: 6

43. Property Transactions - South Tryon 6415 8" Sanitary Sewer, Parcel #1

Action: Approve the following Condemnation: South Tryon 6415 8" Sanitary Sewer, Parcel #1

Project: South Tryon 6415 8" Sanitary Sewer, Parcel #1

Owner(s): Viet Nguyen and Le Pham

Property Address: 6415 South Tryon Street

Total Parcel Area: 36,016 sq. ft. (.827 ac.)

Property to be acquired by Easements: 1,405 sq. ft. (.032 ac.) in Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 167-081-02

Appraised Value: \$2,325

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: 6

44. Property Transactions - Yellowstone Zebulon Street Connectivity, Parcel #2

Action: Approve the following Condemnation: Yellowstone Zebulon Street Connectivity, Parcel #2

Project: Yellowstone Zebulon Street Connectivity, Parcel #2

Owner(s): Karen C. Shaw

Property Address: 2701 Rozzelles Ferry Road

Total Parcel Area: 387,451 sq. ft. (8.895 ac.)

Property to be acquired by Fee: 32,146 sq. ft. (.738 ac.) in Fee Simple

Property to be acquired by Easements: 3,578 sq. ft. (.082 ac.) in Storm Drainage Easement, plus 789 sq. ft. (.018 ac.) in Sanitary Sewer Easement, plus 3,777 sq. ft. (.087 ac.) in Waterline Easement, plus 34,828 sq. ft. (.8 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: various plantings

Zoned: I-1

Use: Industrial

Tax Code: 071-143-42

Appraised Value: \$375,200

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

Council District: 2

45. Property Transactions - Yellowstone Zebulon Street Connectivity, Parcel #5

Action: Approve the following Condemnation: Yellowstone Zebulon Street Connectivity, Parcel #5

Project: Yellowstone Zebulon Street Connectivity, Parcel #5

Owner(s): Kay Frances Fox Taylor

Property Address: 2700 Coronet Way

Total Parcel Area: 14,340 sq. ft. (.329 ac.)

Property to be acquired by Fee: 241 sq. ft. (.006 ac.) in Fee Simple

Property to be acquired by Easements: 457 sq. ft. (.01 ac.) in Storm Drainage Easement, plus 457 sq. ft. (.01 ac.) in Waterline Easement, plus 4,190 sq. ft. (.096 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Various plantings

Zoned: R-5

Use: Single-family Residential

Tax Code: 071-143-35

Appraised Value: \$3,650

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

Council District: 2

Adjournment

REFERENCES

46. 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.

47. 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.

48. 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.