City of Charlotte

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

Meeting Agenda

Monday, November 13, 2017

Council Chambers

City Council Business Meeting

Mayor Jennifer W. Roberts
Mayor Pro Tem Vi Lyles
Council Member Dimple Ajmera
Council Member Ed Driggs
Council Member Julie Eiselt
Council Member Claire Fallon
Council Member Carlenia Ivory
Council Member Patsy Kinsey
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Greg Phipps
Council Member Kenny Smith

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Meeting Agenda

City Council Business Meeting

Monday, November 13, 2017 | 5:00 PM | Council Chambers

5:00 P.M. DINNER BRIEFING, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, ROOM 267

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2. Agenda Overview 2
3. Disparity Study Update 3
4. Charlotte WALKS: Sidewalk Construction Ordinance Revisions 4
5. LYNX Blue Line Extension Update 5
6. Answers to Mayor and Council Consent Item Questions 6

7:00 P.M. BUSINESS MEETING, CHARLOTTE MECKLENBURG GOVERNMENT CENTER, CHAMBER

Call to Order

Roll Call

Introductions

Invocation

Pledge of Allegiance

7. Consent agenda items 21 through 51 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk. 7

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Adjournment

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Agenda Date: 11/13/2017

Agenda #: 1.**File #:** 15-6609 **Type:** Dinner Briefing

Mayor and Council Consent Item Questions

Staff Resource(s):
Kim Eagle, City Manager's Office

Time: 5 minutes

Synopsis
Mayor and Council may ask questions about Consent agenda items. Staff will address questions at the end of the dinner meeting.

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Agenda Date: 11/13/2017

Agenda #: 2.**File #:** 15-6608 **Type:** Dinner Briefing

Agenda Overview

Staff Resource(s):
Marcus Jones, City Manager

City of Charlotte

Charlotte-Mecklenburg
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600 East 4th Street
Charlotte, NC 28202

Agenda Date: 11/13/2017

Agenda #: 3.**File #:** 15-6195 **Type:** Dinner Briefing

Disparity Study Update

Staff Resource(s):
Randy Harrington, Management and Financial Services
Robert Hagemann, City Attorney
Nancy Rosado, Management and Financial Services
Thomas Powers, City Attorney's Office

Time: 60 minutes

Explanation

- BBC Research & Consulting, LLC will provide an update on their findings and recommendations from the 2017 Minority and Women Business Enterprise (MWBE) Disparity Study.
- The Economic Development Committee received a presentation on the MWBE Disparity Study on November 9, 2017 and made a recommendation which will be communicated during tonight's Dinner Briefing.

Future Action
The request for Council to adopt the Disparity Study will be included in the November 27 Council business agenda.

Agenda Date: 11/13/2017

Agenda #: 4.**File #:** 15-6907 **Type:** Dinner Briefing

Charlotte WALKS: Sidewalk Construction Ordinance Revisions

Committee Chair:
Vi Lyles, Transportation and Planning

Staff Resource(s):
Liz Babson, Transportation
Scott Curry, Transportation

Time: 20 minutes

Explanation

- The purpose of the presentation is to present proposed amendments to the sidewalk construction standards in Chapter 19 of the City Code.
- The amendments are a direct result of the Charlotte WALKS Pedestrian Plan. The plan, unanimously adopted by City Council on February 27, 2017, identifies back-of-curb sidewalks and sidewalk gaps as major problems.
- As part of the adoption of Charlotte WALKS, CDOT staff committed to bring forward code amendments by the end of the year to address those high priority issues.
- A public hearing on the proposed amendments is scheduled to occur at the Council Business Meeting immediately following the Dinner Briefing.

Future Action

- The item will be presented for full Council consideration at the November 27 Council Business Meeting.

Agenda #: 5.**File #:** 15-6672 **Type:** Dinner Briefing

LYNX Blue Line Extension Update

Staff Resource(s):

John Lewis, CATS

Time: 15 minutes

Explanation

- The purpose of the presentation is to provide an update on the status of the LYNX Blue Line Extension Project.

Future Action

This presentation is for informational purposes only.

Agenda #: 6.**File #:** 15-6610 **Type:** Dinner Briefing

Answers to Mayor and Council Consent Item Questions

Staff Resource(s):
Kim Eagle, City Manager's Office

Time: 10 minutes

Synopsis
Staff responses to questions from the beginning of the dinner meeting.

Agenda #: 7.**File #:** 15-6611 **Type:** Consent Item

Consent agenda items 21 through 51 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.

Agenda #: 8.**File #:** 15-6541 **Type:** Awards and Recognitions

#GivingTuesdayCLT Proclamation

Action:
Mayor Roberts will read a proclamation recognizing November 28, 2017 as #GivingTuesdayCLT in Charlotte.

Agenda #: 9.**File #:** 15-6896 **Type:** Awards and Recognitions

Jim Prosser Day Proclamation

Action:
Council member Kinsey will read a proclamation recognizing November 13, 2017, as Jim Prosser Day.

Agenda Date: 11/13/2017

Agenda #: 10.**File #:** 15-6605 **Type:** Public Hearing Item

Public Comment on Charlotte WALKS: Sidewalk Construction Ordinance Revisions

Action:
Receive public comment on proposed amendments to the sidewalk construction requirements in Chapter 19 of the City Code.

Staff Resource(s):
Liz Babson, Transportation
Scott Curry, Transportation

Explanation

- Charlotte WALKS, Charlotte's first comprehensive pedestrian plan, was unanimously adopted by City Council on February 27, 2017.
- City staff conducted extensive public outreach (30 public input events attended by over 1,000 people) to support the development of that plan.
- Community input revealed that gaps in the sidewalk network and back-of-curb sidewalks (i.e. lacking a buffer between pedestrians and moving cars) are primary concerns of Charlotte's citizens. These issues are most problematic on thoroughfares which have higher volumes and speeds of traffic.
- The Charlotte WALKS plan directs the City to develop amendments to the sidewalk construction requirements in Chapter 19 of the City Code in order to address these two key issues.
- These proposed ordinance revisions were developed in coordination with the City's Development Services Technical Advisory Committee (DSTAC) and the Unified Development Ordinance Advisory Committee. These committees are a resource and a liaison between City and County staff, the development community, and neighborhood and advocacy groups.
- The revisions focus specifically on new development activity along thoroughfares, as these are the locations where the current sidewalk infrastructure presents the greatest challenge for pedestrian safety and comfort.

Ordinance Revisions
Revisions to the current sidewalk construction requirements include:

- Implementing new triggers for when substandard/back-of-curb sidewalk on thoroughfares will be required to be upgraded to current standards. Those triggers are tailored to:
  - The scale of new development activity, and
  - The width of the existing sidewalk and planting strip.
- A new requirement that anytime a significant portion (>30 feet) of sidewalk is removed or damaged, that portion must be reinstalled according to current standards.

- A new requirement that any new development which removes more than half of its sidewalk along a thoroughfare, shall be required to bring all sidewalk along that thoroughfare into compliance with current City standards.
- New language that prevents applicants from phasing development to avoid the City's sidewalk and drainage requirements.

Attachment(s)
Revised draft ordinance

Chapter 19 Article VI of the Code of the City of Charlotte is hereby amended as follows:

"Sec. 19-171. – Findings; purpose."

a. The city council finds that:
   1. Certain uses of property within the city generate significant levels of vehicular or pedestrian traffic along public streets abutting the property used for those purposes;
   2. Convenient and safe pedestrian passageways should be provided in the public interest so as to separate such traffic in the interest of public safety; ~~and~~
   3. Properties which may be used for such purposes along public streets are without adequate, convenient and safe pedestrian sidewalks~~.~~; and
   4. The provision of pedestrian passageways separated from vehicular traffic is in the interest of public safety and compliance with applicable legal requirements.
b. The city council further finds that:
   1. Certain uses of property generate appreciable levels of surface water runoff which in turn collects trash and litter;
   2. Adequate drainage facilities should be provided in the public interest so as to allow the proper regulation and disposal of surface water runoff; and
   3. Properties which may be used for such purposes along public streets are without adequate and necessary drainage facilities, such as concrete curb and gutter, catchbasins, storm drainage pipes and the like so as to control surface water runoff.
c. Therefore, the city council, pursuant to the authority conferred by G.S. 160A-174, does ordain and enact into law this article which requires the construction of sidewalks and necessary drainage facilities in conjunction with the construction of structures, ~~or~~ buildings, or parking areas for certain uses.

"Sec. 19-172. – Definitions."

...

Built-upon area (BUA) means that portion of a property that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts (activity fields that have been designed to enhance displacement of runoff, such as compaction and grading or installation of sodded turf, and underground drainage systems for public parks and schools will be considered built-upon area.) "Built-upon area" does not include a wooden slatted deck or the water area of a swimming pool.

...

Parking area means any area meeting the definition of "built-upon-area" and used for the storage of motor vehicles, equipment, or other items. This definition may become irrelevant in conjunction with other definitions such as "buildings."

...

Structure means anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and other accessory construction. This definition may become irrelevant in conjunction with other definitions such as "buildings."

"Sec. 19-173. – Required."

a. Except as provided in subsections (b) and (d) of this section, construction of sidewalks and necessary drainage facilities shall be required in conjunction with the construction of any new building used for any of the following purposes:
   1. Office.
   2. Institutional.
   3. Multifamily residential where any building contains three or more dwelling units.
   4. Retail sales.
   5. Retail services.
   6. Business.
b. When the ~~proposed new developed area~~ cumulative built upon area will be less than ~~50 percent~~ 25 percent of the total area of the property ~~under single ownership~~, sidewalks and drainage facilities may not be required. However the city engineer may require certain improvements be made if they are determined to be in the public interest or needed to ensure public safety. If the total built upon area of the site reaches 25 percent or more of the total area of the property, sidewalks and drainage facilities shall be required.
c. Except as required by article III of this chapter and chapter 20 of this Code, sidewalk facilities shall not be required in conjunction with the construction of any new buildings used solely for the following purposes:
   1. Warehouse.
   2. Industrial.
   3. Auxiliary building.

   However, necessary drainage facilities as provided in this article shall be required except for auxiliary buildings.
d. If the new building as referred to in subsection (a) of this section is an addition as defined in this article, the construction of sidewalk facilities shall not be required if the addition is less than 25% of the existing principal building or 2,500 square feet, whichever is greater, except as provided by article III of this chapter, and chapter 20 of this Code. However, necessary drainage facilities shall be required.
e. Construction of sidewalks or necessary drainage facilities required by this article shall be accomplished along the entire length of the frontage of the property abutting each publicly maintained street, except as otherwise specified in this article.

f. to h. – *NO CHANGES*

"Sec. 19-174. – Standards of Construction"

Sidewalks and drainage facilities shall be constructed in accordance with the construction standards set forth in the Charlotte-~~Mecklenburg~~ Land Development Standards Manual (CLDSM). The requirement to construct new sidewalks, as outlined in Sec.19-173, shall also apply to existing segments of substandard sidewalk on thoroughfares as follows in subsections (a) - (c) below. For the purposes of interpreting subsections (a) - (c) below, "substandard sidewalk" shall be deemed to mean any sidewalk which is less than 4 feet in width and/or is separated from the roadway by a planting strip less than 4 feet in width.

a. Any development which meets any of the following thresholds shall be required to replace all substandard sidewalk along the property's frontage on thoroughfares with sidewalks and planting strips that meet the standards of the CLDSM,
    1. Development that involves new construction of a principal building,
    2. Development that involves the expansion of an existing principal building by 25% or 2,500 square feet, whichever is greater; or
    3. Development that involves the expansion of an existing parking area by 2,500 square feet of built upon area or more.
b. Any development which removes any portion or portions of substandard sidewalk along a thoroughfare, greater than 30 linear feet, during construction shall be required to replace that substandard sidewalk with a sidewalk and planting strip that meets the standards of the CLDSM.
c. Any development which removes or damages any portion or portions of substandard sidewalk along a thoroughfare which amounts to more than 50 percent of that property's frontage width along that thoroughfare, shall be required to replace all substandard sidewalk along that thoroughfare frontage with a sidewalk and planting strip that meets the standards of the CLDSM.

Any sidewalk constructed or reconstructed under the requirements of this article, including curb ramps and landings, shall comply to the maximum extent feasible with the standards for accessibility included in the CLDSM and CATS Bus Stop Details. It is not the intent of Section 19-174 to reduce the developable area of a property. As such, if any sidewalk constructed or reconstructed in accordance with the requirements of Section 19-174 is located outside the City of Charlotte right-of-way, that sidewalk will not count toward the calculated built upon area for the subject property. Such sidewalk must be located in an easement dedicated to the City of Charlotte for maintenance purposes.

"Sec. 19-175" – *NO CHANGES*

"Sec. 19-176. – Variance"

a. Where, because of topography, geography, public safety, mature trees designated for preservation by the City Arborist or Senior Urban Forester, or other unusual physical conditions relating to the land, strict compliance with this article shall cause an unusual and unnecessary hardship on the applicant, or shall fail to demonstrate rough proportionality and essential nexus between the proposed development and the requirements of this article, the city engineer may vary the requirements set forth in this article.
b. When the city engineer determines that the new construction is being undertaken solely to replace or restore a building destroyed by fire, flood, wind or other disaster; that the building permit will be applied for within one year of the destruction; and that such new construction will not attract or generate levels of pedestrian or vehicular traffic substantially in excess of that attracted or generated prior to such destruction, the city engineer may vary the requirements set forth in this article. It shall be the responsibility of the applicant for the waiver to request and supply information sufficient to support such a waiver.
c. Every request for a variance of any section of this article must be submitted in writing to the city engineer not later than 30 days after the initial building permit is issued for the building concerned. Each request for a variance shall set forth in detail the grounds upon which the request is asserted and such other documents and information as the city engineer may require. Each request for a variance shall be acted upon by the city engineer within a reasonable time, not exceeding 60 days, after receipt of a request in proper form.
d. In granting variances, the city engineer may require such conditions as will secure, insofar as practicable, the objectives of this article.

"Sec. 19-177. – Sec. 19-179" – *NO CHANGES*

"Sec. 19-180. – Effective upon adoption.

This ordinance is effective upon adoption and applies to applications submitted on or after that date.

"Sec. 19-181. – Sec. 19-205" – *NO CHANGES*

Agenda #: 11.**File #:** 15-6612 **Type:** Policy Item

City Manager's Report

Agenda #: 12.**File #:** 15-6817 **Type:** Policy Item

Cemeteries Ordinance Amendment

Action:
Adopt an ordinance amending Chapter 7 - Cemeteries of the City Code, as recommended by the Environment Committee.

Committee Chair:
Patsy Kinsey, Environment Committee

Staff Resource(s):
Mike Davis, Engineering and Property Management
Gina Shell, Engineering and Property Management
Quin Hall, Engineering and Property Management
Anna Schleunes, City Attorney's Office

Explanation

- The Cemeteries ordinance was last updated in 1985.
- In 2015, students from UNCC's Gerald G. Fox Master of Public Administration Program completed an Operations Analysis of the City's cemetery section.
- As part of the FY 2018 budget, Council approved $225,000 for completion of a Cemeteries Master Plan to be completed later this year.
- The goals of the revised Cemetery Ordinance are to:
  - Modernize the language and update terms and definitions,
  - Eliminate duplication of and contradiction with other ordinances, and
  - Better reflect current operations.
- The proposed draft for a revised Cemeteries Ordinance includes the following major changes:
  - Allows the city manager and city staff to annually update "Cemetery Rules and Guidelines" without City Council approval,
  - Simplifies the descriptions of city manager and staff authority to manage and control cemeteries,
  - Describes current management of burials for indigent persons and unclaimed remains, authorizes the city manager to work with local agencies to fund these burials, and to have discretion regarding type of burial provided,
  - Deletes prescriptive formulas for setting after-hour and weekend burial fees,
  - Changes the "waiting period" before a burial space can be deemed unused and available for resale to 100 years,
  - Deletes language regarding the establishment and management of cemeteries in the city limits by other corporations or associations,
  - Clarifies section on perpetual care, which is the ongoing maintenance of the cemetery properties provided by the city and donations to perpetual care fund, and
  - Clarifies hours of visitation to "between sunrise and sunset".
- The Amendments will be effective January 1, 2018.

Committee Discussion

- Environment Committee received presentations on Cemeteries Ordinance Revisions on October 23, 2017.
- On October 23, 2017, the Environment Committee voted unanimously (Kinsey, Mitchell, Fallon, Driggs; Ajmera was not present) to recommend the adoption of the Cemeteries Ordinance Revisions.

Attachment(s)

Cemeteries Ordinance

Chapter 7 - CEMETERIES[1]

Footnotes:

--- (1) ---

Cross reference— Streets, sidewalks and other public places, ch. 19.

State Law reference— Cemeteries generally, G.S. Chapter 65; powers of municipalities regarding cemeteries, G.S. 160A-341 et seq.

Sec. 7-1. - Purpose.

Cemeteries are for the burial of human dead only.

(Code 1985, § 7-1)

Sec. 7-2. - Powers and duties of city manager.

(a) *Management and control.* The city manager shall have general management and control of the cemeteries and burial places owned, operated and maintained by the city. The manager may create publish and enforce rules and guidelines, for public use and operations, maintenance, and visitation of cemeteries.. An accurate copy of such rules and guidelines shall be maintained at all times in the office of the city clerk and in the office of the cemetery supervisor. .

(b) *Burial of indigent persons and unclaimed remains.* The city manager shall lay out one section for burial of indigent persons and unclaimed remains. The manager shall coordinate with local agencies to fund these burials, and the manner of burial provided shall be at the discretion of the manager.

(Code 1985, § 7-2)

Sec. 7-3. - Requirements for purchase of burial rights.

(a) *Payment.* Any person may select in the cemeteries described in section 7-2(a) any lot or portion thereof, except where no subdivision is allowed, to which no other person has acquired burial rights, and obtain from the cemetery supervisor upon payment of the cost of such lot or portion thereof a receipt (a copy of which the purchaser should retain for his or her permanent record) showing amount paid and purposes to which applied and setting forth the lot or portion of a lot purchased, location and other data.

(b) *Receipts.* The receipt provided for in subsection (a) of this section shall be sent to the city's central cashier, and a copy shall be given to the purchaser for his or her permanent record.

(Code 1985, § 7-3)

Sec. 7-4. - Unused lots; publication of notice.

(a) When a lot or part thereof in the cemeteries described in section 7-2(a) shall remain without any interment therein for 100 years, and the purchaser or his assignee shall have died, and no relative of them is known, the lot or part thereof shall revert to the city when conditions as set out in subsection (b) of this section have been complied with.

(b) The city council shall give notice once a week for four weeks in a newspaper published in the city, and if no relative of the purchaser or his assignee appears within 30 days from the last day of publication, then the lot or part of lot thereof, as the case may be, shall revert to the city.

(Code 1985, § 7-4)

Sec. 7-5. - Schedule of charges.

A schedule of all cemetery charges shall be made available to all funeral directors and monument dealers in the county. In addition a copy of all current charges shall be posted in the offices of the supervisor of the cemeteries division.

(Code 1985, § 7-5)

Sec. 7-6. - Perpetual care fund.

(a) *Definition.* The term "perpetual care" means the cutting of grass upon plots in the cemeteries described in subsection (b) of this section at reasonable intervals, the pruning of shrubs and trees that may be placed by the city, the general preservation of the lots, grounds, walks, roadways, boundaries and structures, to the end that such grounds shall remain and be reasonably cared for as cemetery grounds forever. The term "perpetual care" shall in no case be construed as meaning the maintenance, repair or replacement of any grave markers placed upon lots or grave spaces, the planting of flowers or ornamental plants; the reconstruction of any bronze, marble, granite or concrete work on any section or lot or any portion or portions thereof in the cemetery, mausoleum or other buildings or structures, caused by any natural occurrence or human activity whatsoever, whether the damage be direct or collateral.

(b) *Established.* A fund, known as the perpetual care fund, shall be established for the purpose of perpetually caring for and beautifying the city cemeteries described in section 7-2(a). The city treasurer may accept gifts and bequests to the fund.

(c) *Management of fund.* The principal of the fund shall be invested in the same manner as other city funds.

(d) *Expenditure of income.* Perpetual care expenditure shall be limited to the income received from the investments of the fund with no part of the principal being expended.

(Code 1985, § 7-6)

Sec. 7-7. - Place of burial.

No person shall be buried within the corporate limits of the city other than in established cemeteries licensed by the state cemetery commission, in church cemeteries, or in memorial structures on state-owned property that is a part of the university system of the state.

(Code 1985, § 7-7)

Sec. 7-8. - Validation of use of existing cemeteries; establishment of new cemeteries restricted.

The cemeteries or places of burial now located and maintained as such as of May 19, 1975, within the limits of the city by a corporation or association for the purpose of affording burial places for the dead, and for maintaining the graves therein are hereby expressly authorized to be used and maintained for such purpose.

(Code 1985, § 7-8)

Sec. 7-9. - Payment.

All payments for charges shall be made by check, money order, cashier check, credit card, or any other method of payment subsequently approved by the finance director.

(Code 1985, § 7-9)

Sec. 7-10. - Disinterment; reinterment

a. A person who desires to have removed from his lot the remains of a person interred therein shall obtain a disinterment permit from the health department. Disinterment shall be scheduled only on weekdays during the morning hours.
b. Any person desiring to have reinterred the remains of a person brought from another cemetery or burial place shall furnish the cemetery supervisor with a certificate from the health department, setting forth, if possible, the name, age, sex, condition (married or single), cause and date of death, and residence of deceased, and name and location of former burial place. The cemetery staff, upon receiving the charges fixed therefor, shall schedule the reinterment of the remains.
c. Any such disinterment or reinterment shall be scheduled as determined by the cemetery supervisor.

(Code 1985, § 7-10)

Sec. 7-11. - Monuments and markers.

All monuments and markers to be placed in city-owned cemeteries must conform to the requirements as set forth by the city manager in the publication entitled "City of Charlotte, Cemetery Rules and Guidelines." Cemetery staff shall construct all foundations for markers and monuments and shall set all markers.

(Code 1985, § 7-11)

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Sec. 7-12. - Trespassing.

It shall be unlawful for any person to trespass upon or to go across cemeteries or cemetery lots belonging to the city, between sunset and sunrise except for the purpose of governmentally authorized cemetery business or maintenance.

(Code 1985, § 7-12)

State Law reference— Trespass on public lands, G.S. 14-130.

Agenda #: 13.**File #:** 15-6566 **Type:** Nomination

Nominations to the Bicycle Advisory Committee

Action:
Nominate citizens to serve as specified.

Staff Resource(s):
Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning July 29, 2017 and ending December 31, 2019.
  - Martin Zimmerman has resigned.

- Two appointments for full terms beginning January 1, 2018 and ending December 31, 2020.
  - Christopher Gladora has completed two full terms; therefore, he is not eligible for reappointment.
  - Katherine Lloyd is eligible, but not interested in reappointment.

Attachment(s)
Bicycle Advisory Committee Applicants

Agenda #: 14.**File #:** 15-6570 **Type:** Nomination

Nominations to Business Advisory Committee

Action:
Nominate citizens to serve as specified.

Staff Resource(s):
Stephanie Kelly, City Clerk's Office

Explanation

- One recommendation by the Hispanic Contractors Association for a term beginning November 30, 2017 and ending November 29, 2020.
  - Milagritos Aguilar did not meet attendance requirements.

- Two recommendations by the Charlotte Chamber of Commerce for partial terms beginning immediately and ending April 28, 2018, then continuing for a full three-year term until April 27, 2021.
  - Sonja Nichols has resigned.
  - Virginia De Atley has resigned.

- One recommendation by the Asian American Chamber of Commerce for a partial term beginning immediately and ending April 28, 2020.
  - Parth Gandhi has resigned.

- One appointment for a full term in the At-Large category beginning immediately and ending November 26, 2020.
  - Will Russell did not meet attendance requirements.

Attachment(s)
Business Advisory Committee Applicants

Agenda #: 15.**File #:** 15-6571 **Type:** Nomination

Nominations to the Charlotte Housing Authority Board

Action:
Nominate citizens to serve as specified.

Staff Resource(s):
Stephanie Kelly, City Clerk's Office

Explanation
- One appointment for a three-year term beginning December 18, 2017, and ending December 17, 2020.
  - Sheila Jones is eligible and interested in reappointment.

Attachment(s)
Charlotte Housing Authority Board Applicants

Agenda #: 16.**File #:** 15-6572 **Type:** Nomination

Nominations to the Charlotte Tree Advisory Commission

Action:
Nominate citizens to serve as specified.

Staff Resource(s):
Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning December 14, 2017 and ending December 13, 2020.
  - Jeffrey Wells is eligible and interested in reappointment.

Attachment(s)
Charlotte Tree Advisory Applicants

Agenda #: 17.**File #:** 15-6574 **Type:** Nomination

Nominations to the Civil Service Board

Action:
Nominate citizens to serve as specified.

Staff Resource(s):
Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning immediately and ending May 15, 2020.
  - Jason McGrath has completed two full terms; therefore, he is not eligible for reappointment.
- One appointment for a partial term beginning immediately and ending May 15, 2018.
  - Deborah Stevenson has resigned.

Attachment(s)
Civil Service Board Applicants

Agenda #: 18.**File #:** 15-6575 **Type:** Nomination

Nominations to the Housing Appeals Board

Action:
Nominate citizens to serve as specified.

Staff Resource(s):
Stephanie Kelly, City Clerk's Office

Explanation

- One appointment in the Housing Industry Representative category for a three-year term beginning January 1, 2018 and ending December 31, 2020.
  - Timothy O'Neil is eligible and interested in reappointment.

Attachment(s)
Housing Appeals Board Applicants

Agenda #: 19.**File #:** 15-6576 **Type:** Nomination

Nominations to the Mint Museum Board of Trustees

Action:
Nominate citizens to serve as specified.

Staff Resource(s):
Stephanie Kelly, City Clerk's Office

Explanation
- One appointment for a partial term beginning immediately and ending July 31, 2019.
  - Marc Jensen has resigned.

Attachment(s)
Mint Museum Board of Trustees Applicants

Agenda #: 20.**File #:** 15-6613 **Type:** Business Item

Mayor and City Council Topics

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

City of Charlotte

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

Agenda Date: 11/13/2017

Agenda #: 21.**File #:** 15-6607 **Type:** Dinner Briefing

Closed Session

Agenda #: 22.**File #:** 15-6597 **Type:** Consent Item

Charlotte-Mecklenburg Police Department Strategic Planning and Consulting Services Contract Amendment

Action:

A. Approve contract amendment #1 to extend the strategic planning consulting and software services contract with M3 Planning dba OnStrategy for an additional one-year term, and

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

Staff Resource(s):
Kerr Putney, Police
Kellie High-Foster, Police

Explanation

- On March 15, 2017, a waiver of solicitation was approved by the City Manager for the Charlotte-Mecklenburg Police Department (CMPD) to enter into a contract with M3 Planning dba OnStrategy for the implementation of a department-wide strategic planning process.
- There are several benefits in a continued relationship with M3 Planning dba OnStrategy:
  - Integration of software and automation of crime statistics,
  - Web-based browser with access to all management staff, and
  - Continuous efficiency with application as all applicable personnel already trained on software.
- This contract has been used to organize CMPD's strategic goals, integrate other CMPD portals, and streamline personnel performance through its online software application.
- Authorized renewal of the contract for up to two, one-year terms would extend the existing agreement through March 12, 2020.
- The original contract was $47,500. Contract expenditures for the one-year term are estimated to be $88,325, bringing the value of the contract, including all amendments, to an estimated $312,475.

Fiscal Note
Funding: Police Operating Budget

Agenda #: 23.**File #:** 15-6510 **Type:** Consent Item

Charlotte-Mecklenburg Police Department Communications Recording System Maintenance Agreement

Action:

A. Authorize the City Manager to negotiate and execute a contract for a term of five years with Carolina Recording Systems, LLC for maintenance and support services on the recording equipment system utilized by Charlotte-Mecklenburg Police Department's 911 center,

B. Authorize the City Manager to purchase maintenance and support for as long as the City uses the system, and

C. Authorize the City Manager to purchase such additional software licenses, services, and hardware as needed from time to time to optimize the City's use of the system.

Staff Resource(s):
Kerr Putney, Police
Katrina Graue, Police
Sonya Williams, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) currently uses Eventide, a system to record radio communications, 911 calls, dispatchers, and emergency operators.
- CMPD purchased the current system from Carolina Recording Systems, LLC in 2016.
- On May 23, 2016, City Council approved a contract with Carolina Recording Systems, LLC and Eventide, Inc. for purchases of Eventide hardware, software licenses, and associated maintenance and support, implementation services, and training services, based on the term of the existing General Services Administration Contract GS-35F-0415V.
- City Council's authorization is requested to enter into a separate agreement with Carolina Recording Systems, LLC for the ongoing maintenance and support services to ensure long term continuity of services.
- Carolina Recording Systems, LLC will provide continued high level software maintenance support and services including expedited onsite after-hours support.
- CMPD has identified a need to purchase additional software licenses, services, hosting and hardware to optimize the use of the system.
- The estimated expenditures during the first two years are expected to include:
  - Eventide and Motorola software license upgrade - $17,000, and
  - Annual maintenance - $80,000.
- Annual increases for software licenses, ongoing maintenance, and support under the contract will not exceed five percent per year for additional software licenses, maintenance, and support.

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

Fiscal Note
Funding: North Carolina Public Safety 911 Services Fund

Agenda #: 24.**File #:** 15-6521 **Type:** Consent Item

Resolution of Intent to Abandon a Portion of N. Brevard Street

Action:

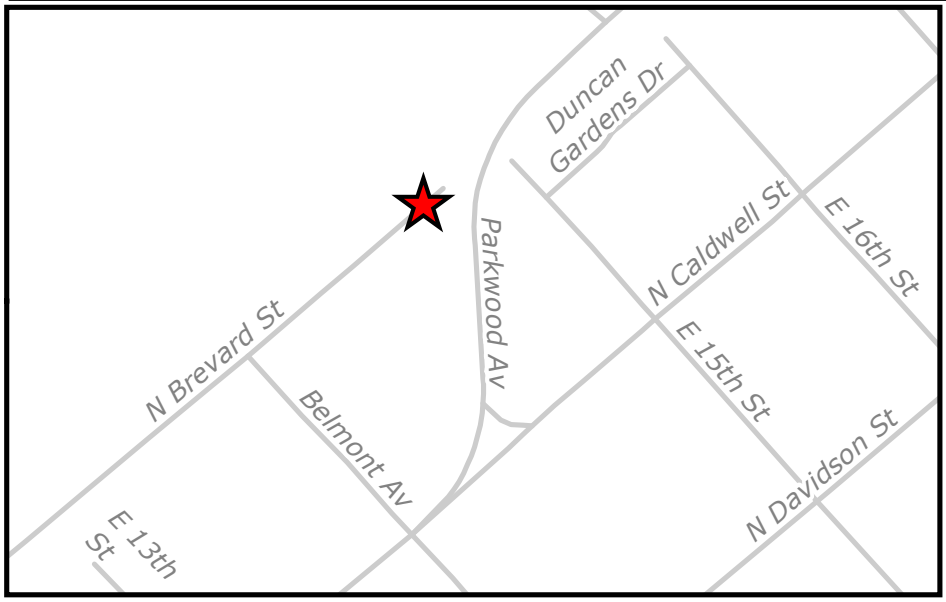
A. Adopt a Resolution of Intent to abandon a portion of N. Brevard Street, and

B. Set a public hearing date for December 11, 2017.

Staff Resource(s):
Liz Babson, Transportation
Jeff Boenisch, Transportation

Attachment(s)
Map

Resolution



CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION

Right-of-Way Abandonment Petition 2017-06

Right-of-Way Abandonment Area

A Portion of
N. Brevard Street

RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE **a portion of N. Brevard Street** in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **White Point Paces Partners, LLC** has filed a petition to close a portion of N. Brevard Street in the City of Charlotte; and

Whereas, a portion of the N. Brevard Street right-of-way begins 140 +/- feet east from its intersecting point with Belmont Avenue, continuing 335 +/- feet in a northeastern direction to its terminus at its intersecting point with Parkwood Avenue, and consists of 18,039 square feet, as shown in the maps marked "Exhibit A" and is more particularly described by metes and bounds in the document marked "Exhibit B" all of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina; and

Whereas, the procedure for closing streets and alleys as outlined in North Carolina General Statutes, Section 160A-299, requires that City Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for two successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley.

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of November 13, 2017, that it intends to close a portion of N. Brevard Street and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 11th day of December 2017, in CMGC meeting chamber, 600 East 4th Street, Charlotte, North Carolina.

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

Agenda #: 25.**File #:** 15-6482 **Type:** Consent Item

Private Developer Funds for Traffic Signal Installations and Improvements

Action:

A. Approve a Developer Agreement with Northwood Development LLC, Faison-Seventh Street, LLC, Mecklenburg County and Atherton Mill (E&A), LLC, and

B. Adopt a budget ordinance appropriating $425,103 in private developer funds for traffic signal installations and improvements.

Staff Resource(s):
Liz Babson, Transportation
Debbie Smith, Transportation

Explanation

- The $425,103 in private developer funding is for new traffic signals and traffic signal/upgrades and related work associated with developer projects. The funding is restricted to the projects noted below.
- The following developers are fully funding traffic signal installations and improvements to mitigate traffic impacts around their respective development projects:
  - Atherton Mills (E&A), LLC contributed $253,203 for a new traffic signal at the intersection of McDonald Avenue and South Boulevard,
  - Northwood Development LLC contributed $118,400 for a new traffic signal at the Northwood Property (Brigham) and N. Community House Road,
  - Mecklenburg County contributed $39,500 for traffic signal modifications at the intersection of Wilkinson Boulevard and Alleghany Street, and
  - Faison-Seventh Street, LLC contributed $14,000 for traffic signal modifications at the intersection of 7th and Caswell.
- The above signals meet the same criteria as other traffic signals approved by the City.
- Payments made by the developers are in response to estimates of work prepared by the Charlotte Department of Transportation (CDOT) and supplied to the developer.
- Any funding contributed by the developer for a signal project that is unused by the City will be refunded after project completion.
- CDOT will be installing and operating these signals as part of the existing signal systems in the area.

Fiscal Note
Funding: Private Developer Contributions

Agenda #: 25.**File #:** 15-6482 **Type:** Consent Item

Attachment(s)
Map
Budget Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 9104-X, THE 2017-2018 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF $425,103 FOR TRAFFIC SIGNAL MODIFICATIONS AND IMPROVEMENTS

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of $425,103 hereby estimated to be available from the following private developer sources:

Atherton Mills (E&A), LLC (253,203)
Northwood Development LLC ($118,400)
Mecklenburg County, ($39,500)
Faison-Seventh Street, LLC ($14,000)

Section 2. That the sum of $425,103 is hereby appropriated in the General Capital Investment Fund (4001) into the following projects:

New Signal McDonald and South Blvd - 4292000322 ($253,203)
New Sig N. Community House and Ball - 4292000274 ($118,400)
Sig Mod Wilkinson and Alleghany - 4292000321 ($39,500)
Signal Mod 7th and Caswell - 4292000320 ($14,000)

Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

_____
City Attorney

Agenda #: 26.**File #:** 15-6395 **Type:** Consent Item

Pedestrian Safety Improvements Contract for Fiscal Year 2018

Action:
Award a contract in the amount of $1,953,402 to the lowest responsive bidder Zoladz Construction Co., Inc. for pedestrian safety projects.

Staff Resource(s):
Mike Davis, Engineering and Property Management
Becky Chambers, Engineering and Property Management
Angela Berry, Transportation

Explanation

- This contract will include the installation of pedestrian safety improvements including mid-block activated traffic signals with crosswalks (pedestrian beacons), refuge islands, pedestrian signals, and traffic signals in various locations throughout Charlotte.
- Projects are identified through public requests and staff analysis and built throughout the course of the contract on an as-needed basis.
- On August 30, 2017, the City issued an Invitation to Bid for Pedestrian Safety FY2018; two (02) bids were received from interested service providers.
- Zoladz Construction Co., Inc. was selected as the lowest responsive, responsible bidder.

Charlotte Business INClusion
Established SBE Goal: 16.00%
Committed SBE Goal: 16.00%
Zoladz Construction Co., Inc. met the established SBE subcontracting goal, and has committed 16.00% ($312,544.32) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INClusion Policy):

- Pavers, Walls and Stamped Concrete, LLC (SBE, MBE) ($136,738.14) (concrete)
- Trull Contracting, LLC (SBE, WBE) ($100,000) (asphalt)
- McCloud Construction, LLC (SBE) ($75,806.18) (concrete)

Established MBE Goal: 7.00%
Committed MBE Goal: 7.00%
Zoladz Construction Co., met the established MBE subcontracting goal, and has committed 7.00% ($136,738.14) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INClusion Policy):

- Pavers, Walls and Stamped Concrete, LLC (SBE, MBE) ($136,738.14) (concrete)

Fiscal Note
Funding: General Community Investment Plan

Agenda #: 27.**File #:** 15-6412 **Type:** Consent Item

Master Planning Services for Discovery Place Science Museum

Action:
Approve a contract in the amount of $700,000 with Jenkins-Peer Architects, PA for master planning services for the Discovery Place Science Museum.

Staff Resource(s):
Mike Davis, Engineering and Property Management
William Haas, Engineering and Property Management
Randy Harrington, Management and Financial Services
Catherine Horne, Discovery Place

Explanation

- On January 9, 2017, City Council received a dinner briefing presentation from Catherine Horne of Discovery Place describing the need for a master plan for the 36-year-old facility.
- On January 23, 2017, City Council approved $950,000 in funding for the master plan.
- The master plan will determine how best to maximize the Discovery Place Science facility on Tryon Street, to meet Discovery Place educational priorities, serve the needs of a growing and changing community and how best to be an integral component of the North Tryon Vision Plan.
- On March 9, 2017, the City issued a Request for Qualifications (RFQ) for master planning services for Discovery Place; 21 proposals were received from interested service providers.
- Jenkins-Peer Architects, PA and its associated sub-consulting team is the best qualified firm to meet the City's needs on the basis of demonstrated competence, qualifications, experience and responsiveness to RFQ requirements.
- The contract with Jenkins-Peer Architects, PA will include, but is not limited to:
  - Facility analysis involving a structural assessment of the facility and an overall evaluation of the current facility, campus, and assets,
  - Analysis of current science center facility trends and models across the nation,
  - Identification and analysis of future facility needs and opportunities, and
  - Development of a master plan and conceptual design for future facility assets, including facility expansion and facade renovation, exhibit, and experience concepts and budgets.
- It is anticipated to take approximately 18 months to complete the master plan.
- Results from the master plan will be brought back to City Council for review, discussion and determination of next steps.

Charlotte Business INClusion for Design Contract
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: Cultural Facilities Operating Fund

Attachment(s)
January 9, 2017 Dinner Briefing Presentation
Map

Discovery Place & North Tryon Vision Plan

January 9, 2017

DISCOVERY PLACE
SCIENCE | KIDS | NATURE

Discovery Place - 1981 Renderings

Discovery Place 1981

Discovery Place Growth

		Mecklenburg County Population
1981	Discovery Place opens	413,915
1986	Expands for additional exhibition space	459,459
1991	Add IMAX Dome Theatre	530,897
1996	Add Education Building and Parking Complex	617,318
2010	Renovation of existing building	923,254
2014	Add Discovery Place Education Studio	990,000
2017	**Today**	**1,000,000+**

Discovery Place Today

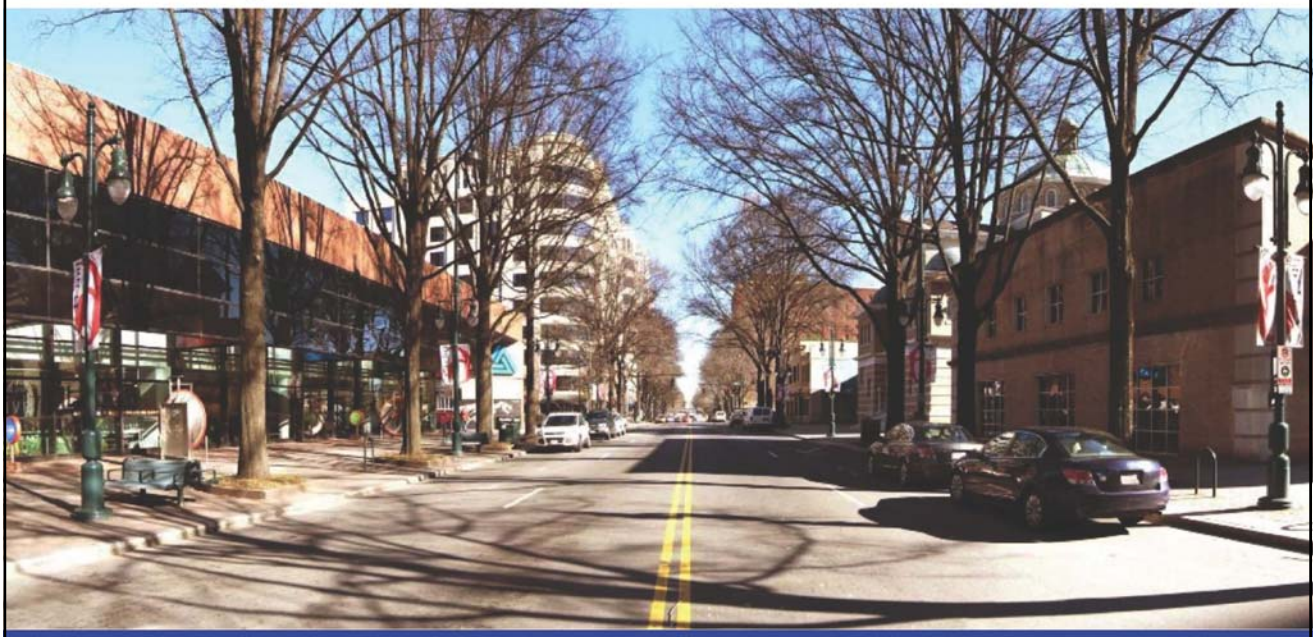
Total attendance	828,000
Uptown	485,000
Welcome visitors	44,000
Full Time Staff	116
Part TimeStaff	78

Recognition

#1 cultural attraction in Charlotte
#4 cultural attraction in North Carolina
#1 field trip destination in North Carolina

Discovery Place Uptown

Discovery Place Science 2017



Discovery Place Priorities

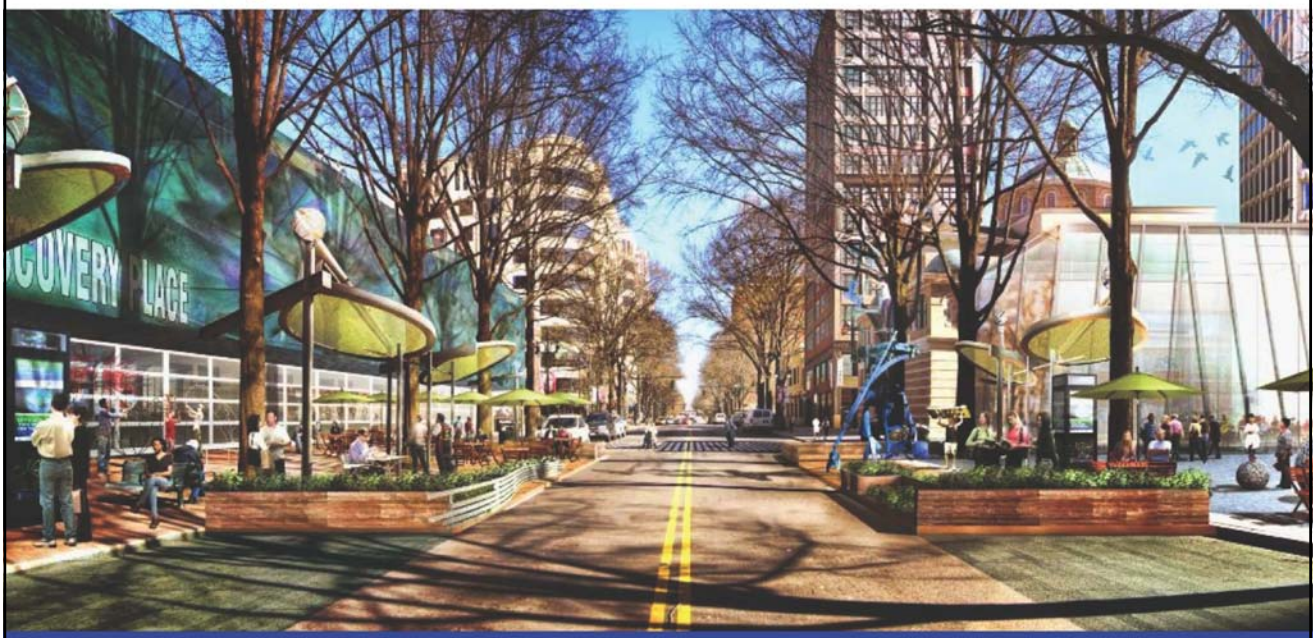
Top attraction
Expand exhibition and program space for growing audience (citizens and visitors)

Community gateway
Create public engagement and community access to science

Education partner
Prepare students and educators for the growing STEM economy
Introduce the new wonders of science and innovation

Discovery Place | Vision for Future 1

Discovery Place | Vision for Future 2

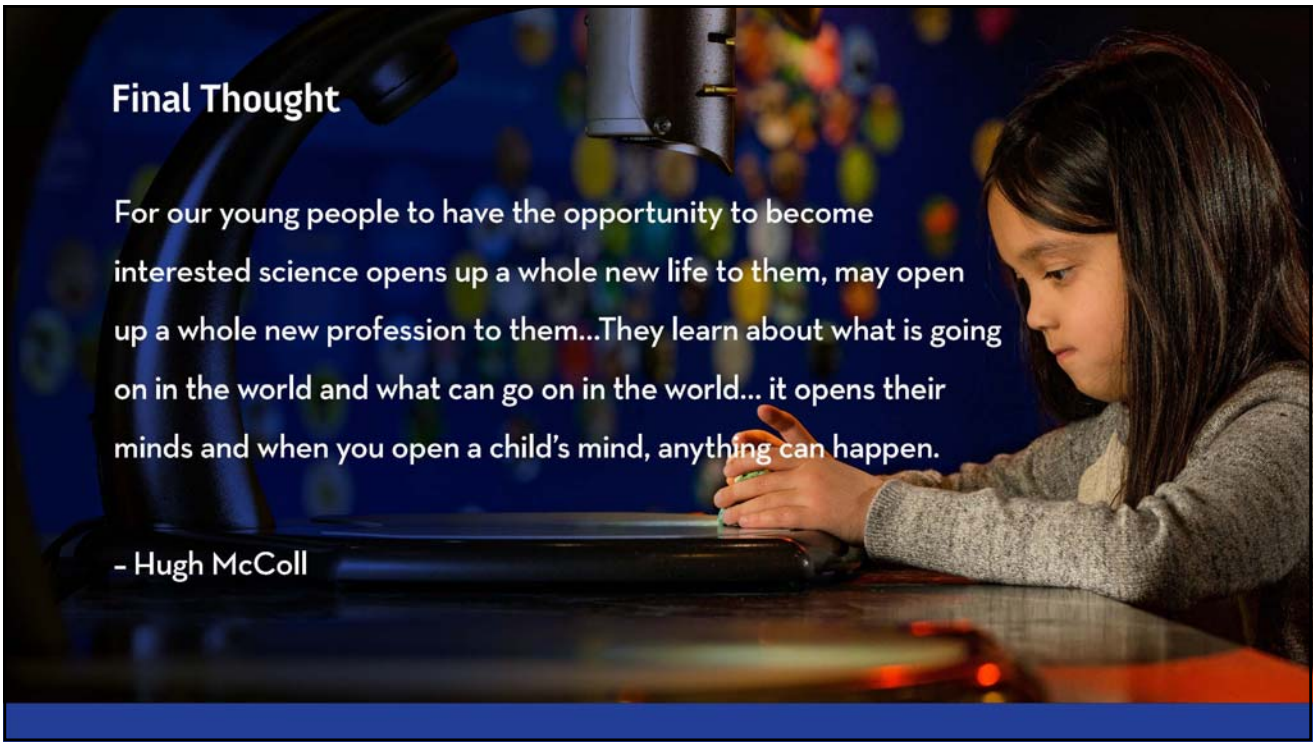


What will the Master Plan do?

- Analyze the visitor experience and business model to ensure continued financial health of Discovery Place Science
- Engage the community and stakeholders, including City Council, in the planning and study
- Forecast how citizens use science museums to determine needs relating to facilities, content and programs
- Develop a vision for a reimagined Discovery Place Science with a facility plan, budget and timeline

Proposed Budget

Community engagement and input, site visits to new facilities	$100,000
Engineering analysis of current facility and campus	$125,000
Market, facility and audience analysis, development of facility/site vision (includes plans for education and exhibit plan, facility and operations/staffing)	$300,000
Facility design (competition/selection)	$100,000
Conceptual design for facility	$200,000
Project management and documentation	$125,000
Total budget	**$950,000**

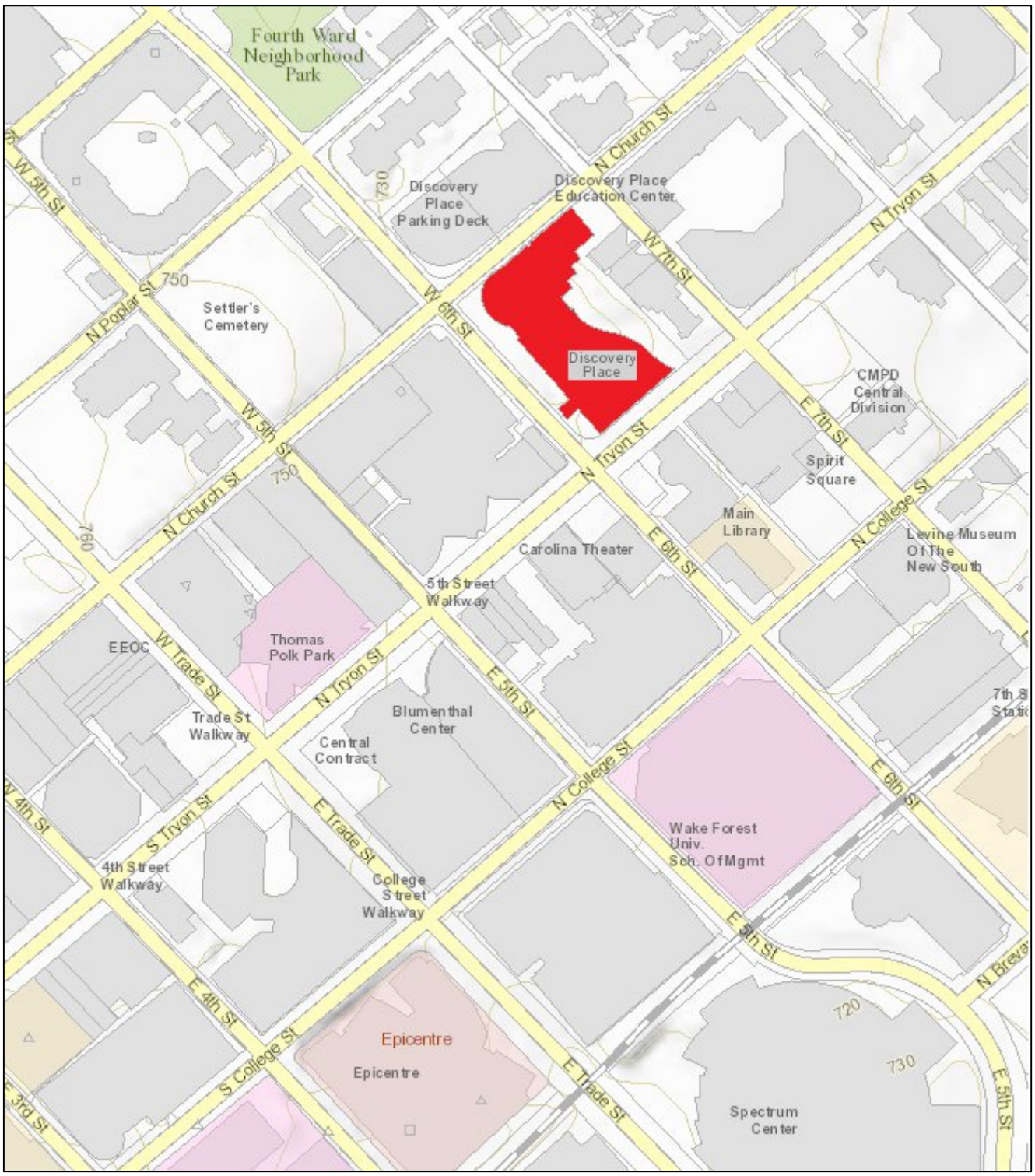


Thank you

DISCOVERY PLACE
SCIENCE | KIDS | NATURE

Next Steps

- Council action request on January 23 for $950,000 to fund a master plan (funded from Hospitality & Tourism taxes)
- 18-24 month planning period
- Any future capital facilities requests will come back to Council



Location Map: Master Planning Services for Discovery Place (Council District 2)

Agenda #: 28.**File #:** 15-6517 **Type:** Consent Item

Charlotte Vehicle Operations Center Architectural and Engineering Design Services

Action:
Approve a contract in the amount of $266,420 with ALR Architecture, PC for architectural and engineering design services for the Charlotte Vehicle Operations Center, Phase 2.

Staff Resource(s):
Mike Davis, Engineering and Property Management
William Haas, Engineering and Property Management
Dan Pliszka, Management and Financial Services
Steve Norman, Management and Financial Services

Explanation

- The Charlotte Vehicle Operations Center (CVOC) is a driver training facility where City employees receive safe and defensive driver training with a goal of reducing accident-related claims and downtime involving City vehicles and employees.
- Management and Financial Services compares City employee miles driven, number of accidents, and financial impacts of those accidents annually.
- Comparing that data to the same information from 2003, which was the year the CVOC opened, the training provided at this facility has saved the City an estimated $7,000,000 and prevented an estimated 2,400 vehicle claims.
- The current CVOC facility is undersized to meet the City's need for driver training.
- This contract will provide engineering design services to extend the driving course and provide architectural services to add an additional training classroom facility to support operations.
- This expansion will provide capacity to conduct training for two to three City departments simultaneously and allow for the implementation of annual in-service/driver refresher training. Under the current size, a department the size of the Charlotte Mecklenburg Police Department will occupy the facility for up to three months at a time which prevents any other department from using the facility for training during that time.
- By providing training to more employees more frequently, staff anticipates the accident rate for City employees will be reduced and, in turn, reduce the City's financial impact from these accidents.
- On July 24, 2017, the City issued a Request for Qualifications (RFQ); five proposals were received from interested professional service providers.
- ALR Architecture, P.C. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- It is anticipated that City Council will be asked to approve a construction contract in the first

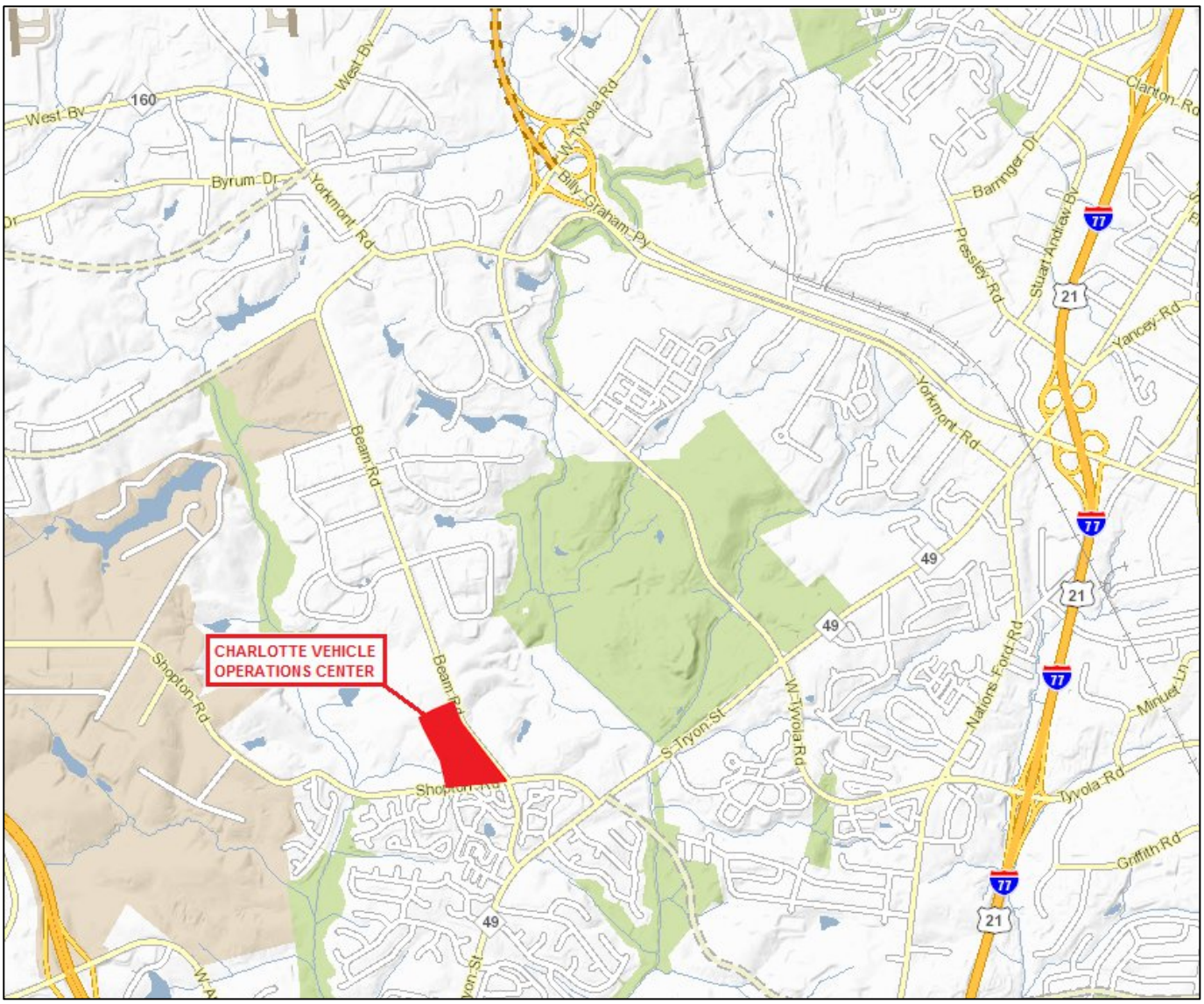
quarter of 2019.

Charlotte Business INClusion
The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INClusion Policy). ALR Architecture, P.C. has committed to 11.52 percent ($30,700) of the total contract amount to the following firms:

- AME Consulting Engineering, Inc. (SBE) ($16,500) (mechanical, electrical and plumbing design)
- Arp Engineering, Inc. (SBE) ($7,200) (structural design)
- RM Rutherford & Associates, Inc. (SBE) ($7,000) (subsurface utility engineering)

Fiscal Note
Funding: General Community Investment Plan

Attachment(s)
Map



Location Map: Charlotte Vehicle Operations Center
Architectural and Engineering Design Services
(Council District 3)

Agenda #: 29.**File #:** 15-6214 **Type:** Consent Item

Site and Civil Engineering Design Services

Action:
Approve unit price contracts with the following firms for site and civil engineering design services for a three-year term:

- **The Isaacs Group, P.C.,**
- **Merrick and Company,**
- **Cole Jenest & Stone, PA, and**
- **Gavel & Dorn Engineering, PLLC.**

Staff Resource(s):
Mike Davis, Engineering and Property Management
William Haas, Engineering and Property Management
Steve Marlowe, Engineering and Property Management

Explanation

- The City maintains approximately 3.2 million square feet of City buildings, including Police and Fire Stations, the Charlotte-Mecklenburg Government Center, and cultural facilities.
- The City also maintains approximately 2.1 million square feet of roofing and approximately 6.5 million square feet of parking lots.
- There is an ongoing need for site and civil engineering design services across City facilities.
- On May 25, 2017, the City issued a Request for Qualifications (RFQ); 15 responses were received from interested service providers.
- These firms are best qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services.
- The total estimated contract expenditures for all contracts are $1.2 million for three years.

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). On these contracts, the Prime Consultants have each committed 10 percent of the total contract amount to the following certified firms:

The Isaacs Group, PC

- Barry Lambert Engineering, PC (SBE) (structural engineering)
- Sweetwater Utility Exploration LLC (SBE) (utility located)
- Avioimage Mapping Services (SBE) (surveying services)
- Carolina Wetland Services, Inc. (SBE, WBE) (ecological services)

Merrick and Company

- Boyle Consulting Engineers, PLCC (SBE) (geotechnical engineering)

- Carolina Wetland Services, Inc. (SBE, WBE) (ecological services)
- Barry Lambert Engineering, PC (SBE) (structural engineering)
- Hinde Engineering, Inc. (SBE) (engineering consulting)

Cole Jenest & Stone, PA
- James Mauney & Associates, PA (SBE) (survey & mapping)

Gavel & Dorn Engineering, PLLC (SBE)
- Ameridrill (SBE) (drilling)

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

Agenda #: 30.**File #:** 15-6511 **Type:** Consent Item

Misty Wood Drive Storm Drainage Improvements

Action:
Award a contract in the amount of $1,101,296.35 to the lowest responsive bidder Hall Contracting Corporation for the Misty Wood Drive Storm Drainage Improvements project.

Staff Resource(s):
Mike Davis, Engineering and Property Management
Stewart Edwards, Engineering and Property Management

Explanation

- This contract will install approximately 1,915 feet of new storm drainage and replace associated utilities along Misty Wood Drive and Valeview Lane. Construction will include storm drainage, curb and gutter, driveways, and asphalt replacement.
- This project will address street flooding in the neighborhood.
- On September 18, 2017, the City issued an Invitation to Bid; five bids were received from interested service providers.
- Hall Contracting Corporation was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2018.

Charlotte Business INClusion
Established SBE Goal: 16.00%
Committed SBE Goal: 23.21%
Hall Contracting Corporation exceeded the established SBE subcontracting goal, and has committed 23.21% ($256,276.00) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INClusion Policy):

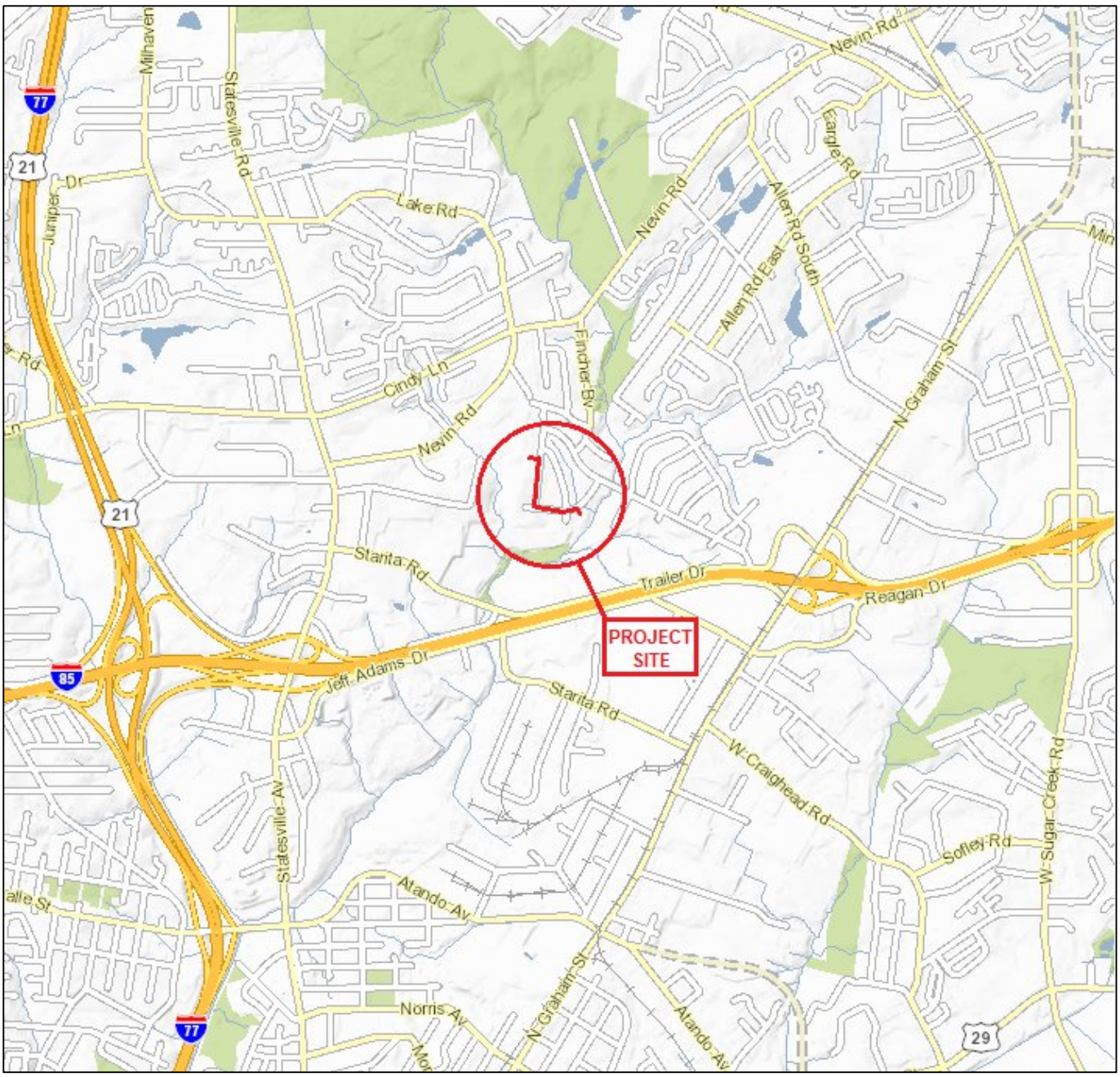
- Trull Contracting, LLC (SBE, WBE) ($97,085) (asphalt)
- On Time Construction, Inc. (SBE, MBE) ($62,750) (concrete)
- Silverback Brothers, LLC (SBE, MBE) ($30,916) (hauling)
- All Points Trucking (SBE, WBE) ($27,218) (hauling)
- Whitesell Trucking, Inc. (SBE) ($23,450) (clearing & grubbing)
- P and TL, Inc. (SBE) ($6,437) (erosion control)
- A-1 Precision Fence Company, Inc. (SBE) ($4,920) (fence)
- Jaamco Drain Cleaning & Video Inspection, Inc. (SBE) ($3,500) (pipe cleaning)

Established MBE Goal: 7.00%
Committed MBE Goal: 8.51%
Hall Contracting Corporation exceeded the established MBE subcontracting goal, and has committed 8.51% ($93,666.00) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INClusion Policy):

- On Time Construction, Inc. (SBE, MBE) ($62,750) (concrete)
- Silverback Brothers, LLC (SBE, MBE) ($30,916) (hauling)

Fiscal Note
Funding: Storm Water Community Investment Plan

Attachment(s)
Map



Location Map: Misty Wood Drive Storm Drainage Improvements (Council District 4)

Agenda #: 31.**File #:** 15-6512 **Type:** Consent Item

Storm Water Rain and Stream Gauges Maintenance Agreement

Action:

Approve a five-year agreement with the United States Geological Survey (USGS) for an amount up to $2,247,100 for maintenance of storm water rain and stream gauges.

Staff Resource(s):
Mike Davis, Engineering and Property Management
Samantha Willis, Engineering and Property Management

Explanation

- The funding from this agreement is used to maintain the rain and stream gauge system in the City of Charlotte stream network.
- Since 1961, the City of Charlotte has worked with the USGS gathering rainfall and stream flow information through a cost-sharing program. The previous agreement was for a five-year period and approved by Council on November 26, 2012.
- The rain and stream gauge network for the City of Charlotte is part of a nationwide network that measures quantity and quality of surface water resources.
  - A rain gauge electronically collects and transmits the amount of rain at the location the gauge is stationed. The gauge transmits rainfall amounts to the USGS office for compilation.
  - A stream gauge electronically collects and transmits information about the water within streams and lakes. The gauge collects and transmits elevation, temperature, chemical flow information to the USGS office for compilation.
  - There are 31 stream gauge stations and 38 rain gauge stations in the City of Charlotte stream network.
- Data from the gauge system is used to:
  - Determine flood-prone areas,
  - Review rain event impacts,
  - Determine long-term trends,
  - Aid in water-quality investigations,
  - Assist in drainage infrastructure design, and
  - Generate the flood information and notification system, which notifies emergency personnel of potential threats to life and property.
- The agreement with USGS is for a five-year period. The total five-year cost is $3,590,800. The City's share payable to USGS on 31 stream gauges and 38 rain gauges is $2,247,100, with USGS

funding the $1,343,700 remainder.

- Mecklenburg County has a separate annual agreement with USGS and shares the cost on 24 stream gauges and 36 rain gauges.

Charlotte Business INClusion
Contracts with other units of federal or state government are exempt (Part A: Appendix 1.27 of the Charlotte Business INClusion Policy).

Fiscal Note
Funding: Storm Water Operating Budget

Agenda #: 32.**File #:** 15-6343 **Type:** Consent Item

Sugar Creek Wastewater Treatment Plant HVAC Project

Action:
Award a contract in the amount of $511,000 to the lowest responsive bidder, Southeastern Plumbing and Heating, Inc. for the Sugar Creek Wastewater Treatment Plant HVAC Project.

Staff Resource(s):
Barry Gullet, Charlotte Water
Ron Hargrove, Charlotte Water

Explanation

- The City owns and operates five wastewater treatment plants. The Sugar Creek Wastewater Treatment Plant is one of Charlotte Water's oldest plants.
- The HVAC system in one of the buildings has reached the end of its useful life and is in need of replacement. This project replaces the makeup air units, associated ductwork, electrical controls, and fire alarm control panel.
- On July 18, 2017, the City issued an Invitation to Bid; three bids were received from interested service providers.
- Southeastern Plumbing and Heating, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed by fall 2018.

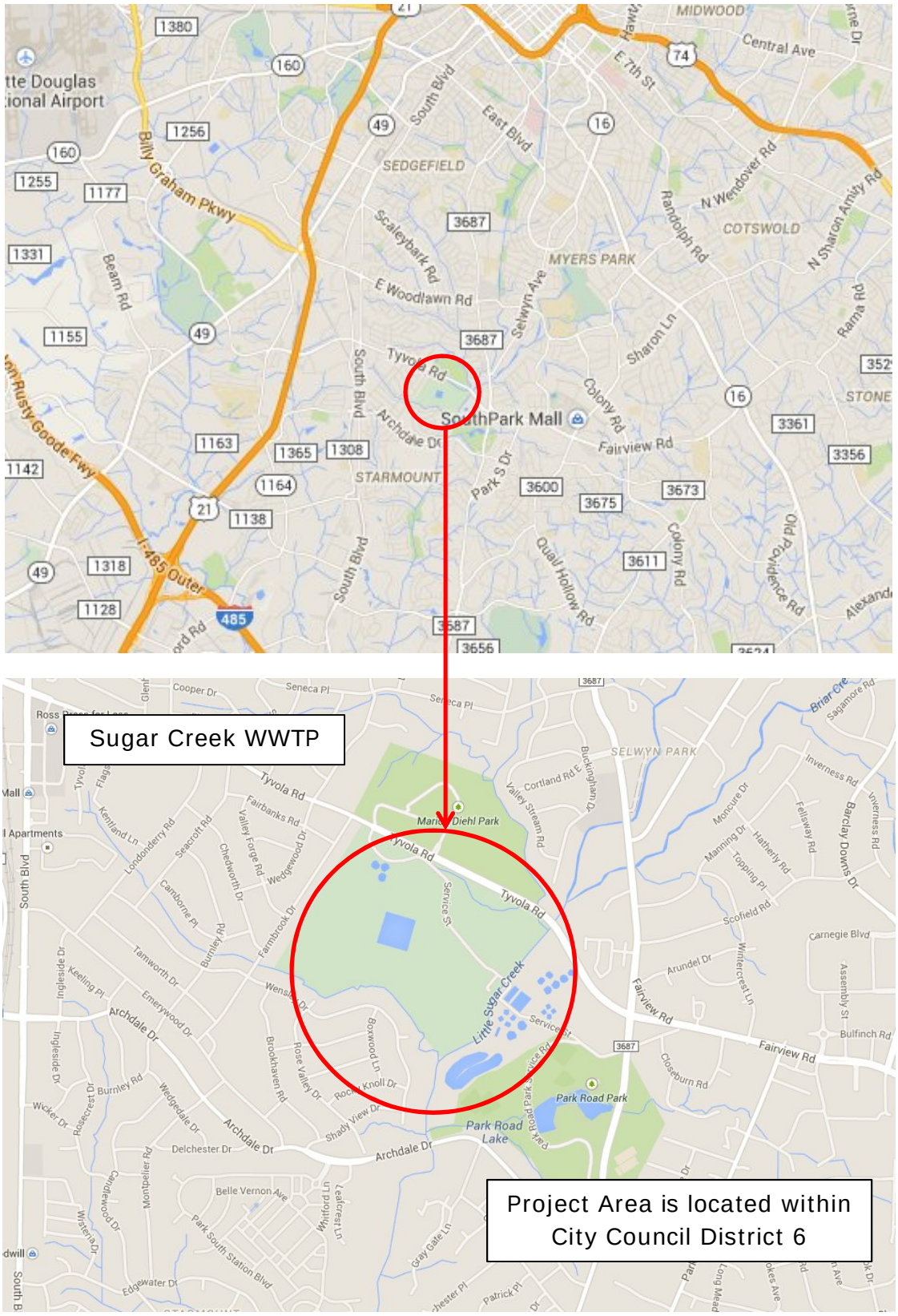
Charlotte Business INClusion
Established MSBE Goal: 2%
Committed MBE Goal: 2.54%
Southeastern Plumbing and Heating, Inc. has met the established goal and has committed 2.54 percent ($12,964) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INClusion Policy):

- Superior Mechanical Systems, Inc. (MBE) ($8,000) (HVAC installation)
- L&L Metals, Inc. (MBE) ($4,964) (duct fabrication)

Fiscal Note
Funding: Charlotte Water Community Investment Plan

Attachment(s)
Map
GFE Summary

Sugar Creek Wastewater Treatment Plant HVAC Project – Map



Good Faith Efforts Summary for Sugar Creek Headworks Building HVAC Improvements

Background

The Sugar Creek Headworks Building HVAC Improvements contract was bid on August 15, 2017. A total of three (3) firms submitted bids for the contract. Staff is recommending contract award to the low bidder, Southeastern Plumbing, Heating & AC, Inc. with a total contract award amount of $511,000.00.

The Established MSBE Goal for this project was set at 2%, as derived from the City's subcontracting goal setting formula.

At bid opening, Southeastern Plumbing, Heating & AC, Inc.'s incorrectly listed a non-MSBE as an MSBE, reducing their MSBE participation from 27.11% to 0%. Subsequent to notification they had not met the goal, Southeastern Plumbing, Heating & AC, committed 2.81% to certified firms.

Good Faith Effort (GFE) Summary

Per the City's CBI Policy (Part B: Section 2.1), because the Established MSBE Goal on this contract was not met at bid opening, Southeastern Plumbing, Heating & AC was required to submit documentation reflecting their efforts in earning the required minimum 50 Good Faith Effort (GFE) points, out of a total available 155 GFE points. Confident the goal had been met prior to the bid opening, Southeastern Plumbing, Heating & AC did not have substantial GFE documentation to submit for review and did not acquire the required minimum 50 GFE points. City staff has reviewed Southeastern Plumbing, Heating & AC's documentation and confirmed Southeastern Plumbing, Heating & AC acquired 10 GFE points, comprised of the following efforts:

- GFE 5.3.1: Contacts (0 points)
- GFE 5.3.2: Making Plans Available (0 points)
- GFE 5.3.3: Breaking Down Work (0 points)
- GFE 5.3.5: Attendance at Pre-Bid (10 points)
- GFE 5.3.7: Negotiating in Good Faith with MSBEs (0 points)

Agenda #: 33.**File #:** 15-6365 **Type:** Consent Item

Water Master Plan Program Management Services

Action:
Approve a contract in the amount of $1,755,818 with Brown and Caldwell for program management services for the Water Master Plan Program.

Staff Resource(s):
Barry Gullet, Charlotte Water
Ron Hargrove, Charlotte Water

Explanation

- The water master plan is an in-depth engineering assessment of Charlotte Water's water distribution system to determine infrastructure needs to meet future water demands as well as maintain high water quality.
- Program Management Services are necessary to obtain efficiency and cost savings in the development of the Water Master Plan.
- The program management service contracts include, but are not limited to:
  - Overall planning, scheduling, coordination, and reporting;
  - Conceptual design;
  - Detailed design;
  - Alternative delivery analysis;
  - Bid Phase Services; and
  - Construction Administration and Inspection.
- The projects identified in this Program were identified through the 2015 Water Distribution System Master Plan. The final report for the 2015 Water Distribution System Master Plan is anticipated before the end of 2017.
- The Water Master Plan Program currently includes the following projects:
  - Old Dowd Road Airport 24-inch Water Main Connection - approximately 3,600 linear feet (LF) of 24-inch water main on the east side of the airport.
  - Idlewild Booster Pumping Station Supply Main - approximately 6,000 LF of 24-inch water main from Craig elevated storage tank to Sharon Amity Road and 4,000 LF of 30-inch water main from Sharon Amity Road to the Idlewild Booster Pumping Station.
  - 960 Zone West-East Transmission Main - approximately 16,000 LF of 30-inch water main between Albemarle Road and the Wilgrove elevated storage tank.
  - 960 Zone North-South Transmission Main - approximately 30,500 LF of 30-inch water main

between the intersection of Idlewild Road and WT Harris Blvd and the Hickory Grove elevated storage tank at Harris Blvd and Plaza Road Extension.

  - Pressure Zone Boundary Change - various improvements to the water distribution system to better serve current customers and accommodate future growth.

- On June 8, 2017, the City issued a Request for Qualifications (RFQ); six proposals were received from interested professional service providers.
- Brown and Caldwell 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.
- It is anticipated that Council will be asked to approve additional contracts for design, bid-phase services, construction administration services and post-construction services in early 2018.
- Construction contracts for the Water Master Plan Program are anticipated to return to City Council for approval starting in Fiscal Year 2019.

Charlotte Business INClusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INClusion Policy). Brown and Caldwell has committed 29.97% ($526,185) of the total contract amount to the following certified firms:

- Avioimage Mapping Services (SBE) ($156,074) (aerial photography)
- Hinde Engineering, Inc. (SBE) ($148,281) (design)
- Willis Engineers, Inc. (SBE) ($130,570) (design)
- NC Design Solutions (SBE) ($53,260) (permitting)
- LDSI, Inc. (SBE) ($32,000) (surveying)
- Habitat Assessment & Restoration Professionals (SBE) ($6,000) (environmental)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Agenda #: 34.**File #:** 15-6362 **Type:** Consent Item

Sonic Financial Corporation Hangar License

Action:

A. Approve a five-year license with Sonic Financial Corporation for hangar space at Wilson Air Center, and

B. Authorize the City Manager to renew the license for one additional, five-year term and to amend the license consistent with the purpose for which the license was approved.

Staff Resource(s):
Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- Sonic Financial Corporation has been a hangar tenant with the Airport for the last 20 years.
- Under this license, Sonic Financial Corporation will continue to use the hangar space for its corporate aircraft.
- The annual license fee is $194,776.44. Aviation has set this rate based on fair market value.

Agenda #: 35.**File #:** 15-6453 **Type:** Consent Item

Matheson Flight Extenders Lease

Action:

A. Approve a five-year lease with Matheson Flight Extenders for cargo facility space, and

B. Authorize the City Manager to renew the lease for three additional, one-year, renewal terms consistent with the purpose for which the lease was approved.

Staff Resource(s):
Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- Matheson Flight Extenders (Matheson) specializes in ground support services for the United States Postal Service and other commercial carriers.
- The lease with Matheson is for a cargo facility located at 3628 A Yorkmont Road, Charlotte, North Carolina 28208.
- The annual rent is $310,021, for a total of $1,550,105 over the initial five-year term.
- Any additional renewal terms exercised will have an adjusted rent based on Consumer Price Index.

Agenda #: 36.**File #:** 15-6519 **Type:** Consent Item

Airport Checked Baggage In-Line System Conveyor Parts

Action:

A. Approve the purchase of checked baggage in-line system conveyor belting and parts, as authorized by the sole source exemption of G.S. 143-129 (e)(6),

B. Approve a unit price contract with FORBO Siegling LLC, for the purchase of conveyor belting and parts for a term of five 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 City's business needs and 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 of compatibility with existing equipment.
- The City Council must approve purchases made under the sole source exception.

Explanation

- The checked baggage in-line system sorts and screens millions of checked bags annually.
- This contract will provide system conveyor belting and parts.
- Annual expenditures under the contract are estimated to be $35,000, for a total of $175,000 over the five-year term.

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

Agenda #: 37.**File #:** 15-6522 **Type:** Consent Item

Bus Maintenance Parts Contract

Action:

A. Approve the purchase of bus maintenance parts, as authorized by the sole source exemption of G.S. 143-129 (e)(6),

B. Approve a unit price contract with Arkay Acquisition LLC (Gillig, Inc.) for the purchase of bus maintenance parts for the term of three years, and

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

Staff Resource(s):
John Lewis, CATS
Tangee Mobley, CATS

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 exception.

Explanation

- The City uses proprietary original equipment manufacturer (OEM) bus parts in the daily maintenance and repair of the Transit bus fleet.
- The proprietary OEM parts meet the required specifications and standards to keep the buses in the proper operating condition and to maintain bus warranties.
- Bus parts will be ordered on an "as needed" basis. The contract amount is based on prior usage and required inventory stock levels.
- Arkay Acquisition LLC will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- Annual expenditures under the contract are estimated to be $950,000.

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: Transit Operating Budget

Agenda #: 38.**File #:** 15-6455 **Type:** Consent Item

LYNX Blue Line Extension - Landscape Services Contract Amendment

Action:
Approve contract amendment #2 for an amount up to $420,000 to Champion Landscapes Inc. for landscape services for the Blue Line Extension project.

Staff Resource(s):
John Lewis, CATS
Jill Brim, CATS
Mike Davis, Engineering and Property Management
Kourtnie Vincent, Engineering and Property Management

Explanation
- On September 26, 2016, City Council awarded a contract to Champion Landscapes Inc. in the amount of $485,280 for Landscape installation services for Segment C of the Blue Line Extension (BLE) project.
- On September 11, 2017, Amendment #1, in the amount of $80,000, was executed to provide interim landscape maintenance services for BLE construction sites.
- Amendment #2 is needed to continue to provide Landscape maintenance services at all BLE construction sites from the 7th Street Station, north to the JW Clay Blvd parking garage, until the start of revenue service.
- Services will include grounds maintenance, trash and debris removal, storm debris pickup and repair, and limited tree maintenance,
- Upon City Council approval, the new value of the contract, including this amendment, will be $985,280, which is within the current BLE project budget.

Disadvantaged Business Enterprise
Established DBE goal: 5.2%
Committed DBE goal: 5.2%

Champion Landscape met the established subcontracting goal and has committed 5.2% ($51,235) of the total contract amount to the following DBE certified firm:
- Grants Creek Nursery (DBE) (Plant Supplier)

Fiscal Note
Funding: CATS Community Investment Plan

Agenda #: 39.**File #:** 15-6595 **Type:** Consent Item

CATS Bus Service Agreement with the City of Concord

Action:

A. Adopt a resolution ratifying the Interlocal Agreement with the City of Concord for bus service operated by the Concord Kannapolis Transit System for one year that will connect the City of Concord to the LYNX Blue Line, and

B. Authorize the City Manager to renew the agreement for up to four additional, one-year terms and to amend the agreement consistent with the purposes for which the agreement was approved.

Staff Resource(s):
John Lewis, CATS
Larry Kopf, CATS

Explanation

- The City of Concord will pay for and operate bus service connecting to the LYNX Blue Line at the JW Clay Station, and this bus service will begin when the LYNX Blue Line light rail service is extended to UNC-Charlotte.
- Charlotte residents will be able to ride the new Concord bus service by virtue of bus stop locations along the portion of the bus line that will be located in the City of Charlotte.
- Since the new service benefits residents of Charlotte, CATS will pay for a share of the service cost.
- The total annual cost of the bus service is $299,980. CATS will reimburse $115,476 to Concord on an annual basis.
- Service will operate seven days per week with 14 roundtrips available each weekday and 11 roundtrips available on Saturdays and Sundays.
- Other benefits of the new service will include:
  - Improved mobility for residents of both Concord and Charlotte,
  - Increased ridership on the light rail system,
  - Extension of transit service to an area of Charlotte without current service, and
  - Help Charlotte meet air quality attainment goals.

Background

- The new bus service will replace existing express bus service operated by CATS. The current express service only has eight trips per day, and does not operate on weekends.
- The current service is not designed to connect to the light rail system.
- The current service cost CATS $115,476 annually.

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: CATS Operating Budget

Attachment(s)
Resolution

RESOLUTION AUTHORIZING INTERLOCAL BUS SERVICE
AGREEMENT WITH THE CITY OF CONCORD

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON _November __13, 2017. THIS RESOLUTION AUTHORIZES THE INTERLOCAL BUS SERVICE AGREEMENT WITH THE CITY OF CONCORD, NORTH CAROLINA.

A motion was made by _____ and seconded by_____ for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, pursuant to Article 20 of Chapter 160A of the North Carolina General Statues, as amended, units of local government of this State are authorized to enter into agreements with each other in order to execute any undertaking; and

WHEREAS, under Article 16 of Chapter 160A of the North Carolina General Statutes, cities are authorized to operate public enterprises including public transportation systems; and

WHEREAS, the City currently operates and provides, through the Charlotte Area Transit System (CATS), bus service between the City of Concord and the City of Charlotte pursuant to a pre-existing agreement; and

WHEREAS, the Lynx Blue Line light rail extension, upon opening, will provide station access at JW Clay Blvd. and North Tryon St.; and

WHEREAS, the City of Charlotte and the City of Concord wish to replace the existing bus service between the two cities with a new hourly service which will connect to the Lynx Blue Line light rail system; and

WHEREAS, the City of Concord has offered, and the City of Charlotte has agreed, to allow the Concord Kannapolis Transit System to operate the new bus service, whose commencement will be coordinated with the opening of the Blue Line Extension; and

WHEREAS, the new service will operate seven days each week, providing fourteen roundtrips Monday through Friday and eleven roundtrips on Saturday and Sunday; and

WHEREAS, the annual net cost of the new service will be $299,890, which shall be split equally between the City of Charlotte and the City of Concord; and

WHEREAS, North Carolina General Statute §160A -461 requires that Interlocal Agreements “be ratified by resolution of the governing board of each unit spread upon its minutes”.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Charlotte, North Carolina hereby:

1. Approves and ratifies the proposed Interlocal Agreement between the City of Charlotte and the City of Concord;

2. Authorizes the City Manager and his designees to execute an agreement consistent with the terms as presented to City Council with such technical corrections and modifications as may be necessary to effect the spirit and intent of the agreement;

3. Authorize the City manager and his designees to renew the proposed Interlocal Agreement for up to four additional one-year terms and to amend the agreement consistent with the City's business needs and the purposes for which the agreement was approved.

4. Authorizes the Chief Executive Officer of the Charlotte Area Transit System to undertake all activities and measures necessary for the functional operation of the services agreed upon by the City in conjunction with this Interlocal Agreement;

5. Directs that this resolution and its adoption be reflected in the minutes of the Charlotte City Council.

Agenda #: 40.**File #:** 15-6602 **Type:** Consent Item

Refund of Property Taxes

Action:
Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of $14,411.80.

Staff Resource(s):
Randy Harrington, Management and Financial Services
Betty Mattos, Management and Financial Services

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

Taxpayers and Refunds Requested

ACC OP(U CITY BLVD) LP, .	$	18.23
ALDRICH, DAVID GLEN	$	0.48
ANDREWS, MARC H	$	0.96
ANN TAYLOR INC	$	135.06
AUSTIN, MARY H	$	669.46
AYCOTH, DOY DEAN	$	1.44
BAKER, DEBORAH A	$	1.44
BANK OF NEW YORK MELLON .	$	1.92
BARKENBUS, JOHN E	$	0.96
BEGLEY, FREDERICK	$	0.90
BETZEL, MATTHEW J	$	0.48
BILOTTO, FRANK A	$	4.30
BOSTON INVESTMENT GROUP INC .	$	0.96
BRADING, LEE DICKSON	$	0.48
BROWN, GREGORY A	$	0.48
BROWN, MARTHA PERCIVAL	$	0.95
CERULLO, CHARLES DAVID	$	0.96
CHAMBERS, MARK D	$	0.52
CHARLOTTE HRG RETIREMENT RESIDENCE	$	4.31
CLARK, MARK	$	1.44
CLEVEN, DONALD E	$	0.96
COCKERHAM & ASSOCIATES, LLC	$	68.29
COCKERHAM & ASSOCIATES, LLC	$	68.29
COCKERHAM & ASSOCIATES, LLC	$	69.66
COCKERHAM & ASSOCIATES, LLC	$	71.06
DIPPOLD, JOHN S	$	0.47
DOERFLEIN, ROBERT STEPHEN	$	0.96
ECHEANDIA, ERNESTO A	$	0.51
EJ POPE & SON INC	$	339.82
ENGEL, ROBERT A	$	0.96
EP I LLC .	$	4.31
ESCOBAR, MAURICIO E	$	0.96
FACCONE, DOMINIC M	$	1.43
FAMOSO, JOSPEH A	$	0.47
FERGUSON, GAIL A	$	0.53
FOSTER, JAMES W	$	2.40
FREEMAN, RONALD C JR	$	0.48
GALIYEV, RUSTAM	$	1.92
GANGLANI, AMIT G	$	0.96
GANT, DEAN A	$	0.96
GLASSHOFF RONALD H	$	1.44
GRANT-TURNER BEVERLY	$	4.31
HARGROVE PROPERTY LLC .	$	1.43
HARP, LORRAINE	$	387.51
HILL, DANIEL HENRY	$	0.51
HOMONAI, CAROL C	$	0.48
HORNE, GREGORY R	$	0.96

HORNYAK JONATHAN P	$	0.48
HTP PLAZA LLC .	$	2.87
HUGHES, MICHAEL S	$	0.96
JENKINS-BANCROFT PROPERTIES LLC .	$	5.75
JENSEN, BRADLEY M	$	0.96
KIRKLAND, CHRISTIAN S	$	0.48
KOZIEL, WILLIAM R	$	0.96
KUAI, DIANA H	$	0.48
LENHART, JANELLE TUCK	$	0.47
LUCAS, DAVID S	$	0.48
MANN, JAMES WILLIAM JR	$	0.96
MARING, SHERYL L	$	0.96
MCCOLL, HUGH L III	$	2.88
MCKENZIE HOMES LLC .	$	1.44
MCMILLIN, MICHAEL RAY	$	0.95
MONTGOMERY, PAUL E	$	0.95
NATIONAL RETAIL PROPERTIES LP .	$	0.48
NATIONS FUND I LLC	$	3,426.66
NEGRIN, LILLIAN	$	708.48
NEGRIN, LILLIAN	$	232.56
NESKY, MARK A	$	0.48
NIELSEN PATRICIA S CUERO	$	0.96
NORTH COMMUNITY HOUSE ROAD PARTNERS .	$	5.75
OCTAPHARMA PLASMA INC .	$	5.75
ORGANEK, CASEY R	$	0.95
PARK CHARLOTTE LLC	$	5,590.98
PATRICK, JOHN D JR	$	0.96
PAVILION VILLAGE LLC .	$	21.07
PEARCE, SIDNEY Q	$	0.48
POOLE, EDWARD ASHTON	$	0.47
RAY, MICHAEL S	$	0.47
REDDIN, THOMAS	$	0.95
REINHARDT COLONEL	$	215.42
REVOCABLE TRUST OF MARY MITCHELL LU, .	$	0.96
ROYAL BLUE PROPERTIES LLC .	$	2.87
RTC VENTURES LLC	$	863.16
RUNNION, JILL	$	0.50
SCHLEUSNER, ROBERT	$	0.47
SCHMIDT, ROBERTA E	$	63.41
SCHMIDT, ROBERTA E	$	59.84
SCHRODER, DONALD CRAIG	$	1.91
SCIACCA, ANTHONY	$	4.31
SEMANDS, STEPHAN G	$	1.44
SHAMROCK HOLDING LLC .	$	1.43
SIMMONS, JOHN GORDON	$	1.43
SLOTHOWER, ALAN D	$	1.43
SMALL BROTHERS CHARLOTTE LLC .	$	1.04
SMITH MILES JAMES III	$	0.48
SMITH, MICHAEL J	$	2.87

STALLINGS, BERNARD LEE	$	0.48
STEELE, MICHAEL SIMMONS	$	0.51
STEWART, BERNICE M	$	244.37
STEWART, SCOTT L	$	0.47
STOUT, DAVID A	$	0.96
SUTTONI, PETER G	$	0.95
SZEWS, HEATHER D	$	0.48
TALLARDY, CHARLES C III	$	4.31
TAYLOR, CHARLES E	$	1.44
THOMAS, PEGGY ELLEN	$	0.48
THOMPSON, KATHRYN W	$	2.39
TP 1100 SOUTH BLVD LLC .	$	24.55
TRADEKING	$	796.28
TRAN BINH KIET	$	3.35
TYVOLA HOSPITALITY INC .	$	7.60
UNIVERSITY BOULEVARD STORAGE LLC .	$	9.11
VU, THIEN-HUONG	$	0.47
WATERS, KENNETH L	$	1.44
WHITE, JAMES ARLINGTON II	$	0.95
WIGGINTON, MARK A	$	1.43
WILLIS, JAMES E	$	185.73
WYKER, BRYAN A	$	1.92
YATES, LLOYD M	$	1.43
ZAGIN, SERGEI	$	0.48
	$	14,411.80

A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY TAXES

Reference is made to the schedule of "Taxpayers and Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.

2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.

3. The amounts listed on the schedule were collected through either a clerical or assessment error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 13th day of November 2017 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

Agenda #: 41.**File #:** 15-6563 **Type:** Consent Item

Meeting Minutes

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

- **October 09, 2017, Business Meeting**
- **October 16, 2017, Zoning Meeting**

Staff Resource(s):
Stephanie Kelly, City Clerk's Office

Agenda #: 42.**File #:** 15-6509 **Type:** Consent Item

Future Fire Station Land Purchase

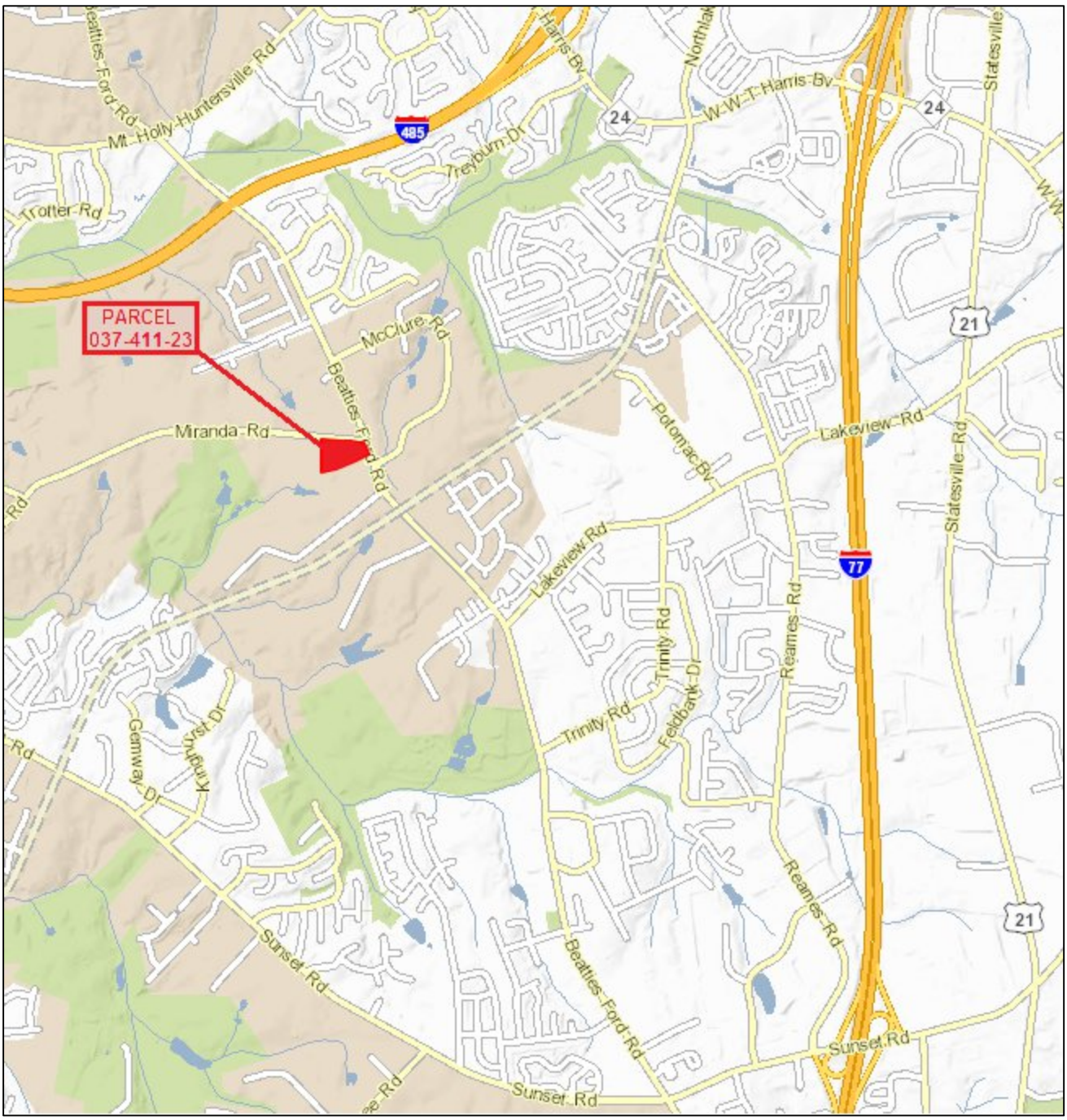
Action:
Approve the purchase of 6.56 acres (parcel identification number 037-411-23) located at the corner of Miranda Road and Beatties Ford Road for the amount of $350,000.

Staff Resource(s):
Mike Davis, Engineering and Property Management
Tony Korolos, Engineering and Property Management
Kevin Gordon, Fire

Explanation
- Increasing growth in northwest Charlotte necessitates an additional fire station to serve this area in the near future.
- Acquiring this parcel allows the City to mitigate rising land values and secure a site on a main highway (Beatties Ford Road) before it is acquired by a developer.
- The 6.56-acre parcel is zoned R-3 and has an appraised fair market value of $350,000.
- The parcel is level and is relatively clear of trees, with one vacant dwelling.
- The Charlotte-Mecklenburg Planning Committee recommended approval for the City to purchase the land as part of the Mandatory Referral Process.
- A new fire station in this community is approximately three years from construction.

Fiscal Note
Funding: Fire Miscellaneous Equipment Account

Attachment(s)
Map



Location Map: Land Purchase for Future Fire Station (Mecklenburg County outside of Council District 2)

Agenda #: 43.**File #:** 15-6805 **Type:** Consent Item

In Rem Remedy 5000 Lakeview Road

For In Rem Remedy, the public purpose and policy are outlined here.

Public Purpose:
- Eliminate a blighting influence;
- Reduce the proportion of substandard housing;
- Increase tax value of property by making land available for potential infill housing development; and
- Support public safety initiatives.

Policy:
- Housing & Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:
1. Public Safety - Police and/or Fire Departments
2. Complaint - petition by citizens, tenant complaint, or public agency referral
3. Field Observation - concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Field Observation: (5000 Lakeview Road)

Action:
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (5000 Lakeview Road) (Neighborhood Profile Area 260).

Attachment(s)
In Rem Packet for (5000 Lakeview Road)

ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 5000 LAKEVIEW ROAD PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF UNKNOWN HEIRS OF ROBERT D. HILL 5000 LAKEVIEW ROAD CHARLOTTE, NC 28216

WHEREAS, the dwelling located at 5000 Lakeview Road in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 5000 Lakeview Road in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

_____

Senior Assistant City Attorney

GENERAL INFORMATION	
Property Address	5000 Lakeview Road
Neighborhood	Neighborhood Profile Area 260
Council District	#2
Owner(s)	Unknown Heirs of Robert D. Hill
Owner(s) Address	5000 Lakeview Road Charlotte, NC 28216
KEY FACTS	
Focus Area	Housing & Neighborhood Development & Community Safety Plan
CODE ENFORCEMENT INFORMATION	
♦ Reason for Inspection:	Field Observation
♦ Date of the Inspection:	03/30/2017
♦ Title report received revealing parties in interest:	05/12/2017
♦ Owner(s) and parties in interest notified of Complaint and Notice of Hearing by advertisement and certified mail by:	04/18/2017 04/27/2017 06/06/2017
♦ Held hearing for owner(s) and parties in interest by:	05/03/2017 05/31/2017 06/21/2017
♦ Owner(s) and parties in interest attend hearing:	No
♦ Filed Lis Pendens:	08/02/2017
♦ Owner(s) and parties in interest ordered to demolish structure by:	08/11/2017
♦ Owner(s) have not repaired, or complied with order to demolish.	
♦ Structure occupied:	No
♦ Demolition cost:	$8,815
♦ Lien will be placed on the property for the cost of Demolition.	

NOTIFICATION TO OWNER

Owner and parties of interest have been advised that failure to comply with the Order to Demolish the structure would result in City Council being requested to approve demolition by the City and a lien being placed on the property for the cost of demolition.

OPTIONS

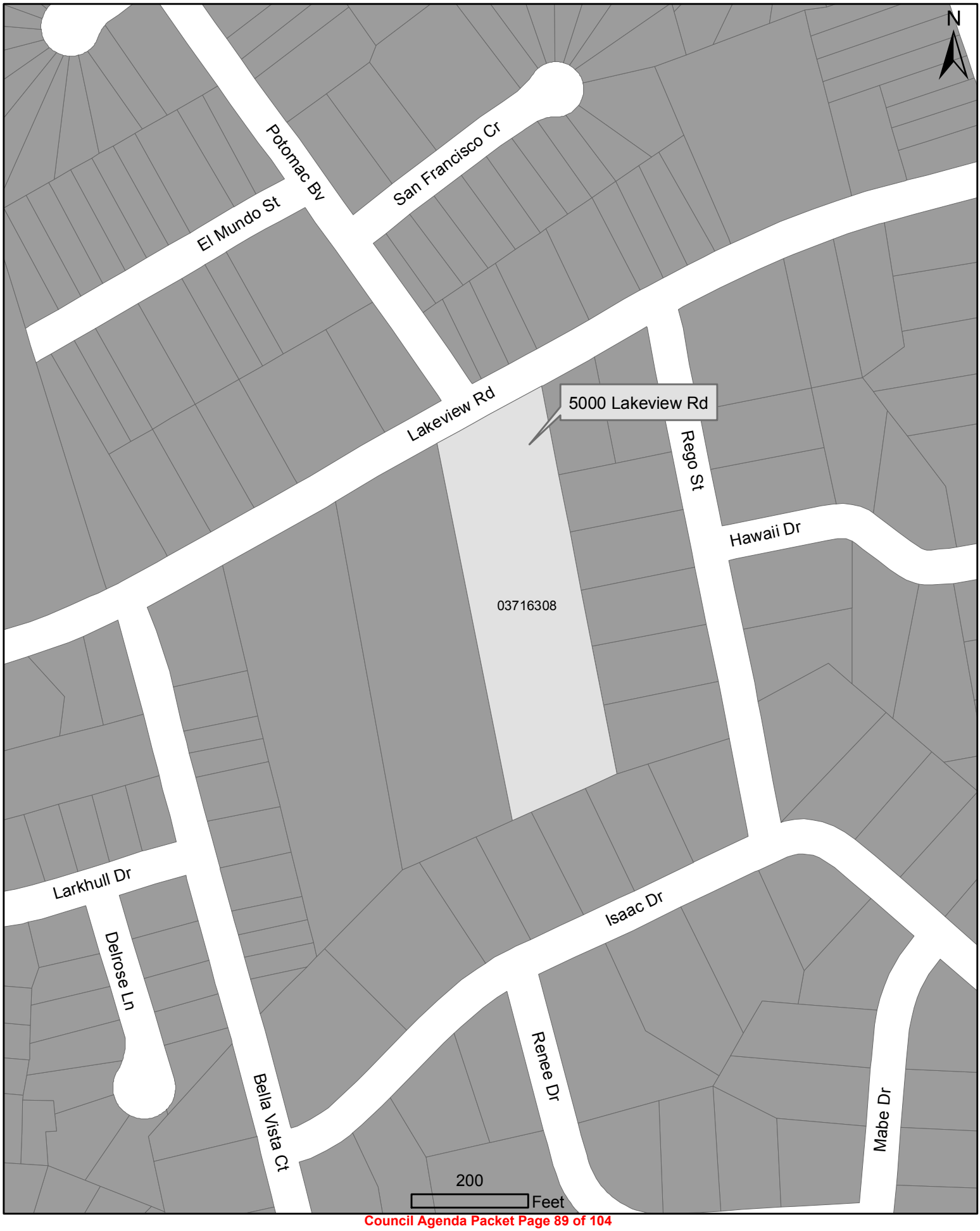
IN-REM REPAIR	REHAB TO CITY STANDARD	REPLACEMENT HOUSING	DEMOLITION
Estimated In-Rem Repair Cost: $57,432	Acquisition & Rehabilitation Cost (Existing structure: 921 sq. ft. total) Economic Life: 15-20 years Estimated cost-$239,292	New Replacement Structure Cost (Structure: 1,000 sq. ft. total) Economic Life: 50 years Estimated cost-$171,028	Demolition Cost $8,815
In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.	Acquisition: Tax values: - Structure: $ 28,500 - Shed: $ 4,400 - Land: $ 74,200 Total Acquisition: $ 107,100 Estimated Rehabilitation Cost: $ 46,050 Outstanding Loans $ 61,430 Property Taxes owed: $ 16,308 Interest on Taxes owed: $ 8,404 Total: $ 132,192	Acquisition: Tax values - Structure: $ 28,500 - Shed: $ 4,400 - Land: $ 74,200 Total Acquisition: $ 107,100 New structure: $ 69,000 Demolition: $ 8,815 Outstanding Loans: $ 61,430 Property Taxes owed: $ 16,308 Interest on Taxes owed: $ 8,404 Total: $ 132,192	

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:

- Estimated In-Rem Repair cost of: $57,432 ($62.35/sq. ft.), which is 201.51 % of the structure tax value, which is $28,500.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- Violations include: Structural, plumbing, electrical and heating violations: Walls and ceiling covering water damaged. Areas of subflooring missing. Decayed floor girder, joists and sill. Windows are inoperable. Decayed fascia (exterior trim). Areas of missing exterior siding. Roof covering damaged/loose. Roof sheathing decayed. Decayed roof rafters. Damaged plumbing fixtures. Damaged electrical wiring. Heating equipment and ductwork not maintained. Accessory building not in safe substantial condition.
- The building is 72 years old and consists of 921 square feet total.
- A new 1,000 sq. ft. structure can be built for $69,000.

5000 Lakeview Road



5000 Lakeview Road

Agenda #: 44.**File #:** 15-6868 **Type:** Consent Item

Property Transactions - 25th Street Connection, Parcel #9

Action: **Approve the following Acquisition: 25th Street Connection, Parcel #9**

Project: 25th Street Connection, Parcel #9

Owner(s): Dora Ann Hood

Property Address: 2121 North Davidson Street

Total Parcel Area: 22,557 sq. ft. (.518 ac.)

Property to be acquired by Easements: 3,738 sq. ft. (.086 ac.) in Sidewalk and Utility Easement, plus 3,839 sq. ft. (.088 ac.) in Waterline Easement, plus 605 sq. ft. (.014 ac.) in Temporary Construction Easement, plus 2,747 sq. ft. (.063 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 083-047-09

Purchase Price: $155,100

Council District: 1

Agenda #: 45.**File #:** 15-6869 **Type:** Consent Item

Property Transactions - 25th Street Connection, Parcel #10

Action: **Approve the following Acquisition: 25th Street Connection, Parcel #10**

Project: 25th Street Connection, Parcel #10

Owner(s): BGH Holdings, LLC

Property Address: East 25th Street

Total Parcel Area: 8,000 sq. ft. (.184 ac.)

Property to be acquired by Easements: 293 sq. ft. (.007 ac.) in Sidewalk and Utility Easement, plus 323 sq. ft. (.007 ac.) in Waterline Easement, plus 77 sq. ft. (.002 ac.) in Temporary Construction Easement, plus 286 sq. ft. (.007 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 083-047-04

Purchase Price: $14,575

Council District: 1

Agenda #: 46.**File #:** 15-6870 **Type:** Consent Item

Property Transactions - Low Pressure Sanitary Sewer to Serve NC 73, Henry Lane and Beatties Ford Road, Parcel #3

Action: **Approve the following Acquisition: Low Pressure Sanitary Sewer to Serve NC 73, Henry Lane and Beatties Ford Road, Parcel #3**

Project: Low Pressure Sanitary Sewer to Serve NC 73, Henry Lane and Beatties Ford Road, Parcel #3

Owner(s): MDHB Properties, LLC

Property Address: 14910 North Carolina 73 Highway

Total Parcel Area: 98,964 sq. ft. (2.272 ac.)

Property to be acquired by Easements: 1,436 sq. ft. (.033 ac.) in Sanitary Sewer Easement, plus 2,183 sq. ft. (.05 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Shrubs

Zoned: HC

Use: Commercial

Tax Code: 009-021-02

Purchase Price: $13,700

Council District: N/A (Huntersville)

Agenda #: 47.**File #:** 15-6871 **Type:** Consent Item

Property Transactions - North Wendover Road 6" Water Main, Parcels #1, 2 and 3

Action: **Approve the following Acquisition: North Wendover Road 6" Water Main, Parcels #1, 2 and 3**

Project: North Wendover Road 6" Water Main, Parcels #1, 2 and 3

Owner(s): Wendover Green, LLC

Property Address: 617 North Wendover Road

Total Parcel Area: 62,769 sq. ft. (1.441 ac.)

Property to be acquired by Easements: 2,507 sq. ft. (.058 ac.) in Waterline Easement, plus 8,757 sq. ft. (.201 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22MF

Use: Multi Family

Tax Code: 157-072-16

Purchase Price: $28,250

Council District: 1

Agenda #: 48.**File #:** 15-6875 **Type:** Consent Item

Property Transactions - 24" Water Main- South Street Davidson- Phase II, Parcel #2

Action: **Approve the following Condemnation: 24" Water Main- South Street Davidson- Phase II, Parcel #2**

Project: 24" Water Main- South Street Davidson- Phase II, Parcel #2

Owner(s): Antiquity, LLC

Property Address: Zion Avenue

Total Parcel Area: 155,493 sq. ft. (3.570 ac.)

Property to be acquired by Easements: 17,773.48 sq. ft. (.408 ac.) in Waterline Easement, plus 8,627.46 sq. ft. (.198 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: TC

Use: Single-family Residential

Tax Code: 007-511-46

Appraised Value: $29,450

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

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

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

Council District: N/A (Cornelius)

Agenda #: 49.**File #:** 15-6876 **Type:** Consent Item

Property Transactions - 24" Water Main- South Street Davidson- Phase II, Parcel #5

Action: **Approve the following Condemnation: 24" Water Main- South Street Davidson- Phase II, Parcel #5**

Project: 24" Water Main- South Street Davidson- Phase II, Parcel #5

Owner(s): Antiquity, LLC

Property Address: Catawba Avenue

Total Parcel Area: 175,673 sq. ft. (4.033 ac.)

Property to be acquired by Easements: 4,903.69 sq. ft. (.113 ac.) in Waterline Easement, plus 2,189.24 sq. ft. (.05 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: TC

Use: Single-family Residential

Tax Code: 007-511-09

Appraised Value: $32,175

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

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

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

Council District: N/A (Cornelius)

Agenda #: 50.**File #:** 15-6877 **Type:** Consent Item

Property Transactions - Gum Branch Sanitary Sewer, Parcels #14, 19 and 25

Action: **Approve the following Condemnation: Gum Branch Sanitary Sewer, Parcels #14, 19 and 25**

Project: Gum Branch Sanitary Sewer, Parcels #14, 19 and 25

Owner(s): McClure Real Estate & Investment Inc.

Property Address: 511 Gum Branch Road

Total Parcel Area: 27,830 sq. ft. (.639 ac.)

Property to be acquired by Easements: 5,555 sq. ft. (.128 ac.) in Sanitary Sewer Easement, plus 4,093 sq. ft. (.094 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: 031-073-26, 031-077-20 and 031-077-12

Appraised Value: $750

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

Council District: 2

Agenda #: 51.**File #:** 15-6878 **Type:** Consent Item

Property Transactions - Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #2

Action: **Approve the following Condemnation: Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #2**

Project: Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #2

Program: Flood Control

Owner(s): Joseph M. Jones and Deborah W. Jones

Property Address: 6520 Randy Drive

Total Parcel Area: 15,862 sq. ft. (.364 ac.)

Property to be acquired by Easements: 1,159 sq. ft. (.027 ac.) in 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: 107-161-08

Appraised Value: $675

Property Owner's Concerns: The property owner disagrees with the project and the joint maintenance responsibility required by the State.

City's Response to Property Owner's Concerns: Staff explained the obligation of the City of Charlotte and the property owners to comply with the North Carolina Dam Safety Act requirements.

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

Council District: 5

Agenda #: 52.**File #:** 15-6879 **Type:** Consent Item

Property Transactions - Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #3

Action: **Approve the following Condemnation: Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #3**

Project: Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #3

Program: Flood Control

Owner(s): Ronald Lee Stading

Property Address: 7400 Oakwood Lane

Total Parcel Area: 66,614 sq. ft. (1.529 ac.)

Property to be acquired by Easements: 6,786 sq. ft. (.156 ac.) in 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: 107-172-23

Appraised Value: $875

Property Owner's Concerns: The property owner disagrees with the project and the joint maintenance responsibility required by the State.

City's Response to Property Owner's Concerns: Staff explained the obligation of the City of Charlotte and the property owners to comply with the North Carolina Dam Safety Act requirements.

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

Council District: 5

Agenda #: 53.**File #:** 15-6614 **Type:** Consent Item

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 which reference the Charlotte Business INClusion Policy in the business meeting agenda.

Part A: Administration & Enforcement

Appendix Section 20: Contract: For the purposes of establishing an 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, MBE or WBE Goal has been set.
- Financial Partner Agreements, Development Agreements, 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 shall be "Exempt Contracts" from all aspects of the Charlotte Business INClusion Policy, unless the Department responsible for procuring the Contract decides otherwise:

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 shall be Exempt Contracts, 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 shall be Exempt Contracts.

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

Federal Contracts Subject to 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 shall be Exempt Contracts.

State Contracts Subject to MWBE Requirements: Contracts for which a minority and women business participation goal is set pursuant to G.S. 143-128.2(a) due to a building project receiving funding from the State of North Carolina shall be Exempt Contracts.

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

Interlocal Agreements: Contracts with other units of federal, state, or local government shall be Exempt Contracts.

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

Contracts with Waivers: Contracts for which the SBO Program Manager or the City Manager waives the SBO Program requirements shall be Exempt Contracts (such as when there are no SBE subcontracting opportunities on a Contract).

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

Appendix Section 35: Informal Contracts: Contracts and purchase orders through which the City procures services from a Business Enterprise that fall within one of the following two categories:
Construction Contracts Less Than or Equal To $500,000:

Service and Commodities Contracts That Are Less Than or Equal To $100,000:

Part B: Formal Construction Bidding

Part B: Section 2.1: When the City Solicitation Documents for a Construction Contract contain an MWSBE Goal, each Bidder must either: (a) meet the MWSBE Goal, or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements. Failure to do so 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: Services Procurement

Part C: Section 2.1: When the City Solicitation Documents for a Service Contract do not contain an SBE Goal, each Proposer must negotiate in good faith with each MWSBE that responds to the Proposer's solicitations and each MWSBE that contacts the Proposer on its own accord. Additionally, the City may negotiate a Committed SBE Goal with the successful Proposer after the Proposal Opening.

Part C: Section 2.1: No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish an MWSBE Goal for Service Contracts where there are no MWSBEs certified to perform the

scopes of work that the City regards as realistic opportunities for subcontracting.

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:

- Notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or
- Establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

Agenda #: 54.**File #:** 15-6615 **Type:** Consent Item

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
  - Leave 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 <u>easement</u> 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 definition of <u>fee simple</u> 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, commonly, synonym for ownership.

Agenda #: 55.**File #:** 15-6616 **Type:** Consent Item

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.