

City of Charlotte

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



Meeting Agenda

Monday, December 17, 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*

**DECEMBER 17, 2018 BUSINESS MEETING PREVIOUSLY
SCHEDULED FOR DECEMBER 10, 2018, BUT CANCELLED
DUE TO WEATHER**

**4:00 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
CHAMBER**

Call to Order

Introductions

Invocation

Pledge of Allegiance

- 1. Consent agenda items 17 through 72 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

2. United Indian Community Forum Day Proclamation

Action:

Mayor Lyles will read a proclamation recognizing December 10, 2018, as United Indian Community Forum Day.

POLICY

3. City Manager's Report

4. Strategic Energy Action Plan

Action:

Approve the Environment Committee's recommendation to adopt the Strategic Energy Action Plan.

Committee Chair:

Dimple Ajmera, Environment

Staff Resource(s):

Kim Eagle, City Manager's Office

Rob Phocas, Economic Development

Mike Davis, Engineering and Property Management

Gina Shell, Engineering and Property Management

Explanation

- In June 2018, City Council unanimously adopted the Sustainable and Resilient Charlotte by 2050 Resolution, which states three priorities:
 1. By 2030, the "City of Charlotte will strive to source 100% of its energy use in its buildings and fleet from zero carbon sources;"
 2. By 2050, the "City of Charlotte will strive to become a low carbon city;" and
 3. Staff will develop a Strategic Energy Action Plan (SEAP) to guide the achievement of the 2030 and 2050 goals.
- In partnership with Envision Charlotte and Carbon Captured, Ltd., staff worked closely over the past year with community stakeholders, partner organizations, and content experts to develop the SEAP.
- On November 13, 2018, the Environment Committee voted unanimously (Ajmera, Egleston, Newton, Phipps, and Winston) to recommend the SEAP to full Council for adoption.
- The purpose of the SEAP is to provide a framework for the City and community to follow as it strives toward "a low carbon, resilient future."
- The key focus of the SEAP is greenhouse gas emissions reduction, but it also explores the opportunity to align economic development policy, such as the creation of green jobs, with the actions necessary to transition to a low carbon energy future.
- The contents of the SEAP are focused on: i) buildings; ii) transportation; and iii) energy generation, on a foundation of innovation and workforce development.
 - There are 11 linked Action Areas in the SEAP.
 - Six Action Areas are focused on internal operations.
 - Five Action Areas are community-focused.
 - The SEAP also employs a five-stage approach to achieve the goals: i) shift time of energy demand; ii) reduce energy consumption; iii) change the type of energy we consume; iv) generate energy on-site; and v) purchase zero carbon energy. These are not in order of importance, but approach (v) is a last resort, if needed.
- The SEAP is a living document.
 - Every two years, progress will be benchmarked by tracking key data points.
 - If necessary, the SEAP may be updated to ensure the City is continuing to make progress towards its 2030 and 2050 goals.
 - Formal reviews and updates may be required due to policy change, technology innovation, and shifting of resources.
- By adopting the SEAP, Charlotte will be joining other global city leaders in an international commitment and dialogue as they strive to achieve the greenhouse gas reduction goals outlined in the Paris Climate Agreement.
- There is no specific funding request or commitment tied to approval of the SEAP.
- Implementation of the SEAP will be incremental to ensure operational resilience while achieving a balance between return on investment, total cost of ownership, and sustainability. This approach is fundamental to the 2030 internal City facility and fleet goals.
- The adoption of the plan indicates City Council will balance consideration of the SEAP goals and

carbon emission reduction, along with other policy priorities and fiscal responsibility in future budgetary, contractual and strategic decisions.

- The 2050 goal is a community-based aspiration in which partnerships will be critical moving forward.

Attachment(s)

Strategic Energy Action Plan Executive Summary

Strategic Energy Action Plan

Sustainable and Resilient Charlotte by 2050 Resolution

[SEAP - Executive Summary FINAL](#)

[SEAP - FULL Document](#)

[Sustainable and Resilient Charlotte By 2050](#)

5. Economic Development Strategic Plan

Action:

Approve the Economic Development Strategic Plan Framework.

Committee Chair:

James Mitchell, Economic Development

Staff Resource(s):

Tracy Dodson, City Manager's Office

Explanation

- The economic development landscape of the region is evolving and the City of Charlotte's economic development focuses are being realigned to complement these changes.
- The Economic Development Committee discussed the transformation in focus during their planning retreat on August 16, 2018.
- On November 15, 2018, the Committee voted unanimously (Mitchell, Driggs, Mayfield, and Newton; Harlow was absent) to support the Economic Development Strategic Plan Framework.
- The Economic Development Committee members support the City's efforts to build great places, attract talent, create jobs, and advance Charlotte.
- This new model is supported by four pillars:
 - **Creating Great Places** - that attract great talent,
 - **New Startups** - supporting startups and small businesses (MWSBE),
 - **Existing Businesses** - retaining and growing existing businesses, and
 - **Prospective Businesses** - closing new prospects and growing targeted categories.
- Programs to support these pillars include:
 - Market Intelligence Program - inspire and inform the focus areas,
 - Stakeholder Relations Program - support the stakeholders we serve,
 - Workforce Training and Development Program - develop and train 21st century talent,
 - Marketing Communications Program - advance our story of our talent-driven economy, and
 - Key Performance Indicators Program - be transparent and accountable in driving measurable results.
- As part of this transition, the City is already taking a leading role in many regional development initiatives and is actively managing major new business prospects.
- The Strategic Plan details will evolve over the coming months.

Attachment(s)

Economic Development Program Overview

[Strategic Plan Overview](#)

6. Efficiencies in Government - Resolution Increasing Delegated Authority to Award City Contracts

Action:

Adopt a resolution authorizing the City Manager and designees to approve contracts and amendments of less than \$500,000, and clarifying and consolidating in a single resolution certain other contract authority.

Committee Chair:

Greg Phipps, Budget and Effectiveness

Staff Resource(s):

Greg McDowell, Internal Audit

Tina Adams, Internal Audit

Bob Hagemann, City Attorney's Office

Cindy White, City Attorney's Office

Explanation

- In 1995, Council delegated authority to the City Manager to award contracts and amendments that do not exceed \$100,000.
- The City's internal controls and processes support the increased operational efficiencies which can be gained by raising the dollar threshold of contracts submitted to Council for approval.
- The Internal Auditor recommends increasing the delegated authority to the City Manager to award contracts and amendments of less than \$500,000.
- In 2017, City Internal Audit conducted a review to determine whether the thresholds for Council contract approval should be increased. City Internal Audit determined:
 - **Opportunity exists to increase efficiencies:** In fiscal year (FY) 2017, consent items under \$500,000 requested for Council approval were almost half of the total number of consent agenda items submitted. However, these items under \$500,000 made up only seven percent of the City's consent item spending.
 - In FY 2017, 226 items under \$500,000 were submitted for Council approval. All but one were unanimously approved.
 - Contract approval by Council lengthens the implementation process by four to six weeks per item.
 - In addition to standard internal processes, there is an additional layer of purely administrative review required by staff for the documents that go before Council. The estimated administrative staff time is three to six hours per item.
 - **State level controls in place:** State procurement laws govern contracts for construction and repair and contracts with architects, engineers and surveyors. State law also governs the purchase of goods, materials, equipment, and vehicles.
 - **Internal controls in place:** The City has appropriate internal controls and procedures to address legal requirements, policies, Charlotte Business INclusion Program compliance, risk mitigation, and best procurement practice.
 - **Charlotte's thresholds not consistent with other cities:** Charlotte's contract approval thresholds are currently among the most restrictive in the state for urban areas. A comparison of the thresholds in effect for Mecklenburg County, Raleigh, Greensboro, Durham, Cary, Fayetteville, Asheville and Chapel Hill shows:
 - Five of the eight have an award threshold of \$500,000 for construction and repair contracts.
 - Four of the eight have no cap on the award threshold for service contracts.
 - Five of the eight have no cap on the award threshold for apparatus, supplies, materials, and equipment.
- Based on its review, Internal Audit recommends the award threshold for Council approval of contracts and amendments be increased from \$100,000 to \$500,000.

- In October 2017, the City Auditor presented the report findings to the Governance and Accountability Committee.
- In the summer of 2018, optional informational sessions were conducted with Council to discuss the report's recommendations and options for consideration.
- On August 23, 2018, Internal Audit presented the findings to the Budget and Effectiveness Committee.
- On September 18, 2018, the Budget and Effectiveness Committee voted unanimously (Phipps, Driggs, and Bokhari; Ajmera and Mayfield absent) to recommend that City Council review and authorize the City Manager to increase the threshold up to \$500,000 with situational guidance for items to be reviewed by Council.
- This action also clarifies certain other contract authority, including the authority to make non-substantive changes to contracts approved by City Council, and the authority to execute grant applications and grants, as recommended by the City Attorney's Office.

Background

- North Carolina General Statute (N.C.G.S.) §160A-12 authorizes Council to delegate its authority to enter into contracts, except when restricted by law. One such law is N.C.G.S. §143-129 (the "Bid Statute"), which applies to construction and repair contracts, and to contracts for apparatus, supplies, materials and equipment.
- The General Assembly has amended the Bid Statute over the years to increase Council's delegation authority. Currently, the Bid Statute allows City Council to delegate award authority for:
 - Construction and repair contracts of less than \$500,000, and
 - Contracts in any amount for apparatus, supplies, materials, and equipment, excluding sole source and piggyback awards as set forth in N.C.G.S. §143-129 (e)(6) and (g).
- State law generally does not restrict Council's power to delegate authority to enter into service contracts or contracts that do not involve the payment of money by the City or the sale or lease of City assets.

Attachment(s)

Resolution

[FINAL CLT Contract Resolution 2018-12-10](#)

BUSINESS

7. 2019 City Council Meeting Schedule

Action:

Approve the 2019 City Council and Budget Meeting Schedule.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- North Carolina General Statute §143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule be posted to the City's website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- The 2019 City Council Retreat and Council Budget Meeting dates have been included on this proposed schedule of meetings, as well as other meetings of state and national organizations in which the City has memberships.

Attachment(s)

Proposed 2019 City Council Regular and Budget Meeting Schedule

[2019 DRAFT Council and Budget Mtg Calendar v7.pdf](#)

8. Resolution to Certify and Declare the Results of the November 6, 2018 Special Bond Referendum

Action:

Adopt a resolution certifying and declaring the results of the November 6, 2018, Special Bond Referendum.

Staff Resource(s):

Robert Campbell, Finance

Explanation

- On July 23, 2018, City Council conducted a public hearing and adopted a resolution approving the call for referendum on November 6, 2018, for \$118,080,000 in general obligation transportation bonds, \$50,000,000 in general obligation housing bonds, and \$55,000,000 in general obligation neighborhood improvement bonds according to the Community Investment Plan for Fiscal Years 2019 through 2023.
- The referendum was conducted on November 6, 2018, and the Mecklenburg County Board of Elections has presented the Canvass of Results of the Referendum. The Mecklenburg County Board of Elections certified the results of the Special Bond Referendum on November 16, 2018.
- The results were:
 - 190,969 in favor of the Transportation Bonds and 85,955 opposed,
 - 190,275 in favor of the Housing Bonds and 87,988 opposed, and
 - 202,537 in favor of the Neighborhood Bonds and 75,653 opposed.
- This City Council action certifies and declares the official results of the referendum.
- Following the City Council action, a Statement of Results will be published for each bond issuance. Publication initiates a 30-day action period to dispute election results.

Fiscal Note

Funding: Municipal Debt Service Fund

Attachment(s)

Statement of Results

Certificate of Canvass

Resolution

[Statement of Results](#)

[Certificate of Canvass](#)

[Resolution](#)

9. Lease of City-Owned Property at JW Clay Parking Deck

Action:

Adopt a resolution authorizing the City Manager to execute a retail lease agreement with The Charlotte-Mecklenburg Hospital Authority Carolina Physicians Network, Inc., operating as Atrium Health, for the lease of approximately 2,325 square feet in the JW Clay Parking Deck for a 10-year term.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Tony Korolos, Engineering and Property Management
John Lewis, CATS

Explanation

- The JW Clay Parking Deck on the LYNX Blue Line Extension (BLE) in Council District 4 incorporates 15,470 square feet of leasable space for office and retail, per the Transit Oriented Development ordinance.
- The leasable spaces provide opportunities for retail and business firms to offer goods and services to customers using the BLE, along with walk-up customers from surrounding areas.
- Atrium Health proposes to open an urgent care and related medical services facility.
- The retail space will not be needed by the City for the term of the proposed lease. The revenue generated by the lease will be used for operation of the BLE.
- The lease terms with Atrium Health are:
 - Premises: 2,325 square feet of retail space in the JW Clay Parking Deck,
 - Term: 10 years, and
 - Rent: \$29 per square foot, \$5,618.75 per month (\$67,425 per year) with 2.5 percent annual increases. This rate is consistent with market rates.
- Tenants are responsible for improvement costs related to upfit of the parking deck office and retail space.

Fiscal Note

Funding: CATS Operating Budget

Attachment(s)

Map
Resolution

[Location Map - Lease of City-Owned Property at JW Clay Boulevard Parking Deck](#)

[Atrium resolution](#)

10. Discovery Place Chiller Replacement Project

Action:

Adopt a budget ordinance appropriating \$300,000 from the Tourism Fund to replace a chiller at Discovery Place.

Staff Resource(s):

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

Explanation

- The City is responsible for replacement of building systems for City-owned cultural venues, including Discovery Place (Council District 2).
- The chiller at Discovery Place is 28 years old and has reached the end of its service life. The chiller requires increased maintenance and repairs, increasing its operational costs.
- On October 8, 2018, City Council awarded a contract to Daikin Applied Americas, Inc. for the purchase of energy efficient HVAC equipment, installation, service, and related products for a term of one year under the National Intergovernmental Purchasing Alliance Company.
- The project is anticipated to be complete by early March 2019. Discovery Place will remain open and services will not be interrupted during this project.
- Funding for the project is available in the Tourism Fund due to interest savings realized in the October 2018 financing. The savings are available for appropriation without lowering debt capacity estimated prior to the sale.

Charlotte Business INclusion

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

Fiscal Note

Funding: Tourism Fund

Attachment(s)

Map
Budget Ordinance

[Location Map - Discovery Place Chiller Replacement Project](#)

[DiscoveryPlace Chiller Ord](#)

11. Private Developer Funds Appropriation

Action:

- A. Approve a developer agreement with YMCA of Greater Charlotte for traffic signal installations and improvements, and
- B. Adopt a budget ordinance appropriating \$80,000 in private developer funds for traffic signal installations and improvements.

Staff Resource(s):

Liz Babson, Transportation
Charles Abel, Transportation

Explanation

- Private developer agreements and funds appropriations are needed when a developer is required through the City rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the City's initiation of work.
- The \$80,000 in private developer funding is for traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developer's project. The funding is restricted to the project noted below:
 - YMCA of Greater Charlotte contributed \$80,000 for a new traffic signal at the intersection of Quail Hollow Road and Heathstead Place (Council District 6).
- This developer contribution is based on a cost estimate prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer for a signal project that is unused by the City will be refunded back to the developer after project completion.
- CDOT will install and operate this signal as part of the existing signal systems in the area.

Fiscal Note

Funding: Private Developer Contribution

Attachment(s)

Map
Budget Ordinance

[Traffic Signal Improvements 110518](#)

[YMCA Budget Ordinance](#)

12. Appointments to the Bicycle Advisory Committee

Action:

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

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning January 1, 2019, and ending December 31, 2021.
 - Gerry Kinglsey, nominated by Council members Ajmera, Egleston, Eiselt, Newton, and Winston.
 - Kenya Templeton, nominated by Council members Mayfield and Mitchell.

Attachment(s)

Bicycle Advisory Committee Applicants

13. Appointment to the Charlotte Mecklenburg Public Access Corporation

Action:

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

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning immediately and ending June 30, 2020.
 - Jennifer Ames Stuart, nominated by Council members Bokhari, Egleston, Newton, Phipps, and Winston.
 - Shannon McKnight, nominated by Council members Ajmera, Harlow, Mayfield, and Mitchell.

Attachment(s)

Charlotte Mecklenburg Public Access Corporation Applicants

14. Appointment to the Charlotte Tree Advisory Commission

Action:

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

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning December 14, 2018, and ending December 13, 2021.
 - Scott Roberts, nominated by Council members Bokhari, Driggs, Egleston, Newton, and Winston.
 - Angela Stoyanovitch, nominated by Council members Ajmera and Harlow.

Attachment(s)

Charlotte Tree Advisory Commission Applicants

15. Mayor and City Council Topics

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

**5:30 P.M. PUBLIC FORUM, CHARLOTTE-MECKLENBURG
GOVERNMENT CENTER, CHAMBER**

16. Public Forum

CONSENT

17. CMPD Mobile Application for Resident Engagement

Action:

- A. Approve a contract with MobilePD for the development of a mobile application for resident engagement, and**
- B. 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):

Kerr Putney, Police

Johnny Jennings, Police

Crystal Cody, Police

Explanation

- A external-facing mobile application for engagement enhances the ability of residents within the Charlotte-Mecklenburg Police Department's (CMPD) jurisdiction to engage with the CMPD through crime alerts, crime tip submission, live chat with officers, filing a police report, obtaining copies of police reports, social media connections, officer recruiting, frequently asked questions, and other relevant information.
- This mobile application will be beneficial in the months leading up to the 2020 Republican National Convention as a viable communication platform for our residents and guests.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the City's best interest. A waiver of competitive solicitation was approved for this vendor on November 20, 2018.
- Development of the mobile application is estimated to be \$147,000. Funding for the mobile application is provided by a donation from the Charlotte-Mecklenburg Police Foundation, which was approved by City Council on November 26, 2018.
- Annual expenditures for maintenance and support are estimated to be \$20,000.

Charlotte Business INClusion

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

Fiscal Note

Funding: General Grants Fund

18. Low Velocity Less-Lethal Delivery Systems for CMPD

Action:

- A. Approve the purchase of low velocity, less-lethal delivery systems, as authorized by the sole source exemption of G.S. 143-129(e)(6),**
- B. Approve a contract with Lawmen's Distribution, LLC for the purchase of low velocity, less-lethal delivery systems for the term of one year, and**
- C. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Kerr Putney, Police
Jeff Estes, Police
Steven Brochu, Police

Sole Source Exemption

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- This product is only available through one distributor in North Carolina and provides seamless integration with the existing equipment.
- The City Council must approve purchases made under the sole source exemption.

Explanation

- A low velocity, less-lethal delivery system fires projectiles to be used by SWAT as a less-lethal option to preserve life in high-risk situations.
- This equipment will be purchased as a replacement for the current, obsolete delivery system deployed by SWAT.
- Expenditure is estimated to be \$53,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Police Operating Budget

19. CMPD Night Vision Goggles

Action:

- A. Approve a unit price contract to the lowest responsive bidder Lawmen's Distribution, LLC for the purchase of SWAT night vision goggles and accessories for one year, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Kerr Putney, Police
Steven Brochu, Police
Chris Kimbell, Police

Explanation

- Night vision goggles are used by the Charlotte-Mecklenburg Police Department's (CMPD) SWAT team to allow officers to fully function safely in the dark and reduce the chance of an armed encounter.
- Night vision goggles will allow CMPD to remain current with the National Tactical Officers Association industry standard and better accomplish the SWAT mission priority of preserving life.
- Funding for the purchase of night vision goggles is provided by the Urban Area Security Initiative grant program (UASI). UASI's purpose is to provide financial assistance to build and sustain the capabilities and address the unique multi-discipline planning, organization, equipment, training, and exercise needs of high-threat, high-density urban areas.
 - The Charlotte USAI region spans 11 counties and two states including Mecklenburg, Iredell, Gaston, Catawba, Cabarrus, Union, Anson, Stanly, and Lincoln Counties, North Carolina; and Lancaster and York Counties, South Carolina.
- On October 9, 2018, the City issued an Invitation to Bid; two bids were received.
- Lawmen's Distribution, LLC was selected as the lowest responsive, responsible bidder.
- Estimated expenditures to outfit 50 SWAT officers is \$545,900.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Grants Fund

20. Firefighting Medical Supplies

Action:

- A. Approve a unit price contract to the lowest responsive bidder Concordance Healthcare Solutions LLC for the purchase of firefighting medical supplies for a term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Reginald Johnson, Fire

Damian Owens, Fire

Explanation

- Medical Supplies are carried on fire trucks to allow firefighters to provide first aid and basic life support. These supplies include oxygen masks, trauma bags, catheters, bandages, airflow monitors, tubes, and stethoscopes as well as other medical supplies.
- On October 8, 2018, the City issued an Invitation to Bid; eight bids were received.
- Concordance Healthcare Solutions LLC was selected as the lowest responsive, responsible bidder.
- The City issued the Invitation to Bid on behalf of the Charlotte Cooperative Purchasing Alliance (CCPA). CCPA is a cooperative purchasing program established by City Procurement with the specific purpose of reducing procurement costs by leveraging aggregate purchasing volume to receive better pricing.
- The estimated annual expenditures are \$500,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Fire Operating Budget

21. 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 January 14, 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](#)

22. Traffic Signal Mast Arm Installation at South Boulevard and McDonald Avenue

Action:

Approve a contract with Duke Energy for up to \$102,028 for the installation of mast arms at the intersection of South Boulevard and McDonald Avenue.

Staff Resource(s):

Liz Babson, Transportation

Charles Abel, Transportation

Explanation

- On November 13, 2017, City Council approved a \$253,203 developer appropriation from Atherton Mills, LLC for the installation of a traffic signal on mast arms at the intersection of South Boulevard and McDonald Avenue (Council Districts 1 and 3).
- The City exclusively uses Duke Energy for the installation of mast arms on City streets because Duke Energy is responsible for all future maintenance to the mast arms.
- This amount is full payment for the Duke Energy installation of mast arms at this location.
- Installation is expected to be completed by second quarter of 2019.

Charlotte Business INclusion

This contract is exempt from the goal setting process (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[South McDonald](#)

23. Craven Thomas Road/Robert Helms Road Streetscape

Action

Approve a contract in the amount of \$229,353 with Woolpert North Carolina, PLLC for engineering design services for the Craven Thomas Road/Robert Helms Road Streetscape Project.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Veronica Wallace, Engineering and Property Management
Kristie Kennedy, Engineering and Property Management

Explanation

- This contract includes design services for the Craven Thomas Road/Robert Helms Road Streetscape project identified in the Prosperity Village Comprehensive Neighborhood Improvement Program in Council District 4.
- This project will construct a multi-use path along Craven Thomas Road and Robert Helms Road and include landscaping, seating areas, pedestrian level lighting, public art, and greenway wayfinding signage.
- On February 17, 2014, the City issued a Request for Qualifications (RFQ); 17 proposals were received.
- Woolpert North Carolina, PLLC was 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.
- On April 28, 2014, City Council approved a contract in the amount of \$179,000 with Woolpert North Carolina, PLLC for pre-planning services for the Prosperity Village CNIP.
- On July 25, 2016, City Council approved a planning contract in the amount of \$236,000 to Woolpert North Carolina, PLLC for the Craven Thomas Road/Robert Helms Road Streetscape Project.
- Woolpert North Carolina, PLLC has completed the planning phase which included public meetings and outreach; coordination between the City, North Carolina Department of Transportation, and Arts & Science Council staff; conceptual plans; field surveys; mapping; and a planning report.

Charlotte Business INclusion

The City negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). Woolpert North Carolina, PLLC has committed 11.94% (\$27,390) of the total contract amount to the following certified firms:

- Hinde Engineering (SBE) (\$13,010) (Utility coordination)
- Hartranft Lighting Design, LLC (SBE) (\$14,380) (Light design)

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Craven Thomas Road-Robert Helms Road Streetscape](#)

24. Facility Condition Assessment and Capital Forecasting Services for City-Owned Cultural Facilities

Action:

- A. Approve the purchase of facility condition assessment and capital forecasting services from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3),
- B. Approve a contract with Dude Solutions, Inc. for the purchase of facility condition assessment and capital forecasting services for a term of one year under Sourcewell Contract #110515-SDI (dated December 15, 2015, and amended March 6, 2017) and,
- 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.

Staff Resource(s):

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

Cooperative Purchasing Exemption

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

Explanation

- Initial assessments for this contract will include seven City-owned cultural venues, including Blumenthal Performing Arts Center and Mint Museum Randolph, totaling one million square feet.
- The facility assessments will provide a facility condition index through the evaluation of the condition and life expectancy of building systems and equipment, such as HVAC, electrical, and plumbing.
- The facility condition assessments include energy audits, which will provide recommendations for future upgrades to reduce energy consumption and lower carbon emissions.
- Dude Solutions, Inc. will collect facility data and use a capital forecasting tool to estimate costs and plan for building system and equipment replacements across the lifespan of City-owned facilities.
- Dude Solutions, Inc. has a contract awarded through Sourcewell that offers competitively obtained contracts to public agencies nationwide for facilities capital planning, including key performance indicators, resources, and technologies.
- Annual expenditures are estimated to be \$250,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Facility Condition Assessment and Capital Forecasting Services](#)

25. Digital Pipe Video Inspection Services

Action:

- A. Approve contracts with the following companies for digital pipe video inspection services for Engineering Services for a term of three years in amounts not to exceed:**
- Crescent Construction Services, LLC (\$300,000),
 - Performance Contracting, Inc. (\$150,000),
 - Hydrostructures (\$300,000),
 - Pipe Pros, LLC (\$300,000), and
- B. Approve a contract with Pipe Pros, LLC in an amount not to exceed \$500,000 for digital pipe video inspection services for Storm Water Services for a term of three years.**

Staff Resource(s):

Mike Davis, Engineering and Property Management
Tonia Wimberly, Engineering and Property Management
Stewart Edwards, Engineering and Property Management

Explanation

- These contracts will provide video inspection services for storm and sanitary sewer drainage systems to assess pipe conditions at various locations.
- The City of Charlotte inspects newly constructed pipes utilizing digital pipe video inspection technologies to ensure storm drain and sewer pipes are built to the project contract specifications.
- The City of Charlotte also utilizes digital pipe video inspection technologies to inspect existing storm drain and sewer pipes during the design phase of projects when necessary.
- On October 9, 2018, the City issued a Request for Proposals (RFP); eight proposals were received.
- These four firms best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.

Charlotte Business INClusion

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

Fiscal Note

Funding: General Community Investment Plan and Storm Water Community Investment Plan

26. Water Main Rehabilitation

Action:

- A. Approve a unit price contract to the lowest responsive bidder Mainlining America, LLC for Water Main Rehabilitation for an initial term of one year, and
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- The work covered under this contract provides approximately four miles of water main rehabilitation annually.
- The Water Main Rehabilitation Program provides for the refurbishment of water distribution infrastructure that has reached the end of its service life throughout the Charlotte Water service area. The primary objective is to recondition older water mains to improve water flow, quality, and reliability for residents.
- On August 23, 2018, the City issued an Invitation to Bid; two bids were received.
- The project was re-advertised on October 3, 2018; two bids were received.
- Mainlining America, LLC was selected as the lowest responsive, responsible bidder.
- The renewals allow for possible price adjustments based on the Engineering News Record Construction Cost Index.
- Annual expenditures are estimated to be \$3,474,863.

Charlotte Business INclusion

Established MSBE Goal: 10.00%

Committed MSBE Goal: 11.18%

Mainlining America, LLC met the established subcontracting goal and has committed 11.18% (\$388,333) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Central Carolina Underground, Inc. (SBE) (\$308,000) (excavation)
- The Huffstetler Group, Inc. (SBE) (\$80,333) (concrete)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

27. South Boulevard Water Main Design-Build Services

Action:

- A. Approve a contract in the amount of \$1,586,986 with RH Price Inc. for Phase 1 Design-Build Services for the South Boulevard Water Main project, and**
- B. Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.**

Staff Resource(s):

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

Explanation

- This project will build a new 24-inch water line to replace the existing 12-inch water line along South Boulevard, from near Clanton Road to Worthington Avenue (Council District 1).
- The majority of the existing water line is close to 100 years old and is extremely shallow due to road improvements over the years.
- The contract includes design services and development of a guaranteed maximum price (GMP) for construction.
- This project may require the acquisition of easements along the water main corridor. During acquisition negotiation, property owners will have an opportunity to voice comments and concerns about the alignment of the water main and easement acquisition affecting their property.
- On June 27, 2017, the City issued a Request for Qualifications (RFQ); 11 proposals were received.
- RH Price 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.
- In the future, Council will receive a request for the approval of the GMP once it is established.

Charlotte Business INclusion

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). RH Price Inc. has committed 21.25% (\$337,280) of the total contract for Phase 1 Design-Build Services to the following certified firms:

- GDC Supplies Equipment & Contracting LLC (SBE, MBE) (\$122,500) (traffic control field services)
- Hinde Engineering Inc. (SBE) (\$73,780) (traffic control plans)
- Yellow Duck Marketing LLC (SBE) (\$48,000) (communications)
- Capstone Civil Engineering Inc. (SBE, MBE) (\$40,000) (geotechnical)
- JAAMCO Drain Cleaning & Video Inspection Inc. (SBE) (\$38,000) (cctv)
- Avioimage Mapping Services (SBE) (\$15,000) (aerial topography)

MWSBE goals will be refined as the City works through the GMP process. The request for Council approval of the GMP, at a later date, will also include a determination of the MWSBE goals for the entire project.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Map-South Boulevard Water Main Design-Build Services](#)

28. Water and Sewer New Service Installations

Action:

- A. Approve a unit price contract to the lowest responsive bidder Dallas 1 Construction, LLC for the Installation of Water and Sewer Services for an initial term of one year, and
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

Angela Lee, Charlotte Water
David Czerr, Charlotte Water
Keri Cantrell, Charlotte Water

Explanation

- Charlotte Water outsources new water and sewer service installations, removal, and main line extensions using construction contracts in order to ensure timely service.
- This short duration work includes installation, removal, connections, valves, and related components.
- Customers pay connection fees for new services, which are based on costs incurred through these contracts.
- The work covered under this contract provides approximately 200 new commercial service installations, 30 existing service removals, and five short water and/or sanitary sewer main line extensions annually.
- Construction of residential-sized services is performed under a separate contract.
- On October 2, 2018, the City issued an Invitation to Bid; three bids were received.
- Dallas 1 Construction, LLC, was selected as the lowest responsive, responsible bidder.
- The renewals allow for possible price adjustments based on the Engineering News Record Construction Cost Index.
- The cost of pipe and parts installed for a customer comprises approximately \$2,582,971 of the estimated annual expenditures.
- Annual expenditures are estimated to be \$5,544,506.

Charlotte Business INClusion

Established MSBE Goal: 5.00%

Committed MSBE Goal: 5.01%

The City has established a subcontracting goal of 5.00% for this project. Dallas 1 Construction, LLC met the goal and committed 5.01% (\$278,000) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INClusion Policy):

- Bogue Construction Group, LLC (SBE, WBE) (\$250,000) (construction water and sewer main)
- Gavel & Dorn Engineering, PLLC (SBE) (\$28,000) (soils testing)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

29. Irwin Creek Tributary Sanitary Sewer Design-Build Services

Action:

- A. **Approve a contract in the amount of \$2,760,100 with Sanders Utility Construction Company, Inc. for Phase 1 Design-Build Services for the Irwin Creek Tributary Trunk Line project, and**
- B. **Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.**

Staff Resource(s):

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

Explanation

- This project will alleviate sewer capacity needs identified through Charlotte Water's Capacity Assurance Program due to the rapidly developing Barringer Drive and Stuart Andrew Boulevard corridor (Council District 3).
- This contract includes design services and development of a guaranteed maximum price (GMP) for construction.
- The project will require the acquisition of easements along the sewer main corridor. During acquisition negotiation, property owners will have an opportunity to voice comments and concerns about the alignment of the sewer and easement acquisition affecting their property.
- On June 27, 2018, the City issued a Request for Qualifications (RFQ); 12 proposals were received.
- Sanders Utility Construction Company, 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.
- In the future, Council will receive a request for the approval of the GMP once it is established.

Charlotte Business INclusion

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). Sanders Utility Construction Company, Inc. has committed 20.02% (\$552,700) of the total contract for Phase 1 Design-Build Services to the following certified firms:

- Stewart Engineering Inc. (MBE) (\$276,350) (engineering services)
- CES Group Engineers LLP (SBE, WBE) (\$157,650) (surveying)
- Gavel & Dorn Engineering PLLC (SBE) (\$75,000) (geotechnical)
- Hinde Engineering Inc. (SBE) (\$25,000) (engineering services)
- Avioimage Mapping Services Inc. (SBE) (\$18,700) (aerial topography)

MWSBE goals will be refined as the City works through the GMP process. The request for Council approval of the GMP, at a later date, will also include a determination of the MWSBE goals for the entire project.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Map -Irwin Creek Alignment Corridor](#)

30. Upper McAlpine Creek Sanitary Sewer Interceptor Design-Build Services

Action:

- A. Approve a contract in the amount of \$1,709,558 with Crowder Construction Company for Phase 1 Design-Build Services for the Upper McAlpine Creek Sanitary Sewer Interceptor project, and**
- B. Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.**

Staff Resource(s):

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

Explanation

- This project will provide 13,000 feet of 30-inch sanitary sewer pipe, extending from near Lawyers Road to near the Albemarle Road/Wilgrove-Mint Hill Road intersection (Council District 5).
- The purpose of the Upper McAlpine Creek Sanitary Sewer Interceptor project is to address existing sanitary sewer capacity limitations and accommodate flows from the proposed Middle Clear Creek Lift Station.
- This contract includes design services and development of a guaranteed maximum price (GMP) for construction.
- The project will require the acquisition of easements along the sewer main corridor. During acquisition negotiation, property owners will have an opportunity to voice comments and concerns about the alignment of the sewer and easement acquisition affecting their property.
- On July 13, 2018, the City issued a Request for Qualifications (RFQ); 13 proposals were received.
- Crowder Construction Company is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualifications of professional services in response to the RFQ requirements.
- In the future, Council will receive a request for the approval of the GMP once it is established.

Charlotte Business INclusion

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). Crowder Construction Company has committed 23.05% (\$394,020) of the total contract for Phase 1 Design-Build Services to the following certified firms:

- CES Group Engineers, LLP (SBE, WBE) (\$135,000) (surveying)
- Capstone Civil Engineering, Inc. (SBE, MBE) (\$130,000) (geotechnical)
- CriTek Engineering Group, P.C. (SBE, MBE) (\$64,420) (quantity estimate/quality assurance)
- Gavel & Dorn Engineering PLLC (SBE) (\$40,000) (smoke testing services)
- Lil Associates II, Inc. (SBE, MBE) (\$17,400) (CBI outreach and diversity consulting services)
- R.A. Piccalo, Inc. DBA PicTec (SBE) (\$7,200) (scheduling services)

MWSBE goals will be refined as the City works through the GMP process. The request for Council approval of the GMP, at a later date, will also include a determination of the MWSBE goals for the entire project.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Map-Upper McAlpine Creek Sanitary Sewer Interceptor Design-Build Services](#)

31. Dairy Branch and Derita Branch Tributary Sanitary Sewer Improvement Design-Build Services

Action:

- A. Approve a contract in the amount of \$5,447,874 with B.R.S., Inc. for Phase 1 Design-Build Services for the Dairy Branch and Derita Branch Tributary Sanitary Sewer Improvement projects, and**
- B. Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.**

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Mike Davis, Engineering and Property Management

Tony Korolos, Engineering and Property Management

Explanation

- Dairy Branch is a tributary creek of Little Sugar Creek, which currently has approximately 8,500 linear feet of 18 to 10-inch gravity sewer that follows the creek from Freedom Park to South Boulevard (Council District 1).
- Derita Branch is a tributary creek of Little Sugar Creek, which currently has approximately 16,000 linear feet of 15 to 8-inch gravity sewer that follows the creek from 36th Street and ends at North Graham Street and West Sugar Creek Road (Council Districts 1 and 4).
- These projects will increase sanitary sewer capacity, as identified through Charlotte Water's Capacity Assurance Program, allow for future development, and rehabilitate aging sections of sewer.
- This contract includes studying the basins to identify solutions to increase sanitary sewer capacity, design services, and development of a guaranteed maximum price (GMP) for construction.
- The projects will require the acquisition of easements along the sewer main corridor. During acquisition negotiation, property owners will have an opportunity to voice comments and concerns about the alignment of the sewer and easement acquisition affecting their property.
- On July 13, 2018, the City issued a Request for Qualifications (RFQ); 13 proposals were received.
- B.R.S., 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.
- In the future, Council will receive a request for the approval of the GMP once it is established.

Charlotte Business INclusion

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). B.R.S., Inc. has committed 24.30% (\$1,324,092.50) of the total contract for Phase 1 Design-Build Services to the following certified firms:

- CriTek Engineering Group, P.C. (SBE, MBE) (\$194,000) (outreach, drainage, E&SC and value engineering)
- Habitat Assessment and Restoration Program, Inc. (SBE) (\$169,242.25) (wetland delineation and environmental permitting)
- CES Group Engineers, LLP (SBE, WBE) (\$155,141.50) (ground survey & easement maps)
- Capstone Civil Engineering, Inc. (SBE, MBE) (\$150,553.50) (geotechnical services)
- Gavel & Dorn Engineering, PLLC (SBE) (\$134,800) (cctv, flow monitoring, sewer modeling)
- Hinde Engineering, Inc. (SBE) (\$128,089.50) (utility coordination)
- Lil Associates II, Inc. (SBE, MBE) (\$103,200) (outreach)
- RDL Private Utility Locating, LLC (SBE, MBE) (\$89,100) (soft digs)
- Gulf Coast, LLC (SBE) (\$75,000) (easement acquisition, title/legal, appraisals, appraisal reviews)
- Avioimage Mapping Services, Inc. (SBE) (\$58,000) (aerial survey and imagery)
- Right of Way Contractors, LLC (MBE) (\$33,675.75)(easement clearing)

- Pride Communications (SBE) (\$33,290) (public involvement, communications)
- MWSBE goals will be refined as the City works through the GMP process. The request for Council approval of the GMP, at a later date, will also include a determination of the MWSBE goals for the entire project.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Map - Dairy Branch Alignment Corridor](#)

[Map - Derita Branch Alignment Corridor](#)

32. Little Sugar Creek Tributary to the Central Business District and South Boulevard Sanitary Sewer Improvements Design-Build Services

Action:

- A. Approve a contract in the amount of \$4,123,118 with Sanders Utility Construction Company, Inc. for Phase 1 Design-Build Services for the Little Sugar Creek Tributary to the Central Business District and South Boulevard Sanitary Sewer Improvements project, and**
- B. Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.**

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Mike Davis, Engineering and Property Management

Tony Korolos, Engineering and Property Management

Explanation

- This project will provide additional sewer capacity through proposed 24 to 60-inch sewer outfalls for the Central Business District and South Boulevard areas (Council District 1).
- The project will be completed in three phases, and is being delivered in close coordination with an existing Charlotte Stormwater project, a Mecklenburg County Park and Recreation project, and the Baxter Road developer project.
- This contract includes preliminary construction, design services, and development of a Guaranteed Maximum Price (GMP) for construction of the remainder of the project.
- The project will require the acquisition of easements along the sewer main corridor. During acquisition negotiation, property owners will have an opportunity to voice comments and concerns about the alignment of the sewer and easement acquisition affecting their property.
- On July 13, 2018, the City issued a Request for Qualifications (RFQ); 11 proposals were received.
- Sanders Utility Construction Company, 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.
- In the future, Council will receive a request for the approval of the GMP once it is established.

Charlotte Business INclusion

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). Sanders Utility Construction Company, Inc. has committed 20.14% (\$830,600) of the total contract for Phase 1 Design-Build Services to the following certified firms:

- Stewart Engineering, Inc. (MBE) (\$154,000) (engineering services and surveying)
- Gavel and Dorn Engineering, Inc. (SBE) (\$76,000) (geotechnical soils)
- CES Group Engineers, LLP (SBE,WBE) (\$31,000) (surveying)
- Hinde Engineering, Inc. (SBE) (\$30,000) (engineering services)
- Jim Bob's Grading & Paving, Inc. (SBE) (\$117,100) (paving)
- All Points Trucking, Inc. (SBE, WBE), Buffkin Trucking, Inc. (SBE, MBE), and Diamond Trucking of NC, Inc. (SBE, MBE) (\$240,000) (hauling)
- Professional Communications, LLC (SBE) (\$10,000) (video/photography)
- Martin Landscaping Co., Inc. (SBE, WBE) (\$6,500) (landscaping)
- Avioimage Mapping Services, (SBE) (\$3,000) (aerial photography, digital mapping)
- R.E. Sifford Utility, Inc. (SBE, MBE) (\$33,000) (sewer and storm drain construction)
- Harvest Environmental Services, Inc. (SBE) (\$130,000) (environmental remediation services)

MWSBE goals will be refined as the City works through the GMP process. The request for Council approval of the GMP, at a later date, will also include a determination of the MWSBE goals for the entire project.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Map -LSC to CBD and South Blvd Alignment Corridor](#)

33. Water and Wastewater Facility Roof Replacements

Action:

Approve contracts to the lowest responsive bidders for Water and Wastewater Facility Roof Replacement projects:

- Tecta America Carolinas, LLC, (\$859,621) (Catawba River Pump Station),
- Interstate Roofing Company, Inc., (\$470,750) (Sugar Creek Wastewater Treatment Plant),
- Mecklenburg Roofing, Inc., (\$686,434) (Irwin Creek Wastewater Treatment Plant), and
- Mecklenburg Roofing, Inc., (\$524,809) (McAlpine Creek Wastewater Treatment Plant).

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- Roofs on these sites have reached the end of their useful life and are in need of replacement.
- These projects are included in the five-year water and wastewater roofing replacement program, which will replace approximately 40 roofs distributed among five water and wastewater treatment facilities.
- On October 12, 2018, the City issued an Invitation to Bid for the Catawba River Pump Station Buildings 1-4 Roof Replacement project, located on Mountain Island Lake (adjacent to Council District 2); four bids were received. Tecta America Carolinas, LLC was selected as the lowest responsive, responsible bidder.
 - The first and second low bidders were deemed non-responsive due to failing to provide a valid bid bond and not substantially conforming to the bid requirements. The third bidder met the requirements of the Invitation to Bid.
- On October 12, 2018, the City issued an Invitation to Bid for the Sugar Creek Wastewater Treatment Plant (WWTP) Generator and Laboratory Buildings Roof Replacement project, located near South Park at Fairview Road (Council District 6); four bids were received. Interstate Roofing Company, Inc. was selected as the lowest responsive, responsible bidder.
- On October 12, 2018, the City issued an Invitation to Bid for the Irwin Creek WWTP Digester/Biosolids Control, Maintenance, and Boiler Addition Buildings Roof Replacement project, located on Westmont Drive in west Charlotte (Council District 3); four bids were received. Mecklenburg Roofing, Inc. was selected as the lowest responsive, responsible bidder.
- On October 12, 2018, the City issued an Invitation to Bid for the McAlpine Creek WWTP Digester 1-4 and Digester 5-8 Control Buildings Roof Replacement project, located in the Town of Pineville (adjacent to Council District 7); four bids were received. Mecklenburg Roofing, Inc. was selected as the lowest responsive, responsible bidder.
- All projects are anticipated to be complete by second quarter 2019.

Charlotte Business INclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Maps

[Map-Catawba River Pump Station Buildings 1-4 Roof Replacements](#)

[Photo-Catawba River Pump Station Buildings 1-4 Roof Replacements](#)

[Map-Sugar Creek WWTP Generator and Laboratory Buildings Roof Replacements](#)

[Photo-Sugar Creek WWTP Generator and Laboratory Buildings Roof Replacements](#)

[Map-Irwin Creek WWTP Digester-Biosolids Control, Maintenance, and Boiler Addition Buildings Roof Replacements](#)

[Photo-Irwin Creek WWTP Digester-Biosolids Control, Maintenance, and Boiler Addition Buildings Roof Replacements](#)

[Map-McAlpine Creek WWTP Digester 1-4 and Digester 5-8 Control Buildings Roof Replacements](#)

[Photo-McAlpine Creek WWTP Digester 1-4 and Digester 5-8 Control Buildings Roof Replacements](#)

34. Brookshire Campus Project Architectural Services

Action:

Approve a contract for up to \$869,550 with Creech & Associates PLLC for Brookshire Campus Project Architectural Services.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This contract will provide for the creation of a conceptual plan for a new Charlotte Water office building at the Brookshire Boulevard campus (Council District 2).
- In early 2018, an evaluation of existing space was completed for Charlotte Water facilities.
- Recommendations from the study included the construction of an additional office building at the campus; the current administration building was constructed in the 1970s.
- The new building will take into consideration public accessibility; water plant security; and streamlined service delivery to customers.
- On June 25, 2018, the City issued a Request for Qualifications (RFQ); six proposals were received.
- Creech & Associates PLLC 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.
- Council will receive future requests for the approval of design and construction services contracts as the project develops.

Charlotte Business INclusion

The City negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Creech & Associates PLLC has committed 43.34% (\$376,880) of the total contract amount to the following certified firms:

- C Design Inc. (SBE) (\$263,000) (architectural services)
- LDSI, Inc. (SBE) (\$37,100) (surveying)
- AME Consulting Engineers, PC (SBE) (\$28,800) (mechanical, electrical, plumbing engineering)
- Laurene, Rickher, & Sorrell, PC (SBE) (\$24,280) (structural engineering)
- Hinde Engineering (SBE) (\$23,700) (water/sewer design and utility coordination)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Map-Brookshire Campus Project Architectural Services](#)

35. CATS Emergency Rail Repairs

Action:

- A. **Approve the emergency repair work performed by Balfour Beatty Rail as authorized by the emergency exemption of G.S. 143-129(e)(2), and**
- B. **Approve a payment in the amount of \$336,184.66 to Balfour Beatty Rail for the emergency repairs they performed on the Rail Infrastructure as a result of the storm damage from Tropical Storm Michael.**

Staff Resource(s):

John Lewis, CATS

Gary Lee, CATS

Emergency Exemption

G.S. 143-129(e)(2) provides that formal bidding requirements do not apply when there is a present, immediate, and existing special emergency involving the public health and safety of people or property. City Procurement Policy requires City Council authorization of emergency payments over \$100,000.

Explanation

- When Tropical Storm Michael passed through Charlotte on October 11, 2018, a large tree fell in the right-of-way causing considerable damage to the rail overhead catenary system for the Lynx Blue Line (Council Districts, 1 and 4).
- Due to the emergency nature of these repairs, CATS contacted the Blue Line Extension contractor, Balfour Beatty Rail, to provide the needed resources and equipment to supplement and support CATS with the repair.
- Balfour Beatty Rail deployed crews to Charlotte and aided in repairing the system, which allowed the Blue Line to resume running at full capacity while meeting all necessary testing and safety requirements.
- Balfour Beatty Rail has submitted an invoice in the amount of \$336,184.66.
- The costs incurred for the repair of property damage will be funded by the City's Risk Management Loss Fund while awaiting reimbursement from applicable insurance policies.

Charlotte Business INclusion

This is an emergency payment and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Risk Management Loss Fund

36. CATS Rail Inventory Parts

Action:

- A. Approve unit price contracts for the purchase of select rail parts for two years to the following:
- Ansaldo STS USA Inc.,
 - Godbersen-Smith Construction Company,
 - National Electric Gate Co Inc,
 - Siemens Mobility Inc, and
- B. Authorize the City Manager to renew the contracts for up to three, 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):

John Lewis, CATS

Gary Lee, CATS

Explanation

- The contract will provide numerous rail repair parts including, but not limited to, light rail vehicle air conditioning parts, suspensions parts, grade crossing parts, train control, and trolley parts.
- Multiple contracts will allow for rail parts to be purchased on an as-needed basis per product line.
- On October 24, 2018, the City issued an Invitation to Bid; seven bids were received.
- Estimated annual expenditures for each contract are as follows:
 - Ansaldo STS USA Inc.: \$122,668
 - Godbersen-Smith Construction Company: \$76,434
 - National Electric Gate Co Inc: \$15,156
 - Siemens Mobility Inc: \$402,741

Charlotte Business INclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INclusion Policy)

Fiscal Note

Funding: CATS Operating Budget

37. CATS Cummins Bus Engine Parts

Action:

- A. Approve a unit price contract to the lowest responsive bidder, MHC Kenworth, for the purchase of Cummins bus engine parts for CATS bus fleet for an initial contract term of two years, and
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

John Lewis, CATS

Tangee Mobley, CATS

Explanation

- The contract with MHC Kenworth will provide engine parts for the maintenance of Cummins engines in the CATS bus fleet.
- On July 20, 2018, the City issued an Invitation to Bid; three bids were received.
- MHC Kenworth was selected as the lowest responsive, responsible bidder.
- Bus parts will be purchased on an as-needed basis under the contract terms.
- The contract may be renewed for up to two, one-year terms at prices to be negotiated based on the Producer Price Index.
- Annual expenditures are estimated to be \$1,000,000.

Charlotte Business Inclusion

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

Fiscal Note

Funding: CATS Operating Budget

38. Airport Wilson Air Center North Abatement and Demolition

Action:

Approve a contract in the amount of \$1,391,500 to the lowest responsible bidder, Messer Construction Co. for the abatement and demolition of the existing Wilson Air North Terminal and the construction of site infrastructure for the New Wilson Air North Terminal project.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The Wilson Air Center North Terminal is 35 years old and is unable to sufficiently support current and projected increases in operations.
- This terminal functions as a supplemental terminal for the primary Wilson Air Center Terminal. Additionally, the new North Terminal will function as a Customs and Border Protection facility to support the processing of the associated charter traffic being served by this terminal.
- This contract will provide abatement and demolition of the existing Wilson Air North Terminal Facility and site work infrastructure improvements limited to site grading and utilities. These functions will enable expedited construction of the new terminal.
- In the future, Council will receive a request for the approval of a construction contract.
- On October 10, 2018, the City issued an Invitation to Bid; four bids were received.
- Messer Construction Co. was selected as the lowest responsive, responsible bidder.
- This activity is occurring on airport property (Council District 3).

Charlotte Business INclusion

Established SBE Goal: 15.00%

Committed SBE Goal: 5.73%

SBE Participation to Date: 7.88%

Messer Construction Co. failed to meet the established subcontracting goal, but earned the minimum Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INclusion Policy). Messer Construction Co. has committed 5.73% (\$79,698) of the total contract amount to the following certified firms:

- Omni Source Solutions (SBE, MBE) (\$20,000) (temporary labor)
- Martin Landscaping Co., Inc. (SBE, WBE) (\$15,300) (seeding/mulching, temporary matting)
- CES Group Engineers, LLP (SBE, WBE) (\$15,000) (site surveying)
- CS Plumbing, Inc. (SBE, MBE) (\$9,900) (plumbing)
- Sweetwater Utility Exploration (SBE) (\$7,500) (utility locating)
- Boyle Consulting Engineers (SBE) (\$7,000) (material compaction testing and inspection)
- Sir Speedy (SBE, MBE) (\$2,500) (construction signage)
- Gastonia Ironworks (SBE, WBE) (\$1,998) (steel handrail)
- Richa Graphics (SBE, MBE) (\$500) (construction document printing)

Subsequent to Bid Opening, Messer Construction Co. has committed an additional 2.15% (\$30,000) to the following certified firm:

- Express Logistics (SBE, MBE) (\$30,000) (hauling)

Established MBE Goal: 7.00%

Committed MBE Goal: 2.47%

MBE Participation to Date: 4.63%

Messer Construction Co. failed to meet the established subcontracting goal, but earned the minimum Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INclusion Policy). Messer Construction Co. has committed 2.47% (\$34,400) of the total contract amount to the following certified firms:

- Omni Source Solutions (MBE, SBE) (\$20,000) (temporary labor)
- CS Plumbing, Inc. (MBE, SBE) (\$9,900) (plumbing)
- Sir Speedy (MBE, SBE) (\$2,500) (construction signage)

- All Points Waste Services (\$2,000) (dumpsters)

Subsequent to Bid Opening, Messer Construction Co. has committed an additional 2.16% (\$30,000) to the following certified firm:

- Express Logistics (SBE, MBE) (\$30,000) (hauling)

Fiscal Note

Funding: Aviation Community Investment Plan

39. Airport Field Maintenance Relocation Design Services

Action:

Approve a contract in the amount of \$336,081 with Landrum and Brown, Inc., for architectural and engineering design services for the Airport Field Maintenance Relocation project.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- Aviation's Field Maintenance Division currently occupies an existing cargo facility. Due to increased air cargo activity, Field Maintenance needs to relocate to another on-airport facility.
- This contract will provide architectural and engineering design services, as well as project coordination activities for relocation of Aviation Field Maintenance.
- On March 23, 2017, the City issued a Request for Qualifications (RFQ); 16 responses were received.
- Landrum and Brown, 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.
- In the future, Council will receive a request for the approval of a construction contract.
- This activity is occurring on Airport property (Council District 3).

Charlotte Business INclusion

The City negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy).

Landrum and Brown, Inc. has committed 10.00% (\$33,609) of the total contract amount to the following certified firms:

- AME Consulting Engineers (SBE) (\$21,309) (mechanical, electrical, plumbing and fire protection)
- King Engineering of Concord (SBE) (\$12,300) (surveying)

Fiscal Note

Funding: Aviation Community Investment Plan

40. Airport Elevated Roadway and Pedestrian Walkways Change Order

Action:

Approve change order #3 for \$478,512 to Flatiron Constructors, Inc - Blythe Development Company, A Joint Venture for the installation of five bridge deck blockouts for the future tower cranes and installation of pedestrian covered walkways.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- This change order allows for the installation of five bridge deck blockouts that will allow for the tower crane structures required to build the Terminal Lobby Expansion and a pedestrian canopy.
- These blockouts are required for the cranes that will hoist building components during the Terminal Lobby Expansion project, which has a planned starting date in the fall of 2019.
- Installing these blockouts before the bridge deck is poured will prevent significant modifications and the reworking of the bridge deck at the time of tower crane installation.
- This change order allows the installation of a pedestrian canopy for the upper level private vehicle sidewalk.
- This canopy will provide a more aesthetic solution that can also be utilized through the Terminal Lobby Expansion.
- On August 24, 2015, City Council approved a contract with Flatiron Constructors, Inc - Blythe Development Company, A Joint Venture in the amount of \$43,739,014.
- On January 23, 2018, City Council approved change order #1 in the amount of \$1,051,619.
- On October 4, 2018, change order #2 was issued for administrative purposes.
- The new total of the contract, including change order #3, will be \$45,269,145.
- This activity is occurring on airport property (Council District 3).

Charlotte Business INclusion

All additional work involved in this change order will be performed by Flatiron Constructors, Inc - Blythe Development Company, A Joint Venture and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

Flatiron Constructors, Inc - Blythe Development Company, A Joint Venture, has committed 8.05% (\$38,500) of the total contract change order amount to the following certified firms:

- Border Rebar (SBE, MBE) (\$35,000) (purchase and installation of reinforcing steel)
- CES Group Engineers, LLP (SBE, WBE) (\$3,500) (surveying)

Fiscal Note

Funding: Aviation Community Investment Plan

41. Airport Engineering Consultation Services

Action:

Approve a contract with Kimley Horn and Associates, Inc. for engineering consultation services for an initial term of three years.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- Aviation requires engineering consultation, design services, and construction administration for terminal, cargo, airfield, and landside site development facilities.
- On March 23, 2017, the City issued a Request for Qualifications; 25 proposals were received.
- Kimley Horn and Associates, Inc. is the best qualified firm to meet the City's needs on the basis of qualifications and experience.
- The pricing for these services is based on the size and nature of the requested task order service. Aviation staff will review and verify the estimates for each project.
- Total estimated expenditures for this contract over the three-year term are \$2,500,000.
- This activity is occurring on airport property (Council District 3).

Charlotte Business INclusion

Kimley Horn and Associates, Inc. has identified the following firms to participate as task orders are assigned:

- CES Group Engineers (SBE, WBE)
- CMW Design Strategies, PLLC (SBE)
- Hinde Engineering, Inc (SBE)
- Lyerly Agency, Inc. (WBE)
- McCracken & Lopez, PA (SBE)
- On-Spec Engineering, PC (SBE)

Fiscal Note

Funding: Aviation Community Investment Plan

42. Airport Entrance Monument Design Services

Action:

Approve a contract for up to \$159,525 with C Design Inc. for professional pre-design services associated with the Airport Entrance Monument project.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The Entrance Monument project was recommended in the Wayfinding and Signage Master Plan to celebrate the entrance to the City of Charlotte.
- This contract will provide pre-design professional services for the entrance monument.
- Pre-design services include site due diligence of existing infrastructure; development of base maps and a 3-D model; and conceptual design of entrance monuments, landscape, and hardscape elements.
- On March 23, 2017, the City issued a Request for Qualifications (RFQ); 16 proposals were received.
- C Design 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 and their experience in designing entrance monuments, landscape, and hardscape elements.
- In the future, Council will receive a request for the approval of a full design contract.
- This activity is occurring on airport property (Council District 3).

Charlotte Business INclusion

The City negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy).

C Design, Inc. has committed 14.43% (\$23,025) of the total contract amount to the following certified firms:

- LDSI, Inc. (SBE) (\$18,025) (land surveying)
- Boyle Consulting Engineers, PLLC (SBE) (\$5,000) (geotechnical investigations)

Fiscal Note

Funding: Aviation Community Investment Plan

43. T-Mobile Antenna Lease Extension

Action:

Approve a lease extension with T-Mobile South, LLC for an additional five-year lease for a telecommunications antenna on the Airport's Rotating Beacon Tower.

Staff Resource(s):

Brent Cagle, Aviation

Haley Gentry, Aviation

Explanation

- In 1999, Aviation constructed a rotating beacon tower for airfield operations, which can also accommodate telecommunication antennae systems.
- On April 13, 2009, City Council approved a five-year contract with T-Mobile South, LLC to lease adjacent land and attach antennas and related equipment as required.
- On January 27, 2014, City Council approved an extension for an additional five-year term.
- T-Mobile's existing lease is currently set to expire on December 31, 2018.
- This amendment will extend the lease term five years, beginning January 1, 2019.
- Annual rent is \$56,444.52 with three percent annual escalations.
- The total five-year lease value is \$299,671.62.

Fiscal Note

Funding: Aviation Operating Budget

44. Airport Career Development Program

Action:

- A. **Approve a unit price contract with Associates for Professional Development for career development services for an initial term of three years, and**
- B. **Authorize the City Manager to renew the contract for up to two, one year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation

Explanation

- Aviation's Career Development Program fosters Aviation's Strategic Principle, "Valuing Employees".
- This contract will provide comprehensive career planning services in the areas of job shadowing, mentoring, career coaching, as well as incorporating employee self-assessments and self-discovery tools.
- On April 20, 2017, the City issued a Request for Proposals (RFP); three proposals were received.
- Associates for Professional Development best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Estimated contract expenditures are \$125,000 annually or \$375,000 in the aggregate over the three-year term.
- This activity is occurring on airport property (Council District 3).

Charlotte Business INclusion

The City negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Associates for Professional Development, Inc. has committed 6.69% (\$25,100) of the total contract amount to the following certified firm:

- Clarkson Creative Consulting (SBE) (\$25,100) (organizational development consulting)

City staff will work closely with Associates for Professional Development to identify additional participation as the project evolves.

Fiscal Note

Funding: Aviation Operating Budget

45. Citywide Automatic Vehicle Location Services

Action:

- A. Approve the purchase of automatic vehicle location equipment from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3),
- B. Approve a unit price contract with BlueArrow Telematics for the purchase of Geotab, Inc automatic vehicle location hardware and software services for a term of three years under Sourcewell, Contract #022217-GEO, dated 6/1/2017,
- 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,
- D. Authorize the City Manager to amend the contract as may be required for additional enterprise implementations of this automatic vehicle location solution, and
- E. 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):

Robert Campbell, Finance

Kay Elmore, Finance

Mike Davis, Engineering and Property Management

Chris Trull, Engineering and Property Management

Cooperative Purchasing Exemption

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

Explanation

- Various City departments have implemented electronic fleet management systems by installing GPS-based automatic vehicle location equipment. This contract will enable additional installations on approximately 1,800 vehicles.
- Geotab, Inc's automatic vehicle location equipment provides the following functionality:
 - Real-time tracking of fleet assets,
 - Driver behavior monitoring and modification,
 - Reduced risk management liability,
 - Onboard vehicle diagnostics monitoring, and
 - Fuel and idling monitoring.
- Geotab, Inc has a contract awarded through Sourcewell (formerly National Joint Powers Alliance) that offers competitively-obtained contracts to public agencies nationwide.
- Expenditures in the initial year are estimated to be \$634,000.
- Annual expenditures for maintenance and support are estimated to be \$461,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Various department operating budgets

46. Public Auction for Disposal of Surplus Equipment

Action:

- A. Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus,**
- B. Authorize said items for sale by public auction on January 12, 2019, 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):

Robert Campbell, Finance

Kay Elmore, Finance

Explanation

- Pursuant to North Carolina General Statute 160A-270(b), approval is requested for a public auction on January 12, 2019, at 9:00 a.m. to dispose of City-owned property declared as surplus.
- The Finance Department provides asset recovery and disposal services to City departments, Mecklenburg County, Emergency Management Services, and the Charlotte Housing Authority.
- Auctions are conducted at the City's Asset Recovery and Disposal facility located at 5550 Wilkinson Boulevard (Council District 3).
- 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 8.5 percent of the total gross sale price of rolling stock and miscellaneous items through auction proceeds.
- Proceeds from the auction are distributed to the City's General Fund and to the City's Enterprise Funds (i.e., Aviation, Charlotte Water, and CATS), and other agencies based on asset ownership.

Attachment(s)

Property Lists (Exhibit - A city owned property)

Delegation of Authority

Resolution

[Resolution](#)

[Delegation of Authority](#)

[20181210 - 01 Rolling Stock auction \(Exhibit - A\).xlsx](#)

47. Cisco Products and Services

Action:

- A. Approve contracts with the following companies for Cisco products and services for an initial term of five years:**
- **CDWG,**
 - **DISYS,**
 - **Softchoice, 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):

Robert Campbell, Finance

Kay Elmore, Finance

Brad Dunkle, Innovation and Technology

Explanation

- Cisco products are used throughout the City's technology network infrastructure to connect users to applications and services in support of operations, including 911, 311, traffic controls, and environmental building contracts.
- The following categories of Cisco products and services will be available through these contracts:
 - Networking software;
 - Routers, mobile vehicle routers, switches, and wireless products;
 - Professional services;
 - Unified communications and data center application services; and
 - Maintenance and support.
- On August 21, 2018, the City issued a Request for Proposals (RFP) on behalf of the Charlotte Cooperative Purchasing Alliance; seven proposals were received.
- CDWG, DISYS, and Softchoice best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Multiple awards are recommended to ensure alternative solutions, flexibility, and availability in the provision of the services/commodities to best fit the needs of each department, support 24/7 or multi-shift operational needs, and provide adequate coverage.
- The vendors are offering the City discounts for the various products and services provided in these contracts.
- Annual expenditures across all contracts are estimated to be \$3,750,000.

Charlotte Business INclusion

The City will negotiate MWSBE subcontracting participation based on each project awarded (Part C: Section 2.1. (h) of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Various department operating budgets

48. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$28,384.21.

Staff Resource(s):

Robert Campbell, Finance

Betty Mattos, 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](#)

49. Meeting Minutes

Action:

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

- **November 5, 2018 Strategy Session, and**
- **November 19, 2018 Zoning Meeting.**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

50. Property Transactions - Beckwith-Meadow Drainage Improvements, Parcel #7

Action: Approve the following Acquisition: Beckwith-Meadow Drainage Improvements, Parcel #7

Project: Beckwith-Meadow Drainage Improvements, Parcel #7

Program: Flood Control

Owner(s): Kamelot, LLC

Property Address: 1939 Shamrock Drive

Total Parcel Area: 108,683 sq. ft. (2.495 ac.)

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-17MF

Use: Single-family Residential

Tax Code: 093-063-44

Purchase Price: \$383,088

Council District: 1

[Location Map - Beckwith - Meadow Drainage Improvements.P7.docx](#)

51. Property Transactions - Bristol Farms Wastewater Pump Station, Parcel #8

Action: Approve the following Condemnation: Bristol Farms Wastewater Pump Station, Parcel #8

Project: Bristol Farms Wastewater Pump Station, Parcel #8

Owner(s): Saurabh Talwar and Sunita Goyal

Property Address: 8548 Langley Mill Court

Total Parcel Area: 9,274 sq. ft. (.213 ac.)

Property to be acquired by Easements: 1,919.61 sq. ft. (.044 ac.) in Sanitary Sewer Easement, plus 1,436.6 sq. ft. (.033 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Various plantings

Zoned: R-12

Use: Single-family Residential

Tax Code: 111-401-48

Appraised Value: \$3,325

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

Council District: 4

[Location Map - Bristol Farms Wastewater Pump Station.P8.docx](#)

52. Property Transactions - Bristol Farms Wastewater Pump Station, Parcel #16

Action: Approve the following Condemnation: Bristol Farms Wastewater Pump Station, Parcel #16

Project: Bristol Farms Wastewater Pump Station, Parcel #16

Owner(s): Forstar (USA) Real Estate Group, Inc.

Property Address: Teeter Drive

Total Parcel Area: 1,640,948 sq. ft. (37.671 ac.)

Property to be acquired by Easements: 2,407.57 sq. ft. (.055 ac.) in Sanitary Sewer Easement, plus 3,160.51 sq. ft. (.073 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 111-391-96

Appraised Value: \$525

Outstanding Concerns: Property owner have become unresponsive.

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

Council District: 4

[Location Map - Bristol Farms Wastewater Pump Station.P16.docx](#)

53. Property Transactions - Bryant Farms Road Sidewalk, Parcel #4

Action: Approve the following Condemnation: Bryant Farms Road Sidewalk, Parcel #4

Project: Bryant Farms Road Sidewalk, Parcel #4

Owner(s): Jack Jaimes and Ruth L. Jaimes

Property Address: 9300 Briarwick Lane

Total Parcel Area: 25,564 sq. ft. (.587 ac.)

Property to be acquired by Easements: 258 sq. ft. (.006 ac.) in Storm Drainage Easement, plus 2,285 sq. ft. (.052 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-12

Use: Single-family Residential

Tax Code: 223-201-52

Appraised Value: \$6,100

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: 7

[Location Map - Bryant Farms Road Sidewalk.P4.docx](#)

54. Property Transactions - Bryant Farms Road Sidewalk, Parcel #5

Action: Approve the following Condemnation: Bryant Farms Road Sidewalk, Parcel #5

Project: Bryant Farms Road Sidewalk, Parcel #5

Owner(s): Debra G. Yeatts and Rodney A. Yeatts

Property Address: 9014 Bryant Farms Road

Total Parcel Area: 37,212 sq. ft. (.854 ac.)

Property to be acquired by Fee: 2,406 sq. ft. (.055 ac.) in Fee Simple

Property to be acquired by Easements: 929 sq. ft. (.021 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Various plantings

Zoned: R-3

Use: Rural Homesite

Tax Code: 223-202-57

Appraised Value: \$15,775

Property Owner's Concerns: The property owner is concerned with the design of the project.

City's Response to Property Owner's Concerns: Staff explained this is the best engineering design.

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: 7

[Location Map - Bryant Farms Road Sidewalk.P5.docx](#)

55. Property Transactions - Bryant Farms Road Sidewalk, Parcel #6

Action: Approve the following Condemnation: Bryant Farms Road Sidewalk, Parcel #6

Project: Bryant Farms Road Sidewalk, Parcel #6

Owner(s): Kathryn Miller Jones

Property Address: 9000 Bryant Farms Road

Total Parcel Area: 32,804 sq. ft. (.753 ac.)

Property to be acquired by Fee: 1,761 sq. ft. (.04 ac.) in Fee Simple

Property to be acquired by Easements: 183 sq. ft. (.004 ac.) in Storm Drainage Easement, plus 1,345 sq. ft. (.031 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Fence, irrigation, and brick columns

Landscaping to be impacted: Shrubs and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 223-292-01

Appraised Value: \$15,050

Outstanding Concerns: Property owner has become unresponsive.

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

Council District: 7

[Location Map - Bryant Farms Road Sidewalk.P6.docx](#)

56. Property Transactions - Bryant Farms Road Sidewalk, Parcel #9

Action: Approve the following Condemnation: Bryant Farms Road Sidewalk, Parcel #9

Project: Bryant Farms Road Sidewalk, Parcel #9

Owner(s): Dana Hoegh-Guldberg and Niels Hoegh-Guldberg

Property Address: 8722 Bryant Farms Road

Total Parcel Area: 47,451 sq. ft. (1.089 ac.)

Property to be acquired by Fee: 3,120 sq. ft. (.072 ac.) in Fee Simple

Property to be acquired by Easements: 138 sq. ft. (.003 ac.) in Storm Drainage Easement, plus 1,127 sq. ft. (.026 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Rural Homesite

Tax Code: 223-282-83

Appraised Value: \$21,000

Property Owner's Concerns: The property owner is concerned with the amount of compensation being offered and the loss of parking due to the location of the sidewalk.

City's Response to Property Owner's Concerns: Staff informed the property owner they could obtain their own appraisal in order justify a counteroffer. Staff explained the sidewalk is located at the back of curb and cannot be eliminated.

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: 7

[Location Map - Bryant Farms Road Sidewalk.P9.docx](#)

57. Property Transactions - Bryant Farms Road Sidewalk, Parcel #11

Action: Approve the following Acquisition: Bryant Farms Road Sidewalk, Parcel #11

Project: Bryant Farms Road Sidewalk, Parcel #11

Owner(s): Nisbet Oil Company

Property Address: 11924 Elm Lane

Total Parcel Area: 77,338 sq. ft. (1.775 ac.)

Property to be acquired by Fee: 3,890 sq. ft. (.089 ac.) in Fee Simple

Property to be acquired by Easements: 60 sq. ft. (.001 ac.) in Sidewalk and Utility Easement, plus 6,953 sq. ft. (.16 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Shrubs and various plantings

Zoned: B-1

Use: Commercial

Tax Code: 223-282-86

Purchase Price: \$111,150

Council District: 7

[Location Map - Bryant Farms Road Sidewalk.P11.docx](#)

58. Property Transactions - Bryant Farms Road Sidewalk, Parcel #15

Action: Approve the following Condemnation: Bryant Farms Road Sidewalk, Parcel #15

Project: Bryant Farms Road Sidewalk, Parcel #15

Owner(s): Carl J. Lowe and Sandra S. Lowe

Property Address: 8829 Balmoral Park Drive

Total Parcel Area: 14,256 sq. ft. (.327 ac.)

Property to be acquired by Easements: 230 sq. ft. (.005 ac.) in Storm Drainage Easement, plus 106 sq. ft. (.002 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 223-202-54

Appraised Value: \$1,000

Recommendation: We are 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: 7

[Location Map - Bryant Farms Road Sidewalk.P15.docx](#)

59. Property Transactions - Cross Charlotte Trail Brandywine - Tyvola, Parcel #12.1

Action: Approve the following Acquisition: Cross Charlotte Trail Brandywine - Tyvola, Parcel #12.1

Project: Cross Charlotte Trail Brandywine - Tyvola, Parcel #12.1

Owner(s): Kimberly Williams

Property Address: 2104 Hassell Place

Total Parcel Area: 17,656 sq. ft. (.405 ac.)

Property to be acquired by Easements: 1,848 sq. ft. (.042 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: 175-151-39

Purchase Price: \$13,450

Council District: 6

[Location Map - Cross Charlotte Trail Brandywine - Tyvola.P12.1.docx](#)

60. Property Transactions - Cutchin Drive Drainage Improvements, Parcel #21

Action: Approve the following Condemnation: Cutchin Drive Drainage Improvements, Parcel #21

Project: Cutchin Drive Drainage Improvements, Parcel #21

Program: Flood Control

Owner(s): Charles M. Sowers and Kay H. Sowers

Property Address: 3062 Wamath Drive

Total Parcel Area: 18,959 sq. ft. (.435 ac.)

Property to be acquired by Easements: 1,593 sq. ft. (.037 ac.) in Temporary Construction Easement, plus 1,920 sq. ft. (.044 ac.) in Easement to be Abandoned, plus 1,670 sq. ft. (.038 ac.) in Existing Drainage Accepted as Storm Drainage Easement

Structures/Improvements to be impacted: Brick mailbox

Landscaping to be impacted: Various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 209-063-07

Appraised Value: \$13,225

Recommendation: We are 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

[Location Map - Cutchin Drive Drainage Improvements.P21.docx](#)

61. Property Transactions - Hinsdale - Tinkerbell Drainage Improvements, Parcel #250

Action: Approve the following Condemnation: Hinsdale - Tinkerbell Drainage Improvements, Parcel #250

Project: Hinsdale - Tinkerbell Drainage Improvements, Parcel #250

Program: Flood Control

Owner(s): Ilonka Aylward

Property Address: 2813 Hinsdale Street

Total Parcel Area: 39,323 sq. ft. (.903 ac.)

Property to be acquired by Easements: 894.39 sq. ft. (.021 ac.) in Storm Drainage Easement, plus 2,450.88 sq. ft. (.056 ac.) in Sanitary Sewer Easement, plus 4,150.45 sq. ft. (.095 ac.) in Temporary Construction Easement, plus 565.66 sq. ft. (.013 ac.) in Existing Drainage Accepted as 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: 209-124-17

Appraised Value: \$29,350

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

City's Response to Property Owner's Concerns: Staff informed the property owner they could obtain their own appraisal in order to justify a counteroffer. Staff was able to redesign to accommodate some of the property owner's design requests.

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

[Location Map - Hinsdale - Tinkerbell Drainage Improvements.P250.docx](#)

62. Property Transactions - Irvins Creek Trunk, Parcel #15

Action: Approve the following Condemnation: Irvins Creek Trunk, Parcel #15

Project: Irvins Creek Trunk, Parcel #15

Owner(s): State Employees' Credit Union

Property Address: 11529 Lawyers Road

Total Parcel Area: 124,200 sq. ft. (2.851 ac.)

Property to be acquired by Easements: 4,259 sq. ft. (.098 ac.) in Sanitary Sewer Easement, plus 42,216 sq. ft. (.969 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Light poles

Landscaping to be impacted: Various plantings

Zoned: R (Mint Hill)

Use: Commercial

Tax Code: 197-013-24

Appraised Value: \$43,000

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 (Mint Hill)

[Location Map - Irvins Creek Trunk.P15.docx](#)

63. Property Transactions - Irvins Creek Trunk, Parcel #16

Action: Approve the following Condemnation: Irvins Creek Trunk, Parcel #16

Project: Irvins Creek Trunk, Parcel #16

Owner(s): State Employees' Credit Union

Property Address: 11529 Lawyers Road

Total Parcel Area: 175,862 sq. ft. (4.037 ac.)

Property to be acquired by Easements: 4,221 sq. ft. (.097 ac.) in Sanitary Sewer Easement

Structures/Improvements to be impacted: Sign and light pole

Landscaping to be impacted: Various plantings

Zoned: R (Mint Hill)

Use: Commercial

Tax Code: 197-013-31

Appraised Value: \$16,125

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 (Mint Hill)

[Location Map - Irvins Creek Trunk.P16.docx](#)

64. Property Transactions - NC-51 Sidewalk (McAlpine Creek to Ridgeloch Place), Parcel #23

Action: Approve the following Acquisition: NC-51 Sidewalk (McAlpine Creek to Ridgeloch Place), Parcel #23

Project: NC-51 Sidewalk (McAlpine Creek to Ridgeloch Place), Parcel #23

Owner(s): Monika Pintsch and Donald A. Greene

Property Address: 5627 McCallum Court

Total Parcel Area: 28,931 sq. ft. (.664 ac.)

Property to be acquired by Easements: 510 sq. ft. (.012 ac.) in Storm Drainage Easement, plus 1,828 sq. ft. (.042 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 211-441-10

Purchase Price: \$10,325

Council District: 7

[Location Map - NC51 Sidewalk - McAlpine Creek to Ridgeloch Place.P23.docx](#)

65. Property Transactions - Orr Road Extension, Parcels #5.1 and 8

Action: Approve the following Condemnation: Orr Road Extension, Parcels #5.1 and 8

Project: Orr Road Extension, Parcels #5.1 and 8

Owner(s): Katherine M. Wisor

Property Address: 228 Dawn Circle

Total Parcel Area: 9,258 sq. ft. (.213 ac.)

Property to be acquired by Fee: 9,701 sq. ft. (.223 ac.) in Fee Simple

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-4

Use: Single-family Residential

Tax Code: 089-212-22 and 089-212-41

Appraised Value: \$15,500

Property Owner's Counteroffer: \$40,000

Property Owner's Concerns: Property owner does not agree 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 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: 4

[Location Map - Orr Road Extension.P5.1and8.docx](#)

66. Property Transactions - Rozzelles Ferry PedScape, Parcel #9

Action: Approve the following Condemnation: Rozzelles Ferry PedScape, Parcel #9

Project: Rozzelles Ferry PedScape, Parcel #9

Owner(s): Miriam Fuller McNeil, Mary Fuller Howell, Heirs of Cora Bell Fox and Heirs of James Kennedy

Property Address: 2329 Rozzelles Ferry Road

Total Parcel Area: 9,000 sq. ft. (.207 ac.)

Property to be acquired by Easements: 106 sq. ft. (.002 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-8

Use: Single-family Residential

Tax Code: 071-111-08

Appraised Value: \$375

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

Council District: 2

[Location Map - Rozzelles Ferry PedScape.P9.docx](#)

67. Property Transactions - Thomasboro Drive Sanitary Sewer Replacement, Parcel #1

Action: Approve the following Condemnation: Thomasboro Drive Sanitary Sewer Replacement, Parcel #1

Project: Thomasboro Drive Sanitary Sewer Replacement, Parcel #1

Owner(s): Starnes Pallet Services, Inc

Property Address: 1000 Thomasboro Drive

Total Parcel Area: 379,531 sq. ft. (8.713 ac.)

Property to be acquired by Easements: 11,672 sq. ft. (.268 ac.) in Sanitary Sewer Easement, plus 29,571 sq. ft. (.679 ac.) in Temporary Construction Easement, plus 9,376 sq. ft. (.215 ac.) in Existing Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22MF

Use: Industrial

Tax Code: 063-042-38

Appraised Value: \$35,500

Property Owner's Counteroffer: \$135,500

Property Owner's Concerns: The property owner is concerned with the amount of compensation being offered. In addition, the tenant is concerned with the materials located in the areas to be acquired.

City's Response to Property Owner's Concerns: Staff informed the property owner they could obtain their own appraisal in order to justify their counter offer. The tenant was informed that the materials located in the areas to be acquired are eligible for relocation assistance.

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

[Location Map - Thomasboro Drive Sanitary Sewer Replacement.P1.docx](#)

68. Property Transactions - Tuckaseegee - Berryhill-Thrift Roundabout, Parcel #9

Action: Approve the following Condemnation: Tuckaseegee - Berryhill-Thrift Roundabout, Parcel #9

Project: Tuckaseegee - Berryhill-Thrift Roundabout, Parcel #9

Owner(s): Brownstone Properties II, LLC

Property Address: 1225 Berryhill Road

Total Parcel Area: 30,618 sq. ft. (.703 ac.)

Property to be acquired by Easements: 478 sq. ft. (.011 ac.) in Sidewalk and Utility Easement, plus 1,689 sq. ft. (.039 ac.) in Temporary Construction Easement, plus 71 sq. ft. (.002 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 071-051-16

Appraised Value: \$3,750

Property Owner's Concerns: The property owner is concerned with the project design and future development.

City's Response to Property Owner's Concerns: Staff informed the property owner this is the best design and will not hinder future development.

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

[Location Map - Tuckaseegee - Berryhill Thrift Roundabout.P9.docx](#)

69. Property Transactions - Upper Taggart Creek Outfall, Parcel #12

Action: Approve the following Condemnation: Upper Taggart Creek Outfall, Parcel #12

Project: Upper Taggart Creek Outfall, Parcel #12

Owner(s): Greenbrier Business Park Owners Association, Inc.

Property Address: Taggart Creek Road

Total Parcel Area: 139,480 sq. ft. (3.202 ac.)

Property to be acquired by Easements: 19,983 sq. ft. (.459 ac.) in Sanitary Sewer Easement, plus 7,465 sq. ft. (.171 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial Common Area

Tax Code: 115-111-10

Appraised Value: \$5,675

Outstanding Concerns: The property owner and staff are working through the easement language.

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

Council District: 3

[Location Map - Upper Taggart Creek Outfall.P12.docx](#)

70. Property Transactions - Upper Taggart Creek Outfall, Parcel #14

Action: Approve the following Acquisition: Upper Taggart Creek Outfall, Parcel #14

Project: Upper Taggart Creek Outfall, Parcel #14

Owner(s): Coyote Partners

Property Address: 4617 Wilkinson Boulevard

Total Parcel Area: 1,086,826 sq. ft. (24.950 ac.)

Property to be acquired by Easements: 63,872 sq. ft. (1.466 ac.) in Sanitary Sewer Easement, plus 2,822 sq. ft. (.065 ac.) in Access Easement, plus 28,544 sq. ft. (.655 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: I-2

Use: Commercial

Tax Code: 115-091-09

Purchase Price: \$72,400

Council District: 3

[Location Map - Upper Taggart Creek.P14.docx](#)

71. Property Transactions - Upper Taggart Creek Outfall, Parcel #34

Action: Approve the following Condemnation: Upper Taggart Creek Outfall, Parcel #34

Project: Upper Taggart Creek Outfall, Parcel #34

Owner(s): Doris Ayscue Frazier

Property Address: 4109 Carlyle Drive

Total Parcel Area: 16,379 sq. ft. (.376 ac.)

Property to be acquired by Easements: 1,673 sq. ft. (.038 ac.) in Sanitary Sewer Easement, plus 66 sq. ft. (.002 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Tax Code: 061-071-52

Appraised Value: \$650

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

Council District: 3

[Location Map - Upper Taggart Creek Outfall.P34.docx](#)

72. Aviation Property Transaction - 9024 W Steeleberry Drive

Action:

Approve the following Property Acquisition: 9024 W Steeleberry Drive

Acquisitions:

Project: EIS Mitigation Land South

Owner(s): Ann Moody Price

Property Address: 9024 W Steeleberry Drive

Total Parcel Area: .37 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Residential

Tax Code: 141-112-21

Purchase Price: \$31,000 and all relocation benefits in compliance with Federal, State or Local regulations

Council District: Not Applicable because this is a Mecklenburg County Parcel

[Location Map - 9024 W. Steeleberry Dr..docx](#)

Adjournment

REFERENCES

73. 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.

Part G: Alternative Construction Agreements

Part G: Section 2.7: Prior to City Council's vote to award the Alternative Construction Agreement, the Program Manager and the Company shall negotiate and agree on proposed MWSBE Goals for the Project and on a Participation Plan that describes the outreach and efforts the Company will be required to undertake to meet the MWSBE subcontracting goals.

74. 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.

75. 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.