

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, November 27, 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*



# City of Charlotte

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

## Meeting Agenda City Council Business Meeting

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Monday, November 27, 2017

5:00 PM

Council Chambers

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

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2. Closed Session ..... 2
3. Agenda Overview..... 3
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5. Housing and Neighborhood Services Update..... 5
6. Answers to Mayor and Council Consent Item Questions ..... 6

### 6:30 P.M. PUBLIC FORUM, CHARLOTTE MECKLENBURG GOVERNMENT CENTER, CHAMBER

7. Public Forum ..... 7

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

*Call to Order*

*Roll Call*

*Introductions*

*Invocation*

*Pledge of Allegiance*

8. Consent agenda items 21 through 54 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk..... 8

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#### ***Adjournment***

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**Agenda Date:** 11/27/2017

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**Agenda #:** 1. **File #:** 15-6749 **Type:** Dinner Briefing

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

**Staff Resource(s):**

Danny Pleasant, 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.



# City of Charlotte

Charlotte-Mecklenburg  
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**Agenda Date:** 11/27/2017

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**Agenda #:** 2. **File #:** 15-6750 **Type:** Dinner Briefing

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## **Closed Session**



# City of Charlotte

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

**Agenda Date:** 11/27/2017

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**Agenda #:** 3. **File #:** 15-6751 **Type:** Dinner Briefing

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## Agenda Overview

**Staff Resource(s):**  
Marcus Jones, City Manager



**Agenda Date:** 11/27/2017

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**Agenda #:** 4. **File #:** 15-7035 **Type:** Dinner Briefing

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## **Community Safety Update**

**Committee Chair:**

Julie Eiselt, Community Safety

**Staff Resource(s):**

Kerr Putney, Police

**Time:** 25 minutes

**Explanation**

- The purpose of this presentation is to provide an update on community safety activities throughout the city.

**Future Action**

This presentation is for information only.



**Agenda Date:** 11/27/2017

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**Agenda #:** 5. **File #:** 15-7033 **Type:** Dinner Briefing

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## **Housing and Neighborhood Services Update**

**Committee Chair:**

LaWana Mayfield, Housing and Neighborhood Development

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

**Time:** 20 minutes

**Explanation**

- Affordable and Workforce Housing remains a key initiative for the City. Housing & Neighborhood Services will provide an update on the City's Affordable Housing activities and the projected path forward, including a discussion on surplus property acquisition.

**Future Action**

This presentation is for information only.



**Agenda Date:** 11/27/2017

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**Agenda #:** 6. **File #:** 15-6752 **Type:** Dinner Briefing

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

**Staff Resource(s):**

Danny Pleasant, City Manager's Office

**Time:** 10 minutes

**Synopsis**

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



# City of Charlotte

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**Agenda Date:** 11/27/2017

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**Agenda #:** 7. **File #:** 15-6753 **Type:** Public Hearing Item

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## Public Forum



**Agenda Date: 11/27/2017**

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**Agenda #: 8. File #: 15-6754 Type: Consent Item**

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**Consent agenda items 21 through 54 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 Date: 11/27/2017**

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**Agenda #: 9.File #: 15-7000 Type: Zoning Item**

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## **Rezoning Petition 2017-121 by Flywheel Group**

### **Action:**

**Render a decision on petition 2017-121 by Flywheel Group**

- **From I-2 (general industrial)**
- **To TOD-M(O) (transit oriented development - mixed use, optional)**

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

Ed McKinney, Planning  
Tammie Keplinger, Planning

### **Explanation**

- The public hearing on this rezoning petition was held on November 20, 2017.
- The property is approximately 19.12 acres located on the north side at the end of Raleigh Street, east of East Sugar Creek Road. (Council District 1 - Kinsey)
- The petition proposes to redevelop a site in the Howie Acres area to allow all uses in the TOD-M (transit oriented development - mixed use) district. Uses allowed in the TOD-M (transit oriented development - mixed use) district include residential, office, retail and civic uses.
- The City Council expedited the decision on this petition at the Zoning Meeting on November 20, 2017 meeting as an advertising error prevented the petition from meeting General Statute requirements to go to public hearing in October. The expedited decision to November 27, 2017 will allow the decision on the rezoning to be only one week later than originally planned, therefore, keeping the project on schedule.
- The petitioner addressed all outstanding issues as noted in the "Final Staff Analysis."
- The Zoning Committee found the petition to be consistent with the *Blue Line Extension Transit Station Area Plan* and was found to be reasonable and in the public interest based on information from the staff analysis and the public hearing.
- The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.
- Staff agrees with the recommendation of the Zoning Committee.

### **Attachment**

Zoning Committee Recommendation  
Final Staff Analysis  
Statements of Consistency  
Map  
Site Plan



Zoning Committee

## Zoning Committee Recommendation

Rezoning Petition 2017-121

November 20, 2017

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### REQUEST

Current Zoning: I-2 (general industrial)  
Proposed Zoning: TOD-M(O) (transit oriented development, mixed use, optional)

### LOCATION

Approximately 19 acres located on the north side at the end of Raleigh Street, east of East Sugar Creek Road.  
Council District 1 - Kinsey

### PETITIONER

Flywheel Group

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### ZONING COMMITTEE ACTION VOTE

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

Motion/Second: Spencer / McClung  
Yeas: Fryday, Majeed, McClung, McMillan, Spencer, and Sullivan  
Nays: None  
Absent: Nelson  
Recused: None

### ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent with the *Blue Line Extension Transit Station Area Plan*.

A Commissioner asked if the 12 outstanding issues had been addressed. The Committee suspended the rule to allow the petitioner's agent, Bridget Grant, to verbally confirm how the issues would be addressed. Ms. Grant addressed each of the outstanding issues and noted that staff rescinded item #12.

The Committee asked questions about the building height, the Cross Charlotte Trail and the area plan recommendation. One Commissioner asked staff to verify that notice was sent to the Howie Acres Community as a lady spoke at the public hearing indicating that they had not been notified about the rezoning. Staff responded that Vickie Hayden with the Howie Acres Community was notified through courtesy and final mail notices sent by the planning department. In addition, the petitioner sent Ms. Hayden notification of the community meeting.

A Commissioner asked for the staff recommendation. Staff responded that the petitioner committed to address all of the outstanding issues as verbally indicated; therefore, staff recommended approval of the petition.

There was no further discussion of the petition.

### ZONING COMMITTEE STATEMENT OF CONSISTENCY

The Zoning Committee voted 6-0 (motion by Spencer seconded by McClung) to adopt the following statement of consistency:

The proposed rezoning is consistent with the *Blue Line Extension Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The *Blue Line Extension Transit Station Area Plan* recommends transit

- oriented development for the site; and
- The subject site is within a ½-mile walk of the Sugar Creek Transit Station on the LYNX Blue Line Extension.

Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The proposed rezoning allows redevelopment of a site zoned for industrial use to be developed with transit supportive uses; and
- The proposal allows for all uses in the TOD-M (transit oriented development – mixed-use) district, which include office, residential, retail, and civic; and
- The network of public and private streets and commitments for the Cross Charlotte Trail will improve both the pedestrian and vehicular travel patterns; and
- Design standards beyond the ordinance requirements will enhance the quality of the built environment at a transit station.

<b>REQUEST</b>	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-M(O) (transit oriented development, mixed use, optional)
<b>LOCATION</b>	Approximately 19 acres located on the north side at the end of Raleigh Street, east of East Sugar Creek Road. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to redevelop a site in the Howie Acres area to allow all uses in the TOD-M (transit oriented development mixed-use) district. Uses allowed in the TOD-M (transit oriented development – mixed use) district include residential, office, retail and civic uses.
<b>PROPERTY OWNER</b> <b>PETITIONER</b> <b>AGENT/REPRESENTATIVE</b>	Raleigh 20, LLC Flywheel Group Bridget Grant, Keith MacVean, and Jeff Brown, Moore & Van Allen, PLLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4
<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, land use and site and building design</p> <p><u>Plan Consistency</u> The petition recommends approval of this petition upon resolution of outstanding issues related to transportation, land use and site and building design.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The subject site is within a ½-mile walk of the Sugar Creek Transit Station on the LYNX Blue Line Extension.</li> <li>• The proposed rezoning allows redevelopment of a site zoned for industrial use to be developed with transit supportive uses.</li> <li>• The proposal allows for all uses in the TOD-M (transit oriented development – mixed-use) district, which include office, residential, retail, and civic.</li> <li>• Network of public and private streets and commitments for the Cross Charlotte Trail will improve both the pedestrian and vehicular travel patterns.</li> <li>• Design standards beyond the ordinance requirements will enhance the quality of the built environment at a transit station.</li> </ul>

#### **PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Petition consists of Development Areas 1, 2, and 3, and seeks to allow all uses permitted in the TOD-M (transit oriented mixed use development).
- Site access provided off Raleigh Street via proposed Public Street A and Private Street B.
- Proposed internal Private Street C will cross Development Areas 2 and 3 to the east and west, and be stubbed to abutting properties so as to align with Curtiswood Drive.
- Dedication of additional right-of-way to provide a total right-of-way of 80 feet along Raleigh Street.
- Petitioner will reserve 27.5 feet along the western property edge for a future public street and sidewalk, which shall be completed with the issuance of the certificate of occupancy for the first building on the applicable adjacent property to the west.
- The Cross Charlotte Trail will be provided along a portion of frontage on Raleigh Street and will run through Development Area 1 and stub to an abutting property to the north.
- Provides a 12-foot wide multi-use path through the site on Development Area 3 that will align with Galax Drive and serve as a connection between Private Street B and the eastern property boundary.

- Provides a 16-foot setback along the Raleigh Street to the east of Public Street A, and a 24-foot setback along Raleigh Street to the west of Public Street A. Residential development along and fronting Raleigh Street will provide a four-foot transition zone between the face of the building and the sidewalk.
- Provides an eight-foot planting strip and six-foot sidewalk along the east side of Raleigh Street prior to the first certificate of occupancy for new construction in each Development Area.
- Amenitized open space areas with landscaping, seating areas and/or features that promote gathering. Open space areas on the site will be improved with landscaping, lighting, seating and/or hardscape elements.
- Building materials consisting of a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco, EIFS, decorative metal panels, decorative block and/or wood. Vinyl as a building material may only be used on windows, soffits, and handrails/railings.
- The ground floor portion of buildings fronting and facing directly on the future Cross Charlotte Trail will be designed to orient to the trail. Entrances that face the trail shall have direct access to the trail.
- Primary building entrances will be provided along Raleigh Street, at a minimum of every 100 feet, if individual uses and/or tenant entrances are not provided. Employs a minimum of three architectural standards for all primary entrances.
- Building walls located along public streets shall have a ground floor that is taller than and architecturally different than upper floors with more transparency than upper floors. The ground floor of new buildings on Raleigh Street shall have a minimum of 40% active uses, with no structured parking fronting public streets.
- Optional provisions requested include the following:
  - Allow parking for an eating/drinking/entertainment establishment at the rate of one space per 300 square feet in lieu of the ordinance requirement of one space per 150 square feet.
- **Existing Zoning and Land Use**
  - The subject property is zoned I-2 (general industrial) and currently developed with office and warehouse uses, and outdoor tractor trailer storage.
  - Properties on the east side of East Sugar Creek Road include a largely vacant retail strip mall, Tryon Mall, zoned B-1SCD (business shopping center), an existing single family neighborhood zoned R-5 (single family residential), industrial and retail uses in I-2 (general industrial, I-1 (light industrial) and B-2 (general business) zoning.
  - Properties on the west side of East Sugar Creek Road are zoned I-2 (general industrial), B-2 (general business), MUDD-O (mixed use development, optional), MUDD(CD) (mixed use development, conditional), TOD-M (transit oriented development - mixed-use) and UR-3(CD) (urban residential, conditional), and developed with a mix of industrial, retail, multi-family residential, and single family attached residential uses.
  - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
  - Petition 2017-75 rezoned 4.07 acres located on the east side of East Sugar Creek Road between Raleigh Street and Bearwood Avenue to TOD-M (transit oriented development - mixed-use) to allow all uses in the TOD-M (transit oriented development mixed-use) district.
  - Petition 2017-024 approved a UR-2(CD) (urban residential, conditional) site plan amendment for 3.68 acres located on the west side of Bingham Drive between North Tryon Street and Curtiswood Drive to allow up to 60 age-restricted multi-family dwelling units in a single building, and five townhome units, at a density of 17.66 units per acre
  - Petition 2016-111 rezoned 9.91 acres located north of North Davidson Street on the southwest corner at the intersection of Philemon Avenue and East Craighead Road to TOD-M(CD) (transit oriented development - mixed-use, conditional) to allow transit supportive uses allowed in the TOD-M (transit oriented development - mixed-use) district.
  - Petition 2016-079 rezoned 14 acres located at the northeast intersection of North Tryon Street and Sandy Avenue to TOD-M(CD) (transit oriented development – mixed-use, conditional) to allow all uses in the TOD-M (transit oriented development – mixed-use) zoning district.
  - Petition 2016-063 rezoned 1.18 acres located on the north side of North Davidson Street between Donatella Avenue and Anderson Street to MUDD-O (mixed use development – optional) district to allow for the reuse of existing buildings for any use permitted in the MUDD (mixed use development) district. Uses allowed in the MUDD (mixed use development) district include office, residential, retail and civic uses.
- **Public Plans and Policies**
  - The Blue Line Extension Transit Station Area Plan (2013) recommends transit oriented development for the site.

- The scale and massing of new development/redevelopment should be sensitive to historic properties, the Zion Primitive Baptist Church, and the Howie Acres neighborhood scale and character.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located at the dead end of a local street along the alignment of the Cross Charlotte Trail. The current site plan commits to the pedestrian elements of the Cross Charlotte Trail but it is unclear if the petitioner intends to construct the complete bike and vehicle cross sections along Raleigh and a new required street within the site as requested by CDOT.
  - See Outstanding Issues, Notes 1-6.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 1,560 trips per day (based on a 19-acre intermodal truck terminal).
      - Entitlement: 1,560 trips per day (based on a 19-acre intermodal truck terminal).
    - Proposed Zoning: Too many uses to determine trip generation.

#### DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** Developer seeking public funding for multi-family housing developments must comply with the City's Housing Policies
- **Charlotte Fire Department:** No on-street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** The conditional district request allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 6-inch water distribution main located along Raleigh Street. Sewer system availability for the rezoning boundary provided via existing 8-inch gravity sewer mains located along Raleigh Street and within the subject property identified as parcel 091-05-112.
- **Engineering and Property Management:**
  - **Arborist:** No trees can be removed or planted in the right-of-way of East Sugar Creek Road without permission from NCDOT and the City Arborist's office. Authorization is required in order to remove trees from the right-of-way along Raleigh Street. A tree survey for all trees two inches or larger located in the right-of-way, and all trees eight inches or larger in the setback is required.
  - **Erosion Control:** No issues.
  - **Land Development:** No issues.
  - **Storm Water Services:** No issues.
  - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

#### OUTSTANDING ISSUES

##### Transportation

1. The proposed zoning district has a setback measured from back of the existing or proposed future curbline.
  - a. Raleigh
    - i. ~~Western site boundary to north/south Street 1 — The location of future back-of-curb is 20.5 feet as measured for the street's existing centerline to accommodate a 10-foot travel lane and an eight-foot buffered bike lane. Should the petitioner desire on-street public parking along the site's frontage the above back-of-curb location will need to be increased by six feet. Addressed.~~
    - ii. ~~East of north/south Street 1 — The location of future back-of-curb is 17.5 feet as measured for the street's existing centerline to accommodate a ten-foot travel lane and a five-foot bike lane. The petitioner may maintain the 20.5-foot dimension if desired for consistency along Raleigh. (see conceptual street/multi-use/bike lane network below). Should the petitioner desire on-street public parking along the site's frontage the above back-of-curb location will need to be increased by six feet. Addressed.~~
  - b. ~~North/south Street 1 (westernmost, aligned toward Dorton) — The location of future back-of-curb is 20.5 feet as measured for the street's existing centerline to accommodate a 10-foot travel lane and an eight-foot buffered bike lane. Should the petitioner desire on-street public parking along the site's frontage the above back-of-curb location will need to be increased by six feet. Addressed.~~

2. ~~CDOT requests that all proposed streets (Private Streets B and C) be converted to public streets.~~ **Addressed.**
3. ~~The petitioner should revise the site plan and conditional note(s) to show construction of a 16-foot shared use path on the north side of Raleigh turning onto the east side of the north/south Street 1 to accommodate the pedestrian portion of the Cross Charlotte Trail (XCLT) alignment. A raised crossing across the westernmost north/south street leg at Raleigh intersection is desired. The in-street buffered bike lanes serve the bicycle portion of the XCLT alignment (refer to conceptual street/multi-use/bike lane network provided).~~ **Addressed.**
4. ~~The petitioner should revise the site plan to add a note specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued. CDOT requests right-of-way set at two feet behind back of sidewalk where feasible.~~ **Addressed.**
  - a. ~~North/south Street 1 (westernmost, aligned toward Dorton Street) total right-of-way need at 85 feet from centerline. The right-of-way on the north side of Raleigh Street needs to be 46.5 feet and 38.5 feet on the south side as measured from the street's existing centerline.~~ **Addressed.**
5. ~~The petitioner should revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan.~~ **Addressed.**
6. ~~The petitioner should revise the site plan to depict and dimension the layout and typical street section along the site's Raleigh and network required street frontage. The street sections should include elements as described above and in conditional notes including proposed building setback lines, future back-of-curb, proposed street right-of-way, XCLT, buffered bike lanes, travel lanes, planting strips and sidewalks. CDOT requests a condition transportation note be added to the revised site plan committing the petitioner to construct the future street sections as development occurs.~~ **Addressed.**

#### Site and Building Design

7. ~~Continue street network via Public Street A and Private Street B along the property boundary.~~ **Addressed.**
8. ~~Amend Note 5C under "Streetscape, Landscaping, Open Space and Screening" to reflect the Cross Charlotte Trail Raleigh Street Option A (Alternate) cross section, with the caveat that all intersection and driveway crossings will be appropriately designed to mitigate the increased risk of a two-way cycle track on a two-way street. In addition, specify who is responsible for building the streetscape along the north side of Raleigh Street.~~ **Addressed.**
9. ~~Amend Note 5D under "Streetscape, Landscaping, Open Space and Screening" to reflect an eight-foot planting strip and eight-foot sidewalk along the south side of Raleigh Street as required per the TOD (transit oriented development) district.~~ **Addressed.**
10. ~~Show and label the required 10-foot wide planting strip abutting residential dwellings in R-22MF (multi-family residential) and R-5 (single family residential) zoning.~~ **Addressed.**
11. ~~Specify maximum building height and number of stories.~~ **Staff rescinded this request.**

#### Land Use

12. ~~Delete Note 2B under "optional provisions" and ensure that all optional requests are listed under the heading.~~ **Addressed.**

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#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review



## Petition 2017-121

### To Approve as recommended by the Zoning Committee:

- The City Council finds this petition to be **consistent** with the *Blue Line Extension Transit Station Area Plan* recommendation, based on information from the staff analysis and the public hearing, and because:
  - The *Blue Line Extension Transit Station Area Plan* recommends transit oriented development for the site; and
  - The subject site is within a ½-mile walk of the Sugar Creek Transit Station on the LYNX Blue Line Extension.
- Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:
  - The proposed rezoning allows redevelopment of a site zoned for industrial use to be developed with transit supportive uses; and
  - The proposal allows for all uses in the TOD-M (transit oriented development – mixed-use) district, which include office, residential, retail, and civic; and
  - The network of public and private streets and commitments for the Cross Charlotte Trail will improve both the pedestrian and vehicular travel patterns; and
  - Design standards beyond the ordinance requirements will enhance the quality of the built environment at a transit station.

### To Deny:

- The City Council finds the petition to be **consistent** with the *Blue Line Extension Transit Station Area Plan* recommendation, based on information from the staff analysis and the public hearing, and because:
  - The *Blue Line Extension Transit Station Area Plan* recommends transit oriented development for the site; and
  - The subject site is within a ½-mile walk of the Sugar Creek Transit Station on the LYNX Blue Line Extension; and
- However, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:
  - (To be explained by the City Council). Some examples are:
    - The proposed use seeks to over intensify or over build the site
    - The site plan as currently configured has outstanding site plan issues that have not been resolved
    - The traffic impacts are too severe on existing development to justify approval
    - The plan is outdated and more suitable uses are available for this area now.



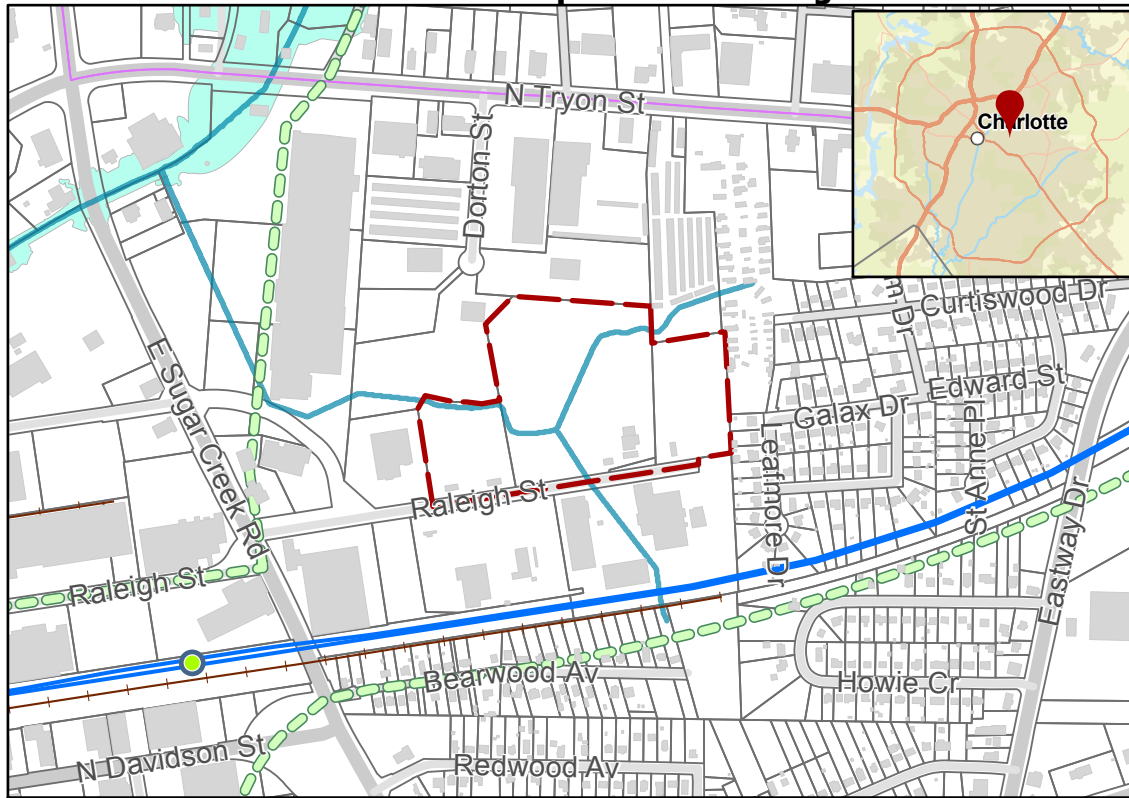
# Rezoning Map

## 2017-121 : Flywheel Group

**Current Zoning** I-2 (General Industrial)  
**Requested Zoning** TOD-M(O)  
(Transit Oriented Development-Mixed Use, Optional)  
Approximately 19.0 acres

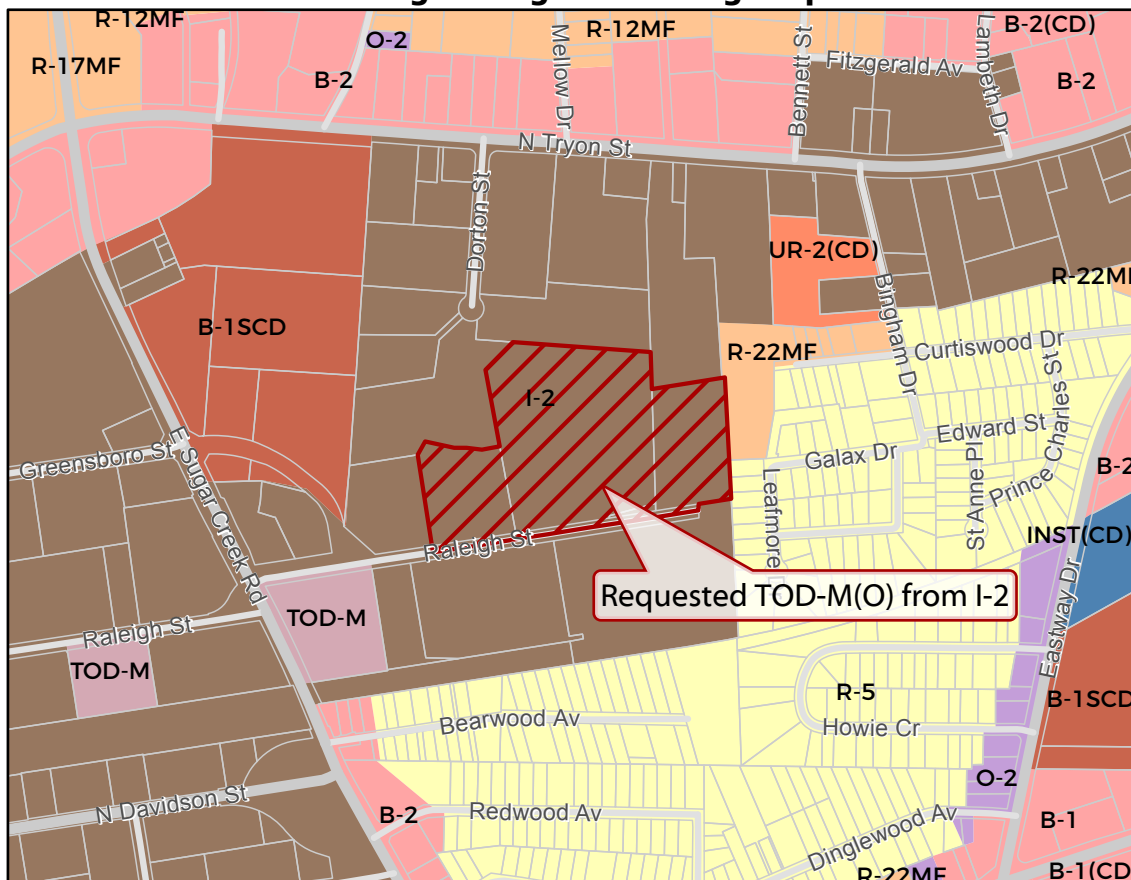


### Location of Requested Rezoning



- 2017-121
- Inside City Limits
- Parcel
- Buildings
- FEMA Flood Plain
- Railway
- Cross Charlotte Trail
- Streams
- LYNX Blue Line
- LYNX Blue Line Station
- City Council District**
- 1-Patsy B. Kinsey

### Existing Zoning & Rezoning Request

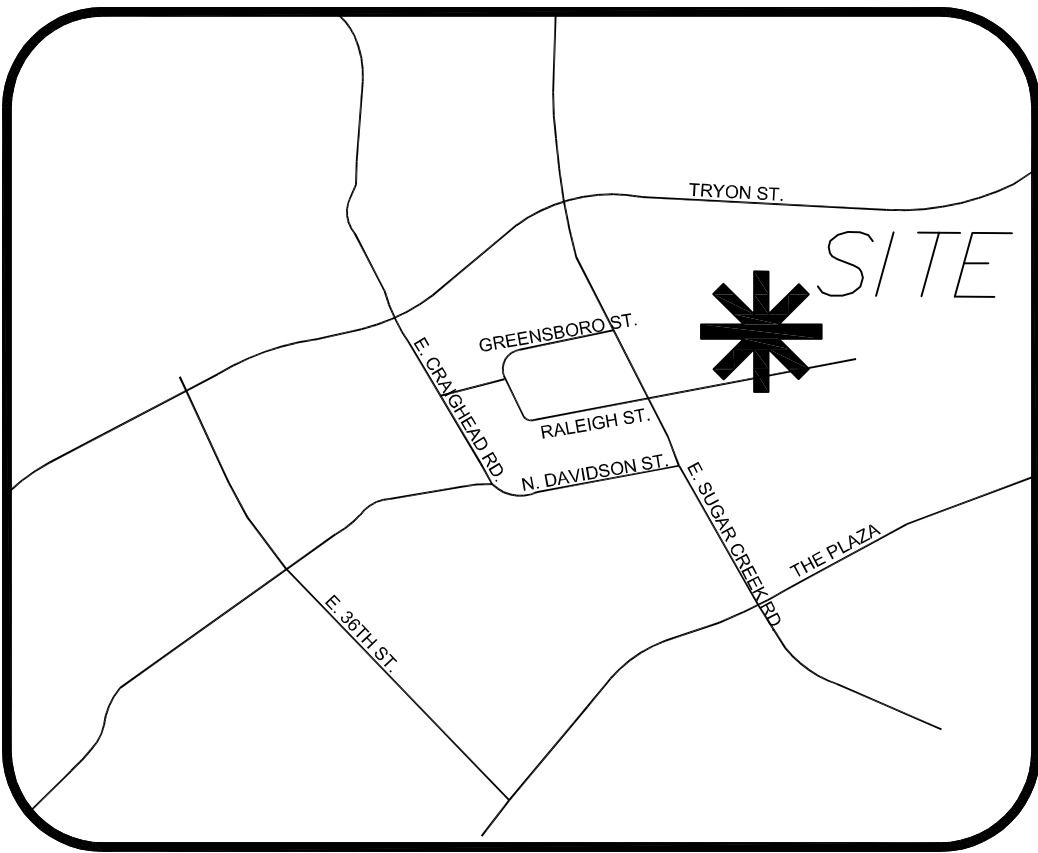
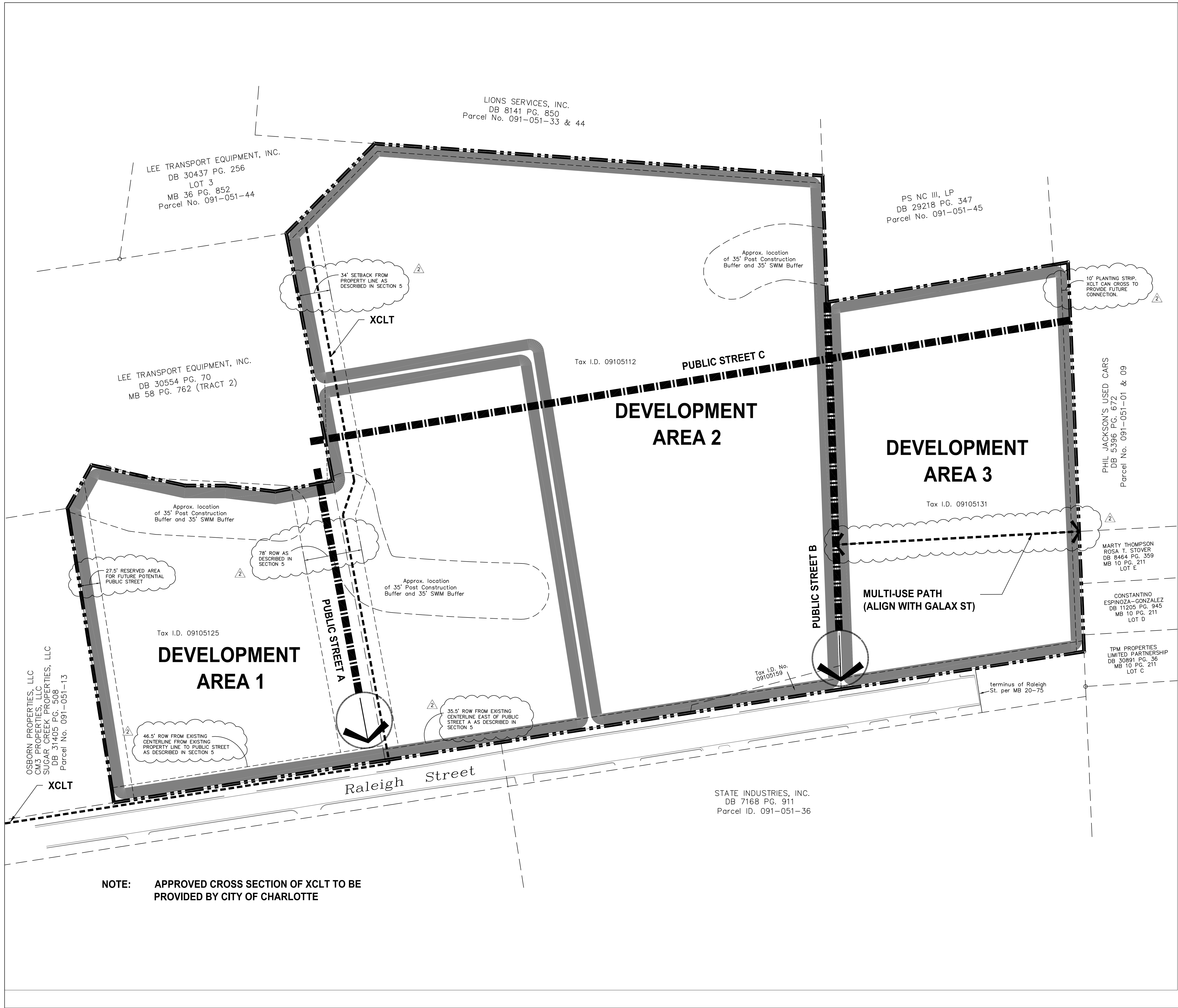


- Requested TOD-M(O) from I-2
- Parcel
- Zoning Classification**
- Single Family
- Multi-Family
- Urban Residential
- Institutional
- Office
- Business
- Commercial Center
- Heavy Industrial
- Transit-Oriented

0 500 1,000 2,000 Feet



Map Created 11/3/2017



VICINITY MAP  
NTS

### SITE DEVELOPMENT DATA

**Site Acreage:** +/-19.0 AC.

**Tax Parcels:** 091-051-25, 091-051-12, 091-051-59 and 091-051-31

**Proposed Zoning:** TOD-M (O)

**Existing Zoning:** I-2

**Existing Uses:** Industrial

**Proposed Uses:**  
Uses permitted by right, under prescribed conditions and by the Optional provisions below together with accessory uses, as allowed in the TOD-M zoning district (as more specifically described and restricted below in Section 3).

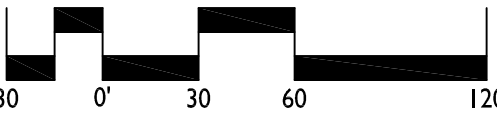
**Maximum Gross Square feet of Development:**  
As allowed and required by the TOD-M zoning district.

**Maximum Building Height**  
As allowed by the Ordinance and the Optional provisions below. Building height to be measured as required by the Ordinance.

**Parking**  
Parking as required by the Ordinance and the Optional Provisions below.

### SITE LEGEND

- SITE ACCESS
- PEDESTRIAN ACCESS
- ZONING LINE
- STREET NETWORK
- PEDESTRIAN NETWORK
- DEVELOPMENT AREA



## RALEIGH STREET COMMUNITY REZONING PETITION No. 2017-121 FLYWHEEL GROUP TECHNICAL DATA SHEET

REVISIONS:  
1. STAFF COMMENTS  
2. STAFF COMMENTS

DATE: 11/21/17  
DESIGNED BY: MM  
DRAWN BY: MM  
CHECKED BY: MM  
SCALE: 1"=100'  
PROJECT #: 4095-001  
SHEET #:

RZ-1

**ODELL**  
212 S. Tryon Street  
Suite 400  
Charlotte, NC 28281  
(T) 704-414-1000 (F) 704-414-1111  
www.odell.com



DEVELOPMENT STANDARDS



1. General Provisions:

a. **Site Location.** These Development Standards and the Technical Data Sheet form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Flywheel Group ("Petitioner") to accommodate the development of transit supportive uses on an approximately 19 acre site located on Raleigh Street (the "Site").

b. **TOD-M(O) & Cross-Charlotte Trail.** The Rezoning Plan and Petition involved a conditional rezoning request for the primary purpose of documenting the Petitioner's commitment to make certain public infrastructure improvements, on a phased basis, including most notably allowances for and installation of portions of the City's Cross-Charlotte Trail (XCLT) as more particularly described herein.

c. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the TOD-M (O) zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.

d. **Graphics and Alterations.** The schematic depictions of the development areas, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

i. minor and don't materially change the overall design intent depicted on the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

2. Optional Provisions.

a. To allow parking for EDEE at the rate of one space per 300 square feet. This optional provisions changes the required parking for EDEE from one space for 150 square feet to one space per 300 square feet.

b. To allow on-street parking within the eight foot (8') planting strip on the north side of Raleigh Street and on the west side of Public Street A as described in Section 5 below upon approval from the Planning Department, CDOT, and Engineering and Property Management in coordination with the design and development of the XCLT.

3. Permitted Uses, Development Area Limitations:

a. The Site may be developed with residential and non-residential uses as permitted by right and under prescribed conditions in the TOD-M Zoning district together with accessory uses as allowed in the TOD-M zoning district.

4. Transportation Improvements; Access and Right-of-Way Dedications:

1. General Transportation Aspects:

a. Vehicular access to the Site will be from Raleigh Street as generally depicted on the Technical Data Sheet.

b. The location of the access may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards so long as the street network set forth on the Rezoning Plan is not materially altered.

c. **Dedication of Right of Way.** The Petitioner shall dedicated and convey to the City the portions of the required the rights-of-way expressly described below as development occurs within each respective Development Area prior to the issuance of the first certificate of occupancy for the first new building constructed in the respective Development Area:

i. **Raleigh Street.** The Petitioner shall reserve for dedication right-of-way for enhancements to the north side of Raleigh Street to provide 46.5' of right-of-way width extending to the west of Public Street A to the westerly boundary of the Site, and to provide 35.5' of right-of-way width to the east of Public Street A to its terminus as generally depicted on Sheet RZ-01; each such extension to be measured from the existing centerline and as generally depicted on Sheet RZ-01. Such dedication shall allow for the improvements currently contemplated as described in Section 5 below and as generally depicted on Sheet RZ-2. Where practicable, such dedication shall be set at two feet (2') behind the back of sidewalk.

ii. **Public Street A.** The Petitioner shall reserve for dedication right-of-way for Public Street A to provide a total right-of-way width of up to seventy-eight feet (78') as generally depicted on Sheet RZ-01 and to allow for the improvements currently contemplated as described in Section 5 below (including XCLT) and as generally depicted on Sheet RZ-2. Where practicable, such dedication shall be set at two feet (2') behind the back of sidewalk.

iii. **Public Street B and C.** The Petitioner shall reserve for dedication right-of-way for Public Street B and Public Street C per the Subdivision Ordinance and as generally depicted on Sheet RZ-01 to allow the improvements described in Section 5 below. Where practicable, such dedication shall be set at two feet (2') behind the back of sidewalk.

iv. **XCLT from Terminus of Public Street A (within the property line in Development Area 1 and Development Area 2).** The Petitioner shall reserve for dedication right-of-way for the continuation of the XCLT to provide thirty-four feet (34') of right-of-way width from the terminus of Public Street A along the property line in Development Area 1 and Development Area 2 as generally depicted on Sheet RZ-01 and as described in Section 5 below.

*In as much as the XCLT is in the design stage, it is acknowledged that the right of way width for Raleigh Street and Public Street A and the accompanying improvements may be modified to result in a reduced right of way width. The enhanced right of way for Raleigh Street and Public Street A and any adjustments to its width shall be determined in coordination with the Planning Department, CDOT, and Engineering and Property Management in connection with the final design/alignment of the XCLT. Any reduction in the right of way width may occur either before or after completion of the buildings contemplated by the development. Petitioner shall provide for dedication of the enhanced Raleigh Street and Public Street A within a reasonable period of time after receipt of written notice of the final design/alignment of the XCLT and the resulting right of way of Raleigh Street.*

d. The Petitioner shall reserve 27.5 feet along the western edge of the Site as generally depicted on Sheet RZ-01 for a portion of a future potential public street and sidewalk which shall be substantially completed at such time that redevelopment in Development Area 1 provides the space to accommodate half of the potential public street and streetscape improvements and upon completion or in conjunction with the installation of the other half of the potential public street on the adjacent parcel to the western edge of the Site.

e. **Improvements and Phasing.** The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements substantial completion of the improvements set forth below and further described in Section 5 to benefit overall traffic patterns throughout the area, each as generally depicted on the Rezoning Plan:

i. Public Street A and the Cross Charlotte Trail (XCLT)

ii. Public Street B (north/south street between Development Areas 2 and 3);

iii. Public Street C;

iv. 12' multi-use trail (connection between Private Street B to the eastern property line);

v. Cross Charlotte Trail (XCLT) and streetscape improvements described in Section 5 below including the extension beyond the terminus of Public Street A; and

vi. Raleigh Street enhancements.

The above-referenced improvements shall be substantially completed prior to the issuance of the first certificate of occupancy for the first new building constructed within the respective Development Area and the applicable portions of the redevelopment of portions of the adjacent property to the west and as described in 5 below. It is noted that the portion of the XCLT in Development Area 2 shall be completed in coordination with improvements in Development Area 1 and Public Street A as described in 5 below. The Petitioner reserves the right to post a bond or letter of credit for any improvements not completed at the time of the issuance of the applicable first certificate of occupancy for new building(s) and as further described in 4.II.b below.

II. Standards, Substantial Compliance, and Alternative Improvements:

a. **CDOT/NC DOT Standards.** All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT as applicable. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the area, by way of a private/public partnership effort or other public sector project support.

b. **Substantial Completion.** Reference to "substantial completion" or "substantially completed" are for certain improvements, and/or right-of-way dedications, as set forth in the provisions of Section 4.1 above and shall mean substantial completion of the roadway improvements in accordance with the standards set forth in Section 4.II.a above provided, however, in the event all roadway improvements are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then the Petitioner will work with City Staff to determine a process to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

c. **Alternative Improvements.** Changes to the improvements and/or streetscape improvements in 4.1. above or in Section 5 below can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT, and the Planning Director as applicable, provided, however, the proposed alternate transportation and/or streetscape improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

5. XCLT, Streetscape, Landscaping, Open Space and Screening:

a. **North Side of Raleigh Street (to the West of Public Street A) and East Side of Public Street A Setback.** A thirty-two foot (32') setback as measured from the future back of curb of the enhanced Raleigh Street will be provided on the north side of Raleigh Street extending to the west from Public Street A and on the east side of Public Street A; provided, however, in as much as the XCLT is in the design stage, it is acknowledged that the setback width for the north side of Raleigh Street to the west of Public Street A and the east side of Public Street A and the accompanying improvements may be modified to result in a reduced setback width. Any adjustments to such setback width shall be determined in coordination with the Planning Department, CDOT, and Engineering and Property Management in connection with the final design/alignment of the XCLT. Any reduction in the setback width may occur either before or after completion of the buildings contemplated by the development.

b. **North Side Raleigh Street (to the West of Public Street A) and East Side of Public Street A Streetscape Improvements.** As part of the current design for the XCLT, it is contemplated that a five foot (5') planting strip, a twelve foot (12') two-way cycle track, a five foot (5') bike buffer, and an eight foot (8') sidewalk will be installed on the north side of Raleigh Street to the west of Public Street A and on the east side of Public Street A; these improvements along with the enhanced crossing at the intersection of Raleigh Street and Public Street A shall be installed prior to the first certificate of occupancy for the first new building constructed in Development Area 1. Subject to the right-of-way limits below, all intersection and driveway crossings will be appropriately designed to mitigate the increased risk of a two-way cycle track on a two-way street. As indicated, modifications to the enhanced Raleigh Street and Public Street A improvements may be made in coordination with the Planning Department, CDOT, and Engineering and Property Management in connection with the final design/alignment of the XCLT provided that such modifications shall not result in an increased right of way width of Raleigh Street beyond 46.5' from the existing centerline or Public Street A beyond seventy-eight feet (78').

c. **North Side Raleigh Street (to the East of Public Street A) and West Side of Public Street A Setback.** An eighteen (18') foot setback as measured from the future back of curb of Raleigh Street will be provided along the north side of Raleigh Street to the east of Public Street A and along the west side of Public Street A.

d. **North Side Raleigh Street (to the East of Public Street A) West Side of Public Street A Streetscape Improvements.** An eight (8') foot planting strip and an eight (8') foot sidewalk will be substantially completed on the north side of Raleigh Street to the east of Public Street A prior to the first certificate of occupancy for the first new building constructed in Development Area 1, Development Area 2, or Development Area 3, for such applicable portion of improvements. An eight (8') foot planting strip and an eight (8') foot sidewalk will be substantially completed on the west side of Public Street A prior to the first certificate of occupancy for the first new building constructed in Development Area 1. Per the Optional Provision above, on-street parking may be permitted within the eight foot (8') planting strip.

e. **Public Street B and C Setback and Streetscape Improvements.** An eighteen (18') foot setback as measured from the future back of curb will be provided for Public Street B and Public Street C. An eight foot (8') planting strip and eight foot (8') sidewalk will be provided within the required setbacks. Installation of Public Street B and associated streetscape improvements will be substantially completed prior to the first certificate of occupancy for the first new building constructed in Development Area 3. Installation of Public Street C and associated streetscape improvements will be substantially completed within each respective Development Area prior to the first certificate of occupancy for the first new building constructed in the respective Development Area.

f. **XCLT from Terminus of Public Street A (along property line in Development Area 1 and Development Area 2).** The Petitioner shall provide a five foot (5') planting strip, a twelve foot (12') two-way cycle track, a five foot (5') bike buffer, an eight foot (8') sidewalk, and two feet (2') behind the sidewalk for the XCLT as generally depicted on Sheet RZ-01. These improvements shall be installed prior to the first certificate of occupancy for the first new building constructed in Development Area 1. As indicated, modifications to the XCLT improvements may be made in coordination with the Planning Department, CDOT, and Engineering and Property Management in connection with the final design/alignment of the XCLT provided that such modifications shall not result in an increased right of way width beyond thirty-four feet (34').

g. A twelve (12') foot multi-use path will be provided extending from Private Street B to the eastern property line as generally depicted on Sheet RZ-01. Installation of the 12' multi-use path will be substantially completed prior to the first certificate of occupancy for the first new building in Development Area 3.

h. The open space areas on the Site will be improved with landscaping, lighting, seating and hardscape elements. Per Ordinance, fifty (50) percent of the open space provided shall be centrally located in common areas.

i. Utilities, including transformers, mechanical and electrical equipment, utility meters, dumpsters and back flow preventers shall not be located on the XCLT. The Planning Director or designee may waive this requirement if existing conditions, site constraints, requirements of other agencies or service providers, or similar require flexibility in the location of such utilities.

j. Utilities, including transformers, mechanical and electrical equipment, utility meters, dumpsters and back flow preventers shall be screened from public view. Meter banks will be also screened where visible from public street view at grade level.

6. Architectural Standards.

a. The building materials used on the principal buildings constructed on Site will be a combination of some of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding (such as hard-plank), stucco, EIFS, decorative metal panels, decorative block and/or wood. Vinyl as a building material may only be used on windows, soffits, and on handrails/railings

b. The ground floor portion of any building facing the future Cross Charlotte Trail (XCLT) will be designed to orient to the Cross Charlotte Trail (XCLT). Entrances that face the Cross Charlotte Trail (XCLT) shall have direct access to the Cross Charlotte Trail (XCLT).

c. If individual uses and/or tenant entrances are not provided on Raleigh Street, primary building entrances shall be provided at a minimum of every 100'.

d. If individual residential unit entrances are not provided along Raleigh Street, a primary building entrance shall be provided at a minimum of every 100' on Raleigh Street.

e. All primary entrances shall include at least 3 of the following:

i. decorative pedestrian lighting

ii. architectural details carried to upper stories

iii. covered porches, canopies, awnings or sunshades

iv. archways

v. transom windows

vi. terraced or raised planters that can be utilized as seat walls

vii. common outdoor seating enhanced with specialty details, paving, landscaping or water features

viii. double doors

f. The ground floor shall be taller than and architecturally different than upper floors with more transparency than upper floors, this standard will only apply to building walls located along public streets.

g. In addition to the Blank Wall provisions of the TOD-M zoning district, Blank Walls shall be treated with both horizontal and vertical variations in wall planes.

h. The ground floor of new buildings shall have active uses on a minimum of 40 percent of the ground floor frontage on Raleigh Street. Structured parking shall not front public streets.

7. Environmental Features:

a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. The Site will comply with the Tree Ordinance.

8. Lighting:

a. All new detached and attached lighting shall be full cut-off type lighting fixtures excluding: low landscape, decorative, specialty, and accent lighting that may be installed along the driveways, sidewalks, open space/amenity areas, and parking areas.

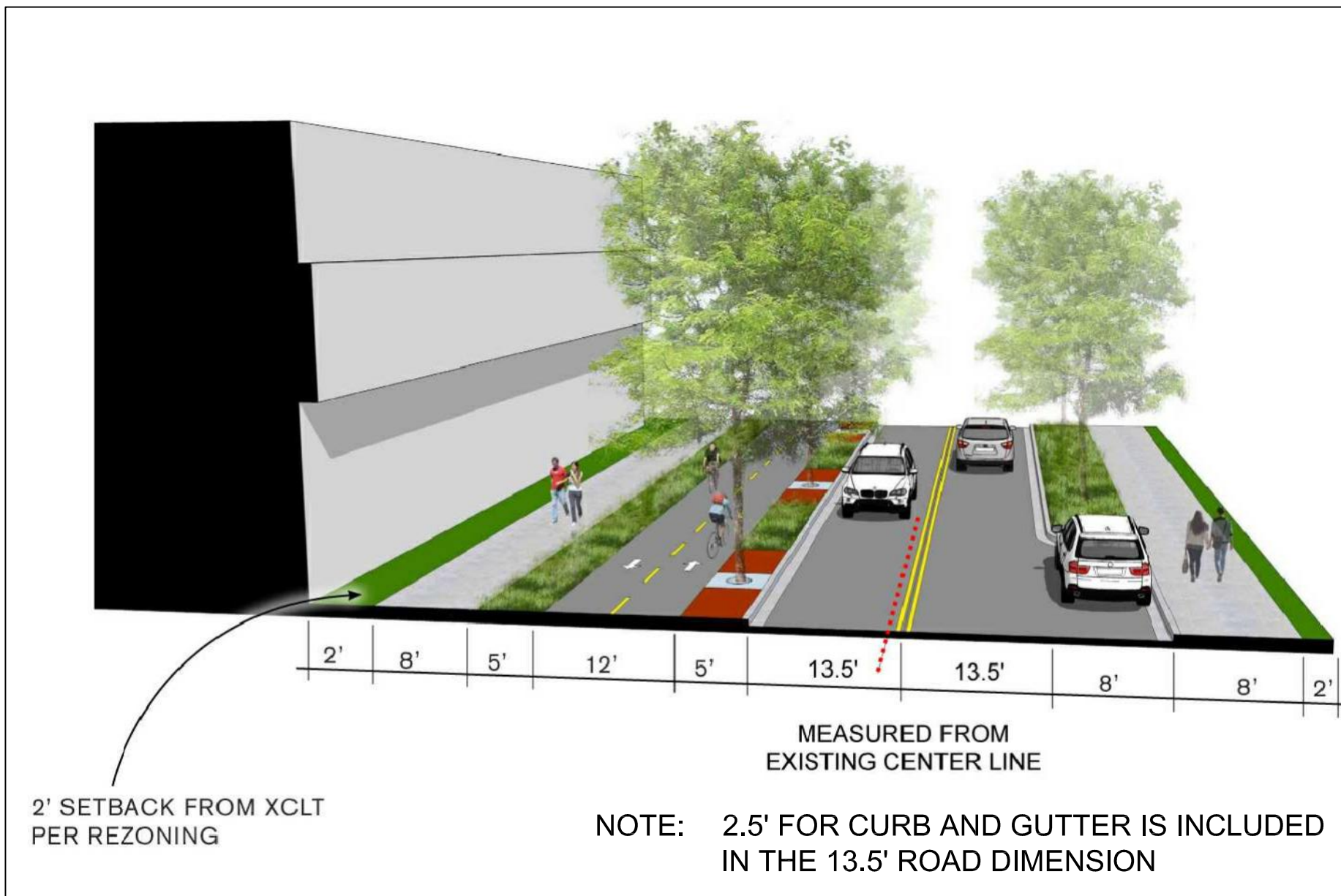
b. Pedestrian lighting shall be provided on public streets in coordination with CDOT.

9. Amendments to the Rezoning Plan:

a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

10. Binding Effect of the Rezoning Application:

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.



CONCEPTUAL CROSS SECTION  
RALEIGH STREET AND PUBLIC STREET A

RALEIGH STREET COMMUNITY  
REZONING PETITION No. 2017-121

FLYWHEEL GROUP

DEVELOPMENT STANDARDS

9/11/17  
11/21/17

REVISIONS:  
1. STAFF COMMENTS  
2. STAFF COMMENTS

DATE: 11/21/17  
DESIGNED BY:  
DRAWN BY: mm  
CHECKED BY:  
SCALE:  
PROJECT # 4095-001

SHEET #

RZ-2

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# City of Charlotte

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

**Agenda Date:** 11/27/2017

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**Agenda #:** 10. **File #:** 15-6755 **Type:** Policy Item

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## City Manager's Report



**Agenda Date:** 11/27/2017

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**Agenda #:** 11.**File #:** 15-7000b **Type:** Policy Item

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## Clean Energy Resolution

**Action:**

**Adopt a non-binding Clean Energy Resolution.**

**Committee Chair:**

Patsy Kinsey, Environment Committee

**Staff Resource(s):**

Rob Phocas, Economic Development

**Explanation**

- The Clean Energy Resolution is a non-binding resolution in which the City of Charlotte resolves that the city should commit to a goal of 100 percent clean energy for all energy sectors by 2050.
- Municipalities have adopted similar resolutions across the United States (for example, Atlanta, GA, Columbia, SC, Orlando, FL, and Hillsborough, NC).
- The FY2018-2019 Environment Focus Area Plan commits the City of Charlotte to "become a global leader in environmental sustainability, balancing economic growth with preserving natural resources."

**Committee Discussion**

- On Monday, November 13, 2017, the Environment Committee voted 2-2 (Kinsey and Ajmera in favor and Driggs and Fallon against; Mitchell was not present) on a motion to recommend that full Council adopt the resolution. Committee Chairperson Kinsey referred the resolution with no objection to full Council.

**Attachment(s)**

Clean Energy Resolution

**RESOLUTION OF THE CITY OF CHARLOTTE CITY COUNCIL IN SUPPORT OF A STATE AND NATIONAL GOAL OF 100% CLEAN ENERGY BY 2050 OR SOONER AND THE CREATION OF GREEN JOBS**

WHEREAS, the Charlotte City Council committed in the FY 2018-2019 Environment Focus Area plan to “become a global leader in environmental sustainability, balancing economic growth with preserving our natural resources;” and,

WHEREAS, the City of Charlotte recognizes that protecting our natural resources, promoting conservation, and improving the environment is fundamentally important to quality of life and essential to maintaining a vibrant economy; and,

WHEREAS, Charlotte is becoming a global leader in environmental sustainability by practicing environmental stewardship in City operations and seeking and supporting collaborative and regional solutions to environmental problems; and,

WHEREAS, social mobility and economic advancement will be improved by investing in renewable energy that will further the City of Charlotte’s technological hubs, encourage the growth of the renewable industry, and create jobs here and across the state; and,

WHEREAS, the City of Charlotte can get 100 percent of its energy from clean, renewable sources by harnessing our abundant renewable resources, and investing and supporting the innovations in energy conservation, energy efficiency, green transportation, energy storage, and other technologies.

NOW, THEREFORE, BE IT RESOLVED that the City of Charlotte should commit to a goal of 100 percent clean, renewable energy for all energy sectors by 2050, and move as quickly as possible to achieve that goal.

AND BE IT FURTHER RESOLVED THAT officials and staff will consider all municipal decisions in light of whether they will bring the City and its residents, businesses, and institutions closer to 100 percent renewable energy and ensure that the benefits of renewable energy are realized by North Carolinians from all walks of life by 2050 or sooner.

Adopted on this 27<sup>th</sup> day of November, 2017.



**Agenda Date: 11/27/2017**

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**Agenda #: 12.File #: 15-6742 Type: Policy Item**

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## **Minority and Women Business Enterprise Disparity Study Adoption**

### **Action:**

**Adopt the Economic Development Committee recommendation to:**

- A. Accept and adopt findings and analysis of the 2017 City of Charlotte Minority and Women Business Enterprise (MWBE) Disparity Study Report, and**
- B. Amend Part A, Section 8 of the Charlotte Business INClusion (CBI) Policy to extend race-conscious measures and/or gender-conscious measures through January 1, 2023.**

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

Robert Hagemann, City Attorney  
Randy Harrington, Management and Financial Services  
Thomas Powers III, City Attorney's Office  
Nancy Rosado, Management and Financial Services

### **Explanation**

- On June 13, 2016, the City retained BBC Research and Consulting to conduct a Minority and Women Business Enterprise (MWBE) Disparity Study, reviewing the City's expenditures for the period between July 1, 2011 and June 30, 2016.
- The purpose of the 2017 MWBE Disparity Study was to:
  - determine whether disparity exists between the number of MWBE firms available to perform on City contracts and the City's utilization of those firms;
  - determine if there is a legally defensible basis for the continued use of race-conscious and gender-conscious measures; and
  - provide data and information that could be used to consider modifications to the City's CBI Program.
- The City last conducted an MWBE Disparity Study in 2011.
- The 2011 MWBE Disparity Study provided the basis for the City Council's current race-conscious and gender-conscious measures in the CBI Policy. The use of race-conscious and gender-conscious measures in the CBI Policy sunsets December 31, 2017.

### **Findings and Recommendations**

- According to existing case law, the following is required in order to continue using race-conscious and gender-conscious measures:
  - statistical data showing disparity,
  - anecdotal evidence of discriminatory barriers, and
  - evidence that a race-neutral and gender-neutral program will not be adequate to eliminate the disparity.
- BBC Research and Consulting concluded that:
  - there is statistical evidence showing disparity,
  - there is sufficient anecdotal evidence of discriminatory barriers, and
  - the City's use of race-conscious and gender-conscious measures has been effective in increasing the utilization of minority business enterprises and women business enterprises.

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**Agenda #: 12.File #: 15-6742 Type: Policy Item**

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- With regard to the statistical analysis, BBC Research and Consulting compared contracts with subcontracting goals for minority businesses, women businesses, and small businesses ("Goal Contracts") to contracts with no subcontracting goals ("No-Goal Contracts").
- BBC Research and Consulting found disparity in all five of the City's contracting categories: Goods; Construction; Architecture & Engineering, Surveying; Professional Services; and Other Services.
- BBC Research and Consulting concluded that evidence exists to support the City's continuation of race-conscious and gender-conscious measures.
- The full report can be accessed at:  
<http://charlottenc.gov/mfs/cbi/Pages/Study%20Results.aspx>

**Committee Discussion**

- On November 9, 2017 BBC Research and Consulting presented its findings and analysis to the Economic Development Committee
- The Committee unanimously approved a motion to recommend that City Council accept and adopt the findings and recommendations set forth in BBC Research and Consulting's 2017 City of Charlotte MWBE Disparity Study Report (Mitchell, Eiselt, Mayfield, Ajmera, Ivory).
- On November 13, 2017 BBC Research and Consulting presented its findings and analysis to the City Council.

**Attachment(s)**

2017 City of Charlotte MWBE Disparity Study Executive Summary  
Disparity Study Presentation





# **2017 Disparity Study**

---

**City of Charlotte**

**FINAL REPORT**

**Final Report**

November 7, 2017

## **2017 Disparity Study**

**Prepared for**

City of Charlotte  
Charlotte-Mecklenburg Government Center  
600 East Fourth Street, 9<sup>th</sup> Floor  
Charlotte, North Carolina 28202

**Prepared by**

BBC Research & Consulting  
1999 Broadway, Suite 2200  
Denver, Colorado 80202-9750  
303.321.2547 fax 303.399.0448  
[www.bbcresearch.com](http://www.bbcresearch.com)  
[bbc@bbcresearch.com](mailto:bbc@bbcresearch.com)



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# **SECTION ES.**

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## **Executive Summary**

# CHAPTER ES.

## Executive Summary

The City of Charlotte (the City) retained BBC Research & Consulting (BBC) to conduct a *disparity study* to help inform the agency's implementation of the Charlotte Business INclusion (CBI) Program. The primary objective of the CBI Program is to increase contracting opportunities for small businesses as well as minority-owned businesses and woman-owned businesses in City contracting and procurement.<sup>1</sup>To do so, the program comprises various measures to encourage the participation of minority-owned businesses and woman-owned businesses including both *race-neutral and gender-neutral* measures and, when appropriate, *race-conscious and gender-conscious* measures. Race-neutral and gender-neutral measures are measures that are designed to encourage the participation of all small businesses in the City's contracting. In contrast, race-conscious and gender-conscious measures are designed to specifically encourage the participation of minority-owned businesses and woman-owned businesses in the City's contracting.

As part of the disparity study, BBC assessed whether there were any disparities between:

- The percentage of contracting dollars (including subcontract dollars) that minority-owned businesses and woman-owned businesses received on construction; architecture, engineering, and surveying; other professional services; goods and commodities; and other services contracts that the City awarded between July 1, 2011 and June 30, 2016 (i.e., *utilization*); and
- The percentage of construction; architecture, engineering, and surveying; other professional services; goods and commodities; and other services contracting dollars that minority-owned businesses and woman-owned businesses might be expected to receive based on their availability to perform specific types and sizes of City prime contracts and subcontracts (i.e., *availability*).

The disparity study also examined other quantitative and qualitative information related to:

- The legal framework surrounding the City's implementation of the CBI Program;
- Local marketplace conditions for minority-owned businesses and woman-owned businesses; and
- Contracting practices and business assistance programs that the City currently has in place.

The City could use information from the study to help refine its implementation of the CBI Program including setting an overall goal for the participation of minority-owned businesses and woman-owned businesses in its contracting; determining which program measures to use to

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<sup>1</sup> "Woman-owned businesses" refers to non-Hispanic white woman owned businesses. Information and results for minority woman-owned businesses are included along with their corresponding racial/ethnic groups.

encourage the participation of minority-owned businesses and woman-owned businesses; and, if appropriate, determining which groups would be eligible to participate in race-conscious and gender-conscious program measures.

BBC summarizes key information from the 2017 City of Charlotte Disparity Study in three parts:

- A. Analyses in the disparity study;
- B. Availability analysis results;
- C. Utilization analysis results;
- D. Disparity analysis results; and
- E. Program implementation.

## **A. Analyses in the Disparity Study**

Along with measuring disparities between the participation and availability of minority-owned businesses and woman-owned businesses in City contracts, BBC also examined other quantitative and qualitative information related to the City's implementation of the CBI Program:

- The study team conducted an analysis of federal regulations, case law, and other information to guide the methodology for the disparity study. The analysis included a review of federal, state, and local requirements related to minority-owned business and woman-owned business programs (see Chapter 2 and Appendix B).
- BBC conducted quantitative analyses of the success of minorities, women, minority-owned businesses, and woman-owned businesses throughout the Charlotte combined statistical area (CSA).<sup>2</sup> In addition, the study team collected qualitative information about potential barriers that minority-owned businesses and woman-owned businesses face in the local marketplace through in-depth interviews, telephone surveys, public meetings, and written testimony (see Chapter 3, Appendix C, and Appendix D).
- BBC analyzed the percentage of relevant City contracting dollars that minority-owned businesses and woman-owned businesses are available to perform. That analysis was based on telephone surveys that the study team completed with nearly 800 businesses that work in industries related to the specific types of construction; architecture, engineering, and surveying; other professional services; goods and commodities; and other services contracts that the City awards (see Chapter 5 and Appendix E).
- BBC analyzed the dollars that minority-owned businesses and woman-owned businesses received on more than 40,000 construction; architecture, engineering, and surveying; other professional services; goods and commodities; and other services contracts that the City awarded between July 1, 2011 and June 30, 2016 (i.e., the *study period*) (see Chapter 6).

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<sup>2</sup> The Charlotte CSA includes Anson, Cabarrus, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, Stanly, and Union counties in North Carolina as well as Chester, Lancaster, and York counties in South Carolina.



- BBC examined whether there were any disparities between the participation and availability of minority-owned businesses and woman-owned businesses on the construction; architecture, engineering, and surveying; other professional services; goods and commodities; and other services contracts that the City awarded during the study period (see Chapter 7).
- BBC reviewed the City's current contracting practices and CBI program measures and provided guidance related to additional program options and refinements to those practices and measures (see Chapter 8 and Chapter 9).

## B. Availability Analysis Results

BBC used a *custom census* availability analysis to analyze the availability of minority-owned businesses and woman-owned businesses that are ready, willing, and able to perform on City construction; architecture, engineering, and surveying; other professional services; goods and commodities; and other services prime contracts and subcontracts. BBC's approach relied on information from extensive surveys that the study team conducted with potentially available businesses located in the Charlotte CSA that perform work within relevant subindustries. That approach allowed BBC to develop a representative, unbiased, and statistically-valid database of potentially available businesses and estimate the availability of minority-owned businesses and woman-owned businesses in an accurate, statistically-valid manner.

**Overall results.** Figure ES-1 presents overall dollar-weighted availability estimates by racial/ethnic and gender group for the construction; architecture, engineering, and surveying; other professional services; goods and commodities; and other services prime contracts and subcontracts that the City awarded between July 1, 2011 and June 30, 2016. Overall, the availability of minority-owned businesses and woman-owned businesses for those contracts is 20.9 percent. In other words, one would expect minority-owned businesses and woman-owned businesses to receive 20.9 percent of the contracting dollars that the City awards based on their availability for that work. Non-Hispanic white woman-owned businesses (11.4%) and Black American-owned businesses (5.4%) exhibited the highest availability among all groups.

**Figure ES-1.**  
**Availability estimates by racial/ethnic and gender group**

**Note:**

Numbers rounded to nearest tenth of 1 percent and thus may not sum exactly to totals.

The study team analyzed 40,443 prime contracts and subcontracts.

For more detail and results by group, see Figure F-2 in Appendix F.

Availability analysis results are based on a representative, unbiased, and statistically-valid subset of the relevant business population.

**Source:**

BBC Research & Consulting availability analysis.

Business group	Availability %
Non-Hispanic white woman-owned	11.4 %
Asian American-owned	0.9
Black American-owned	5.4
Hispanic American-owned	1.9
Native American-owned	1.1
<b>Total Minority- and Woman-owned</b>	<b>20.9 %</b>

**Results by industry.** Figure ES-2 presents availability estimates for minority-owned businesses and woman-owned businesses for each relevant industry. As shown in Figure ES-2, the availability of minority-owned businesses and woman-owned businesses considered together is highest for the City's other professional services contracts (37.0%) and lowest for the City's goods and commodities contracts (12.8%). However, the majority of contracting dollars that the City awarded during the study period were in construction. The availability of minority-owned businesses and woman-owned businesses for the City's construction contracts is 19.6%.

**Figure ES-2.**  
**Availability estimates by relevant industry**

Business group	Industry				
	Construction	Architecture, Engineering, and Surveying	Other Professional Services	Goods and Commodities	Other Services
Non-Hispanic white woman-owned	10.3 %	9.2 %	23.3 %	9.6 %	17.5 %
Asian American-owned	0.4	1.2	7.8	0.3	1.2
Black American-owned	5.3	5.6	5.5	1.6	12.2
Hispanic American-owned	2.1	2.9	0.0	1.4	1.7
Native American-owned	1.3	1.8	0.4	0.0	1.1
<b>Total Minority- and Woman-owned</b>	<b>19.6 %</b>	<b>20.8 %</b>	<b>37.0 %</b>	<b>12.8 %</b>	<b>33.7 %</b>

Note: The study team analyzed 19,975 construction contracts; 3,424 architecture, engineering, and surveying contracts; 2,745 other professional services contracts; 9,179 goods and commodities contracts; and 5,120 other services contracts.

For more detail, see Figures F-5, F-6, F-7, F-8, and F-9 in Appendix F.

Availability analysis results are based on a representative, unbiased, and statistically-valid subset of the relevant business population.

Source: BBC Research & Consulting availability analysis.

**Results by contract role.** Figure ES-3 presents availability estimates for minority-owned businesses and woman-owned businesses separately for prime contracts and subcontracts. As shown in Figure ES-3, the availability of minority-owned businesses and woman-owned businesses considered together is lower for City prime contracts (18.9%) than for City subcontracts (29.8%). However, the vast majority of contracting dollars that the City awarded during the study period were associated with prime contracts.

**Figure ES-3.**  
**Availability estimates by contract role**

Note:

The study team analyzed 31,400 prime contracts and 9,043 subcontracts.

For more detail, see Figures F-10 and F-11 in Appendix F.

Availability analysis results are based on a representative, unbiased, and statistically-valid subset of the relevant business population.

Source:

BBC Research & Consulting availability analysis.

Business group	Contract Role	
	Prime contracts	Subcontracts
Non-Hispanic white woman-owned	10.2 %	16.5 %
Asian American-owned	1.0	0.7
Black American-owned	5.1	6.6
Hispanic American-owned	1.5	4.0
Native American-owned	1.0	1.6
<b>Total Minority- and Woman-owned</b>	<b>18.9 %</b>	<b>29.8 %</b>

## C. Utilization Analysis Results

BBC measured the participation of minority-owned businesses and woman-owned businesses in City contracting in terms of *utilization*—the percentage of prime contract and subcontract dollars that minority-owned businesses and woman-owned businesses received on City prime contracts and subcontracts during the study period..

**Overall results.** Figure ES-4 presents the percentage of contracting dollars that minority-owned businesses and woman-owned businesses considered together received on construction; architecture, engineering, and surveying; other professional services; goods and commodities; and other services contracts and procurements that the City awarded during the study period (including both prime contracts and subcontracts). As shown in Figure ES-4, overall, minority-owned businesses and woman-owned businesses considered together received 14.8 percent of the relevant contracting dollars that the City awarded during the study period. Non-Hispanic white woman-owned businesses (9.1%) and Black American-owned businesses (2.9%) exhibited higher levels of participation on City contracts than all other groups.

**Figure ES-4.**  
**Overall utilization results**

**Note:**

The study team analyzed 40,443 prime contracts and subcontracts.

Numbers rounded to nearest tenth of 1 percent. Numbers may not add to totals.

For more detail, see Figure F-2 in Appendix F.

**Source:**

BBC Research & Consulting utilization analysis.

Business group	Utilization %
Non-Hispanic white woman-owned	9.1 %
Asian American-owned	0.9
Black American-owned	2.9
Hispanic American-owned	1.7
Native American-owned	0.2
<b>Total Minority- and Woman-owned</b>	<b>14.8 %</b>

**Results by goal status.** The City used subcontracting goals on many contracts during the study period to encourage the participation of small businesses, minority-owned businesses, and woman-owned businesses. For some contracts, the City used small business enterprise (SBE) goals to encourage the participation of all small businesses as subcontractors. For other contracts, the City used minority-owned business enterprise (MBE) and woman-owned business enterprise (WBE) goals to specifically encourage the participation of minority-owned businesses and woman-owned businesses as subcontractors.

It is useful to compare the participation of minority-owned businesses and woman-owned businesses between contracts to which subcontracting goals applied and did not apply. Examining participation in contracts to which goals did not apply provides useful information about outcomes for minority-owned businesses and woman-owned businesses on contracts that the City awarded in a race-neutral and gender-neutral environment. Figure ES-5 presents utilization results separately for contracts that the City awarded with the use of MWSBE goals (goals contracts) and contracts that the City awarded without the use of goals (no-goals contracts). As shown in Figure ES-5, minority-owned businesses and woman-owned businesses considered together showed higher participation in goals contracts (18.3%) than in no-goals contracts (11.3%). Those results indicate the effectiveness of MWSBE goals in encouraging the participation of minority-owned businesses and woman-owned businesses in City contracts.

**Figure ES-5.**  
**Utilization results by**  
**contract goal status**

Note:

The study team analyzed 8,695 contract elements—representing 653 prime contracts—to which subcontracting goals applied. The study team analyzed 2,375 contract elements—representing 1,450 prime contracts—to which no subcontracting goals applied.

For more detail, see Figures F-14 and F-15 in Appendix F.

Source:

BBC Research & Consulting availability analysis.

Business group	Goal Status	
	Goals contracts	No-goals contracts
Non-Hispanic white woman-owned	11.4 %	7.6 %
Asian American-owned	0.7	0.7
Black American-owned	3.8	2.2
Hispanic American-owned	2.0	0.6
Native American-owned	0.3	0.3
<b>Total Minority- and Woman-owned</b>	<b>18.3 %</b>	<b>11.3 %</b>

**Results by industry.** Figure ES-6 presents utilization results for minority-owned businesses and woman-owned businesses by relevant industry—construction; architecture, engineering, and surveying; other professional services; goods and commodities; and other services. As shown in Figure ES-6, the participation of minority-owned businesses and woman-owned businesses considered together was highest in the City’s other professional services contracts (23.7%) and lowest in the City’s goods and commodities contracts (7.0%). However, the majority of contracting dollars that the City awarded during the study period were in construction.<sup>3</sup> The participation of minority-owned businesses and woman-owned businesses in the City’s construction contracts was 16.7 percent.

**Figure ES-6.**  
**Utilization results by relevant industry**

Business group	Industry				
	Construction	Architecture, Engineering, and Surveying	Other Professional Services	Goods and Commodities	Other Services
Non-Hispanic white woman-owned	10.6 %	7.0 %	8.9 %	4.9 %	7.9 %
Asian American-owned	0.6	0.7	7.8	0.0	1.5
Black American-owned	3.5	2.3	2.0	0.0	3.5
Hispanic American-owned	1.8	0.3	5.0	2.0	0.0
Native American-owned	0.2	0.9	0.0	0.0	0.2
<b>Total Minority- and Woman-owned</b>	<b>16.7 %</b>	<b>11.1 %</b>	<b>23.7 %</b>	<b>7.0 %</b>	<b>13.2 %</b>

Note: The study team analyzed 19,975 construction contracts; 3,424 architecture, engineering, and surveying contracts; 2,745 other professional services contracts; 9,179 goods and commodities contracts; and 5,120 other services contracts.

For more detail, see Figures F-5, F-6, F-7, F-8, and F-9 in Appendix F.

Source: BBC Research & Consulting availability analysis.

**Results by contract role.** Figure ES-7 presents utilization results for minority-owned businesses and woman-owned businesses separately for prime contracts and subcontracts. As shown in Figure ES-7, the participation of minority-owned businesses and woman-owned businesses considered together was much higher in the City’s subcontracts (38.4%) than in the

<sup>3</sup> North Carolina State statutes require the City to award construction and commodities contracts to the lowest responsive and responsible bidder.

City's prime contracts (9.5%). It is important to note that the City used MWSBE subcontracting goals to award many contracts during the study period and participation results for subcontracts reflect the effectiveness of those measures to encourage the participation of minority-owned businesses and woman-owned businesses.

**Figure ES-7.**  
**Utilization results by contract role**

Note:

The study team analyzed 31,400 prime contracts and 9,043 subcontracts.

For more detail, see Figures F-10 and F-11 in Appendix F.

Source:

BBC Research & Consulting availability analysis.

Business group	Contract Role	
	Prime contracts	Subcontracts
Non-Hispanic white woman-owned	5.7 %	24.3 %
Asian American-owned	0.8	1.4
Black American-owned	2.1	6.5
Hispanic American-owned	0.8	5.5
Native American-owned	0.2	0.6
<b>Total Minority- and Woman-owned</b>	<b>9.5 %</b>	<b>38.4 %</b>

## D. Disparity Analysis Results

Although information about the participation of minority-owned businesses and woman-owned businesses in City contracts is useful on its own, it is even more useful when it is compared with the level of participation that might be expected based on the availability of minority-owned businesses and woman-owned businesses for City work. As part of the disparity analysis, BBC compared the participation of minority-owned businesses and woman-owned businesses in City prime contracts and subcontracts with the percentage of contract dollars that those businesses might be expected to receive based on their availability for that work. BBC calculated disparity *indices* for each relevant business group and for various contract sets by dividing percent utilization by percent availability and multiplying by 100. A disparity index of 100 indicates an exact match between participation and availability for a particular group for a particular contract set (referred to as *parity*). A disparity index of less than 100 indicates a disparity between participation and availability. A disparity index of less than 80 indicates a *substantial* disparity between participation and availability.

**Overall results.** Figure ES-8 presents disparity indices for all relevant prime contracts and subcontracts that the City awarded during the study period. The line down the center of the graph shows a disparity index level of 100, which indicates parity between participation and availability. For reference, a line is also drawn at a disparity index level of 80, because some courts use 80 as the threshold for what indicates a substantial disparity. As shown in Figure ES-8, overall, the participation of minority-owned businesses and woman-owned businesses in contracts that the City awarded during the study period was substantially lower than what one might expect based on the availability of those businesses for that work. The disparity index of 71 indicates that minority-owned businesses and woman-owned businesses received approximately \$0.71 for every dollar that they might be expected to receive based on their availability for City contracts. Disparity analysis results by individual group indicated that:

- Three groups exhibited disparity indices substantially below parity—non-Hispanic white woman-owned businesses (disparity index of 80), Black American-owned businesses (disparity index of 53), and Native American-owned businesses (disparity index of 21). In

addition, Hispanic American-owned businesses exhibited a disparity that did not meet the threshold of being considered substantial (disparity index of 86).

- Asian American-owned businesses (disparity index of 157) did not exhibit a disparity.

**Figure ES-8.**

**Disparity indices by group**

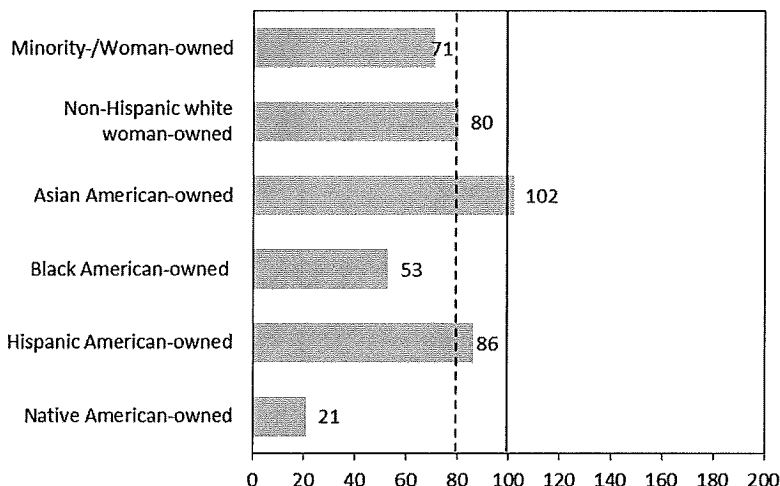
Note:

The study team analyzed 40,443 prime contracts/subcontracts.

For more detail, see Figure F-2 in Appendix F.

Source:

BBC Research & Consulting disparity analysis.



**Results by goals status.** The City used subcontracting goals on many contracts during the study period to encourage the participation of small businesses, minority-owned businesses, and woman-owned businesses. For some contracts, the City used SBE goals to encourage the participation of all small businesses as subcontractors. For other contracts, the City used MWBE goals to specifically encourage the participation of minority-owned businesses and woman-owned businesses as subcontractors. It is useful to compare disparity analysis results between goals contracts and no-goals contracts. Examining participation in no-goals contracts in particular provides useful information about outcomes for minority-owned businesses and woman-owned businesses on contracts that the City awarded in a race-neutral and gender-neutral environment. It provides important information about potential outcomes for minority-owned businesses and woman-owned businesses if the City decided to stop using subcontracting goals and whether there is evidence that certain groups face any discrimination or barriers as part of the City's contracting.<sup>4, 5, 6</sup>

**Overall results.** Figure ES-9 presents disparity analysis results separately for goals contracts and no-goals contracts. Note that the results presented in Figure ES-9 include both prime contracts and subcontracts associated with projects that the City awarded with and without the use of goals. As shown in Figure ES-9, overall, minority-owned businesses and woman-owned businesses showed better outcomes on goals contracts than on no-goals contracts. Whereas minority-owned businesses and woman-owned businesses showed a substantial disparity on

<sup>4</sup> Associated General Contractors of America, San Diego Chapter, Inc. v. California Department of Transportation, et al., 713 F.3d 1187, 1192, 1196 (9th Cir. 2013).

<sup>5</sup> Concrete Works of Colorado, Inc. v. City and County of Denver, 321 F.3d 950, 985, 987-88 (10th Cir. 2003), cert. denied, 540 U.S. 1027, 124 S. Ct. 556 (2003).

<sup>6</sup> H. B. Rowe Co., Inc. v. W. Lyndo Tippet, NCDOT, et al., 615 F.3d 233,246 (4th Cir. 2010).



no-goals contracts (disparity index of 47), they did not show a disparity on goals contracts (disparity index of 99). Results for individual groups indicated that:

- Only Black American-owned business (disparity index of 80) and Native American-owned businesses (disparity index of 27) showed substantial disparities on goals contracts.
- All relevant groups showed substantial disparities on no-goals contracts.

Taken together, the results presented in Figure ES-9 show that the City's use of MWSBE goals is effective in encouraging the participation of minority-owned businesses and woman-owned businesses in its contracts. Moreover, those results indicate that when the City does not use such measures, relevant business groups suffer from substantial underutilization in City contracting.

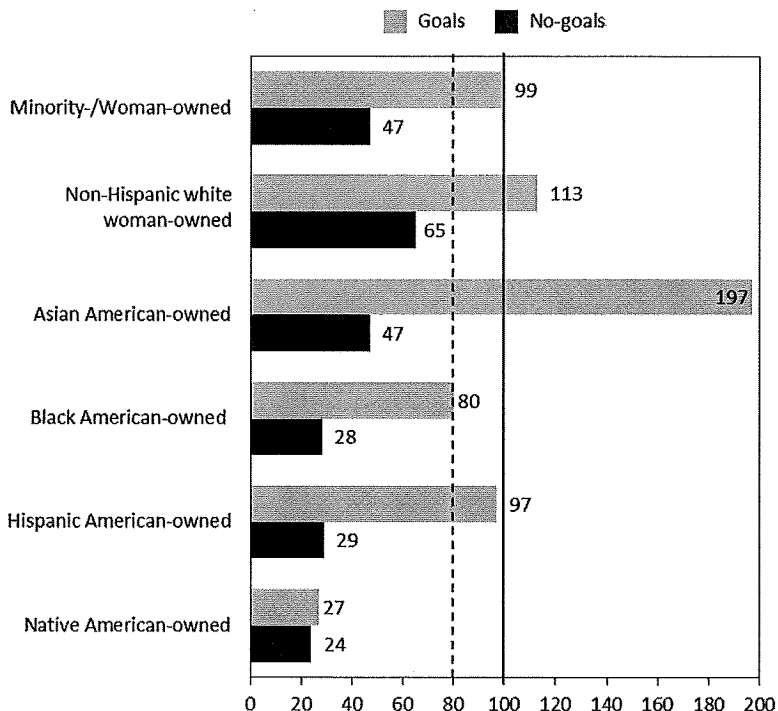
**Figure ES-9.**  
**Disparity indices for goals**  
**and no-goals contracts**

**Note:**

The study team analyzed 8,695 contract elements—representing 653 prime contracts—to which subcontracting goals applied. The study team analyzed 2,375 contract elements—representing 1,450 prime contracts—to which no subcontracting goals applied.

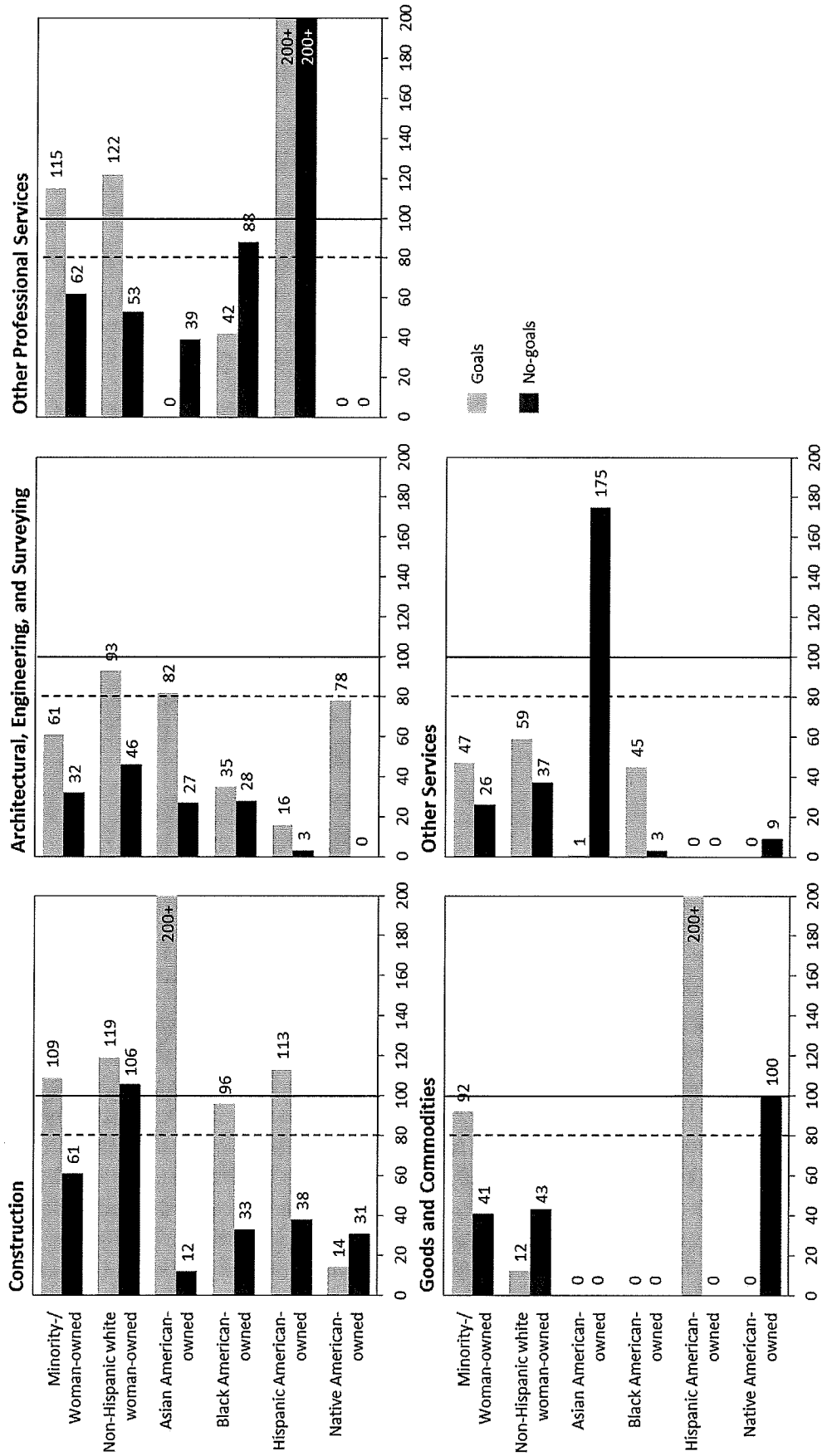
**Source:**

BBC Research & Consulting disparity analysis.



**Results by industry.** BBC compared disparity analysis results for goals contracts and no-goals contracts separately for each relevant contracting area. The results presented in Figure ES-10 include both prime contracts and subcontracts associated with projects that the City awarded with and without the use of goals. Figure ES-10 present those results for construction contracts; architecture, engineering, and surveying contracts; other professional services contracts; goods and commodities contracts; and other services contracts. As shown in Figure ES-10, minority-owned businesses and woman-owned businesses considered together showed better outcomes on goals contracts than no-goals contracts for all relevant contracting areas. Results for individual groups for no-goals contracts for each relevant contracting area indicated that:

**Figure ES-10.**  
Disparity indices for goals and no-goals contracts in construction; architecture, engineering, and surveying; other professional services; goods and commodities; and other services



Note: The study team analyzed 7,344 goals construction contracts; 1,151 no-goals construction contracts; 943 goals architecture, engineering, and surveying contracts; 509 no-goals architecture, engineering, and surveying contracts; 103 goals goods and commodities contracts; 16 goals other professional services contracts; 242 no-goals other professional services contracts; 371 goals other services contracts; and 370 no-goals other services contracts.

For more detail, see Figures F-38, F-39, F-40, F-41, F-42, F-43, F-44, F-45, F-46, and F-47 in Appendix F.

Source: BBC Research & Consulting disparity analysis.



- All individual groups except non-Hispanic white woman-owned businesses (disparity index of 106) showed substantial disparities on no-goals construction contracts;
- All individual groups showed substantial disparities on no-goals architecture, engineering, and surveying contracts;
- All individual groups except Hispanic American-owned businesses (disparity index of 200+) showed substantial disparities on no-goals other professional services contracts;
- All individual groups except for Native American-owned businesses (disparity index of 100) showed substantial disparities on no-goals goods and commodities contracts; and
- All individual groups except for Asian American-owned businesses (disparity index of 175) showed substantial disparities on no-goals other services contracts. However, Asian American-owned businesses actually showed a substantial disparity on goals other services contracts (disparity index of 1).

**Comparisons to previous disparity study.** The City last conducted a disparity study in 2011. To the extent possible, BBC compared disparity analysis results between the current disparity study and the previous disparity study. BBC's methodology to conduct the current study differs substantially from the methodology that the previous consultant used to conduct the 2011 study. Thus, differences in results may reflect changes in outcomes for minority-owned businesses and woman-owned businesses; changes in the City's contracting practice and MWBE Program measures; and differences in disparity study methodology.

**Construction.** Comparisons of disparity analysis results for construction subcontracts suggest an improvement in outcomes for minority-owned businesses and woman-owned businesses between the 2011 disparity study and the current disparity study. Disparity analysis results from the 2011 study showed substantial disparities for Black American-owned businesses, Hispanic American-owned businesses, and Native American-owned businesses on construction subcontracts. In contrast, the current disparity study shows substantial disparities only for Native American-owned businesses on construction subcontracts. With regard to construction prime contracts, disparity analysis results from the two studies are very similar. Results from the current study indicate substantial disparities for all relevant racial/ethnic and gender groups on construction prime contracts. (Those results may partially reflect the City's obligation, per North Carolina State statute, to award construction contracts to the lowest responsive and responsible bidder.) Results from the 2011 study showed substantial disparities for all relevant groups with the exception of Asian American-owned businesses.

**Architecture, engineering, and surveying.** Disparity analysis results from the current study show that a greater number of racial/ethnic and gender groups are suffering from substantial underutilization on the City's architecture, engineering, and surveying subcontracts than in 2011. Whereas the 2011 disparity study showed substantial disparities for only Black American-owned businesses on architecture, engineering, and surveying subcontracts, the current study shows substantial disparities for Asian American-owned business and Hispanic American-owned businesses. With regard to architecture, engineering, and surveying prime contracts, disparity analysis results from the two studies are very similar. Results from the current study

indicate substantial disparities for all relevant racial/ethnic and gender groups on architecture, engineering, and surveying prime contracts. Results from the 2011 study showed substantial disparities for all relevant groups with the exception of Asian American-owned businesses.

**Other industries.** There were also several key differences in disparity analysis results between the current disparity study and the 2011 disparity study for other relevant industries:

- **Other professional services.** Whereas the 2011 study did not show a disparity for Native American-owned businesses on other professional services contracts, the current study shows a substantial disparity for Native American-owned businesses on those contracts.
- **Goods and commodities.** Similarly, whereas the 2011 study did not show a disparity for Native American-owned businesses on goods and commodities contracts, the current study shows a substantial disparity for Native American-owned businesses on those contracts.
- **Other services.** Black American-owned businesses and Native American-owned businesses exhibit substantial disparities on other services contracts in the current study. In contrast, those groups did not show disparities on other services contracts in the 2011 study. In addition, whereas Asian American-owned businesses showed a substantial disparity for other services contracts in the 2011 study, they do not show a disparity for those contracts in this study.

## E. Program Implementation

Chapter 9 reviews information relevant to the City's implementation of the CBI Program. The City should review study results and other relevant information in connection with making decisions concerning its implementation of the program. Key considerations of potential refinement are discussed below. In making those considerations, the City should also assess whether additional resources, changes in internal policy, or changes in state law may be required.

**Overall annual aspirational goal.** The City establishes an overall annual aspirational goal for the participation of minority-owned business enterprises (MBEs) and woman-owned business enterprises (WBEs) in its contracting. BBC Research & Consulting's availability analysis indicates that the availability of *potential MWBEs*—minority-owned businesses and woman-owned businesses that are currently MWBE certified through the City or appear that they could be MWBE-certified based on their reported ownership as part of availability surveys—for City contracts is 20.9 percent. The City might consider 20.9 percent as the basis for its overall annual aspirational goal for MWBE participation, assuming that the types and sizes of the contracts and procurements that the City awards in the future are similar to those of the contracts and procurements that the City awarded during the study period. The City should also consider information about current conditions in the local marketplace for minorities, women, minority-owned businesses, and woman-owned businesses as part of determining its overall annual aspirational goal.

**Subcontracting goals.** The City uses subcontracting goals on many of the contracts that it awards. Based on disparity analysis results, the City should consider continuing its use of subcontracting goals in the future, specifically as they relate to encouraging the participation of

minority-owned businesses and woman-owned businesses. Disparity analysis results indicated that the City's use of subcontracting goals is effective in encouraging the participation of minority-owned businesses and woman-owned businesses in its contracts. Moreover, those results indicated that when the City does not use subcontracting goals, all relevant racial/ethnic and gender groups suffer from substantial underutilization for various sets of City contracts.

In addition to using subcontracting goals, the City now allows MWSBE prime contractors to count self-performed work toward meeting subcontracting goals on construction contracts worth less than \$500,000 and services contracts worth less than \$200,000. The City should consider continuing to count the participation of MWSBE prime contractors toward meeting subcontracting goals and should also consider expanding that policy to other relevant contracts. Doing so might encourage minority-owned businesses and woman-owned businesses to pursue work as prime contractors and increase their capacity to perform work as prime contractors.

The City should consider disparity analysis results for various contract sets to ensure its future use of subcontracting goals is appropriate and narrowly tailored. One key aspect of narrow tailoring is for an organization to determine which business groups are eligible to participate as part of any race- or gender-conscious measures. Doing so requires the organization to assess for which racial/ethnic and gender groups evidence of discrimination exists that affects outcomes in the organization's contracting. Courts have taken substantial disparities between participation and availability as *inferences* of such discrimination and, often, as justification for the use of race- and gender-conscious measures.

The most instructive disparity analysis results in terms of narrow tailoring are for no-goals contracts that the City awarded in construction; architecture, engineering, and surveying; other professional services; goods and commodities; and other services. Those results provide important information about outcomes for minority-owned businesses and woman-owned businesses on contracts that the City awarded in a purely race-neutral and gender-neutral manner—that is, without the use of measures that are specifically designed to encourage the participation of minority-owned businesses and woman-owned businesses. If the City based its decisions about narrowly tailoring on disparity study results for no-goals contracts, then the following groups would be considered eligible for its use of race-conscious and gender-conscious measures in each contracting area:

- **Construction:** Asian American-owned businesses; Black American-owned businesses; Hispanic American-owned businesses; and Native American-owned businesses;
- **Architecture, Engineering, and Surveying:** Non-Hispanic white woman-owned businesses; Black American-owned businesses; Asian American-owned businesses; Hispanic American-owned businesses; and Native American-owned businesses;
- **Other professional services:** Non-Hispanic white woman-owned businesses; Asian American-owned businesses; and Native American-owned businesses;
- **Goods and commodities:** Non-Hispanic white woman-owned businesses; Black American-owned businesses; and Asian American-owned businesses; and

- **Other services:** Non-Hispanic white woman-owned businesses; Black American-owned businesses; Asian American-owned businesses; Hispanic American-owned businesses; and Native American-owned businesses.

**MWBE certification.** The City relies on the North Carolina Department of Administration's Historically Underutilized Businesses (HUB) database to certify MBEs and WBEs. Unlike many other minority-owned business and woman-owned business programs—such as the Federal Disadvantaged Business Enterprise Program—no revenue or net worth requirements are associated with the HUB certification process. The City should consider limiting MWBE certification to those minority-owned businesses and woman-owned businesses that are small and disadvantaged based on size and personal net worth limits (similar to requirements for City small business certification). In that way, the CBI Program will better address barriers that small, disadvantaged businesses face.

**SBE goals program.** The City should consider reviewing its implementation of its SBE goals program. The City should ensure that the language it uses to describe SBE goals in contracting documents for individual contracts is precise and clear to minimize any confusion between SBE contract goals and MWBE contract goals. Doing so will help ensure that the use of those goals are interpreted and treated in a race-neutral and gender-neutral manner. In addition, often when the City uses an MWBE goal to award a contract, it also uses an SBE goal. The City should consider separating the use of those goals to reduce confusion between its MWBE goals program and its SBE goals program. Doing so will allow the City to assess the effects that the use of MWBE goals have on the participation of minority-owned businesses and woman-owned businesses in City contracting.

**Unbundling contracts.** In general, minority-owned businesses and woman-owned businesses exhibited reduced availability for relatively large contracts that the City awarded during the study period. In addition, as part of in-depth interviews, several small businesses, minority-owned businesses, and woman-owned businesses reported that the size of contracts often serves as a barrier to their success. The City has been working to break contract pieces into sizes that are more feasible for small businesses—including many minority-owned businesses and woman-owned businesses—to pursue. In addition, the City encourages prime contractors to unbundle subcontracting opportunities into smaller sizes and accepts such attempts as good faith efforts. The City should consider continuing efforts to unbundle contracts. Doing so would result in that work being more accessible to small businesses, which in turn might increase opportunities for minority-owned businesses and woman-owned businesses and result in greater minority-owned business and woman-owned business participation.

**Prime contract opportunities.** Disparity analysis results indicated substantial disparities for all racial/ethnic and gender groups on the prime contracts that the City awarded during the study period. However, minority-owned businesses and woman-owned businesses showed somewhat better outcomes on smaller prime contracts than on larger ones. In 2015, the City began directing solicitation efforts for certain, relatively small prime contracts only to small businesses, including many minority-owned businesses and woman-owned businesses. The City should continue those efforts and might consider expanding its program to set aside additional

small prime contracts for small business bidding to encourage the participation of minority-owned businesses and woman-owned businesses as prime contractors.

**Subcontract minimums.** Overall, minority-owned businesses and woman-owned businesses did not show disparities on the subcontracts that were associated with the prime contracts that the City awarded during the study period. However, subcontracting accounted for a relatively small percentage of the total contracting dollars that the City awarded during the study period. The City could consider implementing a program that requires prime contractors to include certain minimum levels of subcontracting as part of their bids and proposals for specific types of contracts where subcontracting or partnership opportunities might exist. Prime contractors bidding on the contract would be required to subcontract a percentage of the work equal to or exceeding an established minimum level for their bids to be responsive. If the City were to implement such a program, it should include flexibility provisions such as a good faith efforts process.

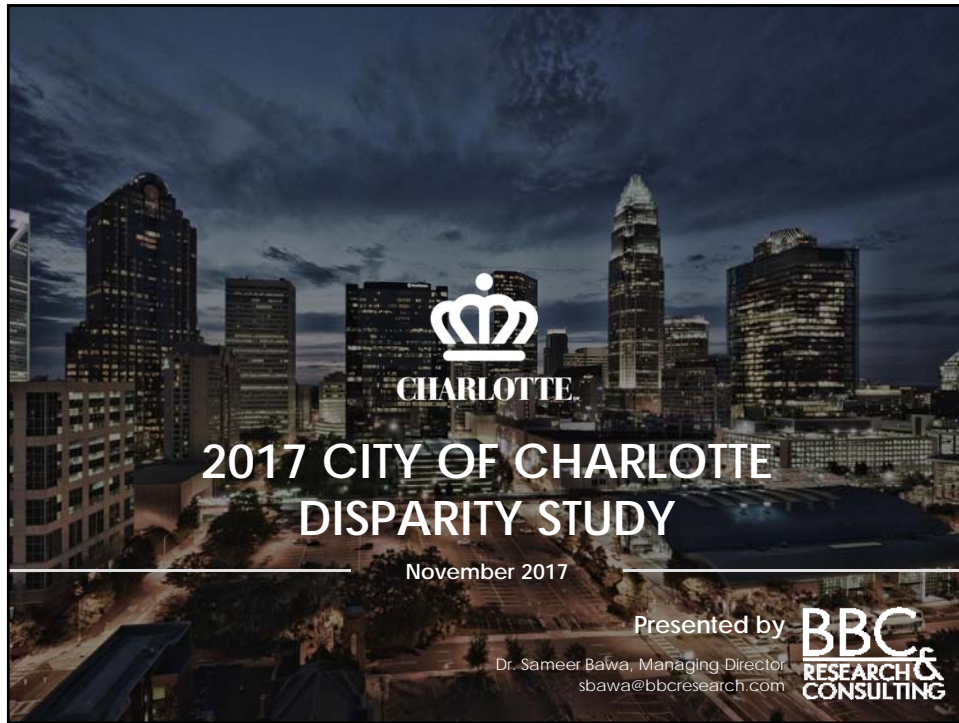
**Contract and data management.** The City should continue tracking and maintaining contracting and payment data in a centralized manner but should consider implementing processes so that contracting data connects more intuitively with corresponding payment data from the beginning of a contract to its completion. Establishing a clear crosswalk between those data sources will help ensure that the City can monitor the participation of minority-owned businesses and woman-owned businesses efficiently and accurately. The City should also consider dedicating additional resources to training relevant department staff on how to input contracting and payment data accurately and consistently.

In addition, the City should consider collecting comprehensive data on *all* subcontracts, regardless of whether they are performed by minority-owned businesses or woman-owned businesses. The City should also consider requiring prime contractors to submit data on subcontracts as part of the invoicing process for all contracts and incorporating those data into the City's data system. Collecting comprehensive subcontract data will help the City more accurately monitor the participation of minority-owned businesses and woman-owned businesses and potential opportunities for their participation.

As part of the disparity study, the study team also examined information concerning conditions in the local marketplace for minorities, women, minority-owned businesses, and woman-owned businesses including results for different racial/ethnic and gender groups. The City should review the full disparity study report—as well as other information it may have—in determining how best to implement the CBI Program and whether it needs to continue its use of race-conscious or gender-conscious measures, and if so, how to implement those measures in a narrowly tailored manner.







## WHAT ARE **NEXT STEPS** FOR THE CBI PROGRAM?

- Summary
  - Evidence that disparities exist
  - City can consider continued implementation of CBI Program
- Committee Action
  - Adopt 2017 disparity study
  - Recommend study adoption to full Council
- Future council dates
  - Dinner Briefing on November 13, 2017
  - Council vote on November 27, 2017
- Refinements to CBI program beginning in Spring 2018

## PROGRAM HISTORY

<b>MWBD Program (1981 – 2002)</b> <i>Race and gender conscious program</i>	<b>SBO Program (2003 – 2013)</b> <i>Race and gender neutral program</i>	<b>CBI Program (2013 – Present)</b> <i>Hybrid MWSBE program</i>
<ul style="list-style-type: none"> <li>January 2002: Minority and Woman Business Development (MWBD) Program terminated by City Council in response to a lawsuit challenging its constitutionality.</li> <li>December 2003: MWBE Disparity Study completed.</li> </ul>	<ul style="list-style-type: none"> <li>January 2003: City Council adopts race and gender neutral Small Business Opportunity (SBO) Program.</li> <li>September 2011: MWBE Disparity Study Update completed.</li> </ul>	<ul style="list-style-type: none"> <li>April 2013: City Council adopts Charlotte Business INclusion (CBI) Policy.</li> <li>CBI Policy sets both race and gender conscious (MWBE) and race and gender neutral (SBE) goals.</li> </ul>

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## DISPARITY STUDY TIMELINE

- March 2016:** City issued request for proposals for disparity study
- July 2016:** City awarded disparity study contract to BBC Research & Consulting (BBC)
- 2016-2017:** BBC gathered contracting, survey, and interview data from City and local businesses

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## LEGAL JUSTIFICATION

In *City of Richmond v. J.A. Croson* (1989), the U.S. Supreme Court articulated an equal protection-based requirement that jurisdictions demonstrate:

- a “compelling governmental interest” in order to justify a race-conscious minority business program (*i.e.*, strict scrutiny); and
- an “important governmental interest” in order to justify a gender conscious women business program (*i.e.*, intermediate scrutiny).

Due to the age of the previous disparity study, the race and gender conscious measures of the Charlotte Business INclusion Policy, including the establishment of MWBE goals, are currently set to expire on December 31, 2017 unless the Council adopts a new study that justifies continued use of race and gender conscious measures.

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## OUTLINE

- Background
- Participation
- Availability
- Disparities
- Qualitative evidence
- Conclusions

6

# BACKGROUND

## WHAT IS A **DISPARITY STUDY**?

Study to assess whether minority/woman business enterprises (M/WBEs) face barriers in agency contracting

- Monitor M/WBE participation
- Engage with M/WBE community
- Refine M/WBE programs
- Compliance with legal standards

**\$1.8 billion**  
contracting

- All relevant industries
- Prime and subcontracts
- Goals and no-goals

ARE M/WBES RECEIVING AN **EQUITABLE**  
**SHARE** OF CITY CONTRACTING DOLLARS?

9

**PARTICIPATION**

## HOW MANY DOLLARS DID M/WBEs RECEIVE?

### City Data

- All relevant industries
- Prime and subcontracts
- City-funded contracts\*
- 07/01/11– 06/30/16

**M/WBE**  
participation

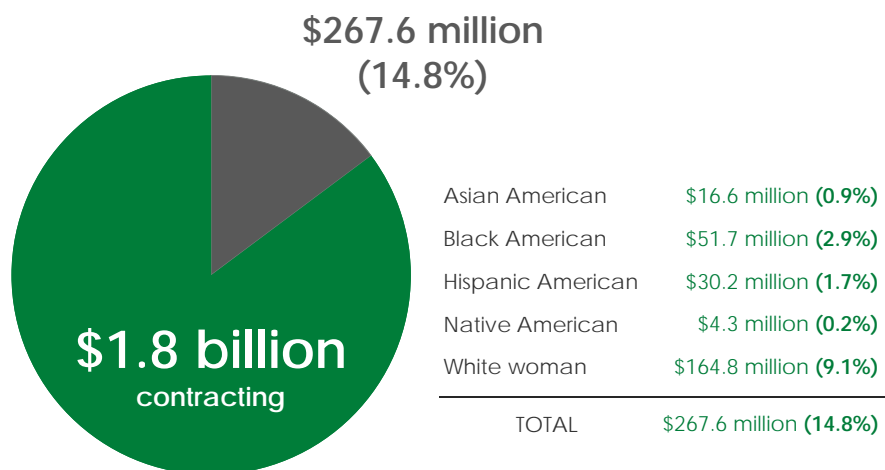
### Survey data

- Lines of work
- Race and gender

\* Study did not include analysis of federally-funded contracts or state-funded contracts.

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## HOW MANY DOLLARS DID M/WBEs RECEIVE?



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# AVAILABILITY

## HOW MANY DOLLARS **MIGHT** M/WBEs RECEIVE?

### City Data

- All relevant industries
- Prime and subcontracts
- City-funded contracts\*
- 07/01/11– 06/30/16

### Survey data

- Lines of work
- Vendor role
- Year established
- Relative capacity
- Qualifications and interest
- Race and gender

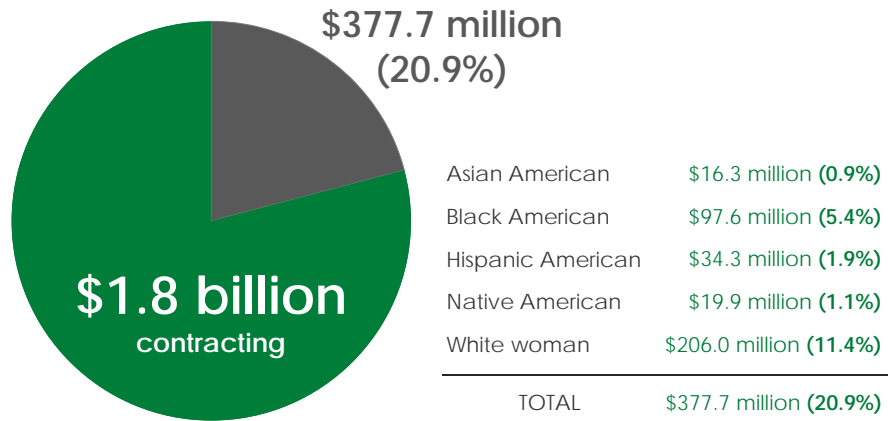


**M/WBE**  
availability

\* Study did not include analysis of federally-funded contracts or state-funded contracts.

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## HOW MANY DOLLARS **MIGHT** M/WBEs RECEIVE?



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**DISPARITIES**

## ARE M/WBEs **UNDERUTILIZED** ON CITY CONTRACTS?

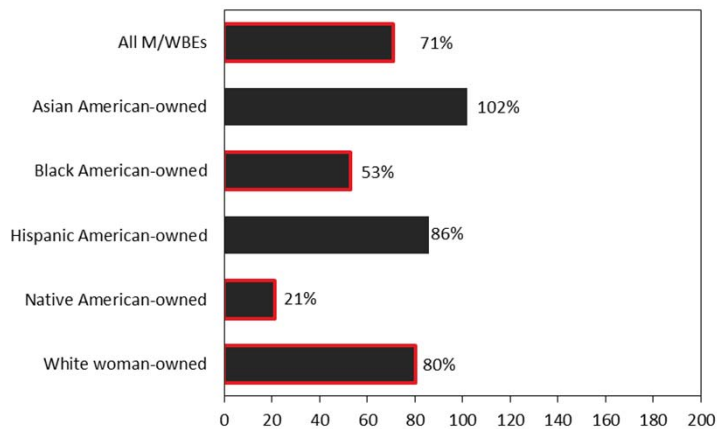
$$\frac{\text{Dollars received}}{\text{Dollars available}} = \text{DISPARITY INDEX}$$

80% or less = substantial underutilization

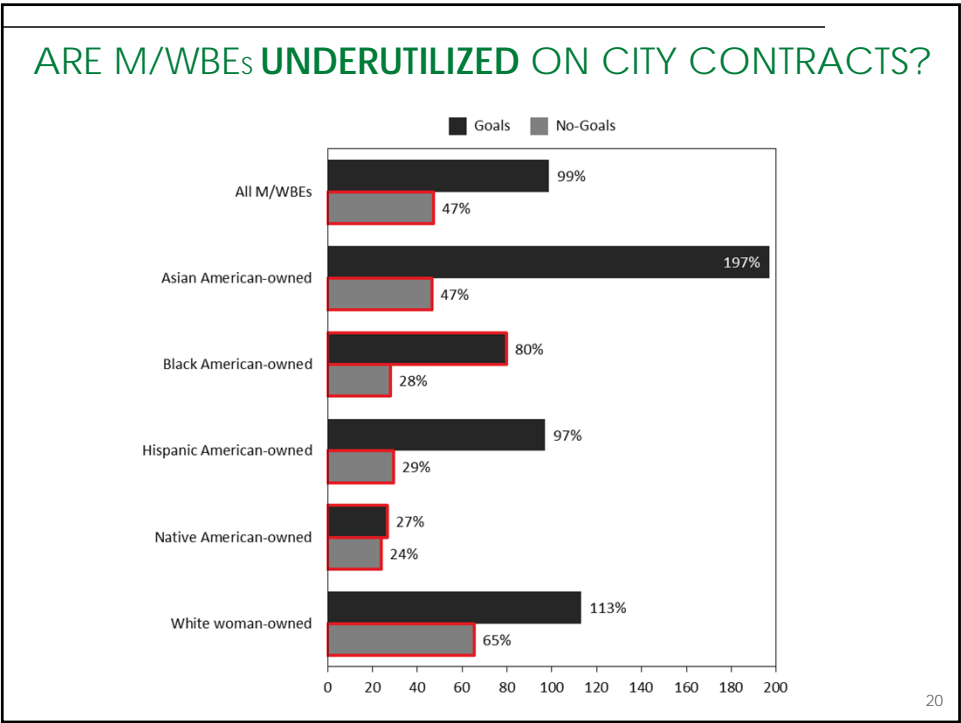
17

## ARE M/WBEs **UNDERUTILIZED** ON CITY CONTRACTS?

### All Contracts



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## QUALITATIVE EVIDENCE

### IS THERE **QUALITATIVE EVIDENCE** OF BARRIERS?

- In-depth interviews *(20 interviewees)*
- Public meetings *(2 meetings)*
- Telephone surveys *(1,228 surveys)*

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## IS THERE QUALITATIVE EVIDENCE OF BARRIERS?

- Most M/WBEs said they perform small contracts so contract size can be a barrier
- Many businesses said they do not solicit M/WBEs for bids because of existing relationships
- Several M/WBEs indicated that it is difficult for them to get loans
- Most M/WBEs and other businesses reported that slow payment is a substantial issue
- Some businesses expressed concern that same businesses seem to always win City contracts
- Some M/WBEs reported unfavorable work environments due to race or gender
- Several businesses reported the existence of business networks closed to minorities and women

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## CONCLUSIONS

## WHAT ARE KEY RESULTS FROM THE STUDY?

- M/WBEs available for 20.9% of City contracting dollars
- Overall, M/WBEs substantially underutilized on City contracts (M/WBE disparity index = 71%)
- Underutilization much worse on contracts City awarded without goals (M/WBE disparity index = 47%)
- Subcontracting goals effective in encouraging M/WBE participation (M/WBE disparity index = 99%)
- Minorities, women, and M/WBEs face various barriers in capital markets, business ownership, etc.
- Anecdotal evidence also suggests many barriers in marketplace for small businesses and M/WBEs

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## WHAT ARE NEXT STEPS FOR THE CBI PROGRAM?

- Summary
  - Evidence that disparities exist
  - City can consider continued implementation of CBI Program
- Committee Action
  - Adopt 2017 disparity study
  - Recommend study adoption to full Council
- Future council dates
  - Dinner Briefing on November 13, 2017
  - Council vote on November 27, 2017
- Refinements to CBI program beginning in Spring 2018

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QUESTIONS



**Agenda Date:** 11/27/2017

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**Agenda #:** 13. **File #:** 15-6708 **Type:** Policy Item

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## **Charlotte WALKS: Sidewalk Construction Ordinance Revisions**

### **Action:**

**Adopt an ordinance amending 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 the public. These issues are most problematic on thoroughfares which have higher volumes and speeds of traffic.
- The Charlotte WALKS plan directs city staff 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 and the Unified Development Ordinance Advisory Committee. These committees are a resource and a liaison between city/county staff, the development community, and neighborhood/advocacy groups.
- The revisions focus specifically on new development activity along thoroughfares, as these are the locations where poor sidewalk infrastructure presents the greatest challenge for pedestrian safety and comfort.
- The Chapter 19 ordinance revision will go into effect upon adoption, and will only apply to newly submitted items.

### **Public Comment**

- On November 13, 2017, City Council received public comments on the proposed amendments. Nine speakers spoke in support of the Charlotte WALKS amendments, and none opposed.

### **Ordinance Revisions**

Revisions to the current sidewalk construction requirements include:

- Implementing new triggers 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.

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**Agenda #: 13.File #: 15-6708 Type: Policy Item**

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- 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 ordinance

## Charlotte WALKS – Priority Amendments

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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."

...

## Charlotte WALKS – Priority Amendments

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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"



## Charlotte WALKS – Priority Amendments

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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"

## Charlotte WALKS – Priority Amendments

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- 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 Date: 11/27/2017**

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**Agenda #: 14. File #: 15-6857 Type: Business Item**

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## **City Manager's Compensation**

### **Action:**

**Consider a 2017 Compensation Adjustment for the City Manager.**

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

Cheryl Brown, Human Resources

### **Explanation**

- On November 27, 2017, the Mayor and City Council met to conduct the City Manager's performance evaluation and discuss a potential compensation adjustment.
- The Mayor and City Council evaluated the City Manager's FY 2017 performance and effectiveness in four criteria, as follows:
  - Assisting Council with its Policy-Making Role;
  - Internal Administration;
  - External Relations; and
  - Leadership Characteristics.
- The Human Resources Director assisted the Mayor and City Council on the details associated with the City Manager's compensation.



**Agenda Date:** 11/27/2017

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**Agenda #:** 15. **File #:** 15-6720 **Type:** Business Item

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## **Solid Waste Services Multi-Family Refuse Collection Services**

### **Action:**

- A. Approve a unit price contract with Waste Pro of North Carolina for Multi-Family Refuse Collection Services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Victoria Johnson, Solid Waste Services

### **Explanation**

- Solid Waste Services provides contracted refuse, recycling, and bulky item collection services to multi-family residential units and public facilities.
- This service is currently provided weekly to approximately 125,000 multi-family residential units at 1,000 complexes and 115 public facilities.
- Multi-family residential units and public facilities serviced by the contract receive garbage service via dumpster or compactor, recycling collection in stations of roll-out containers, scheduled bulky item collection, and seasonal live Christmas tree collection.
- The vendor provides all equipment needed to perform the collection services and delivery of materials to the properly designated disposal or materials recovery facilities.
- The current contract expires June 2018 and the timely award of a new contract is required to accommodate the transition and maintain seamless service to the covered properties.
- On July 13, 2017, the City issued a Request for Proposals (RFP) for Multi-Family Solid Waste Collection Services. In response to the RFP, the City received four proposals from interested service providers.
- Waste Pro of North Carolina best meets the City's needs in terms of qualifications, experience, cost, proposed solution, and responsiveness to RFP requirements.
- Staff anticipates renewing the contract for up to three additional, one-year terms.
- Estimated contract expenditures are \$5,800,000 annually.

### **Charlotte Business INClusion**

No subcontracting goal was established because there are no subcontracting opportunities (Part D. Section 6 of the Charlotte Business INClusion Policy).

### **Fiscal Note**

Funding: Solid Waste Services Operating Budget



**Agenda Date:** 11/27/2017

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**Agenda #:** 16. **File #:** 15-6735 **Type:** Appointment

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## **Appointments to the Bicycle Advisory Committee**

### **Action:**

**Vote on blue ballots and return to Clerk at dinner.**

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

Stephanie Kelly, City Clerk's Office

### **Explanation**

- One appointment for a partial term beginning immediately and ending December 31, 2019.
  - Jack Cameron, nominated by Council members Driggs, Fallon, and Mitchell
  - Nadine Ford, nominated by Council members Ivory, Kinsey, and Mayfield
  - Brian Geathers, nominated by Council members Lyles and Mitchell

### **Attachment(s)**


Bicycle Advisory Committee Applicants




City of Charlotte, NC

# BICYCLE ADVISORY COMMITTEE


## BOARD DETAILS




OVERVIEW



**SIZE** 11 Seats



**TERM LENGTH** 3 Year



**TERM LIMIT** 2 Terms

The Bicycle Advisory Committee acts as an advisory body to City Council to review bicycle plans and make recommendations on implementing related policies and policy strategies and recommends appropriate action to the City Council and Board of County Commissioners on bicycle transportation issues; recommends any amendments and/or modifications to adopted bicycle plans deemed appropriate and/or necessary for the purpose of keeping the plans timely; and, properly updates and makes any other recommendations deemed appropriate and/or necessary to promote safe bicycle ridership.











COMMITTEE MEMBERS	11 Members (3 by Mayor, 6 by City Council and 2 by County Commission)
MEMBERSHIP	Appointees are subject to City Council's Attendance and Anti-Harassment Policies and Code of Ethics, Gift Policy and Disclosure Requirements for members of boards.
MEETING INFORMATION	Meeting Day: 4th Tuesday monthly Meeting Time: 6:00 p.m. Meeting Location: Government Center Building (600 East 4th Street) Time Commitment: 1 to 2 hours per month
ADDITIONAL INFORMATION	Website: <a href="http://charlottenc.gov/Transportation/Programs/Pages/BicycleAdvisoryCommittee.aspx">http://charlottenc.gov/Transportation/Programs/Pages/BicycleAdvisoryCommittee.aspx</a>
BOARD HISTORY	
BOARD DOCUMENTS	N/A
BOARD DOCUMENT (2)	N/A
BOARD DOCUMENTS (3)	N/A



City of Charlotte, NC

## BICYCLE ADVISORY COMMITTEE

### BOARD ROSTER

	<b>HALEY BEAUPRE</b> 2nd Term Jan 01, 2016 - Dec 31, 2018	<b>Appointing Authority</b> City Council <b>Position</b> Board Member <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None
	<b>PAUL BENTON</b> 1st Term Mar 24, 2016 - Dec 30, 2018	<b>Appointing Authority</b> Mayor <b>Position</b> Board Member <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None
	<b>ROBERT H BOYER</b> Partial Term Apr 11, 2016 - Dec 31, 2018	<b>Appointing Authority</b> City Council <b>Position</b> Board Member <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None
	<b>DEBRA L FRANKLIN</b> Partial Term Jul 06, 2016 - Mar 31, 2018	<b>No Recruitment</b> <b>Appointing Authority</b> County Commission <b>Position</b> Board Member <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None
	<b>CHRISTOPHER GLADORA</b> 2nd Term Jan 01, 2015 - Dec 31, 2017	<b>Appointing Authority</b> City Council <b>Position</b> Board Member <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None
	<b>BRYAN D HALL</b> 1st Term Mar 21, 2017 - Mar 31, 2020	<b>No Recruitment</b> <b>Appointing Authority</b> County Commission <b>Position</b> Board Member <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None
	<b>KATHERINE M LLOYD</b> Partial Term Apr 25, 2016 - Dec 31, 2017	<b>Appointing Authority</b> City Council <b>Position</b> Board Member <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None
	<b>MARION "BUZZ" B MORLEY</b> Partial Term May 06, 2016 - Dec 31, 2018	<b>Appointing Authority</b> Mayor <b>Position</b> Board Member <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None



**DAVID A RASKOSKIE**

1st Term Jan 01, 2016 - Dec 31, 2018

**Appointing Authority** City Council

**Position** Board Member

**Office/Role** Government Center Building, 600 E 4th Street

**Category** None



**ELIZABETH SWANZY-PARKER**

1st Term Mar 23, 2016 - Dec 31, 2018

**Appointing Authority** Mayor

**Position** Board Member

**Office/Role** Government Center Building, 600 E 4th Street

**Category** None



**VACANCY**

**Appointing Authority** City Council

**Position** Board Member

**Office/Role** Government Center Building, 600 E 4th Street

**Category** None

**Dais Seat** m zimmerman

**Profile**

Jack  
First Name

Cameron  
Last Name

4jackcameron@gmail.com  
Email Address

4218 quail hunt Lane  
Street Address

Suite or Apt

Charlotte  
City

NC  
State

28226  
Postal Code

Is your mailing address the same as your home address?

☒ Yes ☐ No

If your home address differs from your mailing address, please provide your home address in the field below:

Home: (718) 791-4354  
Primary Phone

Home:  
Alternate Phone

What district do you live in? \*

☒ Mecklenburg County Towns

Ethnicity \*

☒ Caucasian/Non-Hispanic

Political Party \*

☒ Democrat

Gender \*

☒ Male

03/29/1969  
Date of Birth

Jack Cameron

Page 1 of 5

Are you a registered voter of Mecklenburg County?

☒ Yes ☐ No

Which Boards would you like to apply for?

Bicycle Advisory Committee: Submitted

List any boards you are currently serving on:

List any boards you have served on in the past:

Why are you interested in serving on these boards/ committees?

I recently moved to New York. I am an avid cyclist. I have experience with time and motion studies and believe I could be a non-biased contributor.

Please describe any background or abilities that qualify you to serve on these boards/ committees.

I have a background in time and motion studies with the previous company. I've been a contributor with the New York State Department of Transportation defensive driving course.

Have you completed the City's Civic Leadership Academy?

☐ Yes ☒ No

If you answered "Yes" to question above - When did you complete the academy?

Hale and hearty

Current Employer:

2

Years in current position:

Business development manager

Job Title:

Jack Cameron

Page 2 of 5



**Brief description of duties:**

I am a data controller. Manage existing business as well as contributing to new business.

**Other employment history:**

**Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?**

☐ Yes ☒ No

**If yes, please explain complete disposition:**

**Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?**

☐ Yes ☒ No

**If yes, please explain conflict:**

**Education:**

☒ College

If you selected 'Other' for education, please specify below:

**Additional Education History:**

Spouse's Name:

Spouse's Employer

Jack Cameron

Page 3 of 5

Spouse's Job Title

**How did you find out about the Charlotte Boards and Commissions vacancies? \***

☒ Social Media

If you selected 'Other', please explain:

**Board Specific Questions**

If you selected 'Other' please explain

**Boards /.Commissions Disclaimer**

I certify that the information provided in this application is true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all information contained herein. I further authorize all persons having information concerning my qualifications to release information to city representatives and release such persons from all liability for any damages connected with the release of such information. I also release and discharge the City of Charlotte from any claims and damages, losses, liabilities, costs, expenses or any other charges or complaints arising out of the City's use of any information provided pursuant to this release. I understand and agree that any misstatement will be cause for my removal from any board or committee. By submitting this application, I agree to adhere to all city policies pertaining to boards and commissions, including attendance. I understand that affixing my name in this form is deemed an electronic signature that has the effect of a written signature and will be presumed a valid signature, absent notification otherwise. I hereby acknowledge that this application and information provided herein may constitute a public record, and as such, may be released in accordance with all applicable public record laws.

Jack Cameron

Page 4 of 5

Please check this box after reading the above disclosure statement:

---

---

☒ I Agree

Jack cameron

---

Please type your name below:

**Profile**

Nadine

First Name

Ford

Last Name

endfd@yahoo.com

Email Address

1327 Moretz Ave

Street Address

Suite or Apt

Charlotte

City

NC

State

28206

Postal Code

**Is your mailing address the same as your home address?**☒ Yes ☐ No

**If your home address differs from your mailing address, please provide your home address in the field below:**

Home: (704) 641-0524

Primary Phone

Home:

Alternate Phone

**What district do you live in? \***☒ District 1**Ethnicity \***☒ Other**Political Party \***☒ Independent**Gender \***☒ Female

02/02/1963

Date of Birth

Nadine Ford

Page 1 of 5

**Are you a registered voter of Mecklenburg County?**☒ Yes ☐ No**Which Boards would you like to apply for?**

Bicycle Advisory Committee: Submitted

**List any boards you are currently serving on:****List any boards you have served on in the past:****Why are you interested in serving on these boards/ committees?**

I live in a poor neighborhood where people ride bikes out of necessity, not privilege. But as always, their voices are never heard, and their needs are never met until the powers that be decide to change the demographics of the area (gentrification). I want to serve on the board to make sure their voices are heard and their existence is acknowledge.

**Please describe any background or abilities that qualify you to serve on these boards/ committees.**

I co-founded a bike club (LFB-Charlotte) designed to get women of color cycling as a means of fitness and fun. I am a certified bike instructor under the league of american bicyclist. I've acted as a bike mentor for women training for triathlons. I work often with Dianna Ward of B-cycles to encourage people, particularly of color, to ride and explore their world two wheels. And I've worked with Bethanie Johnson and Charlotte Cadieu to introduce women to bike mechanics, and to introduce children to bike safety.

**Have you completed the City's Civic Leadership Academy?**☒ Yes ☐ No

the very first one.

If you answered "Yes" to question above - When did you complete the academy?

Meck. County Gov't

Current Employer:

Nadine Ford

Page 2 of 5

10  
Years in current position:

Sr. Env. Specialst  
Job Title:

**Brief description of duties:**

encourage people to recycle right

**Other employment history:**

former health inspector with meck county-17 years (total 27 years with the county)

**Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?**

☐ Yes ☒ No

**If yes, please explain complete disposition:**

**Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?**

☐ Yes ☒ No

**If yes, please explain conflict:**

**Education:**

☒ College

If you selected 'Other' for education, please specify below:

**Additional Education History:**

Spouse's Name:

Spouse's Employer

Spouse's Job Title

**How did you find out about the Charlotte Boards and Commissions vacancies? \***

☒ Word of Mouth

If you selected 'Other', please explain:

**Board Specific Questions**

If you selected 'Other' please explain

**Boards /.Commissions Disclaimer**

I certify that the information provided in this application is true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all information contained herein. I further authorize all persons having information concerning my qualifications to release information to city representatives and release such persons from all liability for any damages connected with the release of such information. I also release and discharge the City of Charlotte from any claims and damages, losses, liabilities, costs, expenses or any other charges or complaints arising out of the City's use of any information provided pursuant to this release. I understand and agree that any misstatement will be cause for my removal from any board or committee. By submitting this application, I agree to adhere to all city policies pertaining to boards and commissions, including attendance. I understand that affixing my name in this form is deemed an electronic signature that has the effect of a written signature and will be presumed a valid signature, absent notification otherwise. I hereby acknowledge that this application and information provided herein may constitute a public record, and as such, may be released in accordance with all applicable public record laws.

**Please check this box after reading the above disclosure statement:**

---

☒ I Agree

Nadine Ford

Please type your name below:

**Profile**

Brian  
First Name

Geathers  
Last Name

bgeathers@gmail.com  
Email Address

9425 Kings Parade Blvd  
Street Address

Suite or Apt

Charlotte  
City

NC  
State

28273  
Postal Code

Is your mailing address the same as your home address?

☒ Yes ☐ No

If your home address differs from your mailing address, please provide your home address in the field below:

Mobile: (704) 226-6789  
Primary Phone

Home:  
Alternate Phone

What district do you live in? \*

☒ District 3

Ethnicity \*

☒ African American

Political Party \*

☒ Democrat

Gender \*

☒ Male

07/15/1983  
Date of Birth

Brian Geathers

Page 1 of 5

Are you a registered voter of Mecklenburg County?

☒ Yes ☐ No

Which Boards would you like to apply for?

Bicycle Advisory Committee: Submitted  
Business Advisory Committee (E): Submitted  
Charlotte Tree Advisory Commission: Submitted

List any boards you are currently serving on:

List any boards you have served on in the past:

Why are you interested in serving on these boards/ committees?

I am interested in serving on the Charlotte Chamber of Commerce and Business Advisory Committee because I work in that sector and I care about the current events that effect our industry here in the local market. I have always wanted to be involved in some capacity with the inter workings of the city and I feel as if this would be a great opportunity.

Please describe any background or abilities that qualify you to serve on these boards/ committees.

I have a been a Charlotte native majority of my life, born and raised, and I have had a successful family business practice here at the Charlotte Douglas International Airport providing opportunities for Charlotteans since 1994. I am very motivated and work well in teams accomplishing a common goal. I am very tech savvy and I have a great network of people around me who motivate me to do better and greater things for our great city.

Have you completed the City's Civic Leadership Academy?

☐ Yes ☒ No

If you answered "Yes" to question above - When did you complete the academy?

Geathers Enterprises, Inc.  
Current Employer:

Brian Geathers

Page 2 of 5

12

Years in current position:

President

Job Title:

**Brief description of duties:**

Communicating and disseminating the vision, mission, and leading overall direction of Geathers Enterprises, Inc. (GEINC) Guiding and evaluating other executive leaders, formulating and implementing the strategic plan of GEINC.

**Other employment history:**

Geathers Enterprises, Inc. - General Manager (2001 - 2006)

**Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?**

☐ Yes ☒ No

**If yes, please explain complete disposition:**

**Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?**

☐ Yes ☒ No

**If yes, please explain conflict:**

**Education:**

☒ College

If you selected 'Other' for education, please specify below:

**Additional Education History:**

Spouse's Name:

Spouse's Employer

Spouse's Job Title

**How did you find out about the Charlotte Boards and Commissions vacancies? \***

☒ Word of Mouth

If you selected 'Other', please explain:

**Board Specific Questions**

Question applies to Business Advisory Committee (E)

**Which industry sector, if any, do you fall under \***

☒ Transportation/Logistics Sector

If you selected 'Other' please explain

**Boards /.Commissions Disclaimer**

I certify that the information provided in this application is true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all information contained herein. I further authorize all persons having information concerning my qualifications to release information to city representatives and release such persons from all liability for any damages connected with the release of such information. I also release and discharge the City of Charlotte from any claims and damages, losses, liabilities, costs, expenses or any other charges or complaints arising out of the City's use of any information provided pursuant to this release. I understand and agree that any misstatement will be cause for my removal from any board or committee. By submitting this application, I agree to adhere to all city policies pertaining to boards and commissions, including attendance. I understand that affixing my name in this form is deemed an electronic signature that has the effect of a written signature and will be presumed a valid signature, absent notification otherwise. I hereby acknowledge that this application and information provided herein may constitute a public record, and as such, may be released in accordance with all applicable public record laws.

**Please check this box after reading the above disclosure statement:**

---

☒ I Agree

Brian Geathers

Please type your name below:





**Agenda Date:** 11/27/2017

---

**Agenda #:** 17. **File #:** 15-6736 **Type:** Appointment

---

## **Appointments to Business Advisory Committee**

### **Action:**

**Vote on blue ballots and return to Clerk at dinner.**

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

Stephanie Kelly, City Clerk's Office

### **Explanation**

- One appointment for a full term in the At-Large category beginning immediately and ending November 26, 2020.
  - Damiko Faulkner, nominated by Council members Ajmera and Phipps
  - Brian Geathers, nominated by Council members Driggs, Ivory, Mayfield, and Mitchell
  - Thomas Rothrock, nominated by Council members Fallon and Lyles

### **Attachment(s)**

Business Advisory Committee Applicants



City of Charlotte, NC

## BUSINESS ADVISORY COMMITTEE (E)

### BOARD DETAILS



OVERVIEW



**SIZE** 20 Seats



**TERM LENGTH** 3 Year



**TERM LIMIT** 2 Terms

The Business Advisory Committee (BAC) provides recommendations and advice to City Council on ways the City can help business in Charlotte, with a particular emphasis on small businesses and provides a forum for businesses to raise issues, discuss and have input into City policy responses to these issues. The BAC provides input and recommendations on the City's Economic Development Focus Area Plan, with a particular emphasis on small business development, city contracting programs, revitalization of distressed business districts, business recruitment, retention and expansion efforts, public/private partnership projects, and business customer service. The BAC keeps City Council and City Department Managers abreast of conditions in the business community and how these conditions might affect business-government relations and needs for public services.



DETAILS

#### COMMITTEE MEMBERS

20 Members (2 by Mayor; 6 by City Council; 5 recommendations by the Charlotte Chamber of Commerce; 1 recommendation by the Carolinas Asian-American Chamber of Commerce; 1 recommendation by the Charlotte-Mecklenburg Black Chamber of Commerce; 1 recommendation by the Charlotte-Mecklenburg Latin-American Chamber of Commerce; 1 certified SBE recommendation by the Hispanic Contractors Association; 1 certified SBE recommendation by the Metrolina Minority Contractors Association; 1 recommendation by the Native American Association; 1 recommendation by the National Association of Women Business Owners)

#### MEMBERSHIP

Appointees are subject to City Council's Attendance and Anti-Harassment Policies and Code of Ethics, Gift Policy and Disclosure Requirements for members of boards and must file a Statement of Economic Interest by February 1st of each year.

#### MEETING INFORMATION

Meeting Day: 3rd Friday monthly  
Meeting Time: 8:00 a.m.  
Meeting Location: Government Center Building (600 East 4th Street )  
Time Commitment: 1-2 hours per month

#### ADDITIONAL INFORMATION

Website: <http://charlottenc.gov/ED/Boards/Pages/BAC.aspx>

#### BOARD HISTORY

#### BOARD DOCUMENTS

N/A



City of Charlotte, NC

## BUSINESS ADVISORY COMMITTEE (E)

### BOARD ROSTER



#### WILLIAM D ABRAM

**1st Term** Apr 18, 2017 - Apr 17, 2020

**Appointing Authority** City Council

**Position** Board Member

**Office/Role** Government Center Building, 600 E 4th Street

**Category** Certified SBE Recommended By Metrolina Minority Contractors Association For Appointment By City Council



#### MANUEL J BETANCUR

**1st Term** May 01, 2016 - Apr 30, 2019

**Appointing Authority** Mayor

**Position** Board Member

**Office/Role** Government Center Building, 600 E 4th Street

**Category** None



#### SCOTT R CAMPAGNA

**Partial Term** May 22, 2017 - Apr 28, 2018

**Appointing Authority** City Council

**Position** Board Member

**Office/Role** Government Center Building, 600 E 4th Street

**Category** None

**Dais Seat** Matthews



#### ERIC COHEN

**1st Term** Apr 29, 2017 - Apr 28, 2020

**Appointing Authority** City Council

**Position** Board Member

**Office/Role** Government Center Building, 600 E 4th Street

**Category** Recommended By The Charlotte Chamber Of Commerce

**Dais Seat** None



#### DERRICK D DAVIS

**1st Term** Apr 29, 2017 - Apr 28, 2020

**Appointing Authority** City Council

**Position** Board Member

**Office/Role** Government Center Building, 600 E 4th Street

**Category** Recommended By The Charlotte Chamber Of Commerce

**Dais Seat** None



#### RACHEL N GEATHERS

**Partial Term** Feb 27, 2017 - Apr 28, 2019

**Appointing Authority** City Council

**Position** Board Member

**Office/Role** Government Center Building, 600 E 4th Street

**Category** None

**Dais Seat** None



#### DEALVA W GLENN

**1st Term** Apr 29, 2016 - Apr 28, 2019

**Appointing Authority** City Council

**Position** Chairperson

**Office/Role** Government Center Building, 600 E 4th Street

**Category** None

**ROCIO GONZALEZ-ZORNOSA****1st Term** Apr 29, 2017 - Apr 28, 2020

**Appointing Authority** City Council  
**Position** Board Member  
**Office/Role** Government Center Building, 600 E 4th Street  
**Category** Recommended By The Latin American Chamber Of Commerce For Appointment By City Council

**REBECCA A LACLAIRE****1st Term** Apr 29, 2017 - Apr 28, 2020

**Appointing Authority** City Council  
**Position** Board Member  
**Office/Role** Government Center Building, 600 E 4th Street  
**Category** Recommended By The Metrolina Native American Association For Appointment By City Council

**LESTER A SELBY****1st Term** May 08, 2017 - Apr 28, 2020

**Appointing Authority** City Council  
**Position** Board Member  
**Office/Role** Government Center Building, 600 E 4th Street  
**Category** None

**MICHELLE B SMITH****1st Term** Apr 29, 2017 - Apr 28, 2020

**Appointing Authority** City Council  
**Position** Board Member  
**Office/Role** Government Center Building, 600 E 4th Street  
**Category** Recommended By The National Association Of Women Business Owners For Appointment By City Council

**VICTORIA WATLINGTON****Partial Term** May 22, 2017 - Apr 28, 2019

**Appointing Authority** City Council  
**Position** Board Member  
**Office/Role** Government Center Building, 600 E 4th Street  
**Category** None

**SHANTE WILLIAMS****1st Term** Apr 29, 2017 - Apr 28, 2020

**Appointing Authority** City Council  
**Position** Board Member  
**Office/Role** Government Center Building, 600 E 4th Street  
**Category** Recommended by the Black Chamber of Commerce for Appointment by City Council

**TONIA M WOODBURY****1st Term** May 08, 2017 - Apr 30, 2019

**Appointing Authority** City Council  
**Position** Board Member  
**Office/Role** Government Center Building, 600 E 4th Street  
**Category** Recommended By The Charlotte Chamber Of Commerce  
**Dais Seat** None

**VACANCY**

**Appointing Authority** Mayor  
**Position** Chairperson  
**Office/Role** Government Center Building, 600 E 4th Street  
**Category** None  
**Dais Seat** d philips

**VACANCY**

**Appointing Authority** City Council  
**Position** Board Member  
**Office/Role** Government Center Building, 600 E 4th Street  
**Category** Recommended By The Asian American Chamber Of Commerce For Appointment By City Council  
**Dais Seat** p gandhi

**VACANCY**

**Appointing Authority** City Council  
**Position** Board Member  
**Office/Role** Government Center Building, 600 E 4th Street  
**Category** Recommended By The Charlotte Chamber Of Commerce  
**Dais Seat** v de atley

**VACANCY**

**Appointing Authority** City Council  
**Position** Board Member  
**Office/Role** Government Center Building, 600 E 4th Street  
**Category** None  
**Dais Seat** w russell

**VACANCY**

**Appointing Authority** City Council  
**Position** Board Member  
**Category** Recommended By The Charlotte Chamber Of Commerce  
**Dais Seat** s nichols

**VACANCY**

**Appointing Authority** City Council  
**Position** Board Member  
**Office/Role** Government Center Building, 600 E 4th Street  
**Category** Certified Sbe Recommended By Hispanic Contractors Association For Appointment By City Council  
**Dais Seat** m. aguiar

**Profile**

Damiko  
First Name

Faulkner  
Last Name

damikofaulkner@gmail.com  
Email Address

6300 Monteith Drive  
Street Address

Suite or Apt

Charlotte  
City

NC  
State

28213  
Postal Code

**Is your mailing address the same as your home address?**

☒ Yes ☐ No

**If your home address differs from your mailing address, please provide your home address in the field below:**

Mobile: (704) 763-6390  
Primary Phone

Home:  
Alternate Phone

**What district do you live in? \***

☒ District 4

**Ethnicity \***

☒ African American

**Political Party \***

☒ Democrat

**Gender \***

☒ Male

03/21/1978  
Date of Birth

Damiko F Faulkner

Page 1 of 6

**Are you a registered voter of Mecklenburg County?**

☒ Yes ☐ No

**Which Boards would you like to apply for?**

Business Advisory Committee (E): Submitted  
Planning Commission (O/E): Submitted

**List any boards you are currently serving on:**

I am not currently serving on any boards.

**List any boards you have served on in the past:**

I have not yet had the privilege of serving on a board.

**Why are you interested in serving on these boards/ committees?**

Greetings: I am interested in being a member of the Business Advisory Committee and ask that you consider me to fill a vacant seat. I believe that the City of Charlotte has become a city that offers a myriad of experience from around the world and has the potential to lead by example for other thriving municipalities in the Southeast region. I also consider the business community, both corporate and small, a major component when regarding meeting the needs of the people, stimulating the local economy, and positively impacting the issue of unemployment. I bring with me five years' of experience as a small business owner and Director of two different non-profit organizations. I believe that the knowledge and skill set that I have gained through my experience related to growth and revitalization of urban and suburban communities would be valuable to your undertakings. I am a native of Charlotte and have run for both County Commissioner and City Council and I am serious about my commitment to Charlotte-Mecklenburg. As a member of our community, I consider it my civic responsibility to contribute my time and talent to assist in planning the future of our both the city of Charlotte and the unincorporated areas of Mecklenburg County. What has piqued my interest in seeking appointment to the Planning Commission is my deep desire to serve the residents of Charlotte and Mecklenburg County. My recent experience with the planning of the Independence Boulevard corridor as one of the areas pastors and the knowledge gained on the campaign trail has cemented my resolve to be an active participant. These experiences have provided me the opportunity to better understand the challenges of managing our growth, improving our infrastructure, and further development. In closing, I believe my knowledge, experience, and skill set have prepared me to meet the duties and responsibilities associated with this position. I would be happy to provide my resume or answer any questions that you may have to further illustrate how I can be an asset to your organization. I look forward to the opportunity to meet with you and to discuss how, as your new planner, I can specifically meet your needs. Thank you for your consideration. Sincerely, Damiko F. Faulkner

Damiko F Faulkner

Page 2 of 6

**Please describe any background or abilities that qualify you to serve on these boards/committees.**

I have served as Executive Director of the Ben Salem Community Cornerstone Inc. During this time, I was responsible for managing the budget and daily operations of both general and specialty staff. Hill District Planning Commission- I worked in the Historical Hill District in Pittsburgh P.A. to help ensure that the city plans extended benefits to the existing residents, merchants and schools while redeveloping that community. MoRA (Monroe Road Advocate Group)- I work with this organization as a representative the faith based community and assisted with coordinating resources for residents after having been displaced during a the onset of the development in this area. I currently serve as active participant in the ongoing arts and green cultivation in the Monroe Road Corridor. Black Political Caucus-Chair of the Community Affairs committee. I have served as Executive Director for Living Waters F.A were I oversaw projects, managed budgets, and supervised staff.

**Have you completed the City's Civic Leadership Academy?**

☐ Yes ☒ No

If you answered "Yes" to question above - When did you complete the academy?

**Ben Salem Presbyterian Church**

Current Employer:

7

Years in current position:

**Pastor**

Job Title:

**Brief description of duties:**

•Preach the Gospel of Jesus the Christ •Teach Bible study utilizing various curriculums based on theme or Liturgical Season. •Fulfill responsibilities regarding pastoral care and offer counseling to individuals in need. •Oversee daily operations and provide assistance to staff and various ministry moderators to ensure that work is cohesive with church mission and contributive towards current goals. •Participate in area planning and development for the betterment of the community.

**Other employment history:**

Psych Tech July 2016-Present Carolina Healthcare Systems \*Carry out duties related to patient care and complete necessary documentation Life Skills Instructor December 2013-2015 Q Foundation/Mecklenburg County Jail, Charlotte NC •Develop and organize curriculum based on assigned subject matter. •Facilitate lessons to meet program goals and increase the students' intellectual/practical familiarity with various areas of Life Skills. • Maintain a comfortable learning environment for students and interns through class structure and encouraging a positive outlook. Chair of Community Affairs January 2011-January 2012 Black Political Caucus, Charlotte NC • Coordinated voter education forum to introduce voter information to some and ensure that seasoned voters are abreast of recent changes. Chaplain/Instructor September 2010-August 2012 North Carolina Tech Preparatory Christian Academy, Charlotte NC • Developed Christian Education curriculum and taught both New and Old Testament courses to all students enrolled as required. • Provided pastoral care and counseling when necessary. • Facilitated Christian Leadership training for all staff. Qualified Mental Health Professional/Case Manager October 2008-December 2010 Behavioral Enrichment Services, Charlotte, NC • Functioned as case manager for individuals by evaluating their social, educational, and mental needs and arranged services to provide additional assistance for the individuals and family. • Oversaw para professional's caseloads to ensure that services and documentation were in compliance with company/state policies. Interning Chaplain August 2007-June 2008 Forbes Hospice, Pittsburgh, PA • Provided spiritual and moral support for patients and their families facing end of life experiences through presence and prayer. • Updated records related to interactions. • Attend staff meetings with medical and social professionals to plan how spiritual support was best implemented. Student Minister October 2005-April 2008 Grace Memorial Presbyterian Church, Pittsburgh, PA • Preached and led worship as liturgist according to schedule. • Participated in community planning and development with the Hill District Commission. • Served as moderator for teen ministry. • Assisted with providing pastoral care for church members and surrounding community. • Created and oversaw the distribution of marketing materials to ensure that information was conducive for the existing ministries. Executive Director/Manager November 2002-August 2005 Young Executives, Charlotte, NC • Conducted curriculum based courses that focused on public speaking/presentation skills and career development. • Facilitated workshops on organization communication and appropriate work place conduct for participants. • Responsible for screening, managing, and monitoring program volunteers. • Evaluated merchandise sales productivity and made adjustments when necessary.

Additional Experience: Media Intern September 1999-May 2000 Media Relations, Winston Salem, NC • Composed press releases and news articles for use on the campus of Winston Salem State University. • Interacted with general media including Television, Radio, and Print Professionals.

**Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?**

☐ Yes ☒ No

**If yes, please explain complete disposition:**

Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?

☐ Yes ☒ No

If yes, please explain conflict:

Education:

☒ Graduate School

If you selected 'Other' for education, please specify below:

Additional Education History:

May 2008 Pittsburgh Theological Seminary, Pittsburgh PA Master of Divinity - Certification in Urban Ministry August 2003 East Tennessee State University, Johnson City, TN Master of Arts in Professional Communication Concentration Speech - Cognitive area: Psychology May 2001 Winston Salem State University, Winston Salem, NC Bachelor of Arts in Mass Communication Concentration Public Relations/Advertising - Minor: Speech

Niche' Faulkner

Spouse's Name:

Woodland Heights Elementary School

Spouse's Employer

School Counselor

Spouse's Job Title

How did you find out about the Charlotte Boards and Commissions vacancies? \*

☒ City of Charlotte Website

If you selected 'Other', please explain:

Board Specific Questions

Damiko F Faulkner

Page 5 of 6

Question applies to Business Advisory Committee (E)

Which industry sector, if any, do you fall under \*

☒ None of the Above

If you selected 'Other' please explain

Boards /.Commissions Disclaimer

I certify that the information provided in this application is true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all information contained herein. I further authorize all persons having information concerning my qualifications to release information to city representatives and release such persons from all liability for any damages connected with the release of such information. I also release and discharge the City of Charlotte from any claims and damages, losses, liabilities, costs, expenses or any other charges or complaints arising out of the City's use of any information provided pursuant to this release. I understand and agree that any misstatement will be cause for my removal from any board or committee. By submitting this application, I agree to adhere to all city policies pertaining to boards and commissions, including attendance. I understand that affixing my name in this form is deemed an electronic signature that has the effect of a written signature and will be presumed a valid signature, absent notification otherwise. I hereby acknowledge that this application and information provided herein may constitute a public record, and as such, may be released in accordance with all applicable public record laws.

Please check this box after reading the above disclosure statement:

☒ I Agree

Damiko Faulkner

Please type your name below:

Damiko F Faulkner

Page 6 of 6

**Profile**

Brian Geathers  
First Name Last Name

bgeathers@gmail.com  
Email Address

9425 Kings Parade Blvd  
Street Address Suite or Apt  
Charlotte NC 28273  
City State Postal Code

Is your mailing address the same as your home address?

☒ Yes ☐ No

If your home address differs from your mailing address, please provide your home address in the field below:

Mobile: (704) 226-6789 Home:  
Primary Phone Alternate Phone

What district do you live in? \*

☒ District 3

Ethnicity \*

☒ African American

Political Party \*

☒ Democrat

Gender \*

☒ Male

07/15/1983  
Date of Birth

Brian Geathers

Page 1 of 5

Are you a registered voter of Mecklenburg County?

☒ Yes ☐ No

Which Boards would you like to apply for?

Bicycle Advisory Committee: Submitted  
Business Advisory Committee (E): Submitted  
Charlotte Tree Advisory Commission: Submitted

List any boards you are currently serving on:

List any boards you have served on in the past:

Why are you interested in serving on these boards/ committees?

I am interested in serving on the Charlotte Chamber of Commerce and Business Advisory Committee because I work in that sector and I care about the current events that effect our industry here in the local market. I have always wanted to be involved in some capacity with the inter workings of the city and I feel as if this would be a great opportunity.

Please describe any background or abilities that qualify you to serve on these boards/ committees.

I have a been a Charlotte native majority of my life, born and raised, and I have had a successful family business practice here at the Charlotte Douglas International Airport providing opportunities for Charlotteans since 1994. I am very motivated and work well in teams accomplishing a common goal. I am very tech savvy and I have a great network of people around me who motivate me to do better and greater things for our great city.

Have you completed the City's Civic Leadership Academy?

☐ Yes ☒ No

If you answered "Yes" to question above - When did you complete the academy?

Geathers Enterprises, Inc.  
Current Employer:

Brian Geathers

Page 2 of 5

12

Years in current position:

President

Job Title:

**Brief description of duties:**

Communicating and disseminating the vision, mission, and leading overall direction of Geathers Enterprises, Inc. (GEINC) Guiding and evaluating other executive leaders, formulating and implementing the strategic plan of GEINC.

**Other employment history:**

Geathers Enterprises, Inc. - General Manager (2001 - 2006)

**Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?**

☐ Yes ☒ No

**If yes, please explain complete disposition:**

**Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?**

☐ Yes ☒ No

**If yes, please explain conflict:**

**Education:**

☒ College

If you selected 'Other' for education, please specify below:

**Additional Education History:**

Spouse's Name:

Spouse's Employer

Spouse's Job Title

**How did you find out about the Charlotte Boards and Commissions vacancies? \***

☒ Word of Mouth

If you selected 'Other', please explain:

**Board Specific Questions**

Question applies to Business Advisory Committee (E)

**Which industry sector, if any, do you fall under \***

☒ Transportation/Logistics Sector

If you selected 'Other' please explain

**Boards /.Commissions Disclaimer**



I certify that the information provided in this application is true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all information contained herein. I further authorize all persons having information concerning my qualifications to release information to city representatives and release such persons from all liability for any damages connected with the release of such information. I also release and discharge the City of Charlotte from any claims and damages, losses, liabilities, costs, expenses or any other charges or complaints arising out of the City's use of any information provided pursuant to this release. I understand and agree that any misstatement will be cause for my removal from any board or committee. By submitting this application, I agree to adhere to all city policies pertaining to boards and commissions, including attendance. I understand that affixing my name in this form is deemed an electronic signature that has the effect of a written signature and will be presumed a valid signature, absent notification otherwise. I hereby acknowledge that this application and information provided herein may constitute a public record, and as such, may be released in accordance with all applicable public record laws.

**Please check this box after reading the above disclosure statement:**

---

☒ I Agree

Brian Geathers

Please type your name below:

**Profile**

Thomas Rothrock  
First Name Last Name

closer23@aol.com  
Email Address

3163 Park South Station Blvd  
Street Address Suite or Apt  
Charlotte NC 28210  
City State Postal Code

Is your mailing address the same as your home address?

☒ Yes ☐ No

If your home address differs from your mailing address, please provide your home address in the field below:

Mobile: (704) 577-9230 Home:  
Primary Phone Alternate Phone

What district do you live in? \*

☒ District 6

Ethnicity \*

☒ Caucasian/Non-Hispanic

Political Party \*

☒ Democrat

Gender \*

☒ Male

11/21/1946  
Date of Birth

Thomas B Rothrock

Page 1 of 5

Are you a registered voter of Mecklenburg County?

☒ Yes ☐ No

Which Boards would you like to apply for?

Business Advisory Committee (E): Submitted

List any boards you are currently serving on:

CAC

List any boards you have served on in the past:

Why are you interested in serving on these boards/ committees?

It is time to work with those that are coming into our community and give back to the community that I call home.

Please describe any background or abilities that qualify you to serve on these boards/ committees.

Spent 13 years with a long term care pharmacy. Prior to that was with a healthcare manufacturer for 11 years.

Have you completed the City's Civic Leadership Academy?

☐ Yes ☒ No

If you answered "Yes" to question above - When did you complete the academy?

Rothrock Mobile Notary Signing  
Services

Current Employer:

1  
Years in current position:

Owner  
Job Title:

Thomas B Rothrock

Page 2 of 5

**Brief description of duties:**

Notarize documents as requested.

**Other employment history:**

13 Years in Customer Service and sales for a long term care pharmacy (Omnicare) and 11 years with the TransAqua Company as Vice president of sales.

**Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?**

☐ Yes ☒ No

**If yes, please explain complete disposition:**

**Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?**

☐ Yes ☒ No

**If yes, please explain conflict:**

**Education:**

☒ College

If you selected 'Other' for education, please specify below:

**Additional Education History:**

Spouse's Name:

Spouse's Employer

Thomas B Rothrock

Page 3 of 5

Spouse's Job Title

**How did you find out about the Charlotte Boards and Commissions vacancies? \***

☒ Word of Mouth

If you selected 'Other', please explain:

**Board Specific Questions**

Question applies to Business Advisory Committee (E)

**Which industry sector, if any, do you fall under \***

☒ Health Care Sector

If you selected 'Other' please explain

**Boards /.Commissions Disclaimer**

Thomas B Rothrock

Page 4 of 5

I certify that the information provided in this application is true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all information contained herein. I further authorize all persons having information concerning my qualifications to release information to city representatives and release such persons from all liability for any damages connected with the release of such information. I also release and discharge the City of Charlotte from any claims and damages, losses, liabilities, costs, expenses or any other charges or complaints arising out of the City's use of any information provided pursuant to this release. I understand and agree that any misstatement will be cause for my removal from any board or committee. By submitting this application, I agree to adhere to all city policies pertaining to boards and commissions, including attendance. I understand that affixing my name in this form is deemed an electronic signature that has the effect of a written signature and will be presumed a valid signature, absent notification otherwise. I hereby acknowledge that this application and information provided herein may constitute a public record, and as such, may be released in accordance with all applicable public record laws.

**Please check this box after reading the above disclosure statement:**

---

☒ I Agree

Thomas Rothrock

Please type your name below:



**Agenda Date:** 11/27/2017

---

**Agenda #:** 18. **File #:** 15-6737 **Type:** Appointment

---

## **Appointments to the Charlotte Housing Authority Board**

**Action:**

**Vote on blue ballots and return to Clerk at dinner.**

**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, nominated by Council members Driggs, Ivory, Kinsey, Lyles, and Mayfield
  - Carlenia Ivory has declined the nomination.

**Attachment(s)**

Charlotte Housing Authority Board Applicants



City of Charlotte, NC

## CHARLOTTE HOUSING AUTHORITY BOARD (B/O)

### BOARD DETAILS



OVERVIEW

**SIZE** 7 Seats

**TERM LENGTH** 3 Year

**TERM LIMIT** 2 Terms

The Charlotte Housing Authority (CHA) serves those Charlotte families from diverse social and economic backgrounds with housing needs requiring the services provided by the Authority. Its mission is to support and assist these families to enhance their quality of life while requiring those who are capable or who can develop capability to transition from dependency to self-sufficiency and economic independence.

The CHA Board of Commissioners set policies that govern the operations of CHA and chart the direction of current and future programs. This board ensures that the CHA operates within the law and according to HUD regulations. New policies or acts of business requested by the CEO must first be approved or authorized through the Board of Commissioners before they are put into practice.



DETAILS

#### COMMITTEE MEMBERS

7 Members (2 by Mayor, 5 by City Council, at least one appointee must be a resident of assisted housing)

#### MEMBERSHIP

Nominees are subject to a state criminal background check. Appointees must take an oath of office and are subject to City Council's Attendance and Anti-Harassment Policies and Code of Ethics, Gift Policy and Disclosure Requirements for members of boards.

#### MEETING INFORMATION

Meeting Day: 3rd Tuesday monthly  
Meeting Time: 5:30 p.m.  
Meeting Location: 400 East Blvd  
Time Commitment - 3 hours per month

#### ADDITIONAL INFORMATION

Website: <http://cha-nc.org/about/commissioners>  
NC General Statute § 157:  
<http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=157>

#### BOARD DOCUMENTS



City of Charlotte, NC

## CHARLOTTE HOUSING AUTHORITY BOARD (B/O)

### BOARD ROSTER



**LINDA C ASHENDORF**

**Partial Term** Mar 27, 2017 - Jan 17, 2019

**Appointing Authority** City Council



**HAROLD COGDELL, JR.**

**1st Term** Dec 18, 2015 - Dec 18, 2018

**Appointing Authority** Mayor



**SHIRLEY L FULTON**

**1st Term** Dec 18, 2015 - Dec 17, 2018

**Appointing Authority** City Council



**LUCY BROWN**

**1st Term** Dec 18, 2015 - Dec 17, 2018

**Appointing Authority** City Council  
**Category** Low Income Housing Resident



**RAY S MCKINNON**

**Partial Term** Mar 27, 2017 - Dec 17, 2018

**Appointing Authority** City Council



**SHEILA JONES**

**1st Term** Dec 18, 2014 - Dec 17, 2017

**Appointing Authority** City Council  
**Position** Chairperson



**JONATHAN L LAHN**

**Partial Term** Aug 04, 2016 - Dec 16, 2017

**Appointing Authority** Mayor

# INCUMBENT

City Of Charlotte Boards & Commissions

Submit Date: Oct 22, 2017

## Profile

Sheila Jones  
First Name Last Name

sheiladjones315@gmail.com  
Email Address

4632 Dabney Vigor Drive  
Street Address Suite or Apt  
Charlotte NC 28209  
City State Postal Code

Is your mailing address the same as your home address?

☒ Yes ☐ No

If your home address differs from your mailing address, please provide your home address in the field below:

Home: (704) 569-9069 Home:  
Primary Phone Alternate Phone

What district do you live in? \*

☒ District 6

Ethnicity \*

☒ African American

Political Party \*

☒ Democrat

Gender \*

☒ Female

12/16/1973  
Date of Birth

Sheila Jones

Page 1 of 5

Are you a registered voter of Mecklenburg County?

☒ Yes ☐ No

Which Boards would you like to apply for?

Charlotte Housing Authority Board (B/O): Appointed

List any boards you are currently serving on:

None

List any boards you have served on in the past:

Charlotte Secondary School Charlotte Police Activities League

Why are you interested in serving on these boards/ committees?

I want to be on the Charlotte Housing Authority's Board so that I can be a part of the policy setting process that can ensure that there will always be affordable housing options for all income levels.

Please describe any background or abilities that qualify you to serve on these boards/ committees.

I have 19 years in the real estate industry with the last 13 years being in the affordable housing sector. I was previously employed at the Charlotte Housing Authority as the Chief Administrative Officer.

Have you completed the City's Civic Leadership Academy?

☐ Yes ☒ No

If you answered "Yes" to question above - When did you complete the academy?

Royal Bank of Canada Tax Credit  
Equity Group  
Current Employer:

Regional VP - Asset Management  
Years in current position:

Vice President  
Job Title:

Sheila Jones

Page 2 of 5

# INCUMBENT

## Brief description of duties:

Developing policies and procedures, providing guidance to external partners during project work out activities, monitoring the use of funds and assessing the partners' adherence to agreements, supervising work activities for an eight person team.

## Other employment history:

Charlotte Housing Authority - Chief Administrative Officer, Stabilus - Assistant Purchasing Manager  
Ingersoll- Rand - Project Manager

## Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

☐ Yes ☒ No

## If yes, please explain complete disposition:

## Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?

☐ Yes ☒ No

## If yes, please explain conflict:

## Education:

☒ Graduate School

If you selected 'Other' for education, please specify below:

## Additional Education History:

Spouse's Name:

Spouse's Employer

Spouse's Job Title

## How did you find out about the Charlotte Boards and Commissions vacancies? \*

☒ Word of Mouth

If you selected 'Other', please explain:

## Board Specific Questions

Question applies to Charlotte Housing Authority Board (B/O)

## CHA: Are you a low income housing resident? \*

☒ No

If you selected 'Other' please explain

## Boards /.Commissions Disclaimer



# INCUMBENT

I certify that the information provided in this application is true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all information contained herein. I further authorize all persons having information concerning my qualifications to release information to city representatives and release such persons from all liability for any damages connected with the release of such information. I also release and discharge the City of Charlotte from any claims and damages, losses, liabilities, costs, expenses or any other charges or complaints arising out of the City's use of any information provided pursuant to this release. I understand and agree that any misstatement will be cause for my removal from any board or committee. By submitting this application, I agree to adhere to all city policies pertaining to boards and commissions, including attendance. I understand that affixing my name in this form is deemed an electronic signature that has the effect of a written signature and will be presumed a valid signature, absent notification otherwise. I hereby acknowledge that this application and information provided herein may constitute a public record, and as such, may be released in accordance with all applicable public record laws.

**Please check this box after reading the above disclosure statement:**

☒ I Agree

Sheila Jones

Please type your name below:



**Agenda Date:** 11/27/2017

---

**Agenda #:** 19. **File #:** 15-6739 **Type:** Appointment

---

## **Appointments to the Civil Service Board**

### **Action:**

**Vote on blue ballots and return to Clerk at dinner.**

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

Stephanie Kelly, City Clerk's Office

### **Explanation**

- One appointment for a partial term beginning immediately and ending May 15, 2018.
  - Harvey Katowitz, nominated by Council members Fallon and Smith
  - Carolyn Millen, nominated by Council members Ajmera and Kinsey
  - Victoria Watlington, nominated by Council members Driggs, Ivory, Mayfield, and Mitchell

### **Attachment(s)**

Civil Service Board Applicants




City of Charlotte, NC


# CIVIL SERVICE BOARD (B/O/E)

BOARD DOCUMENTS (3) N/A


BOARD DETAILS




OVERVIEW



**SIZE** 9 Seats




**TERM LENGTH** 3 Year



**TERM LIMIT** 2 Terms

The Civil Service Board was established by the North Carolina Public Local and Private Session Laws of 1929, Chapter 124. At present, its principal functions are to evaluate and potentially approve new applicants for employment as submitted to the board by the Fire and Police Chiefs; to evaluate and potentially approve all promotions and demotions recommended by the Chiefs of both departments; to maintain a register of officers graduating from the academy; to hold hearings for employees of these departments who have been cited for termination by the Chief; to hold hearings for employees of these departments, upon their request, against whom charges have been brought by the Chiefs of the respective department; and to require that the departments investigate matters involving Police Officers or Firefighters in the public interest.










 <p>DETAILS</p>	COMMITTEE MEMBERS	9 members (3 by Mayor, 6 by Council)
	MEMBERSHIP	Nominees are subject to a state criminal background check. Appointees must take an oath of office and are subject to City Council's Attendance and Anti-Harassment Policies and Code of Ethics, Gift Policy and Disclosure Requirements for members of boards and must file a Statement of Economic Interest by February 1st of each year.
	MEETING INFORMATION	Meeting Day: 1st Tuesday monthly Meeting Time: 4:00 p.m. Meeting Location: Government Center Building (600 East 4th Street) Time Commitment: 1 hour monthly; 2 to 5 hearings per year which can last from 1 to 3 days
	ADDITIONAL INFORMATION	Website: <a href="http://charlottenc.gov/CityClerk/Pages/CivilServiceBoard.aspx">http://charlottenc.gov/CityClerk/Pages/CivilServiceBoard.aspx</a> City Charter, Article III: <a href="https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH44AD_ARTIIIICISE">https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTICH_CH44AD_ARTIIIICISE</a>
	BOARD HISTORY	
	BOARD DOCUMENTS	N/A
	BOARD DOCUMENT (2)	N/A



City of Charlotte, NC

## CIVIL SERVICE BOARD (B/O/E)

### BOARD ROSTER

	<b>CLEMENT L ABERNETHY III</b> 1st Term May 16, 2014 - May 15, 2017	<b>Appointing Authority</b> Mayor <b>Position</b> Board Member <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None
	<b>TOM E BALDWIN</b> Partial Term Dec 14, 2015 - May 15, 2018	<b>Appointing Authority</b> City Council <b>Position</b> Board Member <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None
	<b>KAREN BURKE</b> 2nd Term May 16, 2016 - May 16, 2019	<b>Appointing Authority</b> City Council <b>Position</b> Vice Chair <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None
	<b>LISA CRAWFORD</b> 2nd Term May 16, 2015 - May 15, 2018	<b>Appointing Authority</b> Mayor <b>Position</b> Board Member <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None
	<b>ASHLEY HEWITT</b> 2nd Term May 16, 2015 - May 15, 2018	<b>Appointing Authority</b> City Council <b>Position</b> Board Member <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None
	<b>BRENDA C JOHNSON</b> 1st Term Sep 28, 2015 - May 15, 2018	<b>Appointing Authority</b> City Council <b>Position</b> Board Member <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None
	<b>JASON A MCGRATH</b> 2nd Term May 16, 2014 - May 15, 2017	<b>Appointing Authority</b> City Council <b>Position</b> Chairperson <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None
	<b>LEE RATLIFF</b> 1st Term May 16, 2016 - May 16, 2019	<b>Appointing Authority</b> Mayor <b>Position</b> Board Member <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None
	<b>VACANCY</b>	<b>Appointing Authority</b> City Council <b>Position</b> Board Member <b>Office/Role</b> Government Center Building, 600 E 4th Street <b>Category</b> None <b>Dais Seat</b> d stevenson

**Profile**

Harvey  
First Name

Katowitz  
Last Name

hkatowitz@windstream.net  
Email Address

4701 Wyndfield Lane  
Street Address

Charlotte  
City

NC  
State

Suite or Apt

28270  
Postal Code

**Is your mailing address the same as your home address?**

☒ Yes ☐ No

**If your home address differs from your mailing address, please provide your home address in the field below:**

Home: (704) 849-9234  
Primary Phone

Home:  
Alternate Phone

**What district do you live in? \***

☒ District 7

**Ethnicity \***

☒ Caucasian/Non-Hispanic

**Political Party \***

☒ Independent

**Gender \***

☒ Male

12/08/1947  
Date of Birth

Harvey Katowitz

Page 1 of 5

**Are you a registered voter of Mecklenburg County?**

☒ Yes ☐ No

**Which Boards would you like to apply for?**

Civil Service Board (B/O/E): Submitted

**List any boards you are currently serving on:****List any boards you have served on in the past:**

Chair of Charlotte Citizens Parole Accountability Committee 1999 - 2007, Vice Chair Citizen's Review Board 2008 - 2016

**Why are you interested in serving on these boards/ committees?**

I have been a civil service employee/volunteer for over 43 years. I know the importance of being actively involved in my community and the City of Charlotte and have done so since shortly after moving to Charlotte in 1995. I find volunteer work extremely rewarding and self satisfying and believe I have the skills and mind set to be an effective member of the Civil service Board.

**Please describe any background or abilities that qualify you to serve on these boards/ committees.**

Having served as a supervisor in the ranks of Sergeant, Lieutenant and Captain in the NYC Police Department for over half of my 27 year police career I know the importance of holding civil service employees to a high standard and the need to be fair and impartial in matters of civil service employee hiring, promotions, demotions, suspensions and terminations.

**Have you completed the City's Civic Leadership Academy?**

☐ Yes ☒ No

If you answered "Yes" to question above - When did you complete the academy?

**Retired**

Current Employer:

Harvey Katowitz

Page 2 of 5

Years in current position:

Job Title:

**Brief description of duties:**

**Other employment history:**

NYC Police Department 1968 - 1995, Charlotte-Mecklenburg School System. Substitute teacher - September 1998 to 2003, Vice President Cire Computer Productions, Inc. January 1996 to 1998. Volunteer Work: Child Custody Advocate - Children's Law Center of Charlotte, Civilian Volunteer-Charlotte-Mecklenburg Police Department 1997 - 2013, President & Security Chairperson for Providence Plantation Homeowners Association 1997 - Present, Vice President Arlington Downs Homeowners Association 2015 - Present

**Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?**

☐ Yes ☒ No

**If yes, please explain complete disposition:**

**Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?**

☐ Yes ☒ No

**If yes, please explain conflict:**

**Education:**

☒ College

If you selected 'Other' for education, please specify below:

**Additional Education History:**

New York Institute of Technology, Old Westbury, New York. B.S. Police Science/Behavioral Science, Summa Cum Laude - 1977. Training: Internal Investigations - 1994, Achieving Excellence in Law Enforcement - 1994, Executive Security Procedures for Business and Industry - 1994, The Private Security Sector - 1993, Interpreting Crime Statistics - 1992, The Forensic Function for Police - 1990, Team Building and Project Management - 1990, Hostage/Barricade Suspect Workshop - 1989, F.B.I. Search Warrant Tactics Training -1988, U.S. Secret Service Personnel Security Training - 1976, Drug Enforcement Administration Narcotic Investigations - 1975, N.Y.C. Police Department Criminal Investigations Course - 1972, N.Y.C. Police Academy – 1968

**Carolyn**

Spouse's Name:

**Retired**

Spouse's Employer

Spouse's Job Title

**How did you find out about the Charlotte Boards and Commissions vacancies? \***

☒ Email

If you selected 'Other', please explain:

**Board Specific Questions**

If you selected 'Other' please explain

**Boards /.Commissions Disclaimer**

I certify that the information provided in this application is true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all information contained herein. I further authorize all persons having information concerning my qualifications to release information to city representatives and release such persons from all liability for any damages connected with the release of such information. I also release and discharge the City of Charlotte from any claims and damages, losses, liabilities, costs, expenses or any other charges or complaints arising out of the City's use of any information provided pursuant to this release. I understand and agree that any misstatement will be cause for my removal from any board or committee. By submitting this application, I agree to adhere to all city policies pertaining to boards and commissions, including attendance. I understand that affixing my name in this form is deemed an electronic signature that has the effect of a written signature and will be presumed a valid signature, absent notification otherwise. I hereby acknowledge that this application and information provided herein may constitute a public record, and as such, may be released in accordance with all applicable public record laws.

**Please check this box after reading the above disclosure statement:**

---

☒ I Agree

Harvey Katowitz

Please type your name below:

**Profile**

Carolyn  
First Name

Millen  
Last Name

cmillen75@gmail.com  
Email Address

1121 Westchester Blvd.  
Street Address

Suite or Apt

Charlotte  
City

NC  
State

28205  
Postal Code

**Is your mailing address the same as your home address?**

☒ Yes ☐ No

**If your home address differs from your mailing address, please provide your home address in the field below:**

Home: (704) 535-1551  
Primary Phone

Mobile: (704) 905-6351  
Alternate Phone

**What district do you live in? \***

☒ District 5

**Ethnicity \***

☒ Caucasian/Non-Hispanic

**Political Party \***

☒ Independent

**Gender \***

☒ Female

02/18/1957  
Date of Birth

Carolyn E Millen

Page 1 of 5

**Are you a registered voter of Mecklenburg County?**

☒ Yes ☐ No

**Which Boards would you like to apply for?**

Civil Service Board (B/O/E): Submitted

**List any boards you are currently serving on:**

None

**List any boards you have served on in the past:**

Citizens Review Board

**Why are you interested in serving on these boards/ committees?**

I have served as President of my Neighborhood for 11 years until stepping down last Month. Have served as a Volunteer on many Advisory Councils including the Citizens Review Board over the past 17 years. I enjoying serving as a Citizen in a capacity that helps our Community work together & be the best with Transparency & fairness for all.

**Please describe any background or abilities that qualify you to serve on these boards/ committees.**

Neighborhood & Community Leader/Activist. My experience with building a strong Neighborhood Association based on trust, respect, time, energy, great communication skills, not only w/my Neighbors but building great relationships w/City Depts. & Staff. I have years of experience w/team building, communications, time management & exchange of ideas & compromise from my Careers as an Independent Insurance Agent then Auto Consultant to Auto Finance Mgr. w/Hendrick Automotive Group.

**Have you completed the City's Civic Leadership Academy?**

☒ Yes ☐ No

2000

If you answered "Yes" to question above - When did you complete the academy?

Retired

Current Employer:

Carolyn E Millen

Page 2 of 5



NA

Years in current position:

NA

Job Title:

**Brief description of duties:**

Please see above for Reasons/Skills for this Board

**Other employment history:**

Hendrick Automotive Group Sentry Insurance/Independent Insurance Agent St. Paul Fire & Marine Insurance Company Continental Fire & Marine Insurance Company

**Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?**

☐ Yes ☒ No

**If yes, please explain complete disposition:**

**Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?**

☐ Yes ☒ No

**If yes, please explain conflict:**

**Education:**

☒ College

If you selected 'Other' for education, please specify below:

**Additional Education History:**

Mingle Real Estate Sales/NC Real Estate License Insurance Institue/NC Insurance Agent (Life, Accident & Health) Insurance Institute/NC Insurance Agent (Fire & Marine) Auto Consultant (Saturn Corp.) Auto Finance (Saturn Corp)

NA

Spouse's Name:

NA

Spouse's Employer

NA

Spouse's Job Title

**How did you find out about the Charlotte Boards and Commissions vacancies? \***

☒ City of Charlotte Website

If you selected 'Other', please explain:

**Board Specific Questions**

If you selected 'Other' please explain

**Boards /.Commissions Disclaimer**

I certify that the information provided in this application is true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all information contained herein. I further authorize all persons having information concerning my qualifications to release information to city representatives and release such persons from all liability for any damages connected with the release of such information. I also release and discharge the City of Charlotte from any claims and damages, losses, liabilities, costs, expenses or any other charges or complaints arising out of the City's use of any information provided pursuant to this release. I understand and agree that any misstatement will be cause for my removal from any board or committee. By submitting this application, I agree to adhere to all city policies pertaining to boards and commissions, including attendance. I understand that affixing my name in this form is deemed an electronic signature that has the effect of a written signature and will be presumed a valid signature, absent notification otherwise. I hereby acknowledge that this application and information provided herein may constitute a public record, and as such, may be released in accordance with all applicable public record laws.

**Please check this box after reading the above disclosure statement:**

---

☒ I Agree

Carolyn E. Millen

Please type your name below:

**Profile**

Victoria  
First Name

Watlington  
Last Name

victoria.watlington@gmail.com  
Email Address

1324 Bethel Rd  
Street Address

Suite or Apt

Charlotte  
City

NC  
State

28208  
Postal Code

**Is your mailing address the same as your home address?**

☒ Yes ☐ No

If your home address differs from your mailing address, please provide your home address in the field below:

Mobile: (704) 957-9686  
Primary Phone

Home:  
Alternate Phone

**What district do you live in? \***

☒ District 3

**Ethnicity \***

☒ African American

**Political Party \***

☒ Democrat

**Gender \***

☒ Female

10/07/1987  
Date of Birth

Victoria Watlington

Page 1 of 6

**Are you a registered voter of Mecklenburg County?**

☒ Yes ☐ No

**Which Boards would you like to apply for?**

Business Advisory Committee (E): Not Submitted  
Charlotte Housing Authority Board (B/O): Submitted  
Charlotte International Cabinet: Submitted  
Housing Advisory Board of Charlotte-Mecklenburg: Submitted  
Citizens' Transit Advisory Group: Submitted  
Civil Service Board (B/O/E): Submitted  
Planning Commission (O/E): Submitted  
Transit Services Advisory Committee: Submitted  
Charlotte Business INClusion (CBI) Advisory Committee (O/E): Submitted

**List any boards you are currently serving on:****List any boards you have served on in the past:****Why are you interested in serving on these boards/ committees?**

I am interested in serving in my local community in these particular areas because I believe that economic development, inter-connectivity, globalization, and justice are pillars of a sound society. I am very interested in participating in the planning process to shape the future for all of Charlotte's residents, both newcomers and long time residents. As we design new developments to drive growth and attract business, we must ensure that we maintain stability for the existing "ecosystem" in the surrounding area. As a young professional residing along the West Blvd Corridor, I see a need to pave the way while advocating for our residents. Responsible growth is possible, and due diligence should be done to ensure Charlotte is a welcoming home for all. Our residents are diverse, and our solutions should reflect those needs. It is imperative now more than ever to take personal stake in and responsibility for our quality of life, in Charlotte, North Carolina, and beyond.

Victoria Watlington

Page 2 of 6

**Please describe any background or abilities that qualify you to serve on these boards/committees.**

I am a licensed professional engineer, certified project management professional, and experienced organizational leader that has demonstrated envisioning, enrolling, energizing, enabling, and executing solutions to problems present and anticipated. I am a military brat, and, as such, have had the pleasure of experiencing life around the world with a variety of different people and cultures. I am active in the community, serving as secretary of the Westover Hills Neighborhood Association, past programs chair of the National Society of Black Engineers Charlotte Professional Chapter, part of the inaugural class of the Community Planning Academy, current participant of the CMPD Citizens' Academy and am an outreach liaison through my church to the YWCA Women in Transition program. I am a small business and property owner in Charlotte, and am committed to invest in the future of this area.

**Have you completed the City's Civic Leadership Academy?**

☐ Yes ☒ No

**wait-listed for this session**

If you answered "Yes" to question above - When did you complete the academy?

**Sealed Air Corporation**

Current Employer:

**1**

Years in current position:

**Program Manager, Sr Mech Engineer**

Job Title:

**Brief description of duties:**

Leading global cross-functional (marketing/sales, R&D, quality, eng, manufacturing, construction) E2E Supply Chain redesign program for mailer product line (raw material sourcing, physical distribution, product/process/package development, manufacturing/equipment) Leading capital project for winder equipment relocation Led global engineering onboarding system creation including new hire sensing sessions, training gaps assessment, and learning map development. Reapplied by plant engineering organization

**Other employment history:**

Procter & Gamble, Lancaster, SC (7 years): Engineering Project Manager, Technology Leader; Operating Department Leader; LEAN manager; process engineer

**Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?**

☐ Yes ☒ No

**If yes, please explain complete disposition:**

**Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?**

☐ Yes ☒ No

**If yes, please explain conflict:**

**Education:**

☒ Graduate School

If you selected 'Other' for education, please specify below:

**Additional Education History:**

MS Engineering Management, University of North Carolina at Charlotte BS Mechanical Engineering, University of Florida Registered PE (Mechanical), South Carolina Certified PMP

Spouse's Name:

Spouse's Employer

Spouse's Job Title

**How did you find out about the Charlotte Boards and Commissions vacancies? \***

☒ Email

If you selected 'Other', please explain:

## Board Specific Questions

Question applies to Business Advisory Committee (E)

**Which industry sector, if any, do you fall under \***

☒ Technology Sector

Question applies to Charlotte Business INClusion (CBI) Advisory Committee (O/E)

**Which category, if any, do you fall under? \***

None Selected

Question applies to Charlotte Housing Authority Board (B/O)

**Are you a low income housing resident? \***

☒ No

Question applies to Charlotte International Cabinet

**Which category, if any, do you fall under \***

☒ At-Large (select this if none of the below apply)

Question applies to Housing Advisory Board of Charlotte-Mecklenburg

**Which category, if any, do you fall under? \***

☒ Community representative

Question applies to Transit Services Advisory Committee

**Which category, if any, do you fall under? \***

☒ Neighborhood Organizational Leader

If you selected 'Other' please explain

Victoria Watlington

Page 5 of 6

Victoria Watlington

Page 6 of 6

## Boards /.Commissions Disclaimer

I certify that the information provided in this application is true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all information contained herein. I further authorize all persons having information concerning my qualifications to release information to city representatives and release such persons from all liability for any damages connected with the release of such information. I also release and discharge the City of Charlotte from any claims and damages, losses, liabilities, costs, expenses or any other charges or complaints arising out of the City's use of any information provided pursuant to this release. I understand and agree that any misstatement will be cause for my removal from any board or committee. By submitting this application, I agree to adhere to all city policies pertaining to boards and commissions, including attendance. I understand that affixing my name in this form is deemed an electronic signature that has the effect of a written signature and will be presumed a valid signature, absent notification otherwise. I hereby acknowledge that this application and information provided herein may constitute a public record, and as such, may be released in accordance with all applicable public record laws.

**Please check this box after reading the above disclosure statement:**

☒ I Agree

Victoria Watlington

Please type your name below:



# City of Charlotte

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

**Agenda Date:** 11/27/2017

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**Agenda #:** 20.**File #:** 15-6756 **Type:** Business Item

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## **Mayor and City Council Topics**

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



**Agenda Date: 11/27/2017**

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**Agenda #: 21.File #: 15-6717 Type: Consent Item**

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## **Federal Lobbying Services**

### **Action:**

- A. Approve a contract with Holland and Knight LLC for federal lobbying services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Randy Harrington, Management and Financial Services  
Dana Fenton, City Manager's Office

### **Explanation**

- The City is seeking a firm to develop a comprehensive legislative program and to advocate it effectively to the legislative and executive branches.
- The vendor shall lobby the legislative and executive branches to assist the City in several key areas, such as Aviation, Transit, Water and Sewer, and Housing.
- The City received ten proposals in response to a Request for Proposal (RFP).
- Holland and Knight, LLC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- It is anticipated that the contract will be renewed for up to two additional, one-year terms at prices to be negotiated based on market conditions.
- Estimated contract expenditures are \$210,000 annually based on a monthly retainer of \$17,500 and will be split four ways between the General, Transit, Aviation, and Water and Sewer Funds.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: General Fund (40% or \$84,000 annually), Aviation Fund (25% or \$52,500 annually), Transit Fund (25% or \$52,500 annually), and Water and Sewer Fund (10% or \$21,000 annually)



**Agenda Date: 11/27/2017**

---

**Agenda #: 22. File #: 15-6706 Type: Consent Item**

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## **Police Helicopter Maintenance Services and Fuel**

### **Action:**

- A. Approve a three-year contract with Ascent Aviation Group Inc. for helicopter fuel as authorized by the Gas, Fuel, and Oil exemption of G.S.143-129 (e) (5),**
- B. Approve a three-year contract with Standard Aero (Alliance) Inc. for turbine engine and maintenance services,**
- C. Approve a three-year contract with Bell Helicopter Textron Inc. for maintenance and training services,**
- D. Authorize the City Manager to negotiate and approve up to two, one-year renewal options with Ascent Aviation Group Inc., Standard Aero (Alliance) Inc., and Bell Helicopter Textron Inc., and**
- E. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

Kerr Putney, Police  
Coerte Voorhees, Police  
Kenneth Anderson, Police

### **Gas, Fuel, and Oil Exception**

- G.S.143-129 (e) (5) authorizes informal procedures for purchase of gas, fuel, and oil.
- This exemption is necessary to allow one supply source for quality control and accountability of product. Fuel purchasing and utilization is also shared with Carolinas Medical Center helicopters.

### **Explanation**

- Bell 407 helicopters require Jet A fuel. The Charlotte-Mecklenburg Police Department (CMPD) has purchased fuel from Ascent Aviation Group Inc. for the past five years due to their competitive pricing, quality, consistency and accountability. The estimated annual expenditure for fuel is \$135,000.
- A waiver of a competitive solicitation process may be granted when deemed appropriate and in the City's best interest. Such a finding has been made and a waiver granted for this procurement.
- CMPD's Aviation Division owns two Bell 407 helicopters, model years 1997 and 1998 which support CMPD and require periodic scheduled general maintenance, overhaul, and repair.
- Bell Helicopter Textron Inc. and Standard Aero were selected for these contracts due to quality of pilot training, safety practice requirements, pricing and proximity to Charlotte.
- The contract pricing is market rate:



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**Agenda #: 22.File #: 15-6706 Type: Consent Item**

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- Bell Helicopter Textron Inc. offers a five percent discount on parts.
- Standard Aero (Alliance) Inc. offers a 10 to 15 percent discount on parts.
- Estimated annual expenditure is \$200,000 each for Bell Helicopter Textron and Standard Aero (Alliance) Inc.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Police Operating Budget



**Agenda Date: 11/27/2017**

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**Agenda #: 23.File #: 15-6604 Type: Consent Item**

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## **South End Pedestrian/Bicycle Connector Project**

### **Action:**

**Approve a contract in the amount of \$283,075 with Kimley-Horn and Associates, Inc. for planning services for the South End Pedestrian/Bicycle Connector Project.**

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

Mike Davis, Engineering and Property Management  
Jim Keenan, Engineering and Property Management  
Sharon Buchanan, Engineering and Property Management

### **Explanation**

- Along the LYNX Blue Line, there is a distance of more than 3,100 feet between existing pedestrian/bicycle crossings at Tremont Avenue and Remount Road. The influx of residents and businesses in this area of South End has created a need for a safe pedestrian/bicycle crossing.
- This project will provide a new at-grade pedestrian/bicycle crossing of the tracks with protective crossing gates.
- Council approved funding in the amount of \$2,000,000 to be used for the design and construction of the pedestrian/bicycle crossing as part of the 2016 Community Investment Plan.
- The new crossing will be configured to allow future development of a possible light rail station in the same location.
- This contract provides planning services that include, but are not limited to:
  - Public involvement,
  - Data collection,
  - Alternatives analysis, and
  - Design parameters.
- On April 19, 2017, the City issued a Request for Qualifications (RFQ); three proposals were received from interested professional service providers.
- Kimley-Horn and Associates, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

### **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). Kimley-Horn and Associates, Inc. has committed 15.96% (\$45,165) of the total contract amount to the following firms:

- Hinde Engineering, Inc. (SBE) (\$12,518) (utility coordination)
- CES Group Engineers, LLP (SBE) (WBE)(\$27,321) (survey and mapping)
- Boyle Consulting Engineers, PLLC (SBE) (\$5,326) (geotechnical investigations)

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**Agenda #:** 23.**File #:** 15-6604 **Type:** Consent Item

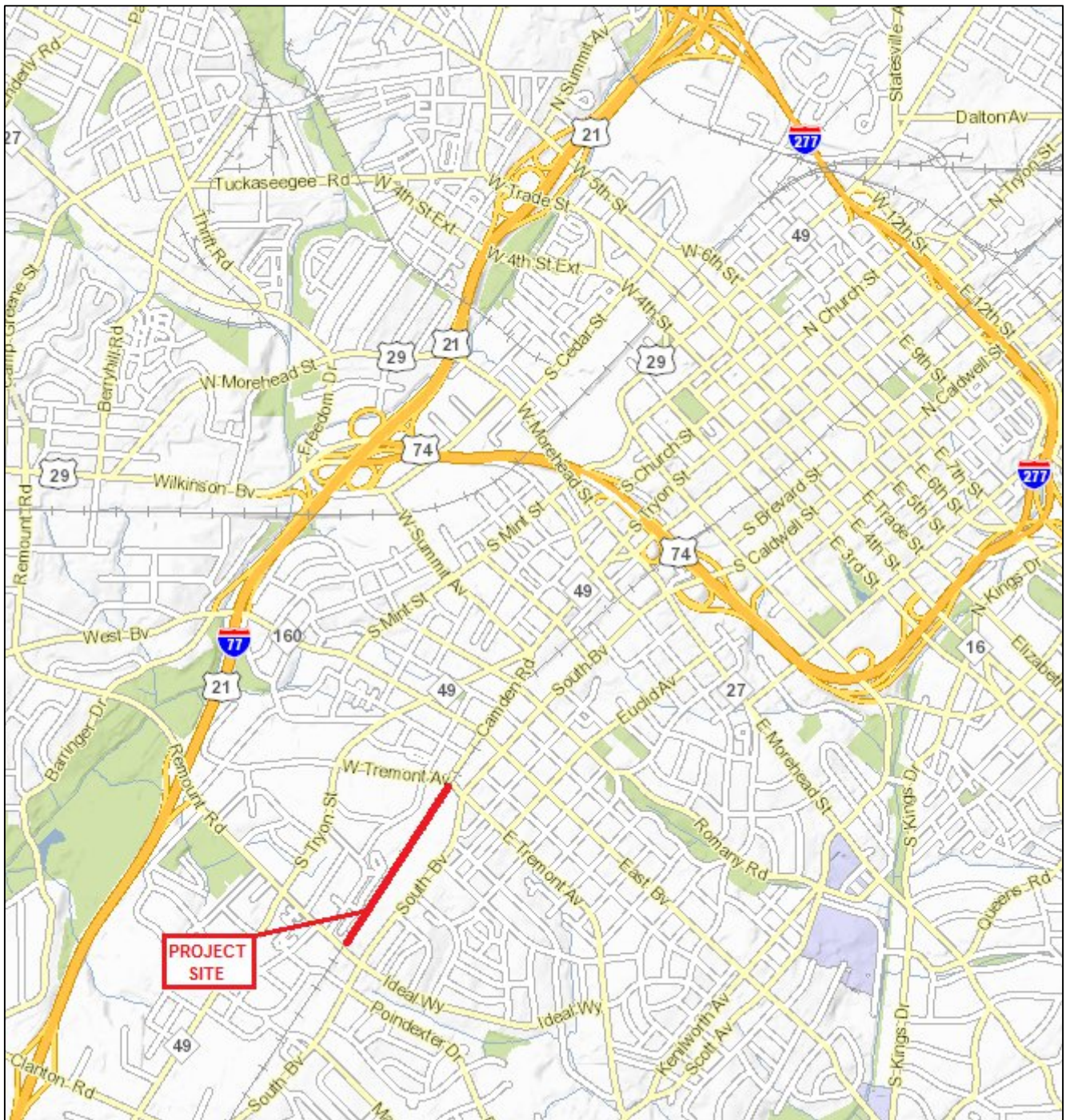
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**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map



**Location Map: South End Pedestrian / Bicycle Connector Project  
(Council District 3)**



**Agenda Date: 11/27/2017**

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**Agenda #: 24. File #: 15-6495 Type: Consent Item**

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## **Providence Road Sidewalk Project**

### **Action:**

**Award a contract in the amount of \$456,982 to the lowest responsive bidder Sonny Development LLC for the Providence Road Sidewalk project.**

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

Mike Davis, Engineering and Property Management  
Bette Frederick, Engineering and Property Management

### **Explanation**

- This contract will construct 0.5 mile of sidewalk on the southwest side of Providence Road, filling in several gaps between Provence Village Lane and East Barden Road.
- The project supports the City's Sidewalk Program to enhance connectivity, offer transportation choices, and improve pedestrian safety.
- This project is eligible for reimbursement of up to \$750,000 from the North Carolina Department of Transportation through the Federal Congestion Mitigation and Air Quality Improvement Program for right-of-way, utility relocation, and construction. The City is responsible for \$325,000 as part of the grant agreement. The total project cost is \$1,075,000.
- On September 18, 2017 the City issued an Invitation to Bid; two bids were received from interested service providers.
- Sonny Development LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed by second quarter 2018.

### **Disadvantaged Business Enterprise (DBE) Opportunity**

Established DBE Goal: 5.00%

Committed DBE Goal: 5.00%

Sonny Development met the established subcontracting goal, and has committed 5% (\$22,849.10) of the total contract amount to the following certified firms:

- RRC Concrete (DBE, SBE) (\$22,849.10) (concrete)

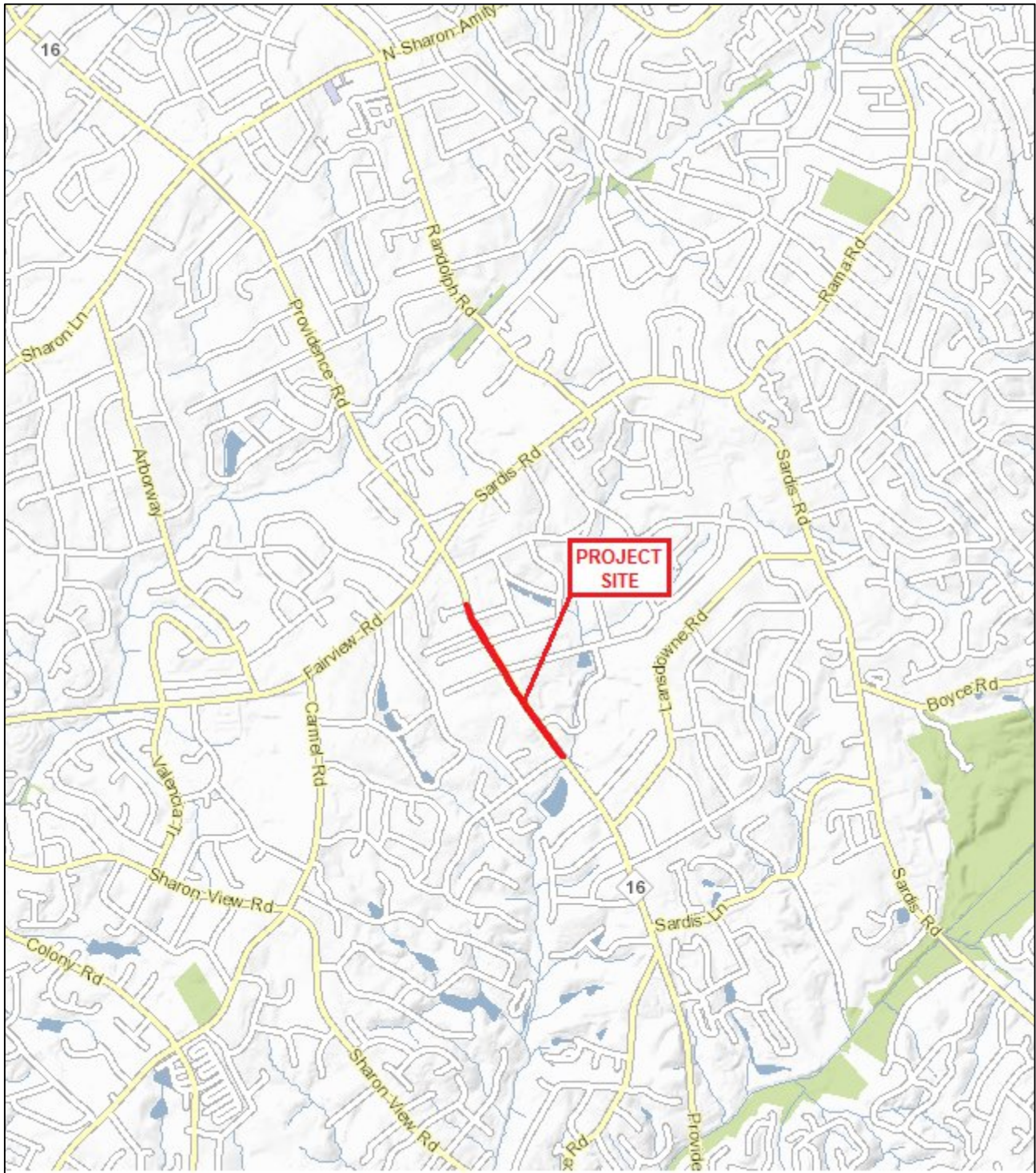
### **Fiscal Note**

Funding: Federal Congestion Mitigation and Air Quality Improvement Program and the General Community Investment Plan

### **Attachment(s)**

Map





**Location Map: Providence Road Sidewalk Project  
(Council District 6)**



**Agenda Date: 11/27/2017**

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**Agenda #: 25. File #: 15-6659 Type: Consent Item**

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## **Fire Station 4 Roof Replacement**

### **Action:**

**Award a contract in the amount of \$208,500 to the lowest responsive bidder Davco Roofing and Sheet Metal, Inc. for the Fire Station 4 Roof Replacement project.**

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

Mike Davis, Engineering and Property Management  
William Haas, Engineering and Property Management  
Pete Key, Fire Department  
Kevin Gordon, Fire Department

### **Explanation**

- The existing roof will be removed and a new roof and insulation will be installed at Fire Station 4, located at 525 North Church Street.
- The existing roof was installed in 1994 and has exceeded its life expectancy with recurring water leaks in the kitchen and sleeping areas.
- The new roof, insulation, and windows will be in compliance with current building codes, improve energy efficiency of the facility, and provide better occupant comfort.
- The new roof will have a 20-year manufacturer's warranty for water intrusion.
- On September 26, 2017 the City issued an Invitation to Bid for the Fire Station 4 Roof Replacement project; seven bids were received from interested service providers.
- Davco Roofing and Sheet Metal, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2018.

### **Charlotte Business INclusion**

Construction contracts estimated to be less than \$300,000 are informal and exempt from the goal setting process (Part A: Section 3.1 of the Charlotte Business INclusion Policy).

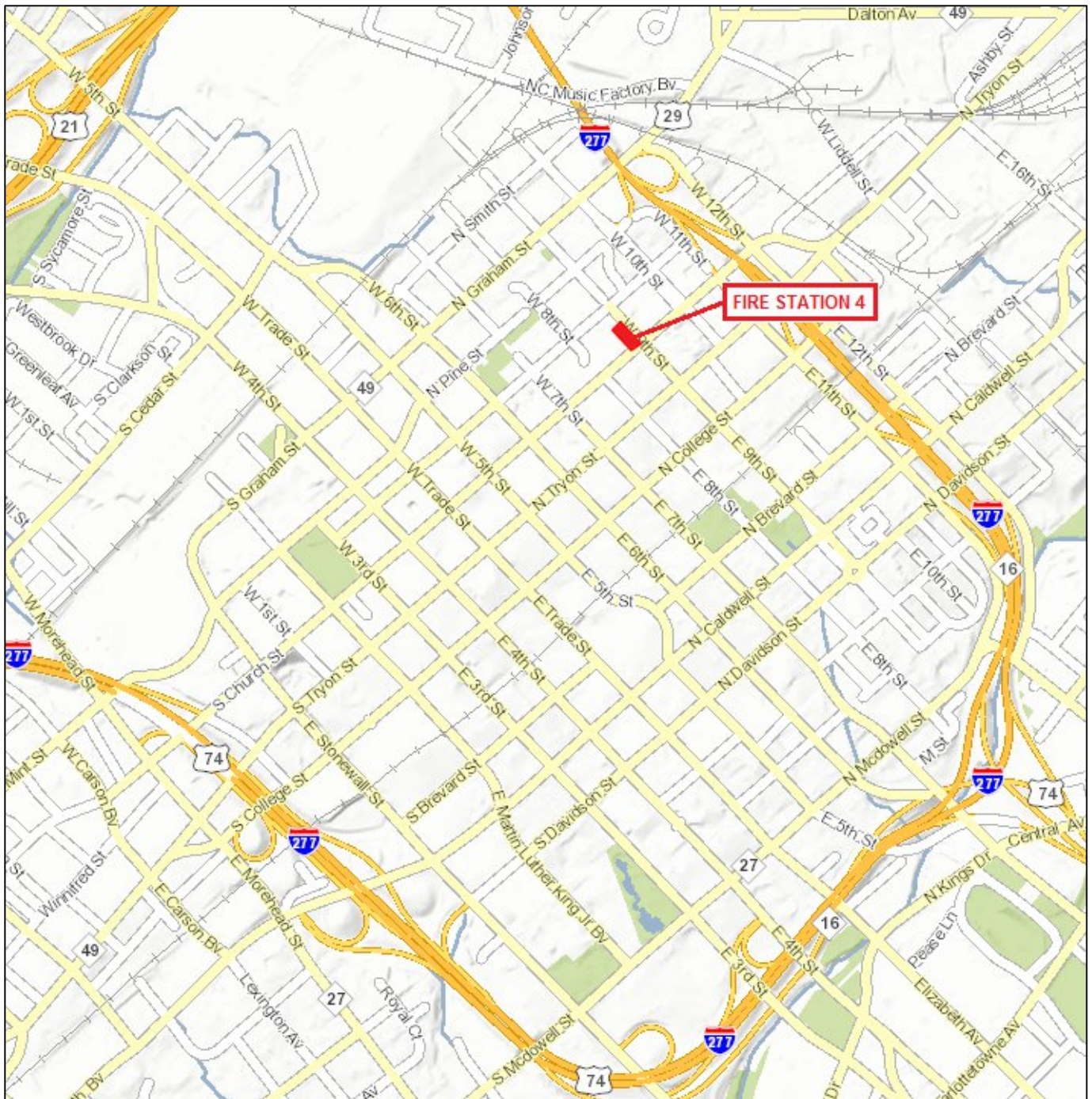
### **Fiscal Note**

Funding: General Community Investment Plan

### **Attachment(s)**

Map





**Location Map: Fire Station 4 Roof Replacement  
(Council District 2)**





**Agenda Date: 11/27/2017**

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**Agenda #: 26. File #: 15-6515 Type: Consent Item**

---

## **Spectrum Center Architectural Amendment #1**

### **Action:**

**Approve contract amendment #1 for \$475,000 to LS3P Associates, Ltd for architectural services for the Spectrum Center Upgrades.**

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

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

### **Explanation**

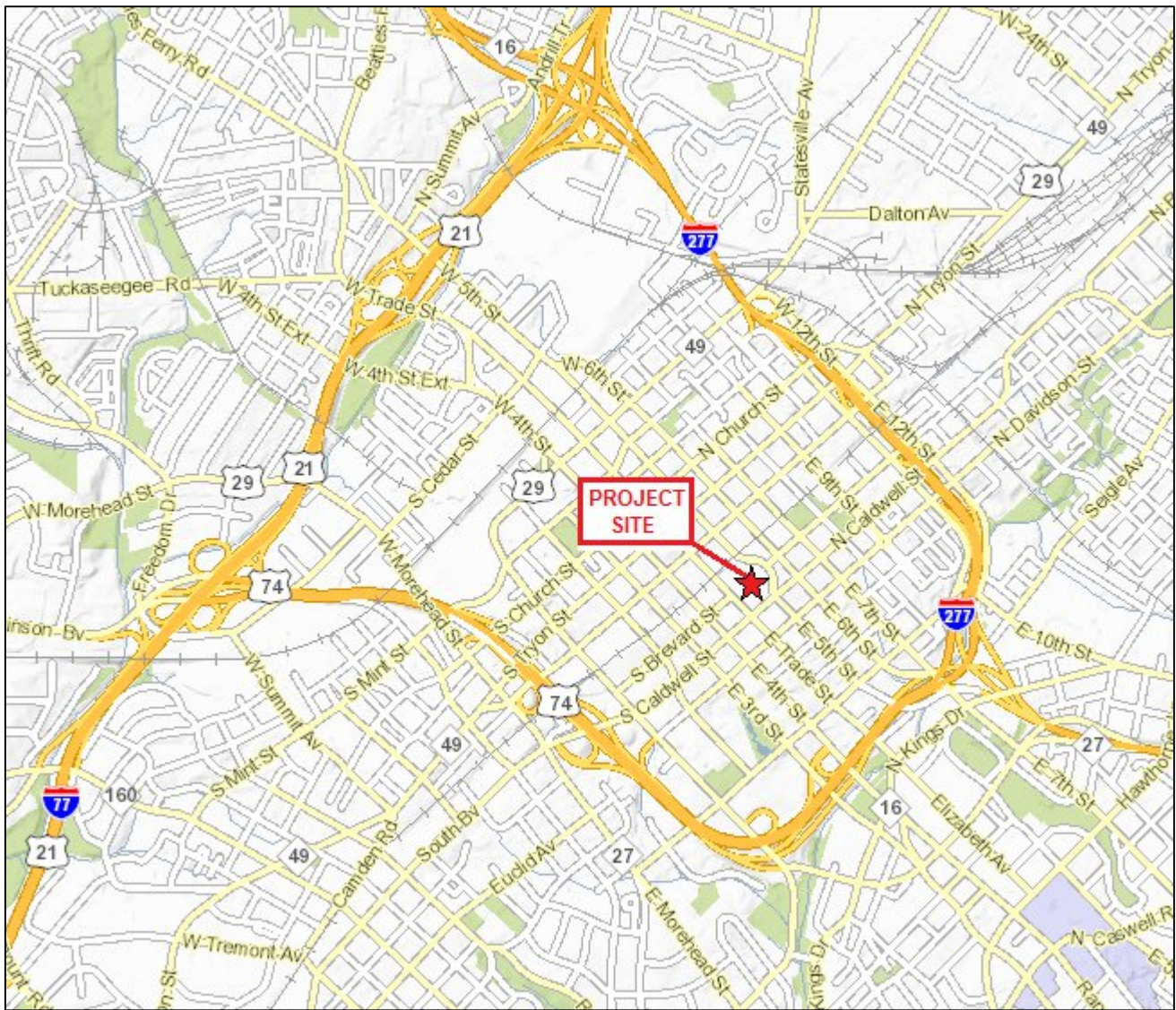
- On November 24, 2014, City Council authorized the City Manager to enter into a contract with AECOM in the amount of \$2,300,000 for design services for capital repairs and improvements to the Spectrum Center.
- Over the past three years, work has been assigned to the design team on a task order basis. Construction has occurred each summer and completed prior to the Hornets season beginning.
- On June 30, 2017, AECOM assigned the contract to LS3P Associates, Ltd, a design firm located in Charlotte. AECOM had been performing much of the design work in its Kansas City office but agreed it was more cost-effective to assign contract responsibilities to LS3P, who had previously been a sub-consultant to AECOM. Through this assignment, AECOM transitioned to a sub-consultant role under LS3P.
- This amendment is needed to design the remaining projects planned over the next two years; such as repairs to the plumbing system, and modifications to the large restaurant on the Founders level to make it more accessible to all patrons in the building.
- Recent repairs and improvements include refurbishment of interior finishes, replacement of the center-hung scoreboard, upgrades to two small restaurants, suite renovations, mechanical/electrical system upgrades, and the relocation of the ticket office and team store.
- On September 8, 2014, City Council approved a five-year, \$27,500,000 capital repair and improvement plan to the Spectrum Center.
- In addition to the \$27,500,000 from the City's Tourism Fund, the Charlotte Hornets contributed \$1,800,000 for the renovation of the premium suites.
- The total value of this contract, including contract amendment #1, is \$2,775,000 and is available in the project budget.

### **Fiscal Note**

Funding: Tourism Operating Fund

### **Attachment(s)**

Map



**Location Map: Spectrum Center Architectural Amendment #1  
(Council District 1)**



Agenda Date: 11/27/2017

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Agenda #: 27.File #: 15-6734 Type: Consent Item

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## Real Estate Appraisal Services

### **Action:**

**Approve contracts with the following companies for real estate appraisal services for a three-year term:**

- **Locally Funded Projects (totaling \$5,205,000)**
  - BBG, Inc. (\$450,000)
  - Cushman & Wakefield of North Carolina (\$525,000)
  - Fortenberry Lambert, Inc. (\$600,000)
  - Integra Realty Resources-Charlotte, LLC (\$825,000)
  - JD Parker & Associates, LLC (\$450,000)
  - James Owens Appraisal (\$600,000)
  - T.B. Harris, Jr. & Associates (\$915,000)
  - The Hopkins-McElhannon Group, Inc. (\$600,000)
  - Valbridge Property Advisors dba John Bosworth & Associates, LLC (\$240,000),
- **Federal Highway Administration/North Carolina Department of Transportation Funded Projects (totaling \$2,175,000)**
  - BBG, Inc. (\$150,000)
  - Cushman & Wakefield of North Carolina (\$300,000)
  - Fortenberry Lambert, Inc. (\$300,000)
  - Integra Realty Resources-Charlotte, LLC (\$375,000)
  - JD Parker & Associates, LLC (\$300,000)
  - James Owens (\$300,000)
  - T.B. Harris, Jr. & Associates (\$150,000)
  - The Hopkins-McElhannon Group, Inc. (\$150,000)
  - Valbridge Property Advisors dba John Bosworth & Associates, LLC (\$150,000),
- **Federal Transit Administration Funded Projects (totaling \$1,230,000)**
  - BBG, Inc. (\$150,000)
  - Cushman & Wakefield of North Carolina (\$150,000)
  - Fortenberry Lambert, Inc. (\$150,000)
  - Integra Realty Resources-Charlotte, LLC (\$150,000)
  - JD Parker & Associates, LLC (\$150,000)
  - James Owens (\$150,000)
  - T.B. Harris, Jr. & Associates (\$90,000)
  - The Hopkins-McElhannon Group, Inc. (\$150,000)
  - Valbridge Property Advisors dba John Bosworth & Associates, LLC (\$90,000), and
- **Housing and Urban Development Funded Projects (totaling \$1,200,000)**
  - BBG, Inc. (\$150,000)
  - Cushman & Wakefield of North Carolina(\$150,000)

- **Fortenberry Lambert, Inc. (\$150,000)**
- **Integra Realty Resources-Charlotte, LLC (\$150,000)**
- **JD Parker & Associates, LLC (\$150,000)**
- **James Owens (\$150,000)**
- **T.B. Harris, Jr. & Associates (\$150,000)**
- **The Hopkins-McElhannon Group, Inc. (\$150,000)**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

Tony Korolos, Engineering and Property Management

**Explanation**

- As part of the real estate acquisition phase, real estate appraisal services are required for all federal, state, and locally funded Community Investment Plan projects. These are routine contracts with consultant selection every three years.
- Real estate appraisal is required during the real estate acquisition phase of public projects to determine impacts to real property.
- Certified independent real estate appraisers have expertise in eminent domain appraisal disciplines. Appraisers are necessary for assistance with determining market value and establishing fair and just compensation for property owners.
- On April 3, 2017, the City advertised Request for Proposals. Nine firms were selected using a competitive proposal selection process to provide real estate appraisal services.
- Projects will be assigned to firms on a work-order basis using unit prices provided for in the contract.
- Total expenditures for real estate appraisal services with the firms selected are anticipated to total \$3,270,000 annually, with a total of \$9,810,000 for the contract term.

**Charlotte Business INclusion**

No subcontracting goals were established because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INclusion Policy). However The Hopkins-McElhannon Group (SBE) is a city certified firm.

**Fiscal Note**

Funding: General Community Investment Plan





**Agenda Date: 11/27/2017**

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**Agenda #: 28.File #: 15-6731 Type: Consent Item**

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## **Real Estate Appraisal Review Services**

### **Action:**

**Approve contracts with the following companies for real estate appraisal review services for a three-year term:**

- **Locally Funded Projects (totaling \$1,695,000)**
  - **Kathryn Bunker (\$225,000)**
  - **T.B. Harris, Jr. & Associates (\$60,000)**
  - **The Hanes Group, Inc. (\$675,000)**
  - **Valbridge Property Advisors dba John Bosworth & Associates, LLC (\$60,000)**
  - **William R. Morgan Company (\$675,000),**
- **Federal Highway Administration/North Carolina Department of Transportation Funded Projects (totaling \$600,000)**
  - **Kathryn Bunker (\$150,000)**
  - **The Hanes Group, Inc. (\$225,000)**
  - **William R. Morgan Company (\$225,000),**
- **Federal Transit Administration Funded Projects (totaling \$570,000)**
  - **Kathryn Bunker (\$150,000)**
  - **T.B. Harris, Jr. & Associates (\$60,000)**
  - **The Hanes Group, Inc. (\$150,000)**
  - **Valbridge Property Advisors dba John Bosworth & Associates, LLC (\$60,000)**
  - **William R. Morgan Company (\$150,000), and**
- **Housing and Urban Development Funded Projects (totaling \$300,000)**
  - **Kathryn Bunker (\$75,000)**
  - **The Hanes Group, Inc. (\$75,000)**
  - **Valbridge Property Advisors dba John Bosworth & Associates, LLC (\$75,000)**
  - **William R. Morgan Company (\$75,000)**

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

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

### **Explanation**

- As part of the real estate acquisition phase, real estate appraisal review services are required for all federal, state, and locally funded Community Investment Plan projects to determine impacts to

real property. These are routine contracts with consultant selection every three years.

- Appraisal services are used to conduct an appraisal of a property. The function of the appraisal review is to analyze the contents of the appraisal report for credibility and market support. Appraisers are always under close scrutiny to provide accurate reports and the appraisal review is one tool to help with this.
- Independent real estate appraisal review services serve as an important quality control measure.
- On April 3, 2017, the City advertised Request for Proposals. Five firms were selected using a competitive proposal selection process to provide real estate appraisal review services.
- Projects will be assigned to firms on a work-order basis using unit prices provided for in the contract.
- Total expenditures for real estate appraisal review services with the firms selected are anticipated to total \$1,055,000 annually, with a total of \$3,165,000 for the contract term.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: General Community Investment Plan



**Agenda Date: 11/27/2017**

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**Agenda #: 29. File #: 15-5978 Type: Consent Item**

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## **Real Estate Right-of-Way Acquisition and Relocation Services**

### **Action:**

**Approve contracts with the following companies for right-of-way acquisition and relocation services for a three-year term:**

- A. Locally Funded Projects (totaling \$15,750,000)**
  - Cityscape Acquisition, Inc., (\$3,150,000)
  - Gulf Coast, LLC (\$3,150,000)
  - Michael Ryan Realty, Inc., (\$3,150,000)
  - Professional Land Management, LLC, (\$3,150,000)
  - Telecommunication & Industrial Consulting Services Corporation (TELICS) (\$3,150,000),
- B. Federal Highway Administration/North Carolina Department of Transportation Funded Projects (totaling \$6,000,000)**
  - Gulf Coast, LLC, (\$2,000,000)
  - Professional Land Management, LLC, (\$2,000,000)
  - Telecommunication & Industrial Consulting Services Corporation (TELICS) (\$2,000,000),
- C. Federal Transit Administration Funded Projects (totaling \$1,500,000)**
  - Professional Land Management, LLC, (\$750,000)
  - Telecommunication & Industrial Consulting Services Corporation (TELICS) (\$750,000),
- D. Housing and Urban Development Funded Projects (totaling \$750,000)**
  - Gulf Coast, LLC (\$750,000).

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

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

### **Explanation**

- As part of the real estate acquisition phase, real estate related services are required for all federal, state, and locally funded Community Investment Plan projects. These are routine contracts with consultant selection every three years.
- Right-of-way acquisition and relocation services are required to obtain the title to the properties necessary for the construction and operation of various projects and to relocate any firms or persons displaced as a result of the projects.
- The firms will negotiate with all impacted private property owners to acquire any rights needed

from the owners.

- The firms also will provide relocation assistance to all eligible individuals and businesses displaced by the projects.
- All selected firms are provided training in City negotiation policies and procedures and are monitored closely for compliance. Firms are provided with written policies, procedures, and training to ensure they meet the City's expectations of proper behavior, courtesy, and professionalism towards citizens.
- On April 3, 2017, the City advertised Request for Proposals. Five firms were selected using a competitive proposal selection process to provide real estate services.
- Projects will be assigned to firms on a work-order basis using unit prices provided for in the contract.
- Total expenditures for right-of-way acquisition and relocation services with five firms are anticipated to be \$8,000,000 annually, with a total of \$24,000,000 for the contract term.

### **Charlotte Business INclusion**

No subcontracting goals were established because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INclusion Policy). However, CityScape Acquisition (SBE, WBE), Gulf Coast (SBE) and Michael Ryan Realty (SBE) are city certified firms.

### **Fiscal Note**

Funding: General Community Investment Plan





**Agenda Date: 11/27/2017**

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**Agenda #: 30. File #: 15-6449 Type: Consent Item**

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## **Manchester NC Coliseum, LLC Developer Infrastructure Reimbursement Agreement**

### **Action:**

**Approve an infrastructure reimbursement agreement in an amount up to \$250,000 with Manchester NC Coliseum, LLC for storm drainage improvements at 3702-3750 East Independence Boulevard.**

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

Mike Davis, Engineering and Property Management  
Daryl Hammock, Engineering and Property Management

### **Explanation**

- Manchester NC Coliseum, LLC is redeveloping the Coliseum Shopping Center located at 3702-3750 East Independence Boulevard as a mixed-use development project.
- The current drainage system located on the property was installed in the 1950's and is at the end of its useful life. The aging drainage system qualifies for public rehabilitation or replacement.
- The drainage system replacement spans two adjacent properties in addition to the property being redeveloped.
- The City and Manchester NC Coliseum, LLC have determined it would be mutually beneficial for the developer to design and construct the infrastructure improvements, in conjunction with the development's construction schedule.
- The agreement provides that the City will reimburse the developer for the construction of the drainage system improvements up to a maximum amount of \$250,000.
- North Carolina General Statute §160A-320 authorizes the City to contract with a developer or property owner for public improvements that are adjacent or ancillary to a private land development project when the City determines that coordination of separately constructed improvements would be impractical. It further allows the City to reimburse the developer for those improvements up to \$250,000, exempt from public bid requirements, providing the public cost will not exceed the estimated cost if it were bid and constructed by the City.

### **Charlotte Business INclusion**

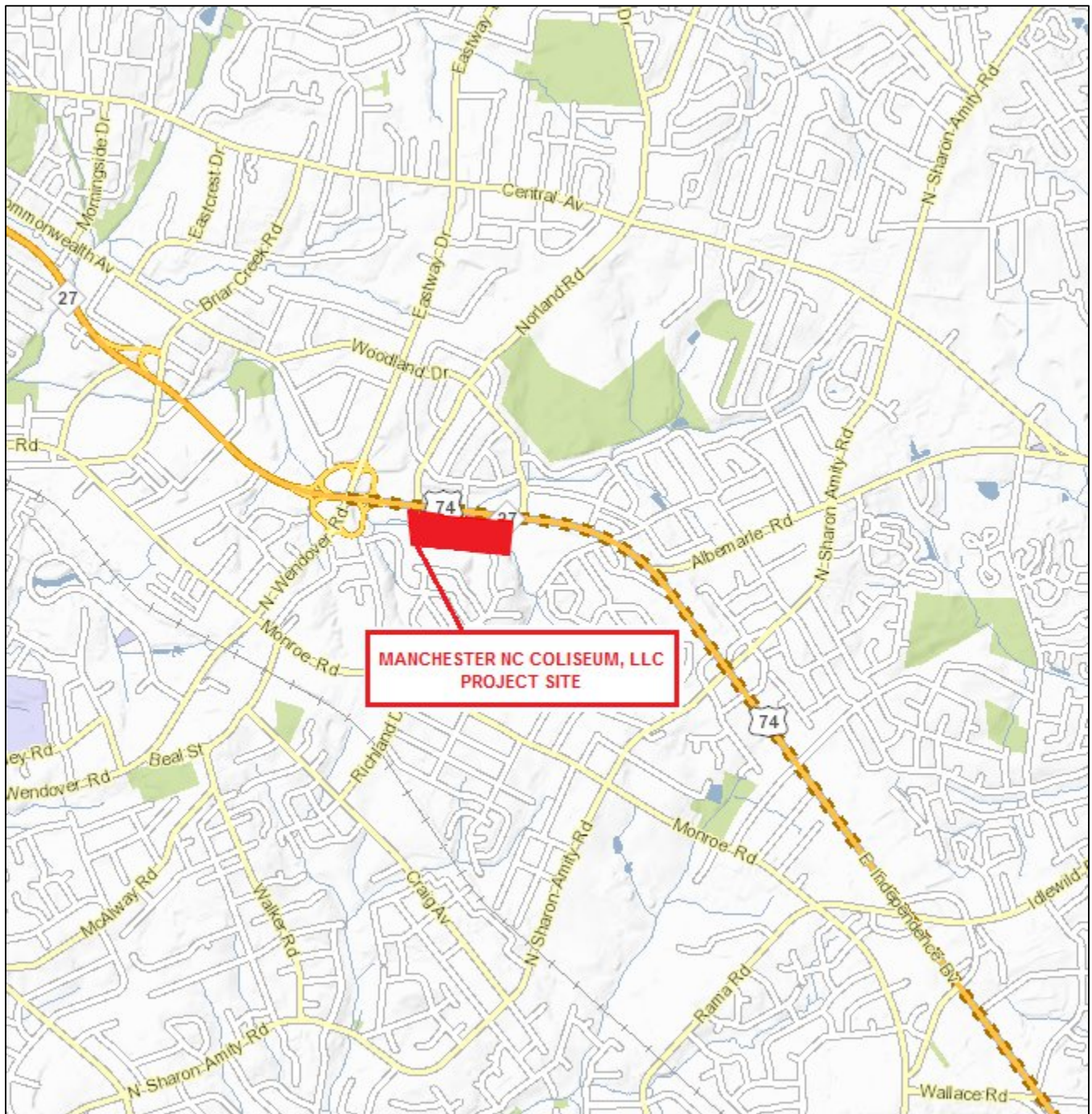
Construction contracts estimated to be less than \$300,000 are informal and exempt from the goal setting process (Part A: Section 3.1 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Storm Water Community Investment Plan

### **Attachment(s)**

Map



**Location Map: Manchester NC Coliseum, LLC Developer Infrastructure  
Reimbursement Agreement  
(Council District 5)**



**Agenda Date:** 11/27/2017

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**Agenda #:** 31. **File #:** 15-2222A **Type:** Consent Item

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## **Electronic Document Management System Amendment**

### **Action:**

- A. Approve contract amendment #3 to the Hyland OnBase Electronic Document Management System for the purchase of additional licenses and services,**
- B. Authorize the City Manager to purchase maintenance and support under the existing OnBase contract for as long as the City uses the system, and**
- C. Authorize the City Manager to purchase additional software licenses, services, and hardware as needed from time to time to optimize the City's use of the system and to approve other amendments consistent with the City's purpose for which the contract was approved, including price adjustments.**

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

Barry Gullet, Charlotte Water

Victoria Johnson, Solid Waste Services

### **Explanation**

- On March 23, 2015, City Council approved a master services contract with Imaging Solutions and Services, Inc. for City departments to purchase software licensing and implementation services for an electronic document management system.
- The system is utilized by several City departments, including Charlotte Water, Solid Waste Services, and Housing and Neighborhood Services for their document management needs. The City is looking to expand this system to other City departments.
- The original contract was for the purchase and implementation of an electronic document management system for Charlotte Water.
  - Amendment #1 was to add scope of services for Solid Waste Services;
  - Amendment #2 was to add scope of services for Housing and Neighborhood Services; and
  - The City is seeking Council approval to purchase additional licenses and services to expand the system to other City departments.
- An electronic document management system enables organizations to manage a large volume of documents and records throughout the document life-cycle, from creation to destruction.
- This request will provide greater capacity for records retention, document search and retrieval efficiency, and document management processes.
- The system provides a reduction in physical storage costs, paper waste and a toolset to fulfill public records requests.
- Estimated annual expenses are \$180,000 for ongoing services and maintenance.
- This contract will expire in June 2020.

### **Fiscal Note**

Funding: Various departments' budgets



**Agenda Date: 11/27/2017**

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**Agenda #: 32. File #: 15-6594 Type: Consent Item**

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## **FY 2018 Water Main Replacements**

### **Action:**

- A. Award a contract in the amount not to exceed \$1,527,663.69 to the lowest responsive bidder RH Price, Inc. for the FY 2018 Water Main Replacements project, and**
- B. Authorize the City Manager to approve up to two renewals in the same amount stated above, plus or minus possible price adjustments based on the Engineering News Record Construction Cost Index and to amend the contract consistent with the purpose for which the contract was approved.**

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

Barry Gullet, Charlotte Water  
Ron Hargrove, Charlotte Water

### **Explanation**

- The Water Replacement Program allows replacement of water distribution infrastructure as needed. The primary function is to replace water distribution lines to meet water quality and flow requirements throughout the distribution system.
- For the 2017 fiscal year, approximately 21,778 feet of water main was installed and aged and/or redundant water mains were abandoned.
- Bids are unit price and based on estimated quantities for items needed for this type of work.
- On September 11, 2017, the City issued an Invitation to Bid; five bids were received from interested service providers.
- RH Price, Inc. was selected as the lowest responsive, responsible bidder.
- The contract may be renewed for two renewals of \$1,527,663.69 each, plus or minus possible price adjustments based on the Engineering News Record Construction Cost Index.

### **Charlotte Business INclusion**

Established MSBE Goal: 7%

Committed MWSBE Goal: 7.20%

RH Price, Inc. met the established subcontracting goal and has committed 7.20% (\$110,000) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- C and D Utility (SBE) (\$55,000) (pipeline installation)
- Wallace Brothers Construction, Inc. (SBE) (\$55,000) (pipeline installation)

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan





**Agenda Date: 11/27/2017**

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**Agenda #: 33.File #: 15-6319 Type: Consent Item**

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## **FY 2018 Water and Sewer New Service Installations #2**

### **Action:**

- A. Award a contract in the amount not to exceed \$2,336,510 to the lowest responsive bidder State Utility Contractors Inc. for the installation of water and sewer services, and**
- B. Authorize the City Manager to approve up to two renewals in the same amount stated above, plus or minus possible price adjustments based on Engineering News Record Construction Cost Index, and to amend the contract consistent with the purpose for which the contract was approved.**

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

Barry Gullet, Charlotte Water  
Carl Wilson, Charlotte Water

### **Explanation**

- Charlotte Water outsources the majority of new water and sewer service installations, using construction contracts in order to ensure timely installation.
- These installations will include:
  - Water service connections extending from the Charlotte Water main to the meter at the property, including a meter, meter box/vault, applicable valves and fittings, and
  - Sewer service connections extending from the Charlotte Water sewer line to the cleanout, which is typically just outside the road right-of-way.
- The work covered by each term of this contract should provide approximately 900 total service connections within approximately 12 months.
- Customers pay connection fees for new services, which are based on costs incurred by Charlotte Water in these contracts.
- On September 5, 2017, the City issued an Invitation to Bid; three bids were received from interested service providers.
- State Utility Contractors Inc. was selected as the lowest responsive, responsible bidder.
- The contract may be renewed for two renewals (approximately one year per renewal) at unit prices based on the Engineering News Record Construction Cost Index.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan



**Agenda Date:** 11/27/2017

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**Agenda #:** 34. **File #:** 15-6670 **Type:** Consent Item

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## **Irvins Creek Tributary Trunk Line Design-Build Services**

### **Action:**

**Approve a contract in the amount of \$838,276.96 with Garney Companies, Inc. for Phase 1 design-build services for the Irvins Creek Tributary Trunk Line Project.**

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

Barry Gullet, Charlotte Water  
Carl Wilson, Charlotte Water

### **Explanation**

- The purpose of this project is to alleviate sewer capacity needs identified through Charlotte Water's Capacity Assurance Program. Irvins Creek Tributary Trunk Line project will create a larger receiving sewer for both a proposed sewer lift station, as well as increasing proposed development demand in Mint Hill.
- The contract will include the following services:
  - project coordination,
  - pipeline sizing and alignment determination, as needed,
  - field condition assessment,
  - survey services and plat preparation,
  - easement acquisition and related real estate services,
  - produce design drawings and specifications,
  - permitting,
  - prepare a detailed "critical path" schedule, and
  - produce a Guaranteed Maximum Price (GMP)
- Council will receive a subsequent Request for Council Approval in 2018 for Phase 2 services, following the establishment of a GMP, to approve a contract amendment for construction of the sewer facilities respective to both contracts.
- On June 27, 2017 the City issued a Request for Qualifications (RFQ) for Progressive Design Build Services for the Irvins Creeks Tributary Trunk Line, Wilmore Drive/Park Avenue, and Little Sugar Creek Tributary Trunk Sewer to North Tryon Street Sanitary Sewer projects. In response to the RFQ, the City received seven proposals from interested professional service providers.
- Garney Companies, Inc. 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.

### **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).

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**Agenda #: 34.File #: 15-6670 Type: Consent Item**

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Garney Companies, Inc. has committed 6.74% (\$56,525) of the total contract to the following certified firms:

- Hinde Engineering, Inc. (SBE) (\$31,800) (traffic control, NCDOT encroachment permits)
- Sweetwater Utility Expoloration (SBE) (\$22,500) (subsurface utility locates)
- Mid-Carolina Reprographics (SBE, WBE) (\$2,225) (reproduction/copying services)

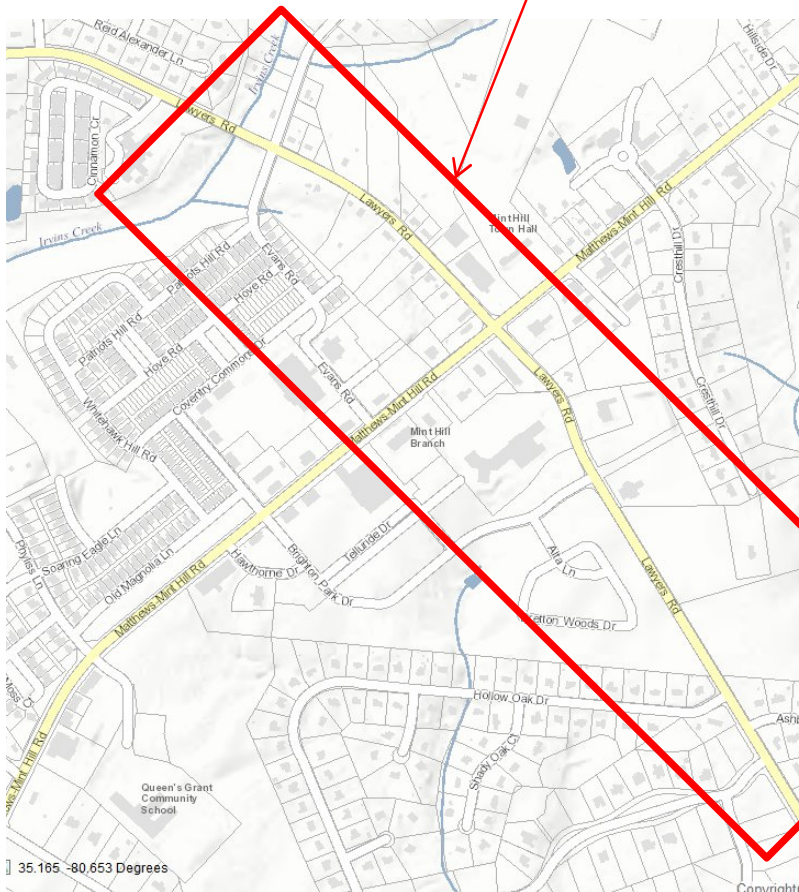
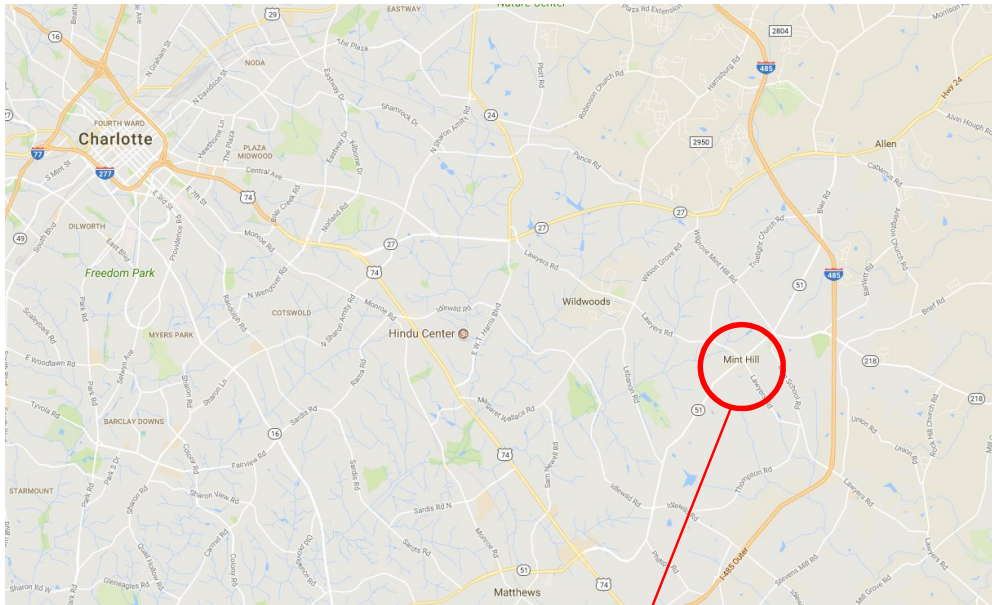
**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Irvins Creek Tributary Trunk Map

# Irvin Creek Tributary Trunk Line Design-Build Services Project - Map



Project Area is not  
located within a  
City Council  
District





**Agenda Date: 11/27/2017**

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**Agenda #: 35.File #: 15-6730 Type: Consent Item**

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## **Wilmore Drive/Park Avenue and Little Sugar Creek Tributary Trunk Sewer to North Tryon Street Sanitary Sewer Design-Build Services**

### **Action:**

**Approve a contract in the amount of \$1,979,256.83 with Sanders Utility Construction Co., Inc. for Phase 1 design-build services for the Wilmore Drive/Park Avenue Sanitary Sewer Replacement Project and the Little Sugar Tributary Trunk Sewer to North Tryon Sewer Replacement Project.**

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

Barry Gullet, Charlotte Water  
Ron Hargrove, Charlotte Water

### **Explanation**

- The purpose of these projects is to alleviate sewer capacity needs identified through Charlotte Water's Capacity Assurance Program, allow for future development, and rehabilitate aging sections of sewer.
- Both projects are anticipated to be activated by the end of 2019. Utilizing a Progressive Design-Build project delivery method will allow Charlotte Water to work collaboratively with the Design-Build team and meet a demanding schedule.
- The contract will include progressive design-build Phase 1 services including:
  - project coordination,
  - pipeline sizing and alignment determination, as needed,
  - field condition assessment,
  - survey services and plat preparation,
  - easement acquisition and related real estate services,
  - produce design drawings and specifications,
  - permitting,
  - prepare a detailed "critical path" schedule, and
  - produce a Guaranteed Maximum Price (GMP)
- Council will receive a subsequent Request for Council Approval in 2018 for Phase 2 services, following the establishment of a GMP, to approve a contract amendment for construction of the sewer facilities.
- On June 27, 2017 the City issued a Request for Qualifications (RFQ) for Progressive Design Build Services for the Irvins Creeks Tributary Trunk Line, Wilmore Drive/Park Avenue, and Little Sugar Creek Tributary Trunk Sewer to North Tryon Street Sanitary Sewer projects. In response to the RFQ, the City received seven proposals from interested professional service providers.
- Charlotte Water evaluated the proposals and determined that Sanders Utility Construction Co. is the best qualified firm to meet the City's needs for these projects on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

### **Charlotte Business INclusion**

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1

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**Agenda #: 35.File #: 15-6730 Type: Consent Item**

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(h) of the Charlotte Business INClusion Policy).

Sanders Utility Construction Co., Inc. has committed 11.42% (\$226,190) of the total contract to the following certified firms:

- CES Group Engineers, LLP (SBE, WBE) (\$153,432) (surveying)
- Gavel & Dorn Engineering, PLLC (SBE) (\$72,758) (geotechnical)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Wilmore Drive/Park Avenue Map  
Little Sugar Tributary Trunk Map

Project Area is located within City Council District 3

Wilmore Drive / Park Avenue  
Project

Project Area is located within  
City Council District 1

Little Sugar Creek Tributary Trunk  
Sewer to North Tryon Street



**Agenda Date:** 11/27/2017

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**Agenda #:** 36. **File #:** 15-6243 **Type:** Consent Item

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## **McAlpine Creek Wastewater Treatment Plant Project Owner's Advisor Services**

### **Action:**

**Approve a contract in the amount of \$499,465 with CDM Smith, Inc. for Owner's Advisor Services for the McAlpine Creek Wastewater Treatment Plant Nutrient Harvesting Project.**

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

Barry Gullet, Charlotte Water  
Ron Hargrove, Charlotte Water

### **Explanation**

- Charlotte Water owns and maintains five major wastewater treatment plants in Mecklenburg County. The McAlpine Creek Wastewater Treatment Plant is the largest and is located in the southern part of Mecklenburg County.
- The nutrient harvesting project will enhance existing treatment processes by removing and marketing of phosphorus recovered from the wastewater stream.
- This project is planned to be a Public-Private Partnership (P3), the details of which will be determined with the assistance of the Owner's Advisor.
- CDM Smith, Inc. will develop the criteria and assist with the procurement and evaluation process of a P3 team that will deliver a turnkey solution.
- On July 21, 2017 the City issued a Request for Qualifications; three proposals were received from interested service providers.
- CDM Smith, Inc. was determined as the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services.
- CDM Smith, Inc. was selected to serve as Charlotte Water's Owner's Advisor for the Project. Services to be provided include assisting Charlotte Water through the procurement phase, participating in design and integration oversight as well as P3 administration and negotiation.
- Future Council approval will be required for the contract establishing the parameters of the Public-Private Partnership.

### **Charlotte Business INclusion**

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). CDM Smith, Inc. has committed 5.21% (\$26,000) of the total contract amount to the following certified firms:

- Southern Engineering and Testing, P.C. (SBE) (\$10,000) (geotechnical)
- Sweetwater Utility Exploration, LLC (SBE) (\$9,000) (subsurface utility excavation)
- CES Group Engineers, LLP (SBE, WBE) (\$7,000) (surveying)

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

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**Agenda #:** 36.**File #:** 15-6243 **Type:** Consent Item

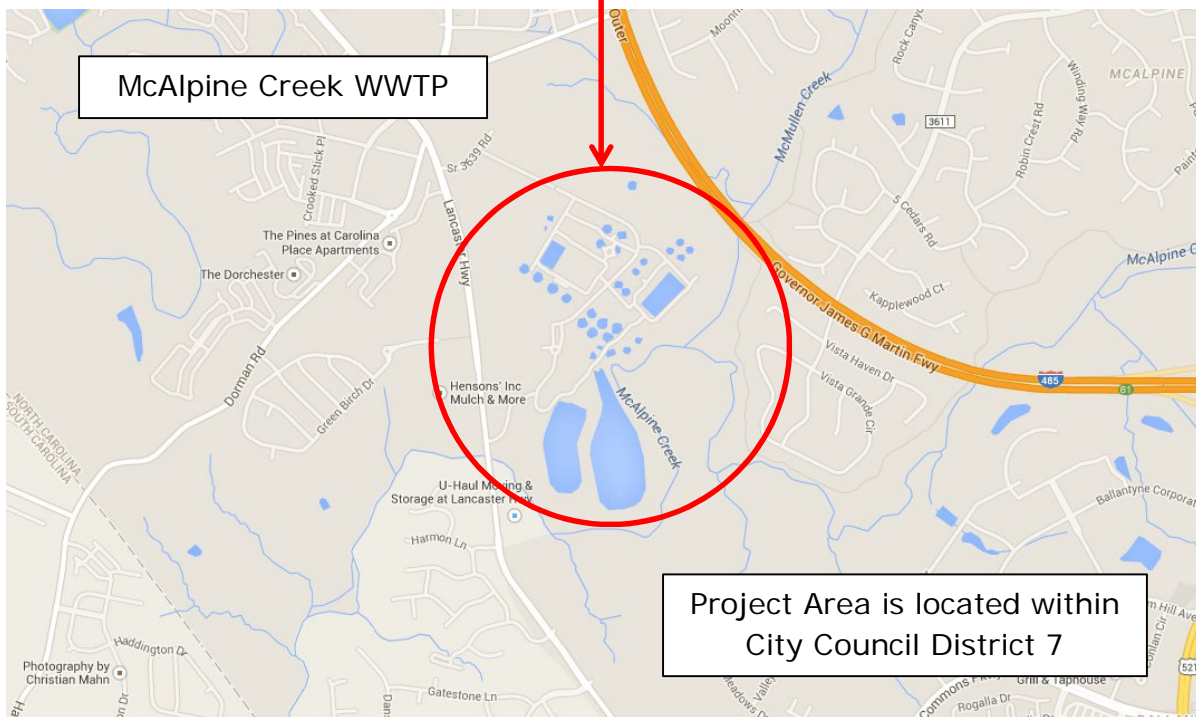
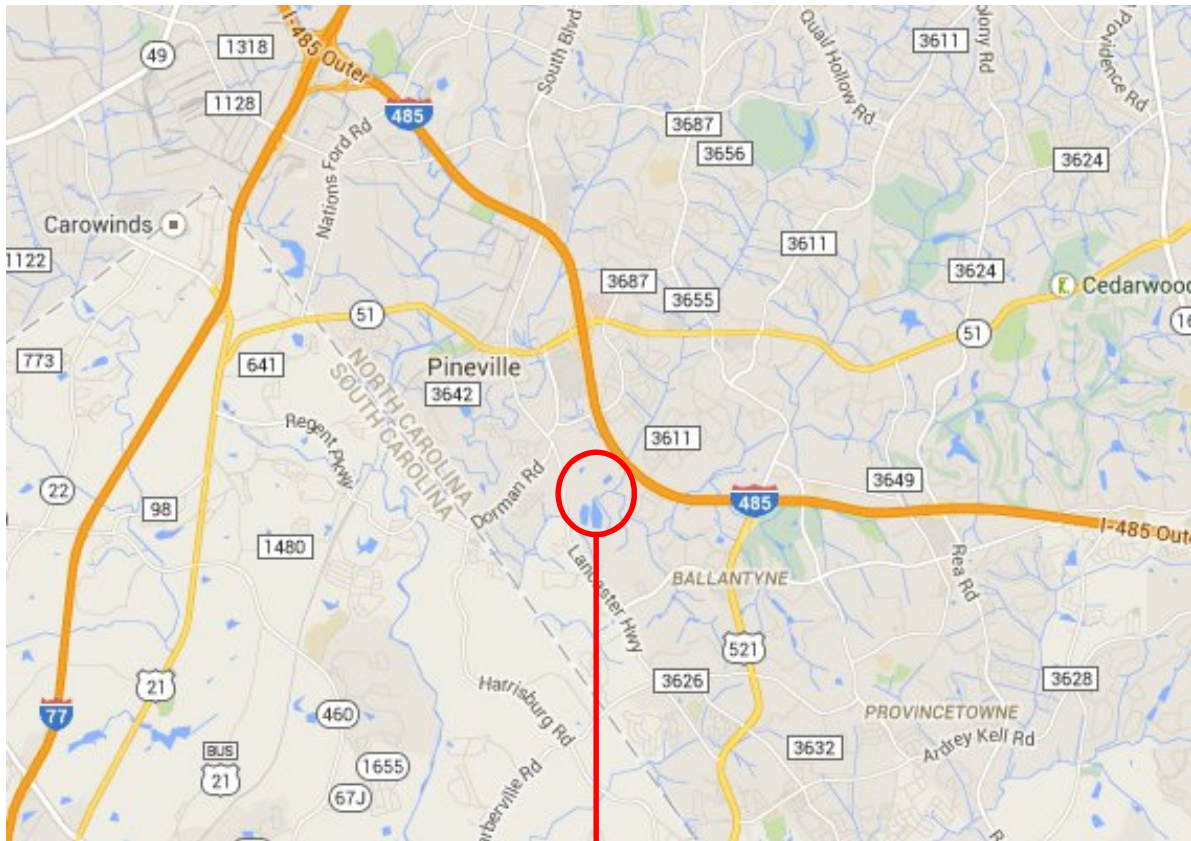
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**Attachment(s)**

Map



# McAlpine Creek Wastewater Treatment Plant Project Owner's Advisor Services – Map





**Agenda Date:** 11/27/2017

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**Agenda #:** 37. **File #:** 15-6526 **Type:** Consent Item

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## **Wastewater Lift Station Pump Parts and Grinder Unit Replacements**

### **Action:**

- A. Approve the purchase of Grundfos Pump products, as authorized by the sole source exemption of G.S. 143-129 (e)(6),**
- B. Approve a contract with Carolina Pumpworks for the one time purchase of replacement pump parts and grinder units for six Lift Stations.**

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

Barry Gullet, Charlotte Water  
Ron Hargrove, Charlotte Water  
John Huber, Charlotte Water

### **Sole Source Exemption**

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

### **Explanation**

- Charlotte Water has six critical lift stations that are aging. Pump parts are worn out and need replacing to ensure proper performance.
- Maintaining the current mechanical equipment inside the lift stations reduces risk of sewer overflow.
- During the initial design, this equipment was selected based on performance operating conditions, design criteria, and cost.
- Estimated cost to replace pump parts and grinder units for all six lift stations is \$900,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan



**Agenda Date:** 11/27/2017

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**Agenda #:** 38. **File #:** 15-6560 **Type:** Consent Item

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## **Waste Removal and Container Rental Services**

### **Action:**

- A. Approve a unit price contract with Republic Services Inc. for Waste Removal and Container Rental Services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to one, two year renewal term and to amend the contract consistent with the purpose for which the contract was approved.**

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

Barry Gullet, Charlotte Water  
Ron Hargrove, Charlotte Water

### **Explanation**

- Solid waste, paper, plastics, organic and inorganic debris are collected and removed at Charlotte Water locations.
- Collection containers of various sizes, some with special modifications, are used to hold debris.
- These containers are rented from the contracted waste hauler due to required repair, maintenance, and occasional replacement.
- Collected material from certain locations must be disposed of at specially permitted landfills.
- Solid Waste Services does not provide the type of services needed for these facilities.
- On September 18, 2017, the City issued a Request for Proposals (RFP); one proposal was received from interested service providers.
- Republic Services Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The fee schedule for this contract is comprised of four elements: container rental, hauling fees, disposal or tipping fee (per ton), and fuel.
  - Container rental and hauling fees are set flat monthly charges.
  - Disposal/tipping cost are set per ton cost.
  - Fuel surcharge fees are capped at 10 percent of total combined expenses.
- Estimated contract expenditures are \$460,000 annually.

### **Charlotte Business INClusion**

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

### **Fiscal Note**

Funding: Charlotte Water Operating Budget





**Agenda Date: 11/27/2017**

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**Agenda #: 39.File #: 15-6579 Type: Consent Item**

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## **Charlotte Water Partnership with Discovery Place**

### **Action:**

- A. Approve a contract with Discovery Place for the development and delivery of the *Charlotte Water Everywhere* student education program for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to three additional, 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):**

Barry Gullet, Charlotte Water  
Jennifer Frost, Charlotte Water

### **Explanation**

- Discovery Place, in partnership with Charlotte Water and Charlotte-Mecklenburg Schools (CMS) will develop and deliver an educational program focused on water issues to all CMS 5<sup>th</sup> grade classrooms.
- Leveraging an existing partnership with CMS, over the next four years Discovery Place will visit every CMS elementary school to present information to 5<sup>th</sup> graders about the water cycle, water supply and treatment, water distribution, wastewater collection and treatment, protecting the environment, biosolids recycling, and water conservation.
- In Year 1, Discovery Place will visit half of the CMS 5<sup>th</sup> grade classrooms. In Year 2, the other half of CMS 5<sup>th</sup> grade classrooms will receive the presentation. Years 3 and 4 will repeat the cycle.
- By developing the curriculum with Discovery Place and CMS, Charlotte Water will educate future customers about water issues. Fifth graders are targeted because state curriculum standards focus on the water cycle and water related issues. This partnership will engage children and families as an important part of Charlotte Water's many education and outreach efforts.
- A waiver of a competitive solicitation process may be granted when deemed appropriate and in the City's best interest. Such a finding has been made and a waiver granted for this procurement.
- Budget for Year 1 is \$112,628 and includes program development, evaluation tool development, supplies and per student delivery costs. The budgets for the following year include supplies and per student delivery costs and are estimated at \$80,128 each year.
- Estimated contract expenditures are \$353,012 over the four year term.
- This program will be funded by the City through the Charlotte Water operating budget.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Charlotte Water Operating Budget



**Agenda Date: 11/27/2017**

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**Agenda #: 40. File #: 15-6718 Type: Consent Item**

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## **Blue Line Extension Construction Contract Amendments**

### **Action:**

- A. Approve contract amendment #5 for \$2,900,000 to Balfour Beatty Infrastructure, Inc. / Blythe Development Company, Joint Venture (BBJV) to complete civil construction for Segment A of the LYNX Blue Line Extension, and**
- B. Approve contract amendment #3 for \$900,000 to Edison Foard for the Blue Line Extension Station Finishes contract.**

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

John Lewis, CATS  
Jill Brim, CATS

### **Explanation**

#### **Action A**

- On January 27, 2014, the City Council approved a contract with Balfour Beatty Infrastructure, Inc. / Blythe Development Company, Joint Venture (BBJV) to complete civil construction in the railroad right-of-way in Segment A (Civil-A) of the Blue Line Extension (BLE).
- This work includes the relocation of a segment of freight track near 36<sup>th</sup> Street.
- The City's agreement with Norfolk Southern Railway (NSR) requires that the contractor comply with NSR requirements.
- The Civil-A contractor's work has been increased due to the additional testing, inspections, and approvals required by NSR.
- Based upon these additional NSR requirements, as well as NSR work upon their own freight tracks, the Civil-A schedule has been extended from January 31, 2018 to an estimated completion date of July 31, 2018.
- The delay in the Civil-A schedule does not impact the opening of the BLE project, which is expected to begin revenue service in March 2018.
- Contract amendment #5 in the amount of \$2,900,000 is needed to
  - Address extended overhead costs (field office, staff, supplies, utilities, etc.) for the additional contract time due to delays by NSR. This amount was set at \$5,000 per day by amendment #3.
  - Replenish contingency for changes due to NSR requirements and unforeseen conditions.
- The new total value of the contract, including this amendment, will be \$130,917,958.13, which is within the current BLE project budget.
- Further detail on prior contract amendments is provided as an attachment.

Action B

- On January 26, 2015, the City Council awarded a contract in the amount of \$20,177,750 to Edison Foard for construction of the BLE Station Finishes work. The work includes the station platforms, canopies, benches, windscreens, lighting, and other passenger amenities for the 11 BLE stations.
- Contract amendment #3 in the amount of \$900,000 is needed due to the extended completion schedule of the Station Finishes project and to replenish contingency for changes due to design modifications, unforeseen conditions, and additional work items.
  - Contract amendment #2, in the amount of \$380,000, was approved by the City Council on November 14, 2016. Amendment #2 settled contractor claims through November 1, 2016, including schedule delays, re-sequencing and acceleration of work to meet completion dates required for follow-on contracts.
  - Contract amendment #1 modified the payment provisions of the contract and was executed on October 12, 2016. Contract amendment #1 did not change the contract amount.
- The new total value of the contract, including this amendment, will be \$22,657,750, which is within the current BLE project budget.

**Disadvantaged Business Enterprise Opportunity**

The work performed pursuant to these contract amendments will be held to the original contract DBE goals, as shown below.

BBJV: 17.50%

Edison Foard: 7.3%

**Fiscal Note**

Funding: CATS Community Investment Plan

**Attachment(s)**

Blue Line Extension Civil-A Contract Amendment History

## Blue Line Extension Civil-A Contract Amendment History

Balfour Beatty Infrastructure, Inc. / Blythe Development Company Joint Venture (BBJV)

- On January 27, 2014, the City Council approved a construction contract with Balfour Beatty Infrastructure, Inc. / Blythe Development Company (Joint Venture) for \$107,967,958.13 to perform civil construction for Segment A (Civil-A) of the LYNX Blue Line Extension (BLE).
- On June 8, 2015, the City Council approved contract amendment #1 in the amount of \$7.3 million to bring the total contract value to \$ 115,267,958.13.
- Contract amendment #1 included the following:
  - Settled all claims through June 8, 2015, and
  - Accelerated key deliverables related to light rail construction to maintain the projected opening in summer 2017.
- Contract amendment #2, executed January 14, 2015, made administrative changes to the provisions of contract and did not change the contract value.
- On March 27, 2017, the City Council approved Contract amendment #3 in the amount of \$12,750,000. This amendment was executed with Contract Amendment #3 and #4.
- Contract amendment #3, in the amount of \$10,250,000, included the following:
  - Settled all BBJV claims through February 1, 2017. BBJV submitted approximately \$23.5 million in claims for schedule acceleration, inefficiencies, and other direct impacts. This amendment will settle all such BBJV claims.
  - Revise the contract completion date from January 20, 2017 to February 28, 2018. Extending BBJV's completion date does not impact the start of revenue service.
  - Address extended overhead costs (field office, staff, supplies, utilities, etc.) for the additional 12 months of contract time.
  - Secure a release of claims from the follow-on Track and Systems contractor (Balfour Beatty Infrastructure Inc.) related to delays stemming from the Civil-A late completion.
  - Release BBJV from potential City Liquidated Damages claims for delays attributable to BBJV, as of February 1, 2017.
- Contract amendment #4, in the amount of \$2,500,000 replenished contingency for changes due to unforeseen conditions and other issues.
- Contract amendment #5, in the amount of \$2,900,000, will address the following:
  - Extended overhead costs (field office, staff, supplies, utilities, etc.) for the extended contract time due to the delay by NSR. This amount was set at \$5,000 per day by Amendment #3.
  - Replenish contingency for changes due to NSR requirements and unforeseen conditions.
- The new total value of the contract, including this amendment, will be \$130,917,958.13, which is within the current BLE project budget.



**Agenda Date:** 11/27/2017

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**Agenda #:** 41. **File #:** 15-6719 **Type:** Consent Item

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## **Blue Line Extension Support Services Contract Amendments**

### **Action:**

- A. Approve contract amendment #7 for up to \$8,300,000 to HNTB North Carolina PC for construction management services for the Blue Line Extension project,**
- B. Approve contract amendment #8 for up to \$2,900,000 to STV Engineers Inc. for design and construction administration services for the Blue Line Extension project, and**
- C. Approve contract amendment #9 for up to \$300,000 to Kleinfelder Southeast, Inc. for construction materials testing and special inspection services for the Blue Line Extension project.**

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

John Lewis, CATS  
Jill Brim, CATS

### **Explanation**

#### **Action A**

- City Council received an update on November 13, 2017, about the Blue Line Extension (BLE) project, expected to open in March 2018.
- Construction on the Civil-A contract is estimated to be complete in July 2018, and the closeout process for the BLE construction contract is expected to extend to the end of 2018.
- HNTB North Carolina PC contract amendment #7 is needed due to the following:
  - Extended duration of the Civil-A construction contract,
  - Additional technical support services related to the Track and Systems contract,
  - Allowance for litigation support, and
  - Extended overall completion schedule of the BLE project.
- On November 12, 2012, the City Council approved Phase One of the construction management agreement in the amount of \$3,000,000. Phase One was executed to allow work to begin while the primary contract was negotiated.
- Six contract amendments have been approved to date.
- The new total value of the contract, including this amendment, is an amount up to \$70,264,506, which is within the current BLE project budget.

#### **Action B**

- STV Engineers Inc. contract amendment #8 provides additional design services during

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**Agenda #: 41.File #: 15-6719 Type: Consent Item**

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construction, including:

- Additional technical support services related to the Track and Systems contract, and
- Services for an extended duration related to the Civil-A contract, which has been affected by increased work due to additional testing, inspections, and approvals required by Norfolk Southern Railway (NSR).
- On March 26, 2012, the City Council approved up to \$38,500,000 to provide design and construction administration services for the BLE project.
- Seven contract amendments have been approved to date.
- The new total value of the contract, including this amendment, is an amount up to \$53,500,000, which is within the current BLE project budget.

#### Action C

- Kleinfelder Southeast, Inc. contract amendment #9 is needed due to the extended completion schedule of the BLE project, particularly the Civil-A construction contract, which has been affected by increased work due to additional testing, inspections, and approvals required by NSR.
- On April 17, 2012, City Council awarded a contract in an amount up to \$9,000,000 for Materials Testing and Special Inspections Services for the BLE project.
- Eight contract amendments have been approved to date.
- The new total value of the contract, including this amendment, is an amount up to \$11,000,000, which is within the current BLE project budget.

#### **Disadvantaged Business Enterprise Opportunity**

The work performed pursuant to these contract amendments will be held to the original contract DBE goals, as shown below.

HNTB North Carolina PC: 9.0%

- Kelville Enterprises (Project Controls Support)
- McFarland Construction (Civil Construction Inspections)
- Rohadfox Construction (Project Controls Support)
- DiCon Consulting ( Public Utility Construction Inspection)

STV Engineers Inc.: 15.80%

- Envision Consultants Ltd (Project Controls)
- Neighboring Concepts (Parking Garages= Architecture)
- Sepi Engineering (Civil Infrastructure)
- Christian Engineering (Design Plans)
- LTArchitecture (Engineering services)
- Capstone Engineering (Erosion Control)
- Simpson Engineering (Sturctural Design)
- Trimat Materials Testing (Testing services)

Kleinfelder Southeast Inc.: 11.75%

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- Sepi Engineering (Materials testing & inspections)

**Fiscal Note**

Funding: CATS Community Investment Plan

**Attachment(s)**

Blue Line Extension Support Services Contract Amendment History

## Blue Line Extension Support Services Contract Amendment History

### HNTB North Carolina PC

- On November 12, 2012, the City Council approved an agreement with HNTB in the amount of \$3,000,000 to provide Phase One construction management services for the Blue Line Extension (BLE) project. Phase One was executed to allow work to begin while the primary contract and its cost was defined and negotiated.
- Five contract amendments have been approved to date.
  - On June 10, 2013, the City Council approved Phase Two in contract amendment #1, in an amount of \$35,312,798 to bring the total contract value to \$38,312,798.
  - On July 28, 2014, the City Council approved contract amendment #2, in an amount of \$6,651,708 to bring the total amount to \$44,964,506.
  - On June 8, 2015, City Council approved Amendment #3 in the amount of \$10,000,000 for additional staffing required to oversee acceleration and extended construction period.
  - On March 27, 2017, City Council approved Amendment #4 in an amount up to \$7,000,000 for extended duration and testing requirements for Civil A and extended overall completion schedule of the BLE project.
  - Amendment #4 was executed in the amount of \$4,348,124.
  - Amendment #5 added additional tasks related to City Network Security and did not change the contract value.
- Amendment #6 is pending execution for the remaining authorized amount of \$3,616,873, which will bring the total value of the contract to \$61,964,506. This amendment will extend the contract duration.
- Amendment #7, in an amount up to \$8,300,000 is needed to due to the extended overall completion schedule of the BLE project.
- The new total value of the contract, including this amendment, is an amount up to \$70,264,506, which is within the current BLE project budget.

### STV Engineers Inc.

- On March 26, 2012, the City Council approved up to \$38,500,000 for a contract with STV Inc. to provide design and construction administration services for the BLE project.
  - The contract was executed at the lower amount of \$38,033,949 in order to begin the necessary work in some areas, while continuing to define the scope of work for other areas.
  - On November 1, 2013, staff executed contract amendment #1 in the amount of \$439,379 to bring the total contract value to \$38,473,328. The amendment was within the City Council's original authorization and covered those work elements that had not been fully developed at the time the original contract was executed.
- On May 27, 2014, the City Council authorized an additional \$4,500,000 for the contract, bringing the total authorized to \$43,000,000.
  - Contract amendment #2 was executed at \$42,319,128, an amount lower than the City Council's authorization. This amendment addressed the design and construction management costs of elements added to the project due to project budget savings.
  - On November 17, 2014, staff executed contract amendment #3 in the amount of \$680,872 to bring the total contract value to \$43,000,000. This amendment was within the City Council's authorization and covered work elements that had not been fully developed at the time contract amendment #2 was executed.
  - On May 29, 2015, staff executed contract amendment #4, which involved no monetary change leaving the contract value at \$43,000,000. This amendment updated construction design and management work elements that better aligned the services with actual project needs and deliverables.



- On June 8, 2015, the City Council authorized contract amendment #5 in the amount of \$2,200,000 to bring the total contract value to \$45,200,000. This amendment was due to the acceleration of construction activity for schedule recovery and additional scope requiring additional design services.
- On August 22, 2016, the City Council approved contract amendment #6 in the amount of \$1,900,000 to bring the new contract value to \$47,100,000. This amendment was for additional design services due to design modifications, additional work related to the large number of contractor re-submittals, as well as schedule delays.
- On March 27, 2017, the City Council approved contract amendment #7 in an amount up to \$3,500,000 to bring the new contract value to \$50,600,000. This amendment was needed due to the extended duration of the Civil A and Track and Systems contracts.
- Amendment #8, in an amount up to \$2,900,000, is needed due to further extensions in the duration and staffing requirements of the BLE project, particularly the Civil A and Track and Systems contracts.
- The new total value of the contract, including all amendments, will be \$53,500,000, which is within the current BLE project budget.

**Kleinfelder Southeast, Inc.**

- On April 17, 2012, City Council awarded a contract in an amount up to \$9,000,000 to Kleinfelder Southeast, Inc. for materials testing and special inspections services for the BLE project.
- Seven contract amendments have been approved to date.
  - On February 22, 2015, the City Council approved contract amendment #6 in the amount of \$1 million for additional testing requirements and extended completion schedule related to delays related to utility relocation and railroad testing requirements.
  - Contract amendments #1 through #5 were for minor additions to the scope of work not originally included in the contract. Amendments #1 through #5 used contract contingency and did not require additional funds.
- On March 27, 2017, the City Council approved contract amendment #7 in an amount up to \$700,000 for extended duration of the project and additional testing requirements for Civil A.
- Contract amendment #8 was an initial authorization of \$50,000 until amendment #7 was executed.
- Amendment #9 in an amount up to \$300,000 is needed due to further extensions in the completion schedule of the BLE project, particularly the Civil A construction contract.
- The new total value of the contract, including this amendment, is an amount up to \$11,000,000, which is within the current BLE project budget.



**Agenda Date: 11/27/2017**

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**Agenda #: 42. File #: 15-6218 Type: Consent Item**

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## **Aviation Building Operating Systems Contract**

### **Action:**

- A. Approve a unit price contract with Johnson Controls Inc. for Building Operating Systems services for an initial term of five years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Brent Cagle, Aviation  
Jack Christine, Aviation

### **Explanation**

- Aviation requires enhanced building operating system services to assist in monitoring building automation, fire monitoring, and camera access systems.
- This contract will provide personnel to monitor and respond to alerts or operational malfunctions with building operating system equipment on a 24 hours/7 days a week basis. In addition, the contract provides the ability for Aviation to purchase additional monitoring equipment and installation services if the need arises over the term of the contract.
- On August 11, 2017, the City issued a Request for Proposals (RFP); three proposals were received from interested service providers.
- Johnson Controls Inc. was selected in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Estimated first year contract expenditures are \$1,940,000.

### **Charlotte Business INclusion**

The City negotiates subcontracting participation after the proposal selection process (Part C: section 2.1(h) of the Charlotte Business INclusion Policy).

Johnson Controls, Inc. has committed 2.86% (\$300,880) of the total contract amount to the following firms:

- Besco Electrical, Inc. (MBE) (\$161,745) (fire alarm testing and inspection)
- Data Communications of NC, Inc. (SBE) (\$139,135) (camera cleaning and inspection)

### **Fiscal Note**

Funding: Aviation Operating Budget



**Agenda Date:** 11/27/2017

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**Agenda #:** 43. **File #:** 15-6215 **Type:** Consent Item

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## **Aviation On-Call Electrical Service Contracts**

### **Action:**

- A. Approve unit price contracts with the following companies for on-call electrical service work for an initial term of three years:**
- **Besco Electrical ,**
  - **AKW Electrical Contractors, and**
- B. Authorize the City Manager to renew the contracts for up to two additional, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Brent Cagle, Aviation  
Jack Christine, Aviation

### **Explanation**

- Aviation provides facility maintenance on approximately 88 buildings including the Terminal and CLT Administration Center.
- These contracts will provide electrical service work for these buildings.
- On August 8, 2017, the City issued a Request for Proposals (RFP); seven proposals were received from interested service providers.
- Besco Electrical and AKW Electrical Contractors best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The contract gives the City the option to renew for two additional, one-year terms.
- Estimated contract expenditures for all contracts are \$300,000 annually.

### **Charlotte Business INclusion**

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

However, Besco Electrical is a City MBE.

### **Fiscal Note**

Funding: Aviation Operating Budget



**Agenda Date:** 11/27/2017

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**Agenda #:** 44. **File #:** 15-6692 **Type:** Consent Item

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## **Airport Terminal Reimbursement Agreement**

### **Action:**

- A. Approve a reimbursement agreement between Aviation and XpresSpa in an amount not-to-exceed \$250,000 for building modifications in the Airport Terminal, and**
- B. Adopt a budget ordinance appropriating \$250,000 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

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

Brent Cagle, Aviation  
Haley Gentry, Aviation

### **Explanation**

- XpresSpa is an existing subtenant to Paradies Lagardere, the Airport's retail concessionaire.
- XpresSpa is upfitting a concession venue to a spa that is located at the Airport Terminal Concourse A-B connector.
- In the same area, Aviation requires that building modifications occur to improve access and visibility. These building modifications include reconfiguring a stairway and partition wall and completing finishing work necessary to tie-in the concession venue and common use area of the Airport Terminal.
- To ensure these building modifications are completed in an efficient manner and with minimal disruption to passengers, Aviation has requested that XpresSpa incorporate these modifications into the scope of its work.
- XpresSpa has engaged a general contractor to perform the work on the City's behalf through a competitive bidding process that complied with applicable state public bidding laws.
- The Airport has agreed to reimburse XpresSpa for this work in an amount not-to-exceed \$250,000.

### **Fiscal Note**

Funding: Aviation Community Investment Plan

### **Attachment(s)**

Budget Ordinance

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NUMBER 9104-X, THE 2017-2018 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF \$250,000 FROM THE AVIATION DISCRETIONARY FUND FOR THE BUILDING MODIFICATIONS IN THE AIRPORT TERMINAL

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

Section 1. That the sum of \$250,000 is available from the Aviation Discretionary Fund for the reimbursement agreement between Aviation and XpressSpa

Section 2. That the sum of \$250,000 is hereby appropriated from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund to the following project(s):

Fund	6064
Project	4020901823
Source	6000
Type	60006001
Year	0000

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 Date: 11/27/2017**

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**Agenda #: 45. File #: 15-6617 Type: Consent Item**

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## **Airport Vertical Trash Compactor Electrical Services**

### **Action:**

**Award a contract in the amount of \$310,633 to the lowest responsive bidder Besco Electrical to provide electrical services for the Vertical Trash Compactor project.**

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

Brent Cagle, Aviation  
Jack Christine, Aviation

### **Explanation**

- On May 22, of 2017, the City Council approved a contract with Becker Complete Compactor, Inc. for the purchase of vertical compactors throughout the Airport Terminal ramps.
- This contract will provide the power and data line electrical services to the new compactors.
- On September 22, 2017, the City issued an Invitation to Bid for Airport Vertical Trash Compactor installation services; one bid was received from an interested service provider.
- Besco Electrical was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the fourth quarter of Fiscal Year 2018.

### **Charlotte Business INclusion**

Construction contracts estimated to be less than \$300,000 are informal and exempt from the goal setting process (Part A: Section 3.1 of the Charlotte Business INclusion Policy). However, Besco Electrical is a City MBE.

### **Fiscal Note**

Funding: Aviation Community Investment Plan



**Agenda Date:** 11/27/2017

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**Agenda #:** 46. **File #:** 15-6555 **Type:** Consent Item

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## **Airport Concourse E Design Services Contract Amendment**

### **Action:**

**Approve contract amendment #4 in the amount of \$858,266 with LS3P Associates LTD for design services for the Concourse E project.**

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

Brent Cagle, Aviation  
Jack Christine, Aviation

### **Explanation**

- Concourse E has been constructed in multiple phases to meet the growing demands of the airline partners. The first phase of construction on Concourse E began in 1999.
- Contract amendment #4 in the amount of \$858,266 includes additional design services to add approximately 8,200 square feet to Concourse E and an additional aircraft gate. The expansion will include additional food, beverage, and retail concession space.
- The new total value of the contract including this amendment is \$1,945,391.

### **Charlotte Business INclusion**

All additional work involved in this amendment will be performed by LS3P Associates LTD and their existing sub-consultants (Part D: Section 6 of the Charlotte Business INclusion Policy).

LS3P Associates LTD has committed 39.18% (\$336,300) of the total contract amendment amount to the following certified firms:

- Wilson Group Architects, PA (SBE) (\$174,000) (architectural services)
- McCracken & Lopez, PA (SBE) (\$162,300) (MEP services)

### **Fiscal Note**

Funding: Aviation Community Investment Plan



**Agenda Date: 11/27/2017**

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**Agenda #: 47.File #: 15-6675 Type: Consent Item**

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## **Vehicles and Equipment Cooperative Purchasing Contracts**

### **Action:**

- A. Approve the purchase of vehicles from the North Carolina Sheriff's Association cooperative purchasing contract 18-04-0912 as authorized by G.S. 143-129(e)(3) for the term of one year with the following vendors:**
- Asheville Ford Lincoln,
  - Modern Ford of Boone,
  - Cooper Ford,
  - Piedmont Truck Center,
  - Ilderton Dodge,
  - Capital Chevrolet,
- B. Approve the purchase of heavy equipment from the North Carolina Sheriff's Association cooperative purchasing contract 18-02-0428 with Carolina Tractor as authorized by G.S. 143-129(e)(3) for the term of one year,**
- C. Approve the purchase of vehicles from the National Joint Powers Alliance cooperative purchasing contract 120716-NAF with National Auto Fleet Group as authorized by G.S. 143-129(e)(3) for the term of one year,**
- D. Approve the purchase of sewer cleaning equipment from the Houston-Galveston Area Council Buy purchasing contract SC01-15 with Rodders and Jets Supply Co. as authorized by G.S. 143-129(e)(3) for the term of one year, and**
- E. Authorize the City Manager to extend the contracts for additional one-year terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

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

Randy Harrington, Management and Financial Services  
Chris Trull, Management and Financial Services

### **Cooperative Purchasing Exemption**

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

### **Explanation**

- The City assesses vehicles and equipment on an annual basis to determine replacement needs based on a rating of vehicle usage, age, maintenance costs, and condition.
- Cooperative purchasing contracts aggregate purchasing power at a regional and national level to provide goods to public agencies at best value.



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**Agenda #: 47.File #: 15-6675 Type: Consent Item**

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- The vendors above have contracts awarded through the North Carolina Sheriff's Association, National Joint Powers Alliance, and Houston-Galveston Area Council Buy that offer competitively obtained contracts to public agencies regionally and nationally for public works vehicles and equipment.
- Vehicles and equipment being purchased include hybrid sedans, light and medium duty pickup trucks, mid-size and large SUVs, heavy duty cab and chassis, passenger and cargo vans, backhoes, excavators, and sewer cleaning equipment.
- Purchases are estimated to be \$5,610,000.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: General and Enterprise Capital Equipment Replacement Funds



**Agenda Date: 11/27/2017**

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**Agenda #: 48. File #: 15-6470 Type: Consent Item**

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## **Refund of Property Taxes**

### **Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$68,950.51.**

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

Randy Harrington, Management and Financial Services  
Kay Elmore, Management and Financial Services

### **Explanation**

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

### **Pearson Review Update**

- In accordance with the ordinance approved by the City Council on August 25, 2014 and the North Carolina law, a list of refunds, which have been paid since the last City Council Business Meeting as a result of the Pearson Review, is available at the City Clerk's Office.
- The amount of Pearson Review refunds paid since the last City Council Business Agenda Meeting on November 13, 2017, totaled \$26,086.06.

### **Attachment(s)**

Taxpayers and Refunds Requested  
Resolution Property Tax Refunds

**Taxpayers and Refunds Requested**

ADP INC (EMPLOYER SERVICES DIVISION)	\$	2,632.99
ADP INC (EMPLOYER SERVICES DIVISION)	\$	2,975.12
ADP LLC (EMPLOYER SERVICES DIVISION)	\$	1,960.99
ADP LLC (EMPLOYER SERVICES DIVISION)	\$	2,317.09
BALLANTYNE VILLAGE PARKING LLC	\$	5,727.09
BANIWAL, SHAILENDER S	\$	0.50
BANIWAL, SHAILENDER S	\$	0.54
HARLOWE THE	\$	71.87
MICHELIN NORTH AMERICA INC	\$	4,943.65
MICHELIN NORTH AMERICA INC	\$	5,668.01
MICHELIN NORTH AMERICA INC	\$	6,140.34
MICHELIN NORTH AMERICA INC	\$	6,612.69
MICHELIN NORTH AMERICA INC	\$	7,085.02
MICHELIN NORTH AMERICA INC	\$	7,557.35
MMR HOLDINGS LLC	\$	8,705.51
NAPA AUTO	\$	439.71
NATIONAL RETAIL PROPERTIES LP .	\$	3,271.50
NMHG FINANCIAL SERVICES INC CHARLOTTE DISTRICT	\$	547.15
PAUL WHITFIELD & ASSOC PA	\$	49.69
PRESSLEY RIDGE APARTMENTS	\$	300.38
R & D OF CAROLINAS INC	\$	115.86
REAMES INVESTMENT CORPORATION .	\$	164.25
REAMES INVESTMENT CORPORATION .	\$	166.25
SCHMIDT, ROBERTA E	\$	59.84
SCHMIDT, ROBERTA E	\$	63.41
THE HARLOWE	\$	58.38
TURF TODAY INC	\$	1,315.33
	\$	<u>68,950.51</u>

## **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 27th 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 Date:** 11/27/2017

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**Agenda #:** 49. **File #:** 15-6744 **Type:** Consent Item

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## Meeting Minutes

**Action:**

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

- **October 23, 2017, Business Meeting and Recessed Zoning Meeting**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office



**Agenda Date: 11/27/2017**

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**Agenda #: 50. File #: 15-6702 Type: Consent Item**

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## **FedEx Cargo and Parking Facility Lease**

### **Action**

- A. Approve a 10-year lease with FedEx Corporation for cargo space,**
- B. Approve a 10-year lease with FedEx Corporation for a parking facility, and**
- C. Authorize the City Manager to approve up to two additional, five-year renewal terms for each lease consistent with the purpose for which the lease was approved.**

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

Brent Cagle, Aviation  
Haley Gentry, Aviation

### **Explanation**

- FedEx Corporation currently leases two cargo facilities from the Airport; the leases are set to expire in September 2018.
- Under the new leases, FedEx will combine its two cargo facilities into one existing facility located at 4100 Yorkmont Road and construct a 4,500 square foot maintenance facility addition. Additionally, FedEx requires a separate tractor trailer parking facility.
- Aviation will construct the addition to the existing cargo facility and the tractor trailer parking lot. The estimated cost for both facilities is \$2,400,000. Actual costs upon construction completion for each facility will be calculated on a 10-year amortization schedule.
- The facility lease of the existing cargo facility inclusive of facility rent, ground rent, and airport services fee is \$533,355 annually or \$5,333,550 for a 10-year total.
- The parking facility lease is estimated to be \$215,530 annually inclusive of improvements, ground rent, and airport service fee or \$2,155,300 for a 10-year total.



**Agenda Date: 11/27/2017**

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**Agenda #: 51. File #: 15-6216 Type: Consent Item**

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## **Sale of City-owned Property on Belmont Avenue and Harrill Street**

### **Action:**

- A. Adopt a resolution approving the private sale of two City-owned parcels located at 919/923 Belmont Avenue and 1025/1035 Harrill Street (parcel identification numbers 081-129-02 and 081-124-10) to MPV II, LLC, for \$440,300,**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the sale of property, and**
- C. Adopt a budget ordinance appropriating the proceeds to the Affordable Housing Program.**

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

Mike Davis, Engineering and Property Management  
Pat Mumford, Economic Development  
Tony Korolos, Engineering and Property Management  
Todd DeLong, Economic Development

### **Explanation**

- MPV II, LLC, has proposed to purchase and redevelop two City-owned parcels in the Belmont Neighborhood; 1025 and 1035 Harrill Street (parcel identification number 081-124-10), is 0.52 acres and contains a residential duplex and former convenience store, and 919 and 923 Belmont Avenue (parcel identification number 081-129-02), is 0.32 acres and contains a single-family residence and former automotive garage.
- The two properties were purchased in 2014, with plans to demolish the structures and dispose of the properties to further the City's housing diversity goals.
- Based on market conditions and feedback from the Belmont community, City Council approved a solicitation process on June 27, 2016, authorizing staff to seek proposals from developers interested in preserving and repurposing the commercial structures for more vibrant economic uses instead of the original housing plan.
- The solicitation was released on March 8, 2017, with proposals due on April 21, 2017. Four proposals were received, and the proposed redevelopment by MPV II, LLC, was the most consistent with the objectives of the Belmont Area Revitalization Plan, adopted by City Council in 2003.
- The proposal by MPV II, LLC, includes plans to demolish the residential structures on both properties, and to preserve the commercial structures for retail and restaurant use while preserving the building façades.
- The two City-owned parcels were appraised together in May 2016 for \$440,300.
- The offer from MPV II, LLC, includes the following terms:
  - Price of \$440,300,
  - Earnest money deposit of \$15,000,
  - Due diligence of 180 days, with the option for two, 30 day extensions for an applicable \$2,500 each, and

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**Agenda #: 51.File #: 15-6216 Type: Consent Item**

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- Closing shall occur no later than 30 days after the expiration of due diligence.
- Since the property was originally purchased using \$295,000 from the Affordable Housing Program's Housing Trust Fund, the sale price of \$440,300 will reimburse the Housing Trust Fund for the original cost and provide an additional \$145,300 to help achieve the City's housing goals.
- As part of the mandatory referral process, the Planning Commission reviewed the transaction on February 16, 2016, and provided no additional comments.
- These transactions are consistent with the *City-Owned Real Estate and Facilities Policy*, adopted by City Council in June 2017.

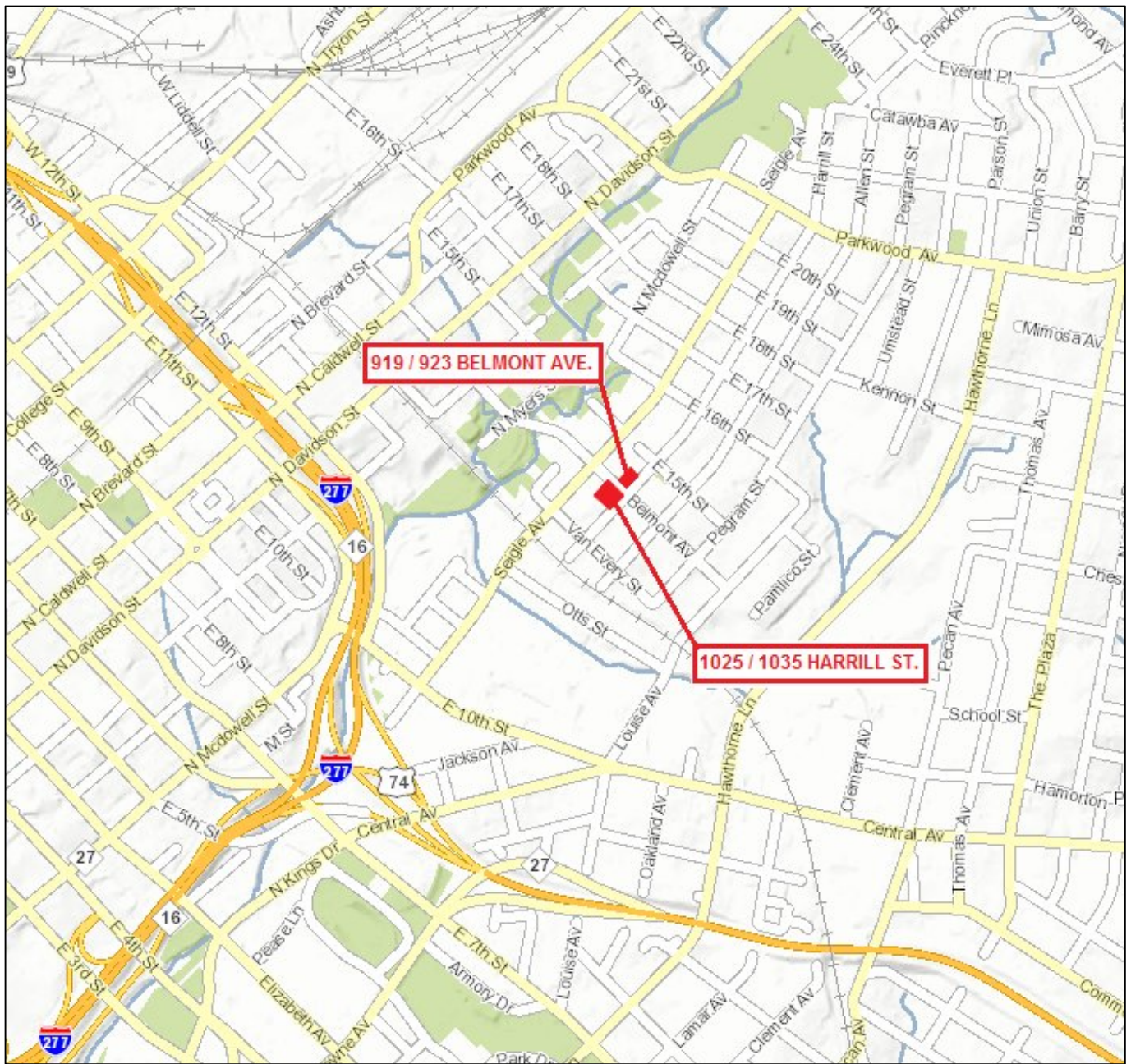
**Fiscal Note**

Funding: Proceeds to be deposited into the Affordable Housing Program's Housing Trust Fund

**Attachment(s)**

Map  
Budget Ordinance  
Resolution





**Location Map: Sale of City-owned Property on  
Belmont Avenue and Harrill Street  
(Council District 1)**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NUMBER 9104-X, THE 2017-2018 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF \$440,300 FOR THE SALE OF TWO CITY-OWNED PARCELS AT 919/923 BELMONT AVENUE AND 1025/1035 HARRILL STREET

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

- Section 1. That the sum of \$440,300 hereby estimated to be available from MPV II, LLC
- Section 2. That the sum of \$440,300 is hereby appropriated in the General Community Investment Fund (4001) into the Affordable Housing Program - 6133750004 - 1000000000  
GL: 4001-61-61-6160-613375-000000-000-530500
- 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

RESOLUTION AUTHORIZING THE CONVEYANCE OF TWO PROPERTIES IN  
THE BELMONT NEIGHBORHOOD TO MPV II, LLC

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WHEREAS, the City of Charlotte owns two properties: a .52 acre property located at 1025 and 1035 Harrill Street (tax parcel # 081-124-10) and a .32 acre property located at 919 and 923 Belmont Avenue (tax parcel # 081-129-02) in Charlotte, (collectively, the “Property”); and

WHEREAS, on the Harrill Street property are a residential duplex and former convenience store and on the Belmont Avenue property are a single-family residence and former automotive garage; and

WHEREAS, in June of 2016 City Council approved the solicitation of offers for the non-residential redevelopment of the Property and four proposals were received; and

WHEREAS, the offer and redevelopment proposal from MPV II, LLC is the most consistent with the objectives of the City's Belmont Area Revitalization Plan; and

WHEREAS, City of Charlotte Charter §8.22 authorizes the City to convey real property by private sale when it determines that the sale will advance or further any Council-adopted urban revitalization or land use plan or policy; and

WHEREAS, the City Council of the City of Charlotte has determined that the sale of the Property to MPV II, LLC will advance its Council-adopted Belmont Area Revitalization Plan and its goals to renovate, restore and preserve the character of the historic Belmont neighborhood; and

WHEREAS, the City and MPV II, LLC have negotiated and agreed upon terms for the conveyance of the Property to MPV II, LLC for its appraised value of \$440,300, and for its redevelopment in a timely manner for retail and restaurant purposes, including preservation and rehabilitation of existing commercial building exteriors; and

WHEREAS, notice of the proposed transaction was advertised at least ten days prior to the adoption of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, pursuant to §8.22(d) of the City of Charlotte Charter, that it hereby authorizes the private sale of the above referenced Property as follows:

1. The City Manager or his Designee is authorized to execute all documents necessary to convey in fee simple the Property described above to MPV, LLC, upon the terms contained herein and as advertised.

2. The consideration for this conveyance is the purchase price in the amount of \$440,300, along with specified commercial redevelopment and historic preservation.

THIS THE \_\_\_\_ DAY OF NOVEMBER, 2017.



**Agenda Date:** 11/27/2017

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**Agenda #:** 52. **File #:** 15-6960 **Type:** Consent Item

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**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 High Hazard dam 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 Date:** 11/27/2017

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**Agenda #:** 53. **File #:** 15-6957 **Type:** Consent Item

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**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 High Hazard dam 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 Date:** 11/27/2017

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**Agenda #:** 54. **File #:** 15-6664 **Type:** Consent Item

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## **Airport Property Transactions - 9021 Snow Ridge Lane**

**Action:**

**Approve the following Property Acquisition: 9021 Snow Ridge Lane**

**Project:** Airport Environmental Impact Statement Mitigation Land

**Owner(s):** Warner and Ilse Rodriquez

**Property Address:** 9021 Snow Ridge Lane

**Total Parcel Area:** .921 acres

**Property to be acquired by Easements:** N/A

**Structures/Improvements to be impacted:** Single-family Home

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 141-111-48

**Purchase Price:** \$130,000 and all relocation benefits in compliance with federal, state, or local regulations

**Council District:** N/A



**Agenda Date: 11/27/2017**

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**Agenda #: 55. File #: 15-6757 Type: Consent Item**

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## **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 Date: 11/27/2017**

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**Agenda #: 56. File #: 15-6758 Type: Consent Item**

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## **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.



**Agenda Date: 11/27/2017**

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**Agenda #: 57.File #: 15-6759 Type: Consent Item**

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## **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 easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross," such as public utility easement.
- The definition of fee simple 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.