

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, June 24, 2019**

**Council Chambers**

### **City Council Business Meeting**

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

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

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

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

### **2. Agenda Overview**

**Staff Resource(s):**

Marcus Jones, City Manager

### **3. Election Season Briefing**

**Staff Resource(s):**

Patrick Baker, City Attorney's Office

Tiffany Blackwell, Charlotte Communications and Marketing

**Time:** 10 minutes - Presentation; 10 minutes - Discussion

**Explanation**

- Provide an overview on regulations and guidelines for the election season.

### **4. State Legislative Update**

**Staff Resource(s):**

Dana Fenton, City Manager's Office

**Time:** 10 minutes - Presentation; 10 minutes - Discussion

**Explanation**

- Provide an update on the 2019 State Legislative Agenda.

### **5. Answers to Mayor and Council Consent Item Questions**

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Staff responses to questions from the beginning of the Business Meeting.

### **6. Closed Session (as necessary)**

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

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## **PUBLIC FORUM**

**7. Consent agenda items 29 through 46 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

## PUBLIC HEARING

### 8. Public Hearing on General Obligation Bonds

**Action:**

- A. Conduct a public hearing regarding the issuance of General Obligation Bonds not to exceed \$223,000,000 to fund street and neighborhood improvement projects, and**
- B. Adopt the bond order and resolution to provide for the issuance of General Obligation Bonds not to exceed \$223,000,000.**

**Staff Resource(s):**

Kelly Flannery, Finance

Robert Campbell, Finance

**Explanation**

- Authorize the issuance of up to \$223,000,000 of General Obligation Refunding Bonds for:
  - Refunding approximately \$73,000,000 of outstanding General Obligation Bonds, and
  - Refunding up to \$150,000,000 in General Obligation Bond Anticipation Notes to convert short-term financing to permanent financing for street and neighborhood improvement projects.
- This action will:
  - Conduct a public hearing on issuing long-term General Obligation Bonds for street and neighborhood improvement projects,
  - Provide information required for Local Government Commission approval of the financing, and
  - Provide approval to the City Manager and the Authorized Officers named in the Resolution to take necessary actions to complete the financing and related documentation for the life of the debt.

**Fiscal Note**

Funding: Municipal Debt Service Fund

**Attachment(s)**

Bond Order

Resolution

[Bond Resolution](#)[Bond Order - Charlotte 2019 Refunding GOs](#)

## 9. Public Hearing on a Resolution to Close Two Unopened Alleyways off of Outlets Boulevard

### Action:

- A. Conduct a public hearing to close two unopened alleyways off of Outlets Boulevard, and
- B. Adopt a resolution to close two unopened alleyways off of Outlets Boulevard.

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

Liz Babson, Transportation  
Michelle Smith, Transportation

### **Explanation**

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

### **Petitioners**

Steele-Trojan Properties, LLC

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

The unopened alleyways off of Outlets Boulevard are located off of Trojan Drive and Gold Medal Circle.

### **Reason**

This abandonment will allow each of the abutting owners to incorporate the unopened right-of-way into their land so that they will have full title and interest in the right-of-way for which they are currently maintaining and caring.

### **Notification**

As part of the city's notification process, and in compliance with North Carolina General Statute 160A-299, the CDOT submitted this abandonment petition for review by the public and city departments.

### Adjoining Property Owner(s)

NC Department of Transportation - No objections  
Samuel M. Patterson, Jr. - No objections  
Steele Creek (1997) Limited Partnership - No objections

### Neighborhood/Business Association(s)

None

### Private Utility Companies

No objections

### City Departments

- Review by city departments identified no apparent reason this closing would:
  - Be contrary to the public interest;
  - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; or
  - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

**Attachment(s)**

Map

Resolution

[Map of Outlets Boulevard](#)

[Resolution of Intent Unopened Alleyways off Outlets Boulevard](#)



## 10. Public Hearing on a Resolution to Close Marlynn Drive off of University City Boulevard

### Action:

- A. Conduct a public hearing to close Marlynn Drive off of University City Boulevard, and
- B. Adopt a resolution to close Marlynn Drive off of University City Boulevard.

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

Liz Babson, Transportation  
Michelle Smith, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- This portion of Marlynn Drive is located in Council District 4.

### **Petitioners**

Brent Little

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

Marlynn Drive is located off of University City Boulevard.

### **Reason**

This abandonment will allow each of the abutting owners to incorporate the unopened right-of-way into their land so that they will have full title and interest in the right-of-way for which they are currently maintaining.

### **Notification**

As part of the city's notification process, and in compliance with North Carolina General Statute 160A-299, CDOT submitted this abandonment petition for review by the public and city departments.

### Adjoining Property Owner(s)

Grove Holdings LLC - No objections  
111 Hecht Place Apartments, LLC - No objections  
Hareesha Yandapalli - No objections  
Luis Morales - No objections  
North Carolina NU Chapter of Sigma Phi Epsilon Housing - No objections

### Neighborhood/Business Association(s)

None

### Private Utility Companies

No objections

### City Departments

- Review by city departments identified no apparent reason this closing would:
  - Be contrary to the public interest;
  - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and

- egress to their property as outlined in the statutes; or
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

**Attachment(s)**

Map

Resolution

[Marlynn Drive Map](#)

[Resolution of Intent to Close A Marlynn Drive](#)

**POLICY**

**11. City Manager's Report**

## 12. Amend Chapter 15, Article III - Noise Ordinance

### **Action:**

**Approve an amendment to the Noise Ordinance.**

### **Committee Chair:**

Justin Harlow, Neighborhood Development

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

Sabrina Joy-Hogg, City Manager's Office

Patrick Baker, City Attorney's Office

Willie Ratchford, Community Relations

### **Current Ordinance**

- City Council adopted the most recent version of Article III - Noise Ordinance on May 23, 2011, which made it unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in the city.
- Significant growth and development in the uptown area and throughout the city has created a need for revisions to the Noise Ordinance. Following committee discussion of the current Noise Ordinance and current challenges, the Mayor requested a review of the Noise Ordinance.

### **Proposed Changes**

- A summary of the Neighborhood Development Committee recommendations includes:
  - Update existing ordinance language to clarify intent,
  - Create noise buffers within 200 feet of the property line of schools, houses of worship, and medical facilities to be in effect only when schools are in session, houses of worship are in assembly, and during medical facility service hours, with the criteria that these place types must post specific signage for enforcement to occur,
  - Add decibel measurement for C-weighted sound levels to capture the bass components of sound,
  - Add construction sites to establishment types covered under chronic noise producer regulation,
  - Create an escalating penalty schedule, increase penalties, and establish a late fee, and
  - Make technical additions and corrections of department references and sections to the correct names, references and citations, and add a severability clause.

### **Committee Discussion**

- The former Community Safety Committee (Committee) held discussions on the Noise Ordinance on October 18, 2018 and received a referral from the Mayor to review the ordinance on November 2, 2018. The Committee reviewed issues, data and research, community feedback and discussed revision options on December 11, 2018, February 20, 2019, and March 20, 2019. The newly established Neighborhood Development Committee continued the work and made a recommendation to full Council on April 17, 2019.

### **Attachment(s)**

Noise Ordinance

[AN ORDINANCE AMENDING CHAPTER 15, ARTICLE III OF THE CITY CODE, ENTITLED "NOISE"](#)

## 13. Tree Canopy Goal Review

### **Action:**

**Approve modifications to the tree canopy goal to retain the "50 by 2050" tagline and pursue a set of 50-themed goals.**

### **Committee Chair:**

Justin Harlow, Neighborhood Development

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

Sabrina Joy-Hogg, City Manager's Office

Mike Davis, Engineering and Property Management

Tim Porter, Engineering and Property Management

### **Current Ordinance**

- On June 27, 2011, City Council established an aspirational goal to strive for 50 percent tree canopy coverage by 2050.
- The "50 by 2050" tagline has been successful in communicating the value of trees to the community but does not reflect a benefits-based, place-specific goal-setting approach which is now industry-standard.
- Charlotte's tree canopy coverage has remained between 46 and 48 percent since 2002. The Urban Forestry Master Plan adopted by Council in 2017 indicates that overall canopy coverage could be as low as 41 percent in 2050 when modeled with future land use maps.

### **Proposed Changes**

- Based on the current assessment of Charlotte's Tree Canopy Goal, it is recommended the "50 by 2050" tagline be kept but revised to represent "50-themed" goals which reflect the benefits of Charlotte's urban forest.
- The benefits of the revised goals will be:
  - Shade: Reduction of heat island effect/cooling/energy savings,
  - Clean Air: Pollution reduction and carbon capture,
  - Character and property value: Strong, safe, and beautiful neighborhoods,
  - Quality of life: Quality green spaces, public health, and stress reduction, and
  - Wildlife habitat: Contiguous, healthy urban forest where urban wildlife thrives.
- Specific goals will include the following:
  - Achieve shade and clean air,
    - Re-plant at least 50 percent of quantity of street trees removed annually, and
    - Provide 5,000 trees and 5,000 seedlings for neighborhood planting annually.
  - Protect the city's character and property values,
    - Celebrate and recognize neighborhoods with 50 percent or greater canopy,
    - Conduct 50 engagement/outreach events annually, and
    - Continue updating urban tree canopy analysis every five years.
  - Ensure quality of life and wildlife habitat
    - Create 50 Urban Arboreta by 2030, and
    - Add five or more acres to the Tree Canopy Preservation Program annually.
- This revised approach will be further developed and enhanced as the city continues to engage the community through the "Charlotte Future 2040" plan. As place types are defined, tree canopy goals can be applied specifically to each area with additional integration through the Unified Development Ordinance.

### **Committee Discussion**

- The former Environmental Committee received a referral from the Mayor on February 4, 2019 to review the city's tree canopy goal and held a discussion on the topic on February 14, 2019. The newly established Neighborhood Development Committee continued the work on April 17, 2019

and May 15, 2019.

- The Neighborhood Development Committee voted to unanimously to forward the proposed modifications of Tree Canopy Goals to the full Council for discussion.

**Attachment(s)**

City of Charlotte Tree Canopy Goal

[City of Charlotte Tree Canopy Goal - Agenda.docx](#)

## 14. 2019 Charlotte-Mecklenburg Emergency Operations Plan

**Action:**

**Adopt a resolution approving the 2019 Charlotte-Mecklenburg Emergency Operations Plan.**

**Staff Resource(s):**

Reginald Johnson, Fire

Cynthia Bonham, Fire

Robert Graham, Fire

**Explanation**

- The purpose of the Charlotte-Mecklenburg Emergency Operations Plan (EOP) is to establish a single, comprehensive framework for the management of major emergencies and disasters within Mecklenburg County.
- The EOP is implemented when it becomes necessary to mobilize resources of Charlotte-Mecklenburg governmental agencies during major emergencies and disasters.
- The EOP is governed by the North Carolina Emergency Management Act (G.S. 166A-19 et seq.), which authorizes each county and incorporated municipality in the state to direct and coordinate the development of emergency management plans and programs in accordance with the policies and standards set by the Division of Emergency Management, consistent with federal and state laws and regulations, and to develop mutual aid agreements with other municipalities for such purpose.
- The multi-jurisdictional plan includes the City of Charlotte, Mecklenburg County, and seven adjoining jurisdictional towns, all of whom must independently approve the EOP.
- The plan will be updated annually with minor tactical adjustments based on industry best practice.
- The plan will be rewritten and brought back to the county and municipal governing boards for adoption every five years.
- The last Charlotte-Mecklenburg Emergency Operations Plan was written in 2014.
- The 2019 Emergency Operations Plan is available for review upon request.

**Attachment(s)**

Resolution

[Emergency Management Plan Resolution](#)

## 15. Charlotte Compact on Immigration

### **Action:**

**Approve a Charlotte Compact on Immigration which outlines a set of guiding principles to address complex challenges associated with immigration and serves as an expression of community values related to issues central to the immigration discussion.**

### **Committee Chair:**

Larken Egleston, Immigrant Community Committee

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

Federico Rios, Housing and Neighborhood Services

### **Explanation**

- The Charlotte Compact on Immigration is comprised of five guiding principles that address the complex challenges associated with immigration. This document expresses the council's values as they relate to issues specific to our immigrant residents.
- In concert with and support of the City Council's endorsement of the compact, the City Manager will:
  - Promote a Citywide Language Access Plan (LAP) and assess current multi-lingual staffing. Reviewed and updated on a biannual basis, the LAP defines the actions necessary to ensure meaningful access for persons who have limited English proficiency to services, programs, and activities offered by the City of Charlotte.
  - Utilize a demographic breakdown when selecting individuals to serve on boards and commissions to ensure that diversity is considered in the appointment of members of boards and commissions. A demographic dashboard that would detail race, ethnicity, gender and district residence of candidates would be shared with Councilmembers.
  - Submit recommendations from the Immigrant Community Committee's Public Input sessions in March 2019 to Councilmembers for the development of next year's federal legislative agenda and to Charlotte-Mecklenburg Schools and Mecklenburg County for consideration for policies and actions within their respective jurisdictional purviews.

### **Committee Discussion**

- In February 2019, the Mayor directed the creation of the Immigrant Community Committee to address apprehensions in Charlotte's immigrant community. The committee was charged to convene members of the city's immigrant community to co-create actionable solutions for immigrant issues.
- The Immigrant Community Committee met on April 4, 17 and 29 to discuss community feedback and development of guiding principles to address challenges associated with immigration.
- The Committee voted unanimously to move the proposed compact to full Council for review and approval.

### **Attachment(s)**

Charlotte Compact on Immigration

[Charlotte Compact on Immigration](#)

## BUSINESS

### 16. Workforce Innovation and Opportunity Act Grants

**Action:**

**Adopt a budget ordinance appropriating \$450,848 of grant funds to the Workforce Innovation and Opportunity Act Grant Fund**

**Staff Resource(s):**

Tracy Dodson, Economic Development

**Explanation**

- The City of Charlotte receives grant funding annually from the North Carolina Department of Commerce.
- The city acts as a pass-through entity transferring funds from the state to the Charlotte Works organization.
- CharlotteWorks administers the funds and provides services to unemployed and underemployed adults, dislocated (laid off) workers and low-income youth, as well as businesses in Charlotte and Mecklenburg County.
- Additional funding has been provided by the state to support specific workforce investment initiatives in Charlotte.
- Awarded grants provide funding for the following initiatives:
  - \$50,000 to support Central Piedmont Community College operations to provide emergency assistance (supportive services) to students at CPCC who are at or above 50 percent completion of their degree or program.
  - \$30,848 to support Central Piedmont Community College for a staff person and to adjust prior year grant awards.
  - \$200,000 to support implementation of the CharlotteWorks Careers4All program. This is a partnership with Charlotte Executive Leadership Council, Goodwill, CPCC and Generation to provide training scholarships for low income youth in three high demand career tracks.
  - \$75,000 to support the cost of personnel to work with local employers to create work-based learning opportunities such as internships or apprenticeships.
  - \$45,000 to support CharlotteWorks Maximize Carolina program, for additional work experience opportunities, such as internships, for low income in school youth.
  - \$50,000 to support NCWorks Innovation program to expand the delivery Working Smart curriculum, for soft skills training.
- No matching funds are required by the city

**Fiscal Note**

Funding: Workforce Innovation and Opportunity Act Grant Fund

**Attachment(s)**

Budget Ordinance

[15-11197 Ordinance - WIA](#)



## 17. Knight Foundation Grant: Aging in Place Community Engagement

### Action:

- A. **Authorize the City Manager to accept a grant from the John S. and James L. Knight Foundation for the Aging in Place Community Engagement Project, and**
  
- B. **Adopt a budget ordinance appropriating \$100,000 from the Knight Foundation for the Aging in Place Community Engagement Project.**

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

Pamela Wideman, Housing and Neighborhood Services

### **Explanation**

- In May 2019, The Knight Foundation awarded the City of Charlotte \$100,000 through its Community Foundations Program to help fund equitable community engagement work for Aging in Place.
- The Knight Foundation Community Foundations Program focuses on building an equitable and inclusive city that attracts and retains diverse talent, promotes economic opportunity, and fosters a culture of civic engagement.
- The grant is intended to expand the model of public engagement that has been implemented for the Aging in Place Outreach Strategy.
  - Based on outreach strategies championed by the New York Public Engagement Unit, this model uses targeted, data-based engagement to reach residents who are: historically hard to reach and potentially qualified for city programs or services.
  - Teams of trained city and community ambassadors meet residents where they are, in their neighborhoods, to:
    - Sign residents up for programs and services,
    - Receive input on city priorities or provide information, and
    - Invite residents to important events.
  - The engagement team recognizes the value of a one-on-one conversation with a caring individual to overcome obstacles, build trust, and create opportunities.
- The project expands on the pilot public engagement done in the Historic West End and North End to support Charlotte through effective outreach and removing barriers to participation for the broader community.
- The grant may be used to hire a public engagement coordinator (one full time equivalent position), to pay stipends for community ambassadors, and to purchase supplies and materials.

### **Fiscal Note**

Funding: General Capital Projects Fund

### **Attachment(s)**

Budget Ordinance

[Knight Foundation Budget Ordinance 6-6-19](#)

## 18. Grants for Propane Fuel Conversion Kits and Infrastructure

### Action:

- A. Award a unit price contract to the lowest responsive bidder Blossman Gas of North Carolina for the purchase of propane fuel conversion kits for three years,
- B. Award a unit price contract to the lowest responsive bidder Energy United Propane for the purchase of propane fuel and tanks for three years,
- C. 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,
- D. Authorize the City Manager to accept two grants in the amounts of \$110,200 and \$80,864 from the North Carolina Clean Energy Technology Center for the installation of propane conversion kits in fleet vehicles,
- E. Adopt a budget ordinance appropriating \$145,000 in Charlotte Water's Capital Projects Fund, and
- F. Adopt a budget ordinance appropriating \$80,864 in the General Capital Projects Fund.

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

Mike Davis, Engineering and Property Management  
Chris Trull, Engineering and Property Management  
Angela Lee, Charlotte Water

### **Explanation**

- Liquid propane fuel conversion kits will be installed on 43 existing gasoline-powered vehicles, allowing them to run on liquid propane.
- Liquid propane fuel tanks provided by the vendor will be installed at three city locations to provide fueling locations for the converted vehicles. Fuel will be delivered as needed.
- These conversion kits align with the city's initiative to reduce carbon emissions by using alternative fuel sources for fleet vehicles.
- In addition, the use of non-toxic autogas propane is, on average, 33 percent less expensive than gasoline, and has a lower carbon footprint than gasoline.
- The two grant awards total \$191,064, and the city will provide a total local match of \$60,336. The city will continue to pursue grants and use existing operating funds for any remaining expenditures.

### Actions A, B, and C

- On February 21, 2019, the city issued an Invitation to Bid; eight bids were received.
- Blossman Gas of North Carolina and Energy United Propane were selected as the lowest responsive, responsible bidders.
- Annual expenditures for both contracts are estimated to be \$370,000.

### Actions D, E, and F

- Authorizes the City Manager to accept two grants, one Charlotte Water will use to purchase 25 propane conversion kits, and the other Engineering and Property Management will use to purchase 18 propane conversion kits.
- Appropriates \$34,800 from existing fund balance in Charlotte Water's Operating Fund (to provide a 24 percent local match for the grant) and \$110,200 in grant funds for the purchase of 25 conversion kits.
- Appropriates \$80,864 in grant funds to the General Capital Projects fund for the purchase of 18 conversion kits. A 24 percent local match of \$25,536 is available in the existing operating budget.

**Charlotte Business INClusion**

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

**Fiscal Note**

Funding: Clean Fuel Advanced Technology Grants, Charlotte Water Operating Fund, General Capital Projects Fund, Economic Development Operating Budget

**Attachment(s)**

Budget Ordinances

[CFAT RCA Budget Ordinance](#)

[Charlotte Water Budget Ordinance](#)

## 19. Grant for Electric Vehicle Charging Stations

**Action:**

- A. Authorize the City Manager to accept a grant in the amount of up to \$178,795 from the North Carolina Clean Energy Technology Center for the purchase of three solar-powered electric vehicle charging stations, and**
- B. Adopt a budget ordinance appropriating \$178,795 to the General Capital Projects Fund.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
David Wolfe, Engineering and Property Management  
Robert Phocas, Economic Development

**Explanation**

- Authorize the acceptance of a grant from the North Carolina Clean Energy Technology Center to support the purchase of three solar-powered, transportable, electric vehicle (EV) charging stations. The grant requires a local match.
- The EV charging stations will be housed at Fire Headquarters at 500 Dalton Avenue, located in Council District 2.
- The chargers support the city's growing fleet of electric vehicles, and provide free and accessible charging stations to the public.
- The total project cost of the EV charging stations is \$260,444, with a local match of up to \$81,649 available in current appropriations.

**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: Clean Fuel Advanced Technology Grant, General Community Investment Plan

**Attachment(s)**

Budget Ordinance

[CFAT RCA Budget Ordinance](#)

## 20. Charlotte-Mecklenburg Government Center Restaurant Lease Amendment

### **Action:**

**Approve a lease amendment with Showmars Inc. in the Charlotte-Mecklenburg Government Center.**

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

Mike Davis, Engineering and Property Management  
Tony Korolos, Engineering and Property Management

### **Explanation**

- It is recommended the current lease with Showmars Inc. (Showmars), in Council District 1, be amended to reduce the rent from \$3,000 per month to \$500 per month for the remaining term of the agreement.
- Showmars management has requested a reduction in rent at the Charlotte-Mecklenburg Government Center (CMGC) location for the following reasons:
  - Showmars endures flattened sales and very limited profitability,
  - Showmars can only provide 10 services per week instead of the standard 21 services, and
  - Showmars continues to experience lower revenue due to the installation of security check stations since 2012.
- Showmars will continue to offer a 10 percent discount to all employees who work in the CMGC.
- Showmars is committed to continue providing exceptional level of service by retaining customer-focused and experienced employees.
- Under General Statute 160A-272, the city is not legally required to advertise for a new food service provider.

### **Background**

- On October 19, 1999, the city entered into a Food Service Facility Agreement with Showmars with an initial term through December 31, 2004. Subsequently, the city and Showmars entered into a Lease and Food Services Rights Agreement on February 1, 2005, with a term of 10 years and an additional five-year renewal term.
- On July 1, 2016, Showmars entered into a new lease agreement with the city for a term of five years with a five-year renewal term. The new lease addressed kitchen improvements and dining room renovations, as well as the addition of healthier menu items and more sustainable practices.
- Since 2016, Showmars has implemented sustainability practices and incorporated healthier menu items. Based on the feedback from the most recent survey, Showmars will continue to add more healthy options, focusing on breakfast.
- Under the current lease, Showmars invested \$55,380 to replace the kitchen equipment with new energy efficient appliances and remains responsible for all repair bills for kitchen equipment and related plumbing.
- Showmars is a financially stable company with over 51 years of experience and 31 restaurants in the Charlotte area.
- In 2015, Showmars scored four out of five in overall customer satisfaction survey. The 2019 customer survey, with more than 500 CMGC employees, indicated 75 percent are satisfied with the quality of food and 90 percent are satisfied with the level of service.
- Showmars provides a wide variety of freshly prepared food at competitive prices for the uptown area.
- Prior to Showmars, the city experienced high turnover of different restaurant businesses operating in the same space due to lack of quality and less than optimal service.

### **Fiscal Note**

Funding: Revenue from the lease agreement will be deposited into Engineering and Property Management's Operating Budget

## 21. Appropriate Private Developer Funds

### Action:

- A. **Approve a developer agreement with QuikTrip Corporation for traffic signal installations and improvements, and**
- B. **Adopt a budget ordinance appropriating \$55,200 in private developer funds for traffic signal installations and improvements.**

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

Liz Babson, Transportation  
Charles Abel, Transportation

### **Explanation**

- Private developer agreements and appropriations are needed when a developer is required through the city rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the city's initiation of work.
- The \$55,200 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:
  - QuikTrip Corporation contributed \$55,200 for traffic signal modifications at the intersection of Dalton Avenue and North Graham Street (Council Districts 1 and 2)
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer for a signal project unused by the city will be refunded back to the developer after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

### **Fiscal Note**

Funding: Private Developer Contributions

### **Attachment(s)**

Map  
Budget Ordinance

[QuikTrip Signal Improvements Map](#)

[BO Developer Appropriations 6.24.2019](#)

## 22. Interlocal Agreement for Design and Construction of the Goose Creek Sewer Extension to Fairview Road

### Action:

- A. Adopt a resolution to approve an Interlocal Agreement with the Town of Mint Hill for construction of the Goose Creek Sewer Extension to Fairview Road, and**
- B. Adopt a budget ordinance appropriating \$400,000 from the Town of Mint Hill.**

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

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

### **Explanation**

- This Interlocal Agreement between the Town of Mint Hill and the city will accelerate the construction of approximately 6,500 linear feet of new sewer line along Goose Creek (adjacent to Council District 5).
- The construction allows Mint Hill to replace an aging septic system and provide service for future development.
- This project allows Charlotte Water to provide public sanitary sewer service to a portion of the Goose Creek Basin, which is an area not currently serviced.
- On July 23, 2018, Council approved a five-year reimbursable agreement with Mint Hill for this project, this new agreement revises the project funding terms.
- The estimated cost for the project is \$4,200,000 including design, easement acquisition, and construction.
- Charlotte Water is using the Design-Build delivery method for construction. On November 26, 2018, Council approved the design contract for this project. The construction contract will be presented for approval at a future meeting.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

### **Attachment(s)**

Map  
Budget Ordinance  
Resolution

[Map-Interlocal Agreement for Design and Construction of the Goose Creek Sewer Extension to Fairview](#)

[CLTW Goose Creek Budget Ordinance](#)

[Resolution-Interlocal Agreement for Design and Construction of the Goose Creek Sewer Extension to F](#)

## 23. Affordable Housing General Obligation Bonds

**Action:**

**Adopt the bond order and resolution to provide for the issuance of General Obligation Bonds for Affordable Housing not to exceed \$55,000,000.**

**Staff Resource(s):**

Kelly Flannery, Finance  
Robert Campbell, Finance

**Explanation**

- This action will fund affordable housing bonds approved by voters in 2014, 2016 and a portion of the 2018 affordable housing bonds:
  - 2014: \$15,000,000
  - 2016: \$15,000,000
  - 2018: \$25,000,000
- This issuance will provide funding for previously authorized housing trust fund projects for the next two years as well as reimburse the city for funds spent on affordable housing developments.

**Fiscal Note**

Funding: Municipal Debt Service Fund

**Attachment(s)**

Resolution

[Bond Resolution](#)

## 24. Appointments to the Alternative Compliance Review 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 two-year term for an Alternate Community Representative beginning July 1, 2019 and ending June 30, 2021.
  - Padma Bulusu, nominated by Councilmembers Ajmera and Mayfield.
  - Renee Rubens, nominated by Councilmembers Ajmera, Eiselt, Mayfield, Mitchell, and Newton.
- One appointment for a one-year term in the Real Estate Development Industry category beginning July 1, 2019 and ending June 30, 2020.
- One appointment for a three-year term for an Alternate in the Real Estate Development Industry category beginning July 1, 2022 and ending June 30, 2022.
  - Silas Grisewood, nominated by Councilmembers Ajmera, Driggs, Mayfield, and Mitchell.
  - Michael-Paul James, nominated by Councilmembers Bokhari, Harlow, Mayfield, Mitchell, and Newton.
  - Eric Zaverl, nominated by Councilmembers Ajmera, Bokhari, Egleston, Eiselt, and Newton.

**Attachments**

Alternative Compliance Review Committee Applicants

## 25. Appointments to the Charlotte International Cabinet

**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 for a representative of the Charlotte Regional Business Alliance beginning July 1, 2019 and ending June 30, 2022.
  - Sven Gerzer, nominated by Councilmembers Ajmera, Driggs, Harlow, Mayfield, and Phipps.
- One appointment for a three-year term in the Education/Non-Profit category beginning July 1, 2019 and ending June 30, 2022.
  - M. Stefanie Arteaga, nominated by Councilmembers Ajmera and Winston.
  - Victor Rodriguez, nominated by Councilmembers Egleston, Eiselt, Harlow, Mayfield, and Newton.

**Attachments**

Charlotte International Cabinet Applicants

## 26. Appointments to the Citizens Review Board

**Action:**

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

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term beginning August 1, 2019 and ending July 31, 2022.
  - Mary Susan Cox, nominated by Councilmembers Ajmera, Driggs, Mayfield, and Newton.
  - Samuel Smith, nominated by Councilmembers Bokhari, Egleston, Eiselt, and Phipps.

**Attachment(s)**

Citizens Review Board Applicants

## 27. Appointments to the Historic District 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 for an At-Large member beginning July 1, 2019 and ending June 30, 2022.
  - Elizabeth Frere, nominated by Councilmembers Ajmera and Harlow.
  - Ciara May, nominated by Councilmembers Driggs, Eiselt, Mayfield, and Newton.
  - Chris Muryn, nominated by Councilmembers Bokhari and Egleston.

**Attachment(s)**

Historic District Commission Applicants



## **28. Mayor and City Council Topics**

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

## CONSENT

## 29. Fire Station 28 Weight Room Addition and Renovation

### Action:

- A. Reject the low bid by Carolina Contracting & Investments, Inc. for the Fire Station 28 Weight Room Addition and Renovation project, and**
- B. Approve a contract in the amount of \$682,373.16 to the lowest responsive bidder Walter B. Davis Company for the Fire Station 28 Weight Room Addition and Renovation project.**

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

Mike Davis, Engineering and Property Management  
Reginald Johnson, Fire

### **Explanation**

- The city has been making improvements to fire stations, including the fitness rooms, and adding women's locker rooms since the mid-1990s.
- Fire Station 28, located at 8031 Old Statesville Road, in Council District 2, will be expanded by 1,150 square feet to add a weight room, women's locker room, showers and toilets. The work also includes renovation of the existing men's locker room, showers and toilets, and modifications to the plumbing and heating, ventilation and air conditioning systems.
- Firefighters are on duty for 24-hour shifts and the department requires they maintain a level of physical fitness. Gym facilities aid firefighters in maintaining the fitness level necessary to pass physical standards and be fit for duty.
- The current standard for fire stations is to include locker rooms for men and women, fitness rooms, sleeping quarters for firefighters, kitchens and a living room area.
- On February 1, 2019, the city issued an Invitation to Bid; four bids were received.
- Walter B. Davis Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2020.

### **Reject Low-Bid Explanation**

- Carolina Contracting & Investments, Inc.'s bid in the amount of \$599,193.72 was found to be non-responsive as a result of failing to meet the city's Charlotte Business INclusion policy.

### **Charlotte Business INclusion**

Walter B. Davis Company is an NC HUB certified African American owned firm.

Established SBE Goal: 15.00%

Committed SBE Goal at Bid: 8.50%

SBE Participation to Date: 12.75%

Walter B. Davis Company did not meet the established SBE subcontracting goal at bid, but earned the required Good Faith Efforts Points (Part B: Section 5 of the Charlotte Business INclusion Policy) and are recommended for award. At bid, Walter B. Davis Company committed 8.50% (\$58,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- TEC Electric LLC (SBE, MBE) (\$58,000) (electrical)

Subsequent to Bid Opening, Walter B. Davis Company has committed an additional 4.25% (\$28,990) to the following certified firm(s):

- G & Y Masonry (SBE, MBE) (\$28,990) (masonry)

Established MBE Goal: 8.00%

Committed MBE Goal at Bid: 8.50%

MBE Participation to Date: 12.75%

Walter B. Davis Company exceeded the established MBE subcontracting goal, and has committed 8.50% (\$58,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- TEC Electric LLC (SBE, MBE) (\$58,000) (electrical)

Subsequent to Bid Opening, Walter B. Davis Company has committed an additional 4.25% (\$28,990) to the following certified firm(s):

- G & Y Masonry (SBE, MBE) (\$28,990) (masonry)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Fire Station 28 Weight Room Addition and Renovation](#)

## 30. Commercial Floor Coverings

### Action:

- A. **Approve the purchase of commercial floor coverings and related services from cooperative contracts,**
- B. **Approve a unit price contract with Mohawk Carpet Distribution, Inc. for the purchase of commercial floor coverings for a term of two years under Omnia Contract Number R171702 dated July 1, 2018,**
- C. **Approve a unit price contract with Tarkett USA Inc. for the purchase of commercial floor coverings for a term of two years under Omnia Contract Number R171703 dated July 1, 2018, and**
- D. **Authorize the City Manager to extend the contract for additional 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 contact.**

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

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

### **Explanation**

- Authorize the purchase and installation of floor coverings for city facilities.
- G.S. 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- Cooperative purchasing agreements result from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs, all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise that can be utilized on a local, regional, and national level.
- Commercial flooring may include but is not limited to carpet, vinyl, laminate, rubber and sheet tile, ceramic tile, and wood flooring.
- The contracts will also provide the option of turn-key installation or replacement services performed by a network of authorized dealer/installation partners to service the city's needs.
- Total annual expenditures are estimated to be \$1,000,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: General Community Investment Plan, Engineering and Property Management Operating Budget

## 31. Electrical Services for City Facilities

### **Action:**

Approve unit price contracts with the following companies for electrical services for three years:

- **A & C Electrical Services, Inc.,**
- **A & W Electrical Services, Inc.,**
- **Electric System Specialists, Inc.,**
- **Fidelity Electric, Inc, and**
- **Southern Image Electric Co.**

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

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

### **Explanation**

- Authorize the purchase of electrical services need for city facilities.
- On February 11, 2019, the city issued a Request for Proposals (RFP); seven responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Estimated contract expenditures for all contracts combined are \$3,750,000 in the aggregate over the three-year term.

### **Charlotte Business INclusion**

Electric System Specialists, Inc. and Southern Image Electric Co. are both SBEs. Two of the firms selected identified the following certified firms to participate as task orders are defined:

#### A & C Electrical Services

- D. E. Brown Construction, Inc. (SBE)
- Corner Stone Construction Services, Inc., (SBE)

#### Electric System Specialists, Inc.

- D. E. Brown Construction, Inc. (SBE)

### **Fiscal Note**

Funding: General Community Investment Plan

## 32. Airport Joint Operations Center Design Services Contract Amendment

### **Action:**

**Approve contract amendment #2 for \$1,163,078 to RS&H Architects-Engineers-Planners, Inc. for additional construction and design services for the Airport Joint Operations Center.**

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- Aviation began planning for the Joint Operations Center (JOC) following a nationwide recommendation from the Department of Homeland Security that all airports establish this type of facility.
- On May 22, 2017, City Council approved a contract in the amount of \$1,432,770 with RS&H Architects-Engineers-Planners, Inc. (RS&H) to provide design services for the JOC.
- On May 14, 2018, City Council approved amendment #1 for \$329,038 to increase the size of the facility and the number of organizations included.
- Coordination with the North End Around Taxiway project relocated the site to a location adjacent to Business Valet Parking Deck #2.
- Additional design efforts are needed to accommodate the new site location and design a building within the overall project budget. This contract will also provide construction administration services for the construction phase of the project.
- The new value of the contract, including amendment #2, is \$2,924,886.
- This project is time sensitive and is part of a coordinated effort to relocate communication activities and personnel from the terminal to begin several major renovations, including the Airport's Terminal Lobby Expansion.
- This activity is occurring on airport property, located in Council District 3.

### **Charlotte Business INclusion**

RS&H, Inc. has committed 19.60% (\$227,914.40) of the total amendment amount to the following certified firms:

- Capstone Civil Engineering, Inc. (SBE, MBE) (\$125,814.40) (geotechnical services)
- CES Group Engineers, LLP (SBE) (\$45,500) (survey)
- SikesDesign, LLC (SBE) (\$15,000) (architectural services)
- SystemWorCx (MBE) (\$41,600) (commissioning, energy modeling)

### **Fiscal Note**

Funding: Aviation Community Investment Plan

### 33. Airport Parking Management Services

**Action:**

**Approve amendment #4 for \$4,118,232 with SP Plus Corporation for public parking management services.**

**Staff Resource(s):**

Brent Cagle, Aviation  
Jack Christine, Aviation

**Explanation**

- The Airport provides paid public parking lots and parking decks for the traveling public to use.
- SP Plus Corporation (SP Plus) manages the Airport's public parking staffing needs by hiring, training, and supervising all required personnel. This includes all parking lot attendants, 24-hour dispatch agents, auditors, and cashiers.
- 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 has been approved for these services based on continuity of service.
- Aviation is in the process of installing a new Parking and Revenue Control System (PARCS) and Online Booking System (OBS). SP Plus has the knowledge and resources to assist Aviation during this transition. If a new vendor for the Parking Services were to be selected, Aviation would not have any support or contract staff in place that is familiar with the systems and procedures. Extending the SP Plus contract will ensure a smoother transition and implementation of the PARCS and OBS systems.
- On February 24, 2014, City Council approved a three-year contract with SP Plus Corporation with two, one-year renewal options.
- Amendment #1 modified staffing levels for the Airport's parking products.
- Amendments #2 and #3 were exercising the two renewal options, and the contract is set to expire on June 30, 2019.
- This amendment is to add one year to the management agreement. The new value of the contract, including amendment #4, is \$21,725,621.76.
- This activity is occurring on Airport property, located in Council District 3.

**Airport Concessions Disadvantaged Business Enterprise**

This management contract is subject to the federal Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program regulations. For this contract, SP Plus Corporation has committed 25.38% of the total eligible projected expenses for goods and services to certified ACDBE firms.

**Fiscal Note:**

Funding: Aviation Operating Budget

**Attachment(s):**

Waiver of Solicitation

[SP Plus Waiver.pdf](#)



## 34. Airport Electric Ground Service Equipment Vehicle Charger Parts

### Action:

- A. Approve the purchase of PosiCharge vehicle charger parts, by the sole source exemption,
- B. Approve a contract with Averest, Inc. for the purchase of PosiCharge vehicle charger parts for the term of three years, 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):**

Brent Cagle, Aviation

Jack Christine, Aviation

### **Sole Source Exemption**

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

### **Explanation**

- This ground service equipment is used to transport baggage, push back aircraft, and other ramp transportation needs. Electric ground service equipment (eGSE) charging stations exist throughout the airport.
- This contract will provide parts to maintain chargers and support the eGSE.
- Annual expenditures are estimated to be \$75,000.
- This activity is occurring on airport property, located in Council District 3.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Aviation Operating Budget

## 35. Airport Military Construction Cooperative Agreement

**Action:**

**Approve a Cooperative Agreement with the National Guard Bureau to reimburse the City for the design services and construction cost to expand the Aircraft Rescue and Firefighting Station 41 at the Airport.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- The Aircraft Rescue and Firefighting (ARFF) Station 41 is leased by the North Carolina Air National Guard (NCANG) to provide response for military aircraft incidents. Charlotte Fire Department is co-located at this station to provide response for commercial and general aviation incidents.
- The NCANG recently converted its fleet to larger aircraft, necessitating additional firefighting equipment and a larger station to house the additional equipment.
- The Airport also has two ARFF trucks in a temporary facility adjacent to the station that require a permanent facility.
- This Cooperative Agreement will facilitate the design and construction of a permanent facility for all equipment. The NCANG and the city will share design and construction costs relative to each entity's space requirements. The estimated cost for the city's share is \$1,786,000 and the estimated cost for the NCANG's share is \$2,394,000.
- Under this agreement, the city will design and construct the expansion of the entire facility and the National Guard Bureau will reimburse the city for the portion of those costs associated with the NCANG improvements.
- It is anticipated a construction contract will be brought to City Council in fourth quarter 2019.
- This activity is occurring on airport property, located in Council District 3.

**Fiscal Note:**

Funding: Aviation Community Investment Plan

## 36. American Airlines Cargo and Catering Lease

### Action:

- A. **Approve a 10-year lease agreement with American Airlines for the cargo and catering facility at Charlotte Douglas International Airport, and**
  
- B. **Authorize the City Manager to amend the lease for two, five-year lease extensions consistent with the purpose for which the agreement was approved.**

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

Brent Cagle, Aviation

Haley Gentry, Aviation

### **Explanation**

- Aviation has agreed to lease a cargo and catering facility to American Airlines to support its airline operations. The facility consists of 17,379 square feet of office space and 65,584 square feet of cargo space.
- Annual rent for the facility is \$396,610.50, with the total 10-year lease value equaling \$3,966,105.
- Rents for the facility will be adjusted periodically per the terms and conditions of the lease to keep pace with market conditions.
- This activity is occurring on airport property, located in Council District 3.

### **Fiscal Note**

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

## 37. Microsoft Software Enterprise Licensing

### Action:

- A. **Approve an amendment to the existing enterprise agreement and enterprise enrollment with Microsoft Corporation and SHI International Corp., extending the current agreements by two months through August 31, 2019,**
- B. **Approve the purchase of Microsoft software licenses, maintenance, subscription licenses, support, and hosted services from a state contract as authorized by G.S. 143-129(e)(9),**
- C. **Approve a new enterprise agreement with Microsoft Corporation and SHI International Corp. for the purchase of Microsoft software licenses, maintenance, subscription licenses, support, and hosted services for the term of three years under State Contract 208C, and**
- D. **Authorize the City Manager to extend the use of the contract for additional terms for as long as the state contract is in effect, at prices and terms that are the same or more favorable than those offered under the state contract.**

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

Reenie Askew, Innovation and Technology

### **Explanation**

- The enterprise agreement allows the city to purchase Microsoft software licenses (including subscription licenses), maintenance, support, and remotely hosted services.
- The enterprise enrollment allows selection of specific software for designated computers and/or users.
- Most Microsoft software used citywide is licensed through these agreements, including Microsoft Windows, Office, SharePoint, Project, and SQL Server.
- Without these agreements, the city would lose current support and future upgrades.
- The agreements are designed to allow transition to Microsoft's emerging subscription-based software products that are remotely hosted and accessed via data or internet connection.
- G.S. 143-129(e)(9) allows local government to purchase from state contracts if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the state contract.
- The current Microsoft enterprise agreement and enrollment are due to expire on June 30, 2019. The amendment reference in Action A would extend the contracts through August 31, 2019 in order to set a more optimal annual payment date.
- The agreements are between the city and Microsoft. SHI, a Microsoft reseller, manages the contracts, processes orders, and collects payments on behalf of Microsoft.
- Annual expenditures are estimated to be \$4,000,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Departments' Operating Budgets

## 38. Commercial Fitness Equipment

### Action:

- A. **Approve a unit price contract with the lowest responsive bidder Carolina Fitness Equipment for the purchase of commercial fitness equipment 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):**

Kelly Flannery, Finance  
Kay Elmore, Finance

### **Explanation**

- The city has multiple locations with fitness equipment in for city employees to use on a regular basis including, but not limited to, the Charlotte Mecklenburg Police Department and Charlotte Fire Department facilities.
- On April 18, 2019 the city issued an Invitation to Bid; five bids were received.
- Carolina Fitness Equipment was selected as the lowest responsive, responsible bidder.
- The city issued the Invitation to Bid on behalf of the Charlotte Cooperative Purchasing Alliance.
- Annual expenditures are estimated to be \$453,162.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Various Departments' Operating Budgets

### **Attachment(s)**

Bid Summary

## 39. Refund of Property Taxes

### Action:

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$3,042.85.**

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

Kelly Flannery, Finance  
Sarah Richards, Finance

### **Explanation**

- Mecklenburg County notified and provided the city 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](#)

[Resolution](#)

## 40. Meeting Minutes

**Action:**

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

- May 6, 2019 Strategy Session,
- May 8, 2019 Budget Briefing, and
- May 13, 2019 Business Meeting.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

### 41. Acquire Land for Charlotte-Mecklenburg Police Department Park South Division Station

**Action:**

Approve the purchase of a 3.75-acre parcel (parcel identification number 213-371-01) located at 6633 Providence Road in the amount of \$2,110,000.

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
Tony Korolos, Engineering and Property Management  
Kerr Putney, Police

**Explanation**

- In February 2010, the Charlotte-Mecklenburg Police Department (CMPD) adopted the Facilities Strategic Plan, which outlines facility goals through 2025 and prioritizes the transition from leased division offices to city-owned stations. The Facilities Strategic Plan was updated in 2016 and identified construction of the Park South Division Station as a priority.
- The property is 3.75 acres located at 6633 Providence Road (parcel identification number 213-371-01) in Council District 7 and zoned R-3 (residential).
- The parcel is well-situated to meet CMPD objectives to provide quality and efficient service and be highly visible and accessible within the community.
- The property was appraised for \$2,110,000.
- The terms of the purchase are:
  - \$2,110,000 purchase price with a five percent earnest money deposit of \$105,500,
  - 30-day due diligence period, and
  - 30-day closing period.
- As part of the mandatory referral process, the Planning Commission reviewed the transaction on June 18, 2019, and voted to recommend the transaction with no additional comments.

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Land Acquisition for Charlotte-Mecklenburg Police Department Park South Division Stat](#)

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

**Action:** Approve the following Acquisition: 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:** 700 sq. ft. (.016 ac.) in Storm Drainage Easement, plus 2,209 sq. ft. (.051 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

**Purchase Price:** \$20,900

**Council District:** 7

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



### 43. Property Transactions - Cross Charlotte Trail Brandywine - Tyvola, Parcel #26

**Action:** Approve the following Condemnation: Cross Charlotte Trail Brandywine - Tyvola, Parcel #26

**Project:** Cross Charlotte Trail Brandywine - Tyvola, Parcel #26

**Owner(s):** WMCI Charlotte XV, LLC

**Property Address:** 4943 Park Road

**Total Parcel Area:** 169,609 sq. ft. (3.894 ac.)

**Property to be acquired by Fee:** 13,537 sq. ft. (.311 ac.) in Fee Simple

**Property to be acquired by Easements:** 2,869 sq. ft. (.066 ac.) in Greenway Easement, plus 1,481 sq. ft. (.034 ac.) in Temporary Construction Easement, plus 14,223 sq. ft. (.327 ac.) in Access Easement

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

**Landscaping to be impacted:** None

**Use:** Multi-family

**Tax Code:** 175-121-03

**Appraised Value:** \$57,600

**Property Owner's Concerns:** The property owner is concerned with the easement language and has requested revisions. Property owner is also awaiting lender approval.

**City's Response to Property Owner's Concerns:** The city is making revisions to the agreement language.

**Recommendation:** To avoid delay in the project schedule, it is recommended to proceed 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

[5.28.2019 Location Map - Cross Charlotte Trail Brandywine.P26.docx](#)

## 44. Property Transactions - Edgewater to Rosecrest Sanitary Sewer, Parcel #9

**Action:** Approve the following Acquisition: Edgewater to Rosecrest Sanitary Sewer, Parcel #9

**Project:** Edgewater to Rosecrest Sanitary Sewer, Parcel #9

**Owner(s):** Ronald Laurita and Dana Laurita

**Property Address:** 6629 Brookcrest Drive

**Total Parcel Area:** 15,405.74 sq ft. (0.354 ac.)

**Property to be acquired by Easements:** 2,795.38 sq. ft. (.064 ac.) in Sanitary Sewer Easement, plus 2,605.52 sq. ft. (.060 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 173-112-46

**Purchase Price:** \$20,900

**Council District:** 6

[Location Map - Closing - Edgewater to Rosecrest Sanitary Sewer.P9.docx](#)

## 45. Property Transactions - Marvin Rd Sidewalk, Parcel #1

**Action:** Approve the following Condemnation: Marvin Rd Sidewalk, Parcel #1

**Project:** Marvin Rd Sidewalk, Parcel #1

**Owner(s):** Kenilworth/Amberleigh Owners Association, INC

**Property Address:** Donnington Drive

**Total Parcel Area:** 2,962 sq. ft. (.068 ac.)

**Property to be acquired by Easements:** 453 sq. ft. (.01 ac.) in Storm Drainage Easement, plus 477 sq. ft. (.011 ac.) in Temporary Construction Easement

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

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

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 223-142-83

**Appraised Value:** \$4,300

**Recommendation:** To avoid delay in the project schedule, the city 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 - Condemnation - Marvin Road Sidewalk.P1.docx](#)

## 46. Property Transactions - Marvin Road Sidewalk, Parcel #10

**Action:** Approve the following Condemnation: Marvin Road Sidewalk, Parcel #10

**Project:** Marvin Road Sidewalk, Parcel #10

**Owner(s):** Hae Jin Daleo and Joseph Daleo

**Property Address:** 16513 Marvin Road

**Total Parcel Area:** 36,285 sq. ft. (.833 ac.)

**Property to be acquired by Easements:** 1,506 sq. ft. (.035 ac.) in Sidewalk and Utility Easement, plus 2,179 sq. ft. (.05 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:** 223-271-47

**Appraised Value:** \$5,975

**Outstanding Concerns:** Property owner became unresponsive.

**Recommendation:** To avoid delay in the project schedule, the city 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

[Condemnation - Marvin Road Sidewalk.P10.DOC](#)

## Adjournment

## REFERENCES

## 47. 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.

## 48. 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.



## 49. 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.