

City of Charlotte

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



Meeting Agenda

Monday, July 8, 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. Community Safety and Crisis Intervention Team Program Updates

Staff Resource(s):

Kerr Putney, Police

Spencer Merriweather, Mecklenburg County

Time: Presentation - 20 minutes; Discussion - 30 minutes

Explanation

- Provide updates on community safety and provide an overview of the Crisis Intervention Team's background and course offerings.

[Crisis Intervention Team Presentation Council Action Review July 8, 2019 063019](#)

[4th Annual Crisis Intervention Team Community Awareness Slideshow Ebony Rao 063019](#)

[CIT Training Schedule 2019](#)

[FINAL-MHFA-CIT-White-Paper-Announcement](#)

[Position Statement on Generalist Specialist Model Ebony Rao 063019](#)

[July 8 - Violent Crime - FINAL](#)

4. Housing Trust Fund Recommendations

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Time: Presentation - 10 minutes; Discussion - 30 minutes

Explanation

- Provide an update on the Housing Trust Fund.

[HTF CHOIF Funding Requests - Action Briefing - 07.08.19 final PJW v2](#)

5. Showmars Lease Amendment

Staff Resource(s):

Tony Korolos, General Services

Time: Presentation - 5 minutes; Discussion - 10 minutes

Explanation

- Provide information on the proposed amendment to the Charlotte-Mecklenburg Government Center Showmars restaurant lease.

[Showmars CMGC Lease Amend REv2](#)

6. 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.

7. Closed Session (as necessary)

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

PUBLIC FORUM

8. Public Forum

9. Consent agenda items 18 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.

AWARDS AND RECOGNITIONS

10. Dale Mullennix Month

Action:

Mayor Lyles will read a proclamation recognizing July 2019 as Dale Mullennix Month.

11. The Joseph C. Stowe, Jr. Regional Water Resource Recovery Facility Proclamation

Action:

Mayor Lyles will read a proclamation recognizing the naming of Charlotte Water's regional wastewater treatment plant as The Joseph C. Stowe, Jr. Regional Water Resource Recovery Facility.

12. Presentation of Order of the Long Leaf Pine

Action:

Mayor Lyles will present the Order of the Long Leaf Pine to Richard Granger and Walter "Buddy" C. Caldwell, Jr.

13. Americans with Disabilities Act Awareness Day

Action:

Mayor Lyles will read a proclamation recognizing July 26, 2019, as Americans with Disabilities Act Day.

POLICY

14. City Manager's Report

BUSINESS

15. 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, General Services

Tony Korolos, General Services

Explanation

- It is recommended the current lease with Showmars Inc. (Showmars) 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 General Services Operating Budget

16. Supplemental Municipal Agreements to Maintain Traffic Signals

Action:

- A. Adopt a resolution authorizing the city manager to execute two supplemental municipal agreements with the North Carolina Department of Transportation for:**
- Traffic signal re-timing on state-maintained streets,
 - Annual traffic signal maintenance on state-maintained streets, and
- B. Adopt a budget ordinance appropriating \$300,000 from the North Carolina Department of Transportation for light-emitting diode (LED) traffic signal display replacements on state-maintained streets.**

Staff Resource(s):

Liz Babson, Transportation
Charles Abel, Transportation

Explanation

- The North Carolina Department of Transportation (NCDOT) administers a statewide traffic signal maintenance program. Through Supplemental Municipal Agreements, NCDOT reimburses the city for re-timing of traffic signals and annual traffic signal maintenance on state-maintained streets within city limits.
- The City maintains 844 traffic signals, 509 of which are on state-maintained streets.
- The City has entered into similar maintenance agreements with NCDOT for over 25 years.
- NCDOT will reimburse the City for traffic signal re-timing work up to \$200,000.
- NCDOT will reimburse the City for annual traffic signal maintenance up to \$600,000.
- The annual traffic signal maintenance agreement also outlines that the city will replace LED traffic signal displays on state-maintained streets. Expenditures are anticipated to be \$300,000 and are funded in advance by NCDOT.

Charlotte Business INClusion

Municipal Agreements are exempt (Part A: Appendix 1.27 of the Charlotte Business INClusion Policy).

Fiscal Note

Funding: Transportation Operating Budget

Attachment(s)

Budget Ordinance
Resolution

[BO NCDOT Maintenance 7.8.2019](#)

[Resolution for Schedules C D 2019](#)

17. 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

- At the June 24, 2019 Business Meeting, three nominees received votes, but not sufficient to be appointed; a run-off is required.
- One appointment for a three-year term for an At-Large member beginning July 1, 2019 and ending June 30, 2022.
 - Elizabeth Frere, voted to appoint by Councilmembers Ajmera, Driggs, and Newton.
 - Ciara May, voted to appoint by Councilmembers Harlow, Mayfield, and Phipps.
 - Chris Muryn, voted to appoint by Councilmembers Bokhari, Egleston, Eiselt, Mitchell, and Winston.

Attachment(s)

Historic District Commission Applicants

Mayor and City Council Topics

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

CONSENT

18. Charlotte-Mecklenburg Government Center First Floor - CLT Development Center Renovation

Action:

- A. **Reject the low bid submitted by Miles-McClellan Construction for the Charlotte-Mecklenburg Government Center First Floor - CLT Development Center Renovation project, and**
- B. **Approve a contract in the amount of \$1,177,085.58 to the lowest responsive bidder D. E. Brown Construction, Inc. for the Charlotte-Mecklenburg Government Center First Floor - CLT Development Center Renovation.**

Staff Resource(s):

Mike Davis, General Services

William Haas, General Services

Taiwo Jaiyeoba, Planning, Design, and Development

Alyson Craig, Planning, Design, and Development

Explanation

- Renovate a portion of the first floor of the Charlotte-Mecklenburg Government Center for the CLT Development Center (formerly known as "One Stop Shop"), located in Council District 1.
- A collaborative work space will be constructed for staff from five city departments (Planning, Design and Development, General Services, Charlotte Water, Fire and Transportation) to create a proactive, responsive and customer-centric permitting space to be named CLT Development Center.
- Construction includes but is not limited to demolition, electrical, mechanical, plumbing work, fire suppression and alarm work as necessary to up-fit the space for its new use.

Action A

- Miles-McClellan Construction bid of \$1,175,900, was found to be non-responsive as a result of failing to meet the bid bond requirements set by North Carolina General Statute §143-129.
- Miles-McClellan Construction did not include the amount on the bid bond.

Action B

- On May 10, 2019, the city issued an Invitation to Bid; three bids were received.
- D. E. Brown Construction, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed by fourth quarter 2019.

Charlotte Business INclusion

Established SBE Goal: 11.00%

Committed SBE Goal: 38.66%

D.E. Brown Construction, Inc. exceeded the established SBE subcontracting goal, and has committed 38.66% (\$443,476.67) of the base bid amount (excluding allowances of \$30K) to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Electrical System Specialists, Inc. (SBE) (\$256,109.67) (electrical)
- Armstrong Mechanical Services Inc. (SBE) (\$154,677) (mechanical)
- Mountain Oak Millwork LLC (SBE, WBE) (\$32,690) (millwork)

Established MBE Goal: 7.00%

Committed MBE Goal: 7.39%

D.E. Brown Construction, Inc. exceeded the established MBE subcontracting goal, and has committed 7.39% (\$84,750) of the base bid amount (excluding allowances of \$30K) to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Funderburk Unlimited Services, Incorporated (MBE) (\$81,750) (demolition, drywall, paint)
- All- Points Waste Services, Inc. (MBE) (\$3,000) (construction debris)

DE Brown Construction, Inc. is also a city certified SBE

Fiscal Note

Funding: General Capital Investment Plan

19. Construct State Street Pedestrian Improvement Project

Action:

- A. Reject the low-bid by Red Clay Industries, Inc. for State Street Pedestrian Improvement Project, and**
- B. Approve a contract in the amount of \$866,926.25 to the lowest responsive bidder United of Carolinas, Inc. for the State Street Pedestrian Improvement Project.**

Staff Resource(s):

Mike Davis, General Services
David Wolfe, General Services
Lamar Davis, General Services

Explanation

- This contract includes construction services for the State Street Pedestrian Improvement Project, identified in the West Trade/Rozzelles Ferry Comprehensive Neighborhood Improvement Program (CNIP), located in Council District 2.
- The project boundaries are from South Turner Avenue to the dead end at the "Five Points" intersection (Rozzelles Ferry Road, Beatties Ford Road, West Trade Street, Fifth Street).
- This project will provide cyclists and pedestrians a safe route to and from the proposed and current Stewart Creek Greenway, Martin Luther King Park, city LYNX Gold Line Streetcar, Johnson C. Smith University and businesses serving the neighborhood.
- Construction will include sidewalks, curb, gutter, street resurfacing, drainage improvements, traffic calming features, planting strips with street trees and high visibility crosswalks at key intersections on State Street.
- On April 10, 2019, the city issued an Invitation to Bid; four bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2020.

Reject Low-Bid Explanation

- Red Clay Industries, Inc.'s bid in the amount of \$783,689.38 was found to be non-responsive as a result of failing to meet the city's Charlotte Business INCLUSION (CBI) Program goal.

Charlotte Business INCLUSION

Established SBE Goal: 16.00%

Committed SBE Goal: 16.00%

United of Carolinas, Inc. met the established SBE subcontracting goal, and has committed 16.00% (\$138,708.32) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INCLUSION Policy):

- R.R.C. Concrete, Inc. (SBE, MBE) (\$128,708.32) (concrete)
- Cesar A. Leon, LLC (SBE, MBE) (\$5,000) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$5,000) (hauling)

Established MBE Goal: 5.00%

Committed MBE Goal: 16.00%

United of Carolinas, Inc. exceeded the established MBE subcontracting goal, and has committed 16.00% (\$138,708.32) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INCLUSION Policy):

- R.R.C. Concrete, Inc. (SBE, MBE) (\$128,708.32) (concrete)
- Cesar A. Leon, LLC (SBE, MBE) (\$5,000) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$5,000) (hauling)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Location Map - State Street Pedscape Improvement Project](#)

20. Construct Five Points Plaza Improvement Project

Action:

Approve a contract in the amount of \$3,872,616.95 to the lowest responsive bidder United of Carolinas, Inc. for the Five Points Plaza Improvement Project.

Staff Resource(s):

Mike Davis, General Services
David Wolfe, General Services
Lamar Davis, General Services

Explanation

- This contract includes construction services for the Five Points Plaza Improvement Project, identified in the West Trade/Rozzelles Ferry Comprehensive Neighborhood Improvement Program (CNIP), located in Council District 2.
- Included in the project is a public plaza at the Five Points Intersection (Rozzelles Ferry Road/Fifth Street/West Trade/Beatties Ford Road), landscaping, pedestrian lighting, artwork and signage, an amphitheater, water splash pad, swings, tables and chairs, solar lighting brick pavers, sidewalk and a decorative wall.
- This CNIP project will enhance connections between Johnson C. Smith University's green space and the surrounding neighborhoods. This project will also create space for persons waiting for transit and a gathering space for persons visiting, working, walking and cycling to and from Johnson C. Smith University, Martin Luther King Park, Frazier Park, Stewart Creek Greenway and other area businesses.
- On April 30, 2019, the city issued an Invitation to Bid; 3 bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2020.

Charlotte Business INclusion

Established SBE Goal: 17.00%

Committed SBE Goal: 17.46%

United of Carolinas, Inc. exceeded the established SBE subcontracting goal, and has committed 17.46% (\$676,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (SBE, MBE) (\$663,000) (concrete)
- Cesar A. Leon L.L.C. (SBE, MBE) (\$10,000) (hauling)
- Sun King Trucking, LLC. (SBE, MBE) (\$3,000) (hauling)

Established MBE Goal: 7.00%

Committed MBE Goal: 17.46%

United of Carolinas, Inc. exceeded the established MBE subcontracting goal, and has committed 17.46% (\$676,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (SBE, MBE) (\$663,000) (concrete)
- Cesar A. Leon L.L.C. (SBE, MBE) (\$10,000) (hauling)
- Sun King Trucking, LLC. (SBE, MBE) (\$3,000) (hauling)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Location Map - Five Points Plaza Improvement Project](#)

21. Construct Cross Charlotte Trail - Brandywine Road to Tyvola Road

Action:

Approve a contract in the amount of \$17,192,995.60 to the lowest responsive bidder Blythe Development Co. for the Cross Charlotte Trail Brandywine Road to Tyvola Road project.

Staff Resource(s):

Mike Davis, General Services
Tom Russell, General Services
Joe Frey, General Services

Explanation

- The Cross Charlotte Trail (XCLT) is a joint project of the City of Charlotte and Mecklenburg County to create a 26-mile trail and greenway facility stretching from the City of Pineville to the UNC Charlotte campus and on to the Cabarrus County line.
- This contract includes construction services for the Brandywine Road to Tyvola Road segment (1.5 miles) of the XCLT trail that starts on the north side of Brandywine Road and runs south along the creek to connect to another existing section of greenway just north of Tyvola Road, in Council District 6.
- The work includes but is not limited to clearing and grading, landscaping, multiple retaining walls, asphalt and concrete pathway, bridges, elevated boardwalk, drainage, curb, gutter, wheelchair ramps, bank stabilization, and traffic control.
- On May 15, 2019, the city issued an Invitation to Bid; two bids were received.
- Blythe Development Co. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2021.

Charlotte Business INclusion

Established SBE Goal: 15.00%
Committed SBE Goal at Bid Opening: 13.05%
SBE Participation to Date: 25.98%

Blythe Development Co. failed to meet the established SBE subcontracting goal at bid, but earned the Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INclusion Policy) and are recommended for award. At bid, Blythe Development Co. committed 13.05% (\$2,243,185) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Maybury Fencing Inc. (SBE) (\$639,000) (fencing, handrail)
- Express Logistics Services, Inc. (SBE, MBE) (\$573,300) (hauling)
- R.R.C. Concrete Inc (SBE, MBE) (\$438,000) (concrete flatwork)
- Oliver Paving Company (SBE) (\$365,000) (paving)
- Habitat Assessment & Restoration Program, Inc. (SBE) (\$223,585) (plantings)
- Ground Effects, Inc. (SBE) (\$4,300) (pavement markings)

Subsequent to Bid Opening, Blythe Development Co. has committed an additional 12.93% (\$2,223,295) to the following certified firm(s):

- Axiom Foundations, LLC (SBE) (\$2,223,295) (concrete pilings, masonry wall reinforcements)

Established MBE Goal: 5.00%
Committed MBE Goal at Bid Opening: 5.88%
MBE Participation to Date: 5.88%

Blythe Development Co. exceeded the established MBE subcontracting goal, and has committed 5.88% (\$1,011,300) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Express Logistics Services, Inc. (SBE, MBE) (\$573,300) (hauling)
- R.R.C. Concrete Inc (SBE, MBE) (\$438,000) (concrete flatwork)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Location Map - Cross Charlotte Trail - Brandywine Road to Tyvola Road](#)

22. Locks, Cylinders, and Key System Parts

Action:

- A. **Approve a unit price contract to the lowest responsive bidder Accredited Lock Supply for the purchase of locks, cylinders, and key system parts 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):

Kay Elmore, General Services

Explanation

- Locks, cylinders, and key system parts ensure security to restricted areas at various locations throughout the Airport, as well as numerous city-owned buildings and facilities.
- On April 26, 2019, the city issued an Invitation to Bid; four bids were received.
- Accredited Lock Supply was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$214,939.

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

Various Departments' Operating Budgets

23. Underground Locating Services

Action:

- A. **Approve a unit price contract with USIC Locating Services LLC for underground locating services for an initial term of two years, and**

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

Staff Resource(s)

Angela Lee, Charlotte Water
Ron Hargrove, Charlotte Water
Scott Clark, Charlotte Water

Explanation

- This contract will provide additional resources that will supplement Charlotte Water staff with performing underground locating service requests.
- Currently, Charlotte Water responds to approximately 355,000 locate service requests annually, and as construction and telecommunication needs increase and infrastructure upgrades continue, these requests are anticipated to increase.
- To prevent property damage and human injury, the Underground Utility Safety and Damage Prevention Act (e.g., NC 811) requires Charlotte Water to locate its underground infrastructure prior to excavation activities commencing.
- On March 13, 2019, the city issued a Request for Proposals (RFP); three responses were received.
- USIC Locating Services LLC best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$1,300,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Operating Budget

24. Water and Wastewater Programmable Logic Controllers

Action:

- A. **Approve the purchase of programmable logic controllers and related electrical components, by the sole source exemption, and**

- B. **Approve a contract with AutomationDirect.com Inc. for the purchase of programmable logic controllers and related electrical components for the term of five years.**

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

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, and standardization is an important consideration.
- The City Council must approve purchases made under the sole source exemption.

Explanation

- This contract will allow for the standardization of AutomationDirect.com Inc. programmable logic controllers to automate processes throughout the systems while generating data necessary for reporting that is required by the North Carolina Department of Environmental Quality.
- Since the early 1990s, programmable logic controllers have been used as an integral part of its treatment and lift station operations.
- Benefits of standardization are reduced spare parts inventory, support equipment, training requirements, and cost of maintenance.
- Annual expenditures are estimated to be \$300,000.

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: Charlotte Water Operating Budget

25. Mount Holly Pump Station and Force Main Design-Build Services

Action:

- A. **Approve a contract in the amount of \$8,848,918 with The Haskell Company for Phase 1 Design-Build Services for the Mount Holly Pump Station and Force Main project,**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved, and**
- C. **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

Carl Wilson, Charlotte Water

Explanation

- This contract includes design services and development of a guaranteed maximum price (GMP) for construction.
- This project will design and construct pump stations and pipelines that will enable the City of Mount Holly to send its sewer flow to Charlotte Water.
- The constructed facilities will be utilized for the Stowe Regional Water Resource Recovery Facility.
- On September 10, 2018, Council approved an Interlocal Agreement with Mount Holly to accept flow into Charlotte Water's sewer system.
- On December 11, 2018, Gaston County approved a Resolution authorizing the city to acquire Mount Holly owned property needed to complete the project.
- On December 17, 2018, the city issued a Request for Qualifications (RFQ); six proposals were received.
- The Haskell Company was determined to be the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- In the future, Council will receive a request for the approval of the GMP once it is established.

Charlotte Business INclusion

This project is subject to the North Carolina Clean Water State Revolving (CWSRF) Fund loan project guidelines, which only requires MWBE goals on Construction Contracts. The Haskell Company has committed 7.49% (\$663,000) of the Phase 1 Design-Build Services to the following certified firms:

- Southeastern Consulting Engineers, Inc. (SBE) (\$400,000) (electrical engineering)
- Milhouse Engineering & Construction, Inc. (DBE, MBE) (\$75,000) (plumbing, mechanical)
- TKG (SBE, WBE) (\$50,000) (e-builder document control)
- CITI LLC (MBE) (\$45,000) (instrumentation integration support)
- The Survey Company (SBE) (\$35,000) (survey and easements)
- Carolina Wetland Services, Inc. (SBE, WBE) (\$26,000) (environmental and wetland permitting)
- McDow Consulting, LLC (HUB) (\$20,000) (business diversity consultant)
- Capstone Civil Group (MBE, SBE) (\$12,000) (drilling and water sampling)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Mount Holly RCA Map](#)

26. Blue Line Extension Construction Management Services Contract Amendment

Action:

- A. Approve contract amendment #10 for \$4,200,000 to HNTB North Carolina PC for construction management services for the LYNX Blue Line Extension project, and**
- B. Authorize the City Manager to further amend the contract consistent with the Blue Line Extension project budget and scope for which the contract was awarded.**

Staff Resource(s):

John Lewis, CATS

Jill Brim, CATS

Explanation

- Although the Blue Line Extension (BLE) project successfully opened for revenue service on March 16, 2018, work continues on the Civil A and Track and Systems contracts to complete all required work, including submittals, testing, corrective actions, and closeout documentation. This work is ongoing and expected to be complete in late 2019. The BLE project continues to be under budget. The BLE project is located in Council Districts 1 and 4.
- HNTB is providing construction management services for the BLE, including construction inspection, submittal reviews, change management, schedule analysis, construction safety oversight, and quality management services.
- HNTB North Carolina PC contract amendment #10 is needed due to the following:
 - Extended schedule to complete the Civil A contract, including work at the CSX railroad due to the failure of an existing box culvert, as well as contract closeout;
 - Extended schedule to complete the Track and Systems contract, including resolution of issues, completion of system integration testing and final acceptance, and the final safety certification for the project.
- On November 12, 2012, the City Council approved Phase One of the construction management agreement in the amount of \$3,000,000. Phase One was executed to allow work to begin while the primary contract was negotiated.
- Nine contract amendments have been approved to date.
- The new total value of the contract, including this amendment, is \$78,464,506, which is within the current BLE project budget.

Disadvantaged Business Enterprise Opportunity

All additional work involved in this amendment will be performed by HNTB North Carolina PC and their existing DBE subcontractors.

Fiscal Note

Funding: CATS Community Investment Plan

Attachment(s)

Blue Line Extension Construction Management Contract Amendment History for HNTB

[Attachment BLE Construction Management Contract Amendment History for HNTB.docx](#)

27. CityLYNX Gold Line Phase 2 Shelter Contract

Action:

- A. Approve the purchase of shelters and shelter parts, by the sole source exemption,
- B. Approve a contract with Tolar Manufacturing Company for the purchase of shelters and shelter parts for the term of two 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):

John Lewis, CATS

David McDonald, CATS

Sole Source Exemption

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract to maintain compatibility and consistency with the shelters purchased and installed under the CityLYNX Gold Line Phase 1 contract and to maintain compatible parts inventory.
- The City Council must approve purchases made under the sole source exception.

Explanation

- The CityLYNX Gold Line Shelters for the Phase 1 project were provided by the contractor from Tolar Manufacturing Company. Phase 1 shelters will be reused for Phase 2, and new shelters will be purchased (two per stop) for each of the new stop locations (11 new stops). In addition, one shelter for the 5th Street at Hawthorne Lane Stop is needed now that the line is being extended. All stops currently reside in District 1 with new platforms for the extension residing in District 2.
- To maintain consistency of appearance, interchangeability of parts, and compatibility with the existing shelters, only one vendor is available.
- The shelters will be installed under the existing construction contract for the CityLYNX Gold Line Phase 2 project. Additional parts inventory will be purchased as needed for replacement and maintenance.
- The estimated amount of the contract for Phase 2 of the Gold Line is \$325,000.
- Annual expenditures are estimated to be \$50,000.

Charlotte Business INclusion

Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements are exempted (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Capital Investment Plan and CATS Operating Budget

28. Airport Corporate Aircraft Hangar Site Development

Action:

Approve a contract in the amount of \$6,032,643.10 to the lowest responsive bidder Blythe Construction for the corporate aircraft hangar site development project.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- Due to increased demand, the Airport needs to expand facilities that can house corporate aircraft and related activities.
- This project includes site preparation for two corporate hangars, consisting of erosion control, grading, utility relocation, construction of a new access road, construction of an existing taxiway extension, and the installation of new security fencing.
- The sites' tenants will reimburse the Airport for their share of the site preparation expenses.
- On April 18, 2019, the city issued an Invitation to Bid; two bids were received.
 - In accordance to North Carolina General Statute 143-132, if three bids are not received from reputable and qualified contractors, the project must be re-advertised. During the re-advertisement, the contract may be awarded to the lowest responsible bidder even if only one bid is received from an interested service provider.
 - On May 23, 2019, the project was re-bid; two bids were received.
- Blythe Construction was selected as the lowest responsible bidder.
- The project is anticipated to be completed by first quarter 2020.
- This activity is occurring on airport property, located in Council District 3.

Charlotte Business Inclusion

Established SBE Goal: 18.00%

Committed SBE Goal: 22.92%

Established MBE Goal: 8.00%

Committed MBE Goal: 22.92%

Blythe Construction has exceeded the established subcontracting goal, and has committed 22.92% (\$1,382,475.00) of the total contract amount to the following certified firms. (Part B: Section 3.1.4. of the Charlotte Business INclusion Policy):

- Diamond Trucking of NC Inc. (MBE, SBE) (\$475,000.00) (Hauling)
- RRC Concrete Inc. (MBE, SBE) (\$907,475.00) (Concrete)

Fiscal Note

Funding: Aviation Capital Investment Plan

29. Set Public Hearing on Cheyney Voluntary Annexation

Action:

Adopt a resolution setting the public hearing for August 26, 2019 for the Cheyney voluntary annexation petition.

Staff Resource(s):

Taiwo Jaiyeoba, Planning, Design, and Development
Katrina Young, Planning, Design, and Development

Explanation

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- Area proposed for annexation shares boundary with current city limits.
- Annexation of this area will allow for more orderly land development review, extension of city services, capital investments, and future annexation processes.
- The 147.97 acre "Cheyney" site is located southeast of Interstate 485 & Old Statesville Road Interchange and west of Browne Road in northern Mecklenburg County.
 - The property is currently vacant with the exception of two single family homes and several detached accessory agricultural buildings.
 - The petitioner has plans to construct a master planned residential community with 266-single family residential units and 144-multi-family residential units on the site.
 - The property is divided almost equally by two zoning districts. Approximately half of the property is zoned (R-3) Single Family Residential which allows up to three units per acre and half of the property is zoned (MX-3) Mixed Used Conditional permitting residential and major commercial institutional and employment uses.
 - The property is located immediately adjacent to City Council District 4.
 - Petitioned area consists of one parcel, PID 027-181-86.

Consistent with City Council Policies

- The annexation is not consistent with all city voluntary annexation policies approved by the City Council on March 24, 2003; more specifically this annexation:
 - Will not adversely affect the city's ability to undertake future annexations;
 - Will not have undue negative impact on city finances or services;
 - Will result in a situation where unincorporated area will be encompassed by new city limits. However, the areas are currently only accessible through property within the city limits.

Public Hearing Date

The resolution sets Monday, August 26, 2019 for the public hearing.

Attachment(s)

Map

Resolution

[`Cheyney Map](#)

[Resolution to set hearing - Cheyney](#)

30. Set Public Hearing on Sutton Farm Phase 2 Voluntary Annexation

Action:

Adopt a resolution setting the public hearing for August 26, 2019 for the Sutton Farm Phase 2 voluntary annexation petition.

Staff Resource(s):

Taiwo Jaiyeoba, Planning, Design, and Development
Katrina Young, Planning, Design, and Development

Explanation

- On February 25, 2019, the City Council previously approved the consent of a public hearing, which was held on March 25, 2019 for the consideration of the application received for voluntary annexation. City Council approved Ordinance #9534-X and accepted the subject area for voluntary annexation.
- Staff requests adoption of a resolution to set a new public hearing to accurately advertise the legal description of the subject area.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction, immediately adjacent to City Council District 2.
- Annexation of this area will allow for more orderly land development review, extension of city services, capital investments, and future annexation processes.
- The 8.75-acre "Sutton Farms Phase 2" site is located south of Pleasant Grove Road and north of Old Plank Road in Northwest Mecklenburg County.
 - The property is owned by Pleasant Grove Presbyterian Church
 - The property is currently vacant and is zoned R-3 Single Family Residential (R-3) at three units per acre.
 - The petitioned area consists of one parcel, PID 35-181-16.
 - The petitioner has plans to construct a 24-unit, single-family residential subdivision.

Consistent with City Council Policies

- The annexation is consistent with city voluntary annexation policies approved by the City Council on March 24, 2003; more specifically this annexation:
 - Will not adversely affect the city's ability to undertake future annexations;
 - Will not have undue negative impact on city finances or services; and
 - Will not result in situations where unincorporated areas will be encompassed by new city limits.

Public Hearing Date

The resolution sets Monday, August 26, 2019 for the public hearing.

Attachment(s)

Map

Resolution

[Sutton Farms Phase 2 annexation map](#)

[Resolution to set hearing -Sutton Farms Ph 2](#)

31. Set Public Hearing on The Enclave at Peachtree Voluntary Annexation

Action:

Adopt a resolution setting the public hearing for August 26, 2019 for The Enclave at Peachtree voluntary annexation petition.

Staff Resource(s):

Taiwo Jaiyeoba, Planning, Design, and Development

Katrina Young, Planning, Design, and Development

Explanation

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- Area proposed for annexation shares boundary with current city limits.
- Annexation of this area will allow for more orderly land development review, extension of city services, capital investments, and future annexation processes.
- The 8.54 acre "The Enclave at Peachtree" site is located north of Auten Road and west of Capps Hill Mine Road in western Mecklenburg County.
 - The property is currently vacant.
 - The petitioner has plans to construct a 15-single family residential development on the site.
 - The property is zoned (R-4) Single Family Residential which allows up to four units per acre.
 - The property is located immediately adjacent to City Council District 2.
 - Petitioned area consists of one parcel, PID 039-20-115.

Consistent with City Council Policies

- This annexation is consistent with city voluntary annexation policies approved by the City Council on March 24, 2003; more specifically this:
 - Will not adversely affect the city's ability to undertake future annexations;
 - Will not have undue negative impact on city finances or services; and
 - Will not result in an unincorporated area encompassed by new city limits.

Public Hearing Date

The resolution sets Monday, August 26, 2019 for the public hearing.

Attachment(s)

Map

Resolution

[The Enclave at Peachtree Annexed Area Map](#)

[Resolution to set hearing - The Enclave at Peachtree](#)

32. Workers' Compensation Medical Services

Action:

- A. Approve a unit discount contract with Concentra Medical Centers for workers' compensation medical 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 and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Kelly Flannery, Finance

Betty Coulter, Finance

Explanation

- The city's Risk Management office coordinates workers' compensation claims for the city, Mecklenburg County, Charlotte-Mecklenburg Schools, MEDIC, and the Charlotte Regional Visitors Authority.
- Collectively, these five organizations employ approximately 37,500 individuals, and all workers' compensation medical services for employees injured on the job are outsourced.
- Workers' compensation medical services may include:
 - Providing medical direction and leadership as a licensed provider in North Carolina;
 - Providing various locations within Mecklenburg County for access to treatment;
 - Providing treatment at various levels and within established timeframes;
 - Providing limited pharmacy benefit management services;
 - Providing referrals as appropriate and necessary;
 - Providing fitness-for-duty evaluations; and
 - Creating policies and protocols for exposure-related claims.
- On April 2, 2019, the city issued a Request for Proposals (RFP); two responses were received.
- Concentra Medical Centers best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The North Carolina Industrial Commission (NCIC) sets maximum pricing levels for medical treatment under workers' compensation. Concentra Medical Centers offers an 11 percent discount to the maximum pricing established by the NCIC.
- The city's annual expenditures are estimated to be \$850,000.
- The cost of these services will be paid by the respective organization for which the services have been performed.

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Concentra Medical Centers has identified MWSBE opportunities in the following scopes of work:

- Electrical services;
- Flooring services;
- Heating, ventilating and air conditioning (HVAC);
- Janitorial services;
- Landscaping;
- Mechanical services;
- Plumbing;
- Pressure washing; and
- Window services (cleaning, repair, installation)

Fiscal Note

Funding: City of Charlotte Risk Management Fund; Mecklenburg County Risk Management Fund; Charlotte-Mecklenburg Schools Risk Management Fund

33. Property and Casualty Claims Third Party Administration Services

Action:

- A. Approve a contract with Preferred Adjusters of the Carolinas, Inc. for property and casualty claims third party administration 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 and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Kelly Flannery, Finance

Betty Coulter, Finance

Explanation

- The city's Risk Management office coordinates the investigation and payment of property and casualty claims for the city, Mecklenburg County, and Charlotte-Mecklenburg Schools.
- Property and casualty claims requiring field and after-hours responses and investigations are outsourced to a third-party administrator.
- Third-party administrator services may include:
 - Performing field investigations;
 - Maintaining claim files and records;
 - Coordinating investigations on litigated claims;
 - Investigating and pursuing opportunities for subrogation;
 - Providing loss mitigation services; and
 - Establishing initial reserves.
- On April 1, 2019, the city issued a Request for Proposals (RFP); one response was received.
- Preferred Adjusters of the Carolinas, Inc. meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The cost of these services is paid by the respective agency for which services are performed.
- The city's annual expenditures are estimated to be \$250,000.

Charlotte Business INCLUSION

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INCLUSION Policy). Preferred Adjusters of the Carolinas, Inc. has identified MWSBE opportunities in the following scopes of work:

- Office supplies

Fiscal Note

Funding: City of Charlotte Risk Management Fund; Mecklenburg County Risk Management Fund; Charlotte-Mecklenburg Schools Risk Management Fund

34. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$44.60.

Staff Resource(s):

Kelly Flannery, Finance
Teresa Smith, Finance

Explanation

- Mecklenburg County notified and provided the city the list of Property Tax refunds due to clerical or assessment error.

Attachment(s)

Taxpayer and Refund Requested
Resolution Property Tax Refund

[List of Taxpayers](#)

[Resolution](#)

35. Meeting Minutes

Action:

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

- **May 20, 2019 Zoning Meeting,**
- **May 22, 2019 Budget Briefing, and**
- **May 23, 2019 Budget Adjustments.**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

36. Property Transactions - Back Creek Church Road to serve 3124, Parcels #1 and 2

Action: Approve the following Condemnation: Back Creek Church Road to serve 3124, Parcels #1 and 2

Project: Back Creek Church Road to serve 3124, Parcels #1 and 2

Owner(s): William T. Crowder, Jr. Revocable Trust and Pamela M. Crowder Revocable Trust

Property Address: 3000 Back Creek Church Road

Total Parcel Area: 1,069,587 sq. ft. (24.554 ac.)

Property to be acquired by Easements: 11,354 sq. ft. (.261 ac.) in Sanitary Sewer Easement, plus 9,202 sq. ft. (.211 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Rural Homesite

Tax Code: 051-484-14 and 051-484-13

Appraised Value: \$4,900

Property Owner's Concerns: The property owner does not agree with amount of compensation offered.

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

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

Council District: 4

[Location Map - Condemnation - Back Creek Church Road to serve 3124.P1P2.docx](#)

37. Property Transactions - Back Creek Church Road to serve 3124, Parcel #3

Action: Approve the following Condemnation: Back Creek Church Road to serve 3124, Parcel #3

Project: Back Creek Church Road to serve 3124, Parcel #3

Owner(s): William T. Crowder, Jr. Revocable Trust and Pamela M. Crowder Revocable Trust

Property Address: 3102 Back Creek Church Road

Total Parcel Area: 146,137 sq. ft. (3.355 ac.)

Property to be acquired by Easements: 2,998 sq. ft. (.069 ac.) in Sanitary Sewer Easement, plus 1,986 sq. ft. (.046 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Rural Homesite

Tax Code: 051-484-12

Appraised Value: \$875

Property Owner's Concerns: The property owner does not agree with amount of compensation offered.

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

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

Council District: 4

[Location Map - Condemnation - Back Creek Church Road to serve 3124.P3.docx](#)

38. Property Transactions - Briar Creek Road Connector, Parcel #1

Action: Approve the following Condemnation: Briar Creek Road Connector, Parcel #1

Project: Briar Creek Road Connector, Parcel #1

Owner(s): Star City Development Company, Inc.

Property Address: Washburn Avenue

Total Parcel Area: 65,527 sq. ft. (1.504 ac.)

Property to be acquired by Easements: 339 sq. ft. (.008 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22MF

Use: Multi-family

Tax Code: 159-025-01

Appraised Value: \$725

Property Owner's Concerns: The property owner does not agree with amount of compensation offered.

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

Outstanding Concerns: Property owner became unresponsive.

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

Council District: 1

[Location Map - Condemnation - Briar Creek Road Connector.P1.docx](#)

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

Action: Approve the following Acquisition: 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: 1,582 sq. ft. (.036 ac.) in Fee Simple, plus 4,166 sq. ft. (.096 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 145 sq. ft. (.003 ac.) in Storm Drainage Easement, plus 193 sq. ft. (.004 ac.) in Sidewalk and Utility Easement, plus 1,054 sq. ft. (.024 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Parking pad

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Rural Homesite

Tax Code: 223-282-83

Purchase Price: \$35,000

Council District: 7

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

40. Property Transactions - Hinsdale - Tinkerbell Drainage Improvements, Parcel #252

Action: Approve the following Condemnation: Hinsdale - Tinkerbell Drainage Improvements, Parcel #252

Project: Hinsdale - Tinkerbell Drainage Improvements, Parcel #252

Program: Flood Control

Owner(s): Laura Duke and Peter Tannenberger

Property Address: 3300 Tinkerbell Lane

Total Parcel Area: 20,417 sq. ft. (.469 ac.)

Property to be acquired by Easements: 588.31 sq. ft. (.014 ac.) in Storm Drainage Easement, plus 749.99 sq. ft. (.017 ac.) in Temporary Construction Easement, plus 3,031.03 sq. ft. (.07 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 209-121-10

Appraised Value: \$34,725

Property Owner's Counteroffer: \$61,951

Property Owner's Concerns: The property owner is concerned with the amount of compensation offered and potential impacts to the property.

City's Response to Property Owner's Concerns: Staff informed the property owner they could obtain their own appraisal to justify their counter offer and was able to redesign to minimize impacts to the property.

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 - Condemnation - Hinsdale - Tinkerbell Improvements.P252.docx](#)

41. Property Transactions - Hinsdale - Tinkerbell Drainage Improvements, Parcel #253

Action: Approve the following Condemnation: Hinsdale - Tinkerbell Drainage Improvements, Parcel #253

Project: Hinsdale - Tinkerbell Drainage Improvements, Parcel #253

Program: Flood Control

Owner(s): Michael F. Anderson and Jacquelyn M. Anderson

Property Address: 3310 Tinkerbell Lane

Total Parcel Area: 20,500 sq. ft. (.471 ac.)

Property to be acquired by Easements: 45.68 sq. ft. (.001 ac.) in Temporary Construction Easement, plus 2,556.25 sq. ft. (.059 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 209-121-11

Appraised Value: \$18,150

Property Owner's Concerns: The property owner is concerned with amount of compensation offered.

City's Response to Property Owner's Concerns: Staff informed the property owner they could obtain their own appraisal to justify a counter offer.

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

Council District: 6

[Location Map - Condemnation - Hinsdale - Tinkerbell Improvements.P253.docx](#)

42. Property Transactions - Hinsdale - Tinkerbell Drainage Improvements, Parcel #267

Action: Approve the following Acquisition: Hinsdale - Tinkerbell Drainage Improvements, Parcel #267

Project: Hinsdale - Tinkerbell Drainage Improvements, Parcel #267

Program: Flood Control

Owner(s): Adam M. Growley and Robin P. Growley

Property Address: 2824 Hinsdale Street

Total Parcel Area: 28,604 sq. ft. (.657 ac.)

Property to be acquired by Easements: 468.32 sq. ft. (.011 ac.) in Storm Drainage Easement, plus 273.87 sq. ft. (.006 ac.) in Sanitary Sewer Easement, plus 3,617.21 sq. ft. (.083 ac.) in Temporary Construction Easement, plus 1,131.44 sq. ft. (.026 ac.) in Utility Easement, plus 288.65 sq. ft. (.007 ac.) in Existing Drainage Right of Way 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: 209-121-09

Purchase Price: \$24,500

Council District: 6

[Location Map - Closing - Hinsdale - Tinkerbell Drainage Improvements.P267.docx](#)

43. Property Transactions - Sugar Creek Road Streetscape, Parcel #19

Action: Approve the following Acquisition: Sugar Creek Road Streetscape, Parcel #19

Project: Sugar Creek Road Streetscape, Parcel #19

Owner(s): Viet-My Corporation

Property Address: 301 East Sugar Creek Road

Total Parcel Area: 157,493 sq. ft. (3.616 ac.)

Property to be acquired by Fee: 5,211 sq. ft. (.12 ac.) in Fee Simple

Property to be acquired by Easements: 9,362 sq. ft. (.215 ac.) in Temporary Construction Easement, plus 3,786 sq. ft. (.087 ac.) in Utility Easement

Structures/Improvements to be impacted: Asphalt and sign

Landscaping to be impacted: None

Use: Commercial

Tax Code: 091-051-48

Purchase Price: \$110,100

Council District: 1

[Location Map - Closing - Sugar Creek Road Streetscape.P19.docx](#)

44. Property Transactions - Sugar Creek Road Streetscape, Parcel #23

Action: Approve the following Acquisition: Sugar Creek Road Streetscape, Parcel #23

Project: Sugar Creek Road Streetscape, Parcel #23

Owner(s): Maria C. Harrington and Christian Josue Costly Molina

Property Address: 215 & 227 East Sugar Creek Road

Total Parcel Area: 29,458 sq. ft. (.676 ac.)

Property to be acquired by Fee: 2,942 sq. ft. (.068 ac.) in Fee Simple

Property to be acquired by Easements: 1,726 sq. ft. (.04 ac.) in Temporary Construction Easement, plus 2,112 sq. ft. (.048 ac.) in Utility Easement

Structures/Improvements to be impacted: Asphalt and sign

Landscaping to be impacted: None

Zoned: I-2

Use: Commercial

Tax Code: 091-051-20

Purchase Price: \$90,000

Council District: 1

[Location Map - Closing - Sugar Creek Road Streetscape.P23.docx](#)

45. Property Transactions - Sugar Creek Road Streetscape, Parcel #26

Action: Approve the following Acquisition: Sugar Creek Road Streetscape, Parcel #26

Project: Sugar Creek Road Streetscape, Parcel #26

Owner(s): Adriajepe Enterprises, Inc.

Property Address: 127 East Sugar Creek Road

Total Parcel Area: 169,827 sq. ft. (3.899 ac.)

Property to be acquired by Fee: 14,028 sq. ft. (.322 ac.) in Fee Simple

Property to be acquired by Easements: 543 sq. ft. (.012 ac.) in Storm Drainage Easement, plus 12,109 sq. ft. (.278 ac.) in Temporary Construction Easement, plus 7,114 sq. ft. (.163 ac.) in Utility Easement, plus 301 sq. ft. (.007 ac.) in Storm Drainage Easement and Utility Easement

Structures/Improvements to be impacted: Asphalt and sign

Landscaping to be impacted: None

Zoned: B-2

Use: Commercial

Tax Code: 091-051-15

Purchase Price: \$249,075

Council District: 1

[Location Map - Closing - Sugar Creek Road Streetscape.P26.docx](#)

46. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #8

Action: Approve the following Acquisition: Water Oak Storm Drainage Improvements, Parcel #8

Project: Water Oak Storm Drainage Improvements, Parcel #8

Program: Flood Control

Owner(s): Joseph Linn Jr. and Joycelyn Linn

Property Address: 4523 Water Oak Drive

Total Parcel Area: 25,893 sq. ft. (.594 ac.)

Property to be acquired by Easements: 2,441 sq. ft. (.056 ac.) in Storm Drainage Easement, plus 191 sq. ft. (.004 ac.) in Temporary Construction Easement, plus 1,400 sq. ft. (.032 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 157-131-01

Purchase Price: \$18,887

Council District: 5

[Location Map - Closing - Water Oak Storm Drainage Improvements.P8.docx](#)

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.