City of Charlotte

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

Meeting Agenda

Monday, February 22, 2016

Council Chambers

City Council Business Meeting

Mayor Jennifer W. Roberts
Mayor Pro Tem Vi Lyles
Council Member Al Austin
Council Member John Autry
Council Member Ed Driggs
Council Member Julie Eiselt
Council Member Claire Fallon
Council Member Patsy Kinsey
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Greg Phipps
Council Member Kenny Smith

City of Charlotte

Meeting Agenda

City Council Business Meeting

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

Monday, February 22, 2016, 5:00 P.M.

1. Mayor and Council Consent Item Questions 2

2. Closed Session 3

3. Answers to Mayor and Council Consent Item Questions 4

Call to Order

Roll Call

Introductions

Invocation

Pledge of Allegiance

4. Recognition of CIAA Basketball Week in Charlotte 5

6:00 P.M. CITIZENS' FORUM

5. Consent agenda items 14 through 40 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk..... 6

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19. Airport Project Construction Inspection Services 66

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23. Airport Mid-Sized Truck Acquisition 76

24. Duke Hangar License 77

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27. Mallard Creek Wastewater Treatment Plant Polychlorinated Biphenyl Decontamination Services 83

28. McAlpine Creek Wastewater Treatment Plant Combined Heat and Power Improvements.. 87

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32. LYNX Blue Line Extension - Construction Materials Testing and Special Inspection Services Contract Amendment 96

33. CATS Retired Buses Donation 97

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35. CATS Amenities Bus Stop Benches 99

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42. Reference - Property Transaction Process 115

43. Reference - Property Acquisitions and Condemnations 116

Adjournment

City of Charlotte

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

Agenda Date: 2/22/2016

Agenda #: **File #:** 15-2591 **Type:** Dinner Briefing

CITY COUNCIL MEETING
Monday, February 22, 2016

In addition to the previously advertised public hearing items, Departments have asked that the time sensitive items listed below not be deferred.

Item#	Title
14	Police Uniforms, Related Equipment and Services
21	Airport PSA Hangar Addition
31	LYNX Blue Line Extension - Sugar Creek Pedestrian Bridge Railroad Agreement
40	Property Transactions: Mt. Holly-Huntersville 11810 Road Sanitary Sewer, Parcel #5

Agenda #: 1.**File #:** 15-2543 **Type:** Dinner Briefing

Mayor and Council Consent Item Questions

Staff Resource(s):
Ann Wall, 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
Government Center
600 East 4th Street
Charlotte, NC 28202

Agenda Date: 2/22/2016

Agenda #: 2.**File #:** 15-2562 **Type:** Dinner Briefing

Closed Session

Action:

Adopt a motion pursuant to North Carolina General Statute 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

Agenda #: 3.**File #:** 15-2544 **Type:** Dinner Briefing

Answers to Mayor and Council Consent Item Questions

Staff Resource(s):
Ann Wall, City Manager's Office

Time: 10 minutes

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

Agenda #: 4.**File #:** 15-2570 **Type:** Awards and Recognitions

Recognition of CIAA Basketball Week in Charlotte

Mayor Roberts will recognize Jacqie McWilliams, CIAA Commissioner; Dr. Ronald L. Carter, President of Johnson C. Smith University; and Tom Murray, Chief Executive Officer of Charlotte Regional Visitors Authority as the legacy continues for the 2016 CIAA Tournament.

Agenda #: 5.**File #:** 15-2586 **Type:** Consent Item

Consent agenda items 14 through 40 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. Consideration of Consent Items that have not been pulled, and

B. Consideration of Consent Items with citizens signed up to speak to the item.

Agenda #: 6.**File #:** 15-2463 **Type:** Public Hearing Item

Public Hearing on a Resolution to Close a Portion of E. 17th Street and an Alleyway off of E. 17th Street

Action:

A. Conduct a public hearing to close a portion of E. 17th Street and an alleyway off of E. 17th Street, and

B. Adopt a resolution to close a portion of E. 17th Street and an alleyway off of E. 17th Street.

Staff Resource(s):
Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

  The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- A portion of E. 17th Street and an alleyway off of E. 17th Street is located in Council District 1.

Petitioners
300 Parkwood, LLC in conjunction with property owner Jimmy and Geraldine Sherrill.

Right-of-Way to be Abandoned
The portion of E. 17th Street and alleyway off of E. 17th is located southeast of where Parkwood Avenue intersects with E. 17th Street.

Reason
The petitioner is vested in all of the abutting property and intends to reassemble this land to include a portion of E. 17th Street and an alleyway off of E. 17th Street. The assembly of this land is consistent with rezoning petition #2015-091, which was approved by City Council on October 19, 2015.

Notification
As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s) - All abutting property is owned by the petitioner.

Neighborhood/Business Association(s)

Optimist Park Neighborhood Association - Notified/no comments

Private Utility Companies - No objections

City Departments

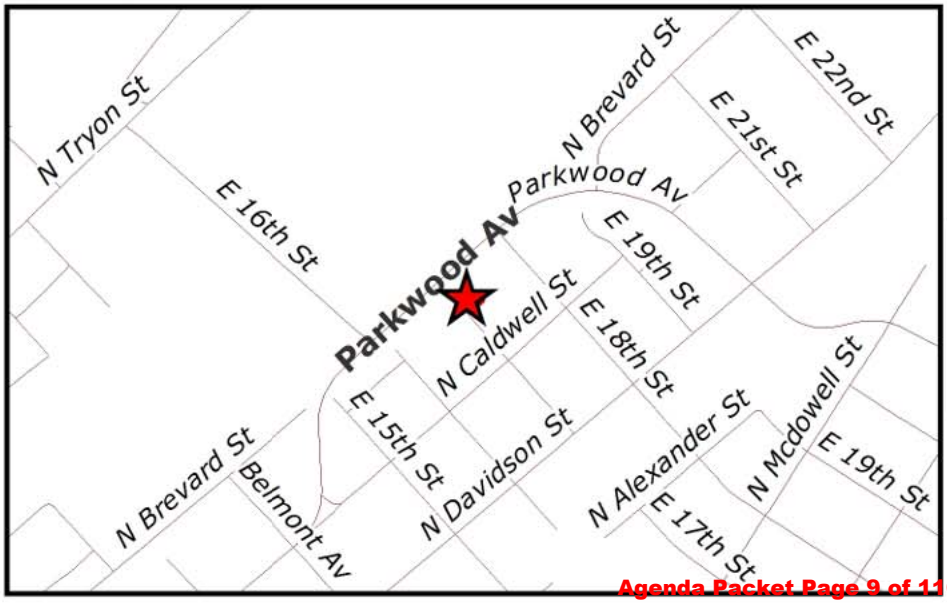
Review by City departments identified no apparent reason this closing would:

- Be contrary to the public interest;
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment

Map

Resolution



CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION

Right-of-Way Abandonment Petition 2015-16

Right-of-Way Abandonment Area

A residual portion of E. 17th St. and an adjacent alleyway

RESOLUTION CLOSING A PORTION OF E. 17TH STREET AND AN ALLEYWAY OFF OF E. 17TH STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a portion of E. 17th Street and an alleyway off of E. 17th Street, which calls for a public hearing on the question; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close a portion of E. 17th Street and an alleyway off of E. 17th Street to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 22nd day of February, 2016, and City Council determined that the closing of a portion of E. 17th Street and an alleyway off of E. 17th Street is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of February 22, 2016, that the Council hereby orders the closing of a portion of E. 17th Street and an alleyway off of E. 17th Street in the City of Charlotte Mecklenburg County, North Carolina as shown in the maps marked "Exhibit A-1 and A-2", and is more particularly described by metes and bounds in the documents marked "Exhibit B-1 and B-2", all of which are attached hereto and made a part hereof. This action shall be effective on the date that the connection between E. 17th Street and Parkwood Avenue is reestablished for both vehicular and pedestrian travel. The aforementioned section of roadway shall be constructed and accepted by the City of Charlotte for maintenance. This action shall be void if the aforementioned conditions are not satisfied within 5-years following the date that this resolution is adopted by City Council.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

Agenda #: 7.**File #:** 15-2465 **Type:** Public Hearing Item

Public Hearing on a Resolution to Close an Alleyway off of W. 28th Street

Action:

A. Conduct a public hearing to close an alleyway off of W. 28th Street, and

B. Adopt a resolution to close an alleyway off of W. 28th Street.

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- An alleyway off of W. 28th Street is located in Council District 1.

Petitioners

Star Investments Group, LLC c/o Raj Pathak

Right-of-Way to be Abandoned

The alleyway off of W. 28th Street is located northwest of the intersection of W. 28th Street and N. Tryon Street.

Reason

The abandonment request is consistent with the owner's interests in closing the alleyway and the City's North Tryon Business Corridor Community Investment Plan project.

Notification

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s)

Lonnie C. Hanna - No objections

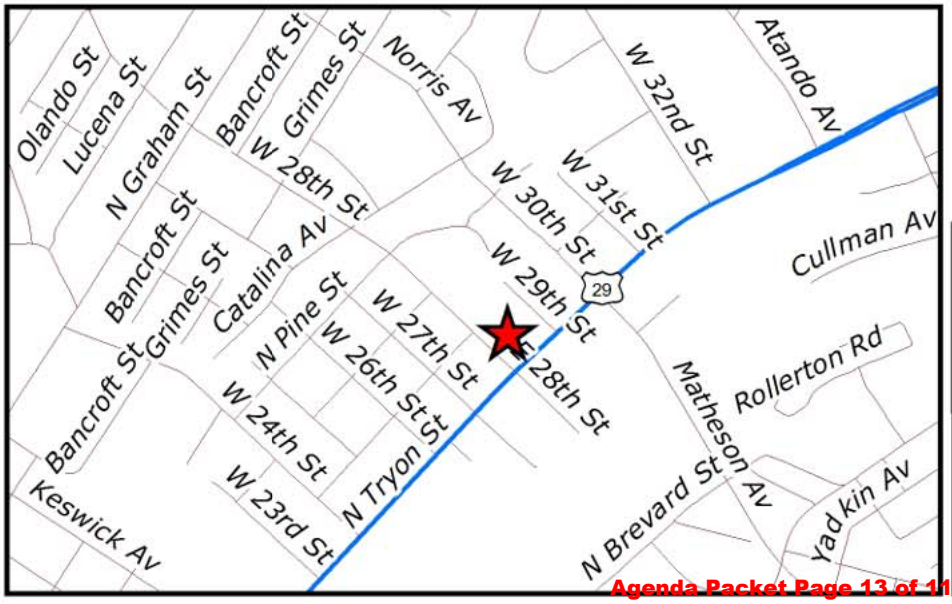
Neighborhood/Business Association(s)
Graham Heights Neighborhood Association - Notified/no comments

Private Utility Companies - No objections

City Departments
Review by City departments identified no apparent reason this closing would:

- Be contrary to the public interest;
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment
Map
Resolution



CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION

Right-of-Way Abandonment Petition 2015-18

Right-of-Way Abandonment Area

Alleyway off of W. 28th Street

RESOLUTION CLOSING AN ALLEYWAY OFF OF W. 28TH STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close an alleyway off of W. 28th Street, which calls for a public hearing on the question; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close an alleyway off of W. 28th Street to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, pursuant to subsection (c) of North Carolina General Statute 160A-299, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley; and

WHEREAS, the provisions of the aforementioned subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat is described as" Exhibit A", attached hereto and made part hereof; and

WHEREAS, the petitioner and an abutting property owner have agreed to a distribution of right-of-way as shown in the agreement of understanding marked "Exhibit C", and is more particularly described by metes and bounds in the documents marked "Exhibit B1 and B2" attached hereto and made part hereof; and

WHEREAS, the public hearing was held on the 22nd day of February, 2016, and City Council determined that the closing of an alleyway off of W. 28th Street is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of February 22, 2016, that the Council hereby orders the closing of an alleyway off of W. 28th Street in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in the documents marked "Exhibit B1 and B2", all of which are attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

Agenda #: 8.**File #:** 15-2311 **Type:** Public Hearing Item

Public Hearing on a Resolution to Close a Portion of Greenwood Cliff

Action:

Continue a public hearing to close a portion of Greenwood Cliff to March 28, 2016. This item will not be heard until the Pearl Park project is ready for City Council consideration. The Economic Development & Global Competitiveness Committee will consider the Pearl Park Tax Increment Grant after Mecklenburg County considers it, likely to occur early in late February or early March.

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The abandonment of Greenwood Cliff would allow for an extension of the existing Pearl Park Way (Pearl Park Project).
- City Council voted to continue this public hearing at its Council Business Meeting on November 23, 2015.
- There are three primary actions necessary for the Pearl Park Project to move forward:
  - Approval of a proposed Text Amendment, accomplished on February 15, 2016;
  - Decision on the Pearl Park Way Extension Tax Increment Grant (March 28, 2016); and
  - Closing of a portion of Greenwood Cliff (March 28, 2016).
- The resolution to close this portion of Greenwood Cliff contains a contingency statement that requires the construction of Pearl Park Way Extension and Berkley Place Extension to be completed within five years of this action.
- The City intends to keep Greenwood Cliff open to the public until the conditions outlined in the contingency statement are met.
- Greenwood Cliff is located in City Council District 1.

Petitioners

Midtown Partners II, LLC

Right-of-Way to be Abandoned
Greenwood Cliff is located northwest of Kenilworth Avenue, neighboring the Pearl Street Neighborhood Park.

Reason
The closing of a portion of Greenwood Cliff will occur in exchange for the construction of the new Pearl Park Way extension. This first phase of this street connection will occur between Kenilworth Avenue and the remaining portion of Greenwood Cliff. In addition, this street closing will allow a number of abutting properties to be recombined in order to accommodate a new development consisting of mixed housing, office, and commercial uses. The proposed development is consistent with the Midtown-Morehead-Cherry Area Plan.

Notification
As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s)
Mr. Alan Mayfield - Notified/no response
Mr. James Keenan - Has concerns that the proposed project design not adversely impact remaining properties.
Mr. David Earnhardt - Notified/no response
Mr. Allen James - Notified/no response
Mr. William Turner - No objections
Mr. Chester Helt - Has concerns, which he and the petitioner are working to resolve.
D&R Properties of Charlotte, LLC - Notified/no response
Amy ENT, LLC - Notified/ no response
ODOM Family, LLC - Notified/no response
Nameste Properties No. 1, LLC - Notified/no response
Liberty Greenwood Cliff, LLC - Notified/no response

Neighborhood/Business Association(s)
Charlotte Regional Realtor® Association - No objections

Private Utility Companies - No objections

City Departments
Review by City departments identified no apparent reason this closing would:

- Be contrary to the public interest;
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Agenda #: 9.**File #:** 15-2528 **Type:** Appointment

Appointments to the Privatization/Competition Advisory Committee

Action:

Vote on blue ballots and return to Clerk at dinner.

Staff Resource(s):
Stephanie Kelly, City Clerk

Explanation

- One appointment for a two-year term beginning March 2, 2016, and ending March 1, 2018.
  - William Lilly, Jr nominated by Council members Fallon, Kinsey, and Mayfield
  - James Marascio nominated by Council members Driggs, Eiselt, and Phipps
  - Matt McDonald nominated by Council members Driggs, Eiselt, and Fallon
  - Warren Neff nominated by Council member Phipps
  - Emmanuel Reid nominated by Council members Austin, Autry, and Lyles

Attachment
Privatization/Competition Advisory Committee Applicants

City of Charlotte, NC

PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

BOARD DETAILS

OVERVIEW

SIZE 11 Seats

TERM LENGTH 2 Year

TERM LIMIT 2 Terms

Membership - Initial terms will be staggered; all future terms will be for two years. Each member will be limited to two consecutive terms. The Mayor will select the Chairman. The Mayor and Council will appoint citizens knowledgeable in the fields of management, accounting, human resources, marketing and customer service. Representative skills may include some or all of the following: work management and specifications, cost accounting, customer relations, performance measurement and analysis, employee relations, quality assurance, asset divestment, and procurement and bidding process.

Responsibilities - To monitor the progress of the City in implementing services contracting and asset management, recommend services and assets to be considered for competition and privatization, and to advise on ways to improve current contracted services with service delivery problems; to assist and advise the City on issues in implementing the goals and processes adopted by Council for services contracting and asset management. This may include review of requests for proposal, cost comparison methodologies, bid processes, etc.; to serve as an advisor to both the City Council and the City Manager on matters regarding privatization and competition in general; to review the existing legal system for contracting and may develop and recommend local legislation to modify such systems; to be a resource regarding concerns about fairness of any bidding processes. As a result, the committee may be asked to review bid proceedings and hear grievances from parties involved.

CONTACT

Maria Dennis
(704) 432-5258
mdennis@ci.charlotte.nc.us

DETAILS

MEMBERSHIP BREAKDOWN 3 by Mayor; 8 by City Council

MEETING INFORMATION
Meeting Day - 2nd Thursday monthly
Meeting Time - 7:30 a.m.
Meeting Location - Government Center Building
Time Commitment - 4 to 5 hours per month

ENACTING RESOLUTION

ENACTING RESOLUTION WEBSITE

ADDITIONAL INFORMATION

City of Charlotte, NC

PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

BOARD ROSTER

ANTONIO BRICENO
2 Term **Mar 02, 2015 - Mar 01, 2017**

Email: antonio.briceno@daimler.com
Phone: 503-781-3615

Office Government Center Building, 600 E. 4Th Street
Position Board Member
Category None
Appointed by City Council

ROBERT DIAMOND
2 Term **Mar 02, 2015 - Mar 01, 2017**

Email: diamondrn@gmail.com
Phone: 980-253-0626

Office Government Center Building, 600 E. 4Th Street
Position Board Member
Category None
Appointed by City Council

TORREY FEIMSTER
1 Term **Mar 02, 2015 - Mar 01, 2017**

Email: torrey@email.com

Position Board Member
Appointed by City Council

FELISHA A FLETCHER
Partial Term **Nov 10, 2014 - Mar 01, 2016**

Email: felisha.fletcher@cancer.org
Phone: 919-247-5973

Office Government Center Building, 600 E. 4Th Street
Position Board Member
Category None
Appointed by City Council

MORRIS MCADOO
2 Term **Mar 02, 2015 - Mar 01, 2017**

Email: mfmcadoo@mcadoolaw group.com
Phone: 919-824-8286

Office Government Center Building, 600 E. 4Th Street
Position Board Member
Category None
Appointed by City Council

JOHN MURCHISON
2 Term **Mar 02, 2014 - Mar 01, 2016**

Email: jmurchison1@carolina.rr.com
Phone: 704-906-2718

Office Government Center Building, 600 E. 4Th Street
Position Board Member
Category None
Appointed by Mayor

KATHERINE PAYERLE
2 Term **Mar 02, 2012 - Mar 01, 2016**

Email: kpayerle@rbh.com
Phone: 704-280-2749

Office Government Center Building, 600 E. 4Th Street
Category None

MICHAEL RANKEN
1 Term **Mar 02, 2015 - Mar 01, 2017**

Email: mikeranken@hotmail.com
Phone: 225-772-2908

Office Government Center Building, 600 E. 4Th Street
Position Board Member
Category None
Appointed by Mayor

KATHERINE STEFAN
1 Term **Mar 02, 2015 - Mar 01, 2017**

Email: katherinestefan@gmail.com
Phone: 704-254-2391

Position Board Member
Category None
Appointed by City Council

JULIAN WRIGHT JR.
2 Term **Mar 02, 2014 - Mar 01, 2016**

Email: jw right@rbh.com
Phone: 704-222-4026

Office Government Center Building, 600 E. 4Th Street
Position Board Member
Category None
Appointed by City Council

VACANCY

Profile

William
First Name

Middle Initial

Lilly, Jr.
Last Name

will@ironhorseauction.com
Email Address

1435 Tippah Park Ct.
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:

Primary Phone

Alternate Phone

District 1
What district do you live in?

Caucasian/Non-Hispanic
Ethnicity

Republican
Political Party

Male
Gender

08/03/1980
Date of Birth

Are you a registered voter of Mecklenburg County?

◉ Yes ○ No

List any boards you are currently serving on:

List any boards you have served on in the past:

Which Boards would you like to apply for?

Planning Commission, Privatization/Competition Advisory Committee

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

I feel that with my experience in selling all types of assets from many different industry sectors, that I would bring a fresh, outside view to the Privatization/Competition Advisory Committee.

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

Before moving to Charlotte I served on the Planning Commission in Stanly County.

Iron Horse Auction Company
Current Employer:

14
Years in current position:

Auctioneer
Job Title:

Brief description of duties:

Travel 3-4 days per week facilitating and conducting auctions in North Carolina, South Carolina & Virginia.

Other employment history:

Firefighter, City of Albemarle; Employeed 8 years

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:

High School
Education:

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

Additional Education History:

Robin M. Lilly
Spouse's Name:

Carolina's Rehabilitaiton
Spouse's Employer

Director
Spouse's Job Title

City of Charlotte Website
How did you find out about the Charlotte Boards and Commissions vacancies?

If you selected 'Other', please explain:

Board Specific Questions

Question applies to Business Advisory Committee.

Which industry sector, if any, do you fall under

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

Are you a low income housing resident?

Question applies to Citizens Review Board (B/O).

Profile

James
First Name

Middle Initial

Marascio
Last Name

jim@marascio.com
Email Address

5806 Newcombe Ct
Street Address

Suite or Apt

Charlotte
City

NC
State

28277
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:

Primary Phone

Alternate Phone

District 7
What district do you live in?

Caucasian/Non-Hispanic
Ethnicity

Republican
Political Party

Male
Gender

01/25/1971
Date of Birth

Are you a registered voter of Mecklenburg County?

◉ Yes ○ No

List any boards you are currently serving on:

List any boards you have served on in the past:

Which Boards would you like to apply for?

Privatization/Competition Advisory Committee, Transit Services Advisory Committee

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

I know that it is important for the city to ensure competition in the process of bidding for government services and to have a balanced portfolio service providers. Compared to other cities I visit, Charlotte's public transportation appears underutilized. I think that this service should be a key component to the city's growth strategy, ensuring productivity, accessibility and livability.

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

I am a member of an early-stage business executive team and treasurer of another Charlotte start-up business. In 2010, I helped found the Charlotte Regional Technology Executives Council (CRTEC). And I have sat on the executive committee of a non-profit foundation since 2008. For nearly four years, I have served as the chairman of foundation's board of directors.

11Giraffes
Current Employer:

7.5
Years in current position:

Chief Technology Officer & Vice President of Operations
Job Title:

Brief description of duties:

Member of a SaaS executive team focused on retail media solutions. Responsible for product innovation, development, fulfillment & marketing. Maintain product road map vision and direction through consultation with sales team, channel sales network and client input.

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:

Graduate School
Education:

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

Additional Education History:

Theresa Marascio
Spouse's Name:

Mint Marketing Solutions
Spouse's Employer

President
Spouse's Job Title

City of Charlotte Website
How did you find out about the Charlotte Boards and Commissions vacancies?

If you selected 'Other', please explain:

Board Specific Questions

Question applies to Business Advisory Committee.

Which industry sector, if any, do you fall under

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

Are you a low income housing resident?

Question applies to Citizens Review Board (B/O).

Profile

Matt
First Name

Middle Initial

McDonald
Last Name

matt.mcdonald@duke-energy.com
Email Address

6915 Rea Croft Dr
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:

Primary Phone

Alternate Phone

District 7
What district do you live in?

Ethnicity

Republican
Political Party

Male
Gender

01/02/1984
Date of Birth

Are you a registered voter of Mecklenburg County?

◉ Yes ○ No

List any boards you are currently serving on:

List any boards you have served on in the past:

Which Boards would you like to apply for?

Charlotte Water Advisory Committee, Privatization/Competition Advisory Committee

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

I have a strong desire for civic involvement having lived in the local CharMeck community for the past five years and recently purchasing our first home. I would sincerely appreciate the opportunity to give back to our home by serving on a board/committee. I truly feel the City Council will benefit from my financial and business acumen.

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

Licensed Certified Public Accountant (CPA) and Project Management Professional (PMP). Seasoned business professional with extensive operational and financial analysis experience improving efficiency and profitability, combined with strong leadership, organizational, and communication skills. Five years local experience working in regulated utilities.

Duke Energy
Current Employer:

2
Years in current position:

Analytics, Senior Analyst
Job Title:

Brief description of duties:

Forecast annual ~$2B generation portfolio optimizing deterministic and stochastic production cost modeling, including complex financial calculations of natural gas and wholesale power expenses for regulatory recovery. Evaluate and advise on potential term energy transactions optimizing portfolio. Manage project teams improving operational efficiencies, streamlining processes, and minimizing risk.

Other employment history:

2009-2012: Duke Energy, Senior Audit Consultant-Financial and Operational Internal Audit. 2007-2009: KPMG, Transaction Services Associate-Mergers & Acquisitions Due Diligence and External Audit. 2009-Present: Licensed CPA. 2012-Present: Licensed PMP.

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:

University of Tennessee: Master of Accountancy - Cum Laude (2007) University of Tennessee: Bachelor of Science, Accounting and International Business - Magna Cum Laude (2006) Certified Public Accountant (CPA): 2009-Present Project Management Professional (PMP): 2012-Present

Graduate School
Education:

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

Additional Education History:

Sarah McDonald
Spouse's Name:

KPMG
Spouse's Employer

Advisory Manager
Spouse's Job Title

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

Eric Sieckmann - vacated CMUD position
If you selected 'Other', please explain:

Board Specific Questions

Question applies to Business Advisory Committee.

Which industry sector, if any, do you fall under

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

Are you a low income housing resident?

Question applies to Citizens Review Board (B/O).

Profile

Warren
First Name

Middle Initial

Neff
Last Name

wneff.fr@gmail.com
Email Address

1322 Bonnie Ln
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:

Primary Phone

Alternate Phone

District 4
What district do you live in?

Caucasian/Non-Hispanic
Ethnicity

Independent
Political Party

Male
Gender

11/28/1989
Date of Birth

Are you a registered voter of Mecklenburg County?

◉ Yes ○ No

List any boards you are currently serving on:

List any boards you have served on in the past:

Which Boards would you like to apply for?

Privatization/Competition Advisory Committee

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

I am interested in serving on these boards because it is an opportunity to get involved with and serve my community. I think both my degree in college and experience living abroad, as well as my experience with NC State Employees' Credit Union would allow me to be an asset to the citizens of the city.

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

NC State Emoloyees' Credit Union
Current Employer:

1

Years in current position:

Financial Services Representative I

Job Title:

Brief description of duties:

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:

College

Education:

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

Additional Education History:

None

Spouse's Name:

Spouse's Employer

Spouse's Job Title

City of Charlotte Website

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

If you selected 'Other', please explain:

Board Specific Questions

Question applies to Business Advisory Committee.

Which industry sector, if any, do you fall under

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

Are you a low income housing resident?

Question applies to Citizens Review Board (B/O).

Profile

Emmanuel
First Name

Middle Initial

Reid
Last Name

e_reid1@yahoo.com
Email Address

222 East Bland St.
Street Address

Suite or Apt

Charlotte
City

NC
State

28203
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:

Primary Phone

Alternate Phone

District 1
What district do you live in?

Asian or Pacific Islander
Ethnicity

Democrat
Political Party

Male
Gender

12/29/1988
Date of Birth

Are you a registered voter of Mecklenburg County?

◉ Yes ○ No

List any boards you are currently serving on:

List any boards you have served on in the past:

Which Boards would you like to apply for?

Civil Service Board, Community Relations Committee, Planning Commission, Privatization/Competition Advisory Committee

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

I have always been passionate and hands on in helping my community, but now I believe it is time for me to take the next step and commit myself to a community board(s) and team up with some of the leaders in the community and strive for a better Charlotte.

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

I have worked as the Assistant Director with Grassroots Campaigns, and was responsible for developing canvassing outreach campaigns for organizations who fight for issues such as civil liberties, environmental protection, equality, poverty and social justices. I have also been a volunteer mentor with Right Moves for Youth since 2013, working with CMS schools and mentoring Middle School children.

Grassroots Campaigns

Current Employer:

4 months
Years in current position:

Assistant Director
Job Title:

Brief description of duties:

Responsible for developing canvassing outreach campaigns for organizations who fight for issues such as civil liberties, environmental protection, equality, poverty and social justice. I am tasked with implementing daily and weekly plans to maximize office results and provide analysis on performance. I also oversee the recruitment, training, and staff development.

Other employment history:

Third Rock Events (Business Development Manager) Xerox (Solutions Consultant) NASCAR (Public Affairs Intern) Right Moves for Youth (Volunteer Mentor)

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:

College
Education:

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

Additional Education History:

Spouse's Name:

Spouse's Employer

Spouse's Job Title

City of Charlotte Website
How did you find out about the Charlotte Boards and Commissions vacancies?

If you selected 'Other', please explain:

Board Specific Questions

Question applies to Business Advisory Committee.

Which industry sector, if any, do you fall under

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

Are you a low income housing resident?

Question applies to Citizens Review Board (B/O).

Agenda #: 10.**File #:** 15-2529 **Type:** Appointment

Appointment to the Zoning Board of Adjustment

Action:

Vote on blue ballots and return to Clerk at dinner.

Staff Resource(s):
Stephanie Kelly, City Clerk

Explanation

- One appointment for a three-year term of service beginning January 31, 2016, and ending January 30, 2019.
  - Nichelle Bonaparte nominated by Council members Austin, Autry, Mayfield, Mitchell, and Phipps
  - Scott Compagna nominated by Council member Smith
  - Jessica J. Meyer nominated by Council member Kinsey
  - Irving M. Schwebel nominated by Council members Driggs, Eislet, and Fallon

Attachment
Zoning Board of Adjustment Applicants

City of Charlotte, NC

ZONING BOARD OF ADJUSTMENT (B/O)

BOARD DETAILS

OVERVIEW

SIZE 8 Seats

TERM LENGTH 3 Year

TERM LIMIT 2 Terms

Membership - Members are appointed for a term of three years, and until their respective successors have been appointed and qualified. No members shall serve more than two full consecutive terms. Alternate members serve on the Board in the absence of any regular members and are appointed in the same manner and for the same term as regular members. No knowledge or experience in a certain field is necessary for membership. Per Council's policy, effective Feb. 10, 1997, a background check will be conducted on all nominees to this committee. On November 22, 1999 City Council approved Ordinance No. 1417-X. As of this date the Mayor will give up one of his appointments on this committee to the County. The County will make one(1) appointment to this committee for a three year term. This appointee will be required to live outside the city limits of Charlotte, but within one mile of the city limits.

Responsibilities - Established under Section 1400 et seq of the City Code to hear appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administration of the Charlotte-Mecklenburg Building Standards Department.

CONTACT

Sonda Kennedy
(704) 336-3818
skennedy@ci.charlotte.nc.us

DETAILS

MEMBERSHIP BREAKDOWN

2 by Mayor; 5 by City Council; 1 by County Commission

MEETING INFORMATION

Meeting Day - Last Tuesday monthly/2nd Tuesday in Dec
Meeting Time - 9:00 a.m.
Meeting Location - Government Center Building
Time Commitment - 9 hours per month

ENACTING RESOLUTION

ENACTING RESOLUTION WEBSITE

ADDITIONAL INFORMATION

City of Charlotte, NC

ZONING BOARD OF ADJUSTMENT (B/O)

BOARD ROSTER

PAUL ARENA
1 Term **Dec 02, 2013 - Jan 30, 2016**

Email: parena@poynerspruill.com
Phone: 919-612-2206

Office Government Center Building, 600 E. 4Th Street
Position Board Member
Category None
Appointed by Mayor

SCOTT BROWDER
Partial Term **Jan 26, 2015 - Jan 30, 2017**

Email: scott.browder@yahoo.com
Phone: 704-361-1806

Office Government Center Building, 600 E. 4Th Street
Position Board Member
Category None
Appointed by City Council

ELIZABETH FRERE
2 Term **Jan 31, 2016 - Jan 30, 2019**

Email: egfrere@gmail.com
Phone: mobile: (252) 341-2345

Position Board Member
Category Alternate
Appointed by Mayor

ELIZABETH FRERE
Partial Term **Nov 12, 2015 - Jan 30, 2016**

Email: egfrere@gmail.com
Phone: mobile: (252) 341-2345

Office Government Center Building, 600 E. 4Th Street
Position Board Member
Category Alternate
Appointed by Mayor

MICHAEL KNOTTS
1 Term **N/A - Sep 30, 2015**

Email: michaelk@knottsdevelopment.net

Office Government Center Building, 600 E. 4Th Street
Position Chairman
Category None
Appointed by County Commission

JOHN LAMBERT
1 Term **Feb 01, 2015 - Jan 30, 2018**

Office Government Center Building, 600 E. 4Th Street
Position Board Member
Category Alternate
Appointed by City Council

MARK LOFLIN
2 Term **Jan 31, 2013 - Jan 30, 2016**

Office Government Center Building, 600 E. 4Th Street
Position Board Member
Category None
Appointed by City Council

JOHN POWELL
1 Term **Jan 31, 2015 - Jan 30, 2018**

Office Government Center Building, 600 E. 4Th Street
Position Board Member
Category Alternate
Appointed by City Council

TEADRA G PUGH
1 Term **Feb 01, 2015 - Jan 31, 2018**

Email: teadrapugh@yahoo.com
Phone: mobile: (615) 275-8966

Office Government Center Building, 600 E. 4Th Street
Position Board Member
Category Alternate
Appointed by Mayor

ERIC P SANDERSON
Partial Term **Apr 27, 2015 - Jan 30, 2018**

Email: rick.sanderson@aecom.com
Phone: mobile: 704-779-8234

Position Board Member
Category None
Appointed by City Council

Profile

Nichelle
First Name

Middle Initial

Bonaparte
Last Name

nichelle.bonaparte@gmail.com
Email Address

2916 Coronet Way
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:

Home: (704) 302-1447
Primary Phone

Mobile: (803) 468-7805
Alternate Phone

District 2
What district do you live in?

African American
Ethnicity

Independent
Political Party

Female
Gender

10/11/1982
Date of Birth

Are you a registered voter of Mecklenburg County?

◉ Yes ○ No

List any boards you are currently serving on:

None

List any boards you have served on in the past:

None

Which Boards would you like to apply for?

Zoning Board Of Adjustment (B/O)

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

I would like to serve as a voice for my community and to be knowledgeable of plans affecting my community and Charlotte at large. Zoning ordinances, how they are administered and shape the face of communities particularly interests me.

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

I have been involved in non-profit, for-profit, entrepreneurial and professional services environments where policies and procedures were implemented and enforced by governing bodies. I respect the law and believe in compliance. While this is so, I understand the need for processes to address variances and to make adjustments in a mindful and regimented manner. As a former Executive Director for a community development corporation who has partnered with organizations and the federal government to host summer feeding programs, I have the experience of following federally documented procedures in order to maintain compliance and funding. As an IT professional, I have several years of experience working within the Software Development Life Cycle (SDLC). SDLC requires various checkpoints triggers and gates which enforces following processes to encourage expected outcomes, output and quality work products. In summary, I believe myself to be fair, objective and practical. I find this approach to be most effective when

making decisions in an array of situations. I would bring this same approach to the Zoning Board of Adjustments. I believe in maintaining an open mind and a discerning heart.

---

ettain group
Current Employer:

Hired on 12/21/2015
Years in current position:

Scrum Master/Project Manager
Job Title:

Brief description of duties:

I coach colleagues on how to be a part of an effective, results-driven and self-directing team. I act as a servant leader; assisting team members to work efficiently using agile methodology. I manage user stories, create burn-down charts and partner with other IT and Operations stakeholders to ensure a common set of goals are being addressed at all times.

Other employment history:

LPL Financial - Sr. Business Systems Analyst/Scrum Master - March 2013 - December 2015 IBM - Resource Deployment Manager/IT consultant - June 2004 - September 2012

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:

College
Education:

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

Additional Education History:

Some graduate level classes

Spouse's Name:

Spouse's Employer

Spouse's Job Title

Word of Mouth
How did you find out about the Charlotte Boards and Commissions vacancies?

If you selected 'Other', please explain:

Board Specific Questions

Question applies to Business Advisory Committee.

Profile

Scott
First Name

Middle Initial

Campagna
Last Name

scampagna@mcveighmangum.com
Email Address

913 Dacavin Dr
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:

Mobile: (704) 607-9274
Primary Phone

Business: (704) 547-9035
Alternate Phone

District 6
What district do you live in?

Caucasian/Non-Hispanic
Ethnicity

Independent
Political Party

Male
Gender

03/24/1978
Date of Birth

Are you a registered voter of Mecklenburg County?

◉ Yes ○ No

List any boards you are currently serving on:

My employer's board of directors

List any boards you have served on in the past:

Phi Beta Kappa - Southwest Florida Chapter SEG Charlotte Chapter

Which Boards would you like to apply for?

Zoning Board Of Adjustment (B/O)

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

I am very interesting in helping my community and helping grow Charlotte in a positive manner. My time in Leadership Charlotte allowed me to get an in-depth view of Charlotte and the challenges if faces. After that experience, I wanted to find ways I could positively impact my community. Being in the construction/development industry, I think I can be of most assistance on the zoning board.

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

Having served on my company's board and on a non-profit board, I have experience working with other leaders to help solve problems. it is important to understand that everyone on the team has something to offer even if you do not ultimately agree. I am diligent and collect information so I can make an informed decision that best makes sense for a company or a community.

McVeigh and Mangum
Engineering

Current Employer:

12
Years in current position:

Vice President
Job Title:

Brief description of duties:

Responsible for all aspects of the Charlotte office - marketing, operations, business development, financials, mentoring, quality review as well as serving on the Board of Directors to plan the company's future.

Other employment history:

Anchor Engineering - Mechanical Engineer - 3 years

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:

I do not think there is a conflict but I am in the construction industry. I get involved in a development/project only after it has been thru the zoning approval process.

Graduate School
Education:

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

Additional Education History:

Engineering Degree Masters in Business Adminstration

Honey Campagna
Spouse's Name:

Littler
Spouse's Employer

Spouse's Job Title

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

If you selected 'Other', please explain:

Board Specific Questions

Question applies to Business Advisory Committee.

Which industry sector, if any, do you fall under

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

Are you a low income housing resident?

Profile

Jessica
First Name

J.
Middle Initial

Meyer
Last Name

Email Address

2330 E. 7th Street
Street Address

Suite or Apt

Charlotte
City

NC
State

28204
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: (980) 333-7044
Primary Phone

Business: (704) 715-9429
Alternate Phone

District 1
What district do you live in?

Caucasian/Non-Hispanic
Ethnicity

Political Party

Female
Gender

11/27/1981
Date of Birth

Are you a registered voter of Mecklenburg County?

◉ Yes ○ No

List any boards you are currently serving on:

Not Applicable.

List any boards you have served on in the past:

Not Applicable.

Which Boards would you like to apply for?

Zoning Board Of Adjustment (B/O)

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

After working through a personal zoning issue with the Zoning Board, I became increasingly interested in the Board and its function in the broader City Planning Department. My background in the commercial real estate lending space has provided exposure to development from the perspective of many private developers, though I am interested in learning more about the City's role in future development and interaction between the two parties. Furthermore, I have come to call Charlotte my home as I've now lived here for more than ten years, my family has relocated here, and we are so appreciative of the great work done to this point in terms of City Planning. I believe my experience within the real estate industry can be utilized to serve the City.

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

With over ten years in the commercial real estate lending space, my primary duties include site analysis and feasibility analysis, compiliation and evaluation of market dynamics, underwriting of both sponsor and CRE projects, plan/survey review & interpretation, as well as the negotiation of legal documents including easements and right-of-ways. Although I do not have formal legal training, I work closely with real estate attorneys to negotiate loan documents and review any easements/right-of-ways for impact to collateral, understand title implications, etc.

Wells Fargo Bank
Current Employer:

10.5
Years in current position:

Relationship Manager
Job Title:

Brief description of duties:

Commercial Real Estate lender; underwriting of sponsors and prospective real estate projects; presentation of proposed loan structure to senior management; negotiation of loan documentation; management of loan through construction including review of inspection reports, management of loan fundings/budget; reporting of project performance throughout the term of the loan; customer's contact person with other areas of the bank.

Other employment history:

8 years with Wells Fargo + 2 years with Wachovia Bank, all in the commercial real estate space.

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:

If a customer of the Carolinas CRE were to have an appeal or variance request, I would need to recuse myself from that case. This issue has been addressed and approved by my Code Administrator in Wells Fargo with the understanding that if I were appointed to serve, I would recuse myself from decisions regarding CRE customers. If the agenda is provided in advance, I can determine if any potential conflicts exist and discuss those with my manager.

College
Education:

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

Additional Education History:

Wofford College, B.A. 2004 Wells Fargo Credit Management Training Program '07-'08

Jenkins Meyer
Spouse's Name:

Regions Bank
Spouse's Employer

Portfolio Manager
Spouse's Job Title

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

worked through personal variance with Zoning Board earlier in the year.
If you selected 'Other', please explain:

Board Specific Questions

Question applies to Business Advisory Committee.

Which industry sector, if any, do you fall under

Profile

Irving
First Name

M
Middle Initial

Schwebel
Last Name

irving.schwebel@gmail.com
Email Address

10922 Round Rock Road
Street Address

Suite or Apt

Charlotte
City

NC
State

28277
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) 409-4670
Primary Phone

Home: (704) 451-9222
Alternate Phone

District 7
What district do you live in?

Caucasian/Non-Hispanic
Ethnicity

Independent
Political Party

Male
Gender

01/26/1950
Date of Birth

Are you a registered voter of Mecklenburg County?

◉ Yes ○ No

List any boards you are currently serving on:

None at this time.

List any boards you have served on in the past:

None

Which Boards would you like to apply for?

Zoning Board Of Adjustment (B/O)

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

I have always believe in giving back. My wife and I have raised and educated our two children here in Charlotte for the last 34 years. Now that they are grown and I'm retired I have male time to help the city that has been so good to my family and me. I have 21 years of Real Estate experience, all with the same company and I believe my experience has taught me well. I believe that my background would be a good fit.

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

I have 21 years of Real Estate experience, all with the same company and I believe my background would be a good fit. I've always been someone who works well with others, takes my responsibility seriously and cares about the tasks at hand. I have a good analytical approach to problem solving as well.

Retired from Prudential/Berkshire Hathaway Realty.

Current Employer:

21
Years in current position:

Broker Realtor
Job Title:

Brief description of duties:

Listed and sold general brokerage realty on a day in and day out basis. Retired as the number one them owner.

Other employment history:

District manager for Webster Men's Wear which was a division Edison Brothers men's and women's clothing companies. I was with that company for 20 years.

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:

College
Education:

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

Additional Education History:

Andrea
Spouse's Name:

Carolina Health Care System
Spouse's Employer

Psychologist
Spouse's Job Title

Recruited by current Committee Member
How did you find out about the Charlotte Boards and Commissions vacancies?

If you selected 'Other', please explain:

Board Specific Questions

Question applies to Business Advisory Committee.

Which industry sector, if any, do you fall under

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

Are you a low income housing resident?

Agenda #: 11.**File #:** 15-2545 **Type:** Policy Item

City Manager's Report

Agenda #: 12.**File #:** 15-2571 **Type:** Policy Item

Non-Discrimination Ordinance

Action:

Consider adopting an ordinance amending the City Code by adding marital status, familial status, sexual orientation, gender identity, and gender expression to the list of protected characteristics in the commercial non-discrimination, public accommodations, and passenger vehicles for hire ordinances.

Staff Resource(s):
Bob Hagemann, City Attorney's Office
Ron Carlee, City Manager's Office
Willie Ratchford, Community Relations Committee

Explanation

- The proposed ordinance as drafted would:
  - Add marital status, familial status, sexual orientation, gender identity, and gender expression to the list of protected characteristics in the commercial non-discrimination and passenger vehicles for hire ordinance, as well as the list of protected characteristics that the Community Relations Committee is authorized to make recommendations for legislation or other actions to eliminate or reduce discrimination and to approve or disapprove plans to eliminate discrimination through the conciliation process, and
  - With regard to the public accommodation ordinance, add "sex" and the five new characteristics to the general prohibition of discrimination and delete the current separate section dealing with discrimination based on sex in restaurants, hotels, and motels.
- At the Dinner Briefing on February 8, 2016, the City Council received a presentation from the City Attorney on the history of Charlotte's non-discrimination ordinances, possible amendments, and legal issues related thereto.
- Also on February 8, 2016, the Director of Community Relations Committee and the Director of the Community Building Initiative discussed the forum that they hosted on February 1, 2016, at which approximately 275 people participated.
- The City Council agreed at the dinner briefing to have the proposed amendments placed on Council Business Meeting Agenda for consideration on February 22, 2016, if answers had been provided to the Council's questions.
- On February 17, 2016, the City Council received a comprehensive report based on questions raised about the proposals.
- Previously the City Council discussed these items as follows:
  - Dinner Briefing on November 24, 2014,
  - Dinner Briefing on February 9, 2015, and
  - Business Meeting on March 2, 2015, that included more than 110 speakers over a 3.5 hour period.
- As proposed, the ordinance would be effective April 1, 2016.

Attachment
Memo from City Attorney
Ordinance

CITY OF CHARLOTTE
OFFICE OF THE CITY ATTORNEY
Memorandum

TO: Mayor and City Council

FROM: Robert E. Hagemann, City Attorney REH

DATE: February 3, 2016

RE: Non-Discrimination

In November 24, 2014, the Human Rights Campaign made a presentation to the City Council requesting that marital status, familial status, sexual orientation, gender identity, and gender expression be added to the list of protected characteristics in several City non-discrimination ordinances.

On March 2, 2015, a motion to approve an ordinance adding this list of characteristics failed by a vote of 5-6. Prior to that vote, the proposed ordinance was amended to add the following to the non-discrimination in public accommodations ordinance: "(c) Notwithstanding the forgoing, this section shall not, with regard to sex, sexual orientation, gender identity, and gender expression, apply to rest rooms, locker rooms, showers, and changing facilities."

Recently Mayor Roberts asked that this matter be placed on your February 8, 2016 Dinner Meeting agenda. The following is the same background I provided the Mayor and Council last year.

History of Protected Characteristics

The Civil Rights Act of 1964 provided, among other things, broad federal protections against discrimination in public accommodations based on race, color, religion, and national origin (Title II) and in employment based on race, color, religion, sex, and national origin (Title VII). Protections against employment discrimination based on age (1967) and disability (1990) were subsequently enacted.

There are no federal laws that expressly prohibit discrimination based on sexual orientation, gender expression, or gender identity. However beginning with an ordinance adopted by the City of Minneapolis in 1975, seventeen states (North Carolina is not one of them), the District of Columbia, and more than 225 cities and counties have passed laws or ordinances prohibiting discrimination in public accommodations based on sexual orientation and gender identity.

City Ordinances

1. Public Accommodations

In 1968 the Charlotte City Council adopted an ordinance prohibiting discrimination in public accommodations. Like the 1964 federal law, the ordinance covered race, color, religion, and national origin. In 1972, the Council amended the ordinance to include sex.

As part of the 1985 recodification of the entire City Code, the public accommodations ordinance was modified to treat sex differently than race, color, religion, and national origin, establishing protections only in restaurants, hotels, and motels, and even then carving out restrooms, bathhouses and similar facilities which are in their nature distinctly private, as well as dormitory lodging facilities such as the YMCA and YWCA.

While we have been unable to find any documentation that clearly states the reasons for this change in approach, the City Attorney at the time believes it was recommended by the contractor for the recodification likely due to lingering concerns stemming from the debate over the Equal Rights Amendment which some argued would do away with single sex restrooms.

The public accommodations ordinance does not specify an enforcement mechanism, but pursuant to state law, a violation of the ordinance is enforceable as a misdemeanor (fine up to $500, no active time unless three previous violations) or through equitable relief (*i.e.,* a court order directing a cessation of the violation). In practice, the Community Relations Committee typically seeks voluntary compliance through a conciliation process.

2. Community Relations Committee

At the same time the 1968 public accommodations ordinance was adopted, Council established the Community Relations Committee. Among the Committee's duties is a charge to provide an annual report that may include "recommendations of the committee for legislation or other actions to eliminate or reduce discrimination with respect to [the protected characteristics]". In addition, through the conciliation process, the Committee is authorized to "[a]pprove or disapprove plans to eliminate or reduce discrimination with respect to [the protected characteristics]".

3. Passenger Vehicles for Hire

The passenger vehicles for hire ordinance provides that "[n]o company operating certificate holder, vehicle operating permit holder, or driver shall refuse or neglect to transport any person on the basis of race, color, religion, sex or national origin". The ordinance is enforced through civil penalties and revocation of operating certificates and permits.

4. Commercial Non-Discrimination

The commercial non-discrimination ordinance was adopted in 2003 as part of the Council's response to the dismantling of the woman and minority business development program after the City was sued in federal court. The ordinance prohibits businesses that seek to contract with the City from "discriminating in the solicitation, selection, hiring or treatment of vendors,, suppliers, subcontractors or commercial customers on the basis of race, gender, religion, national origin, ethnicity, age, or disability." The ordinance provides for enforcement through the rescission, suspension or termination of a current contract, and the disqualification from bidding and contract awards for a period of not more than two years.

Description of Proposed Amendments

The proposed amendments, which are identical to those presented to Council last year, would simply add "marital status, familial status, sexual orientation, gender identity, and gender expression" to the list of protected characteristics in the passenger vehicles for hire and commercial non-discrimination ordinances as well as the list of protected characteristics that the Community Relations Committee is authorized to make recommendations for legislation or other actions to eliminate or reduce discrimination and to approve or disapprove plans to eliminate discrimination through the conciliation process.

With regards to the public accommodations ordinance, the proposed amendments would not only add these five characteristics to the general prohibition of discrimination, but would also add "sex" to the general prohibition and delete the separate section dealing with sex. This would bring the City's ordinance in line with the trend across the country of not carving out "sex" in an attempt to preserve the right of businesses to provide separate restroom facilities (*i.e.,* it is not discriminatory to provide separate men's and women's restroom facilities).

ORDINANCE NUMBER:_____ AMENDING CHAPTERS 2, 12, and 22

AN ORDINANCE AMENDING CHAPTER 2 OF THE CHARLOTTE CITY CODE ENTITLED "ADMINISTRATION", CHAPTER 12 ENTITLED "HUMAN RELATIONS", AND CHAPTER 22 ENTITLED "VEHICLES FOR HIRE"

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Article V of Chapter 2 of the Charlotte City Code is amended as follows:

"Sec. 2-151. - Policy statement.

It is the policy of the city not to enter into a contract with any business firm that has discriminated in the solicitation, selection, hiring or treatment of vendors, suppliers, subcontractors or commercial customers on the basis of race, gender, religion, national origin, ethnicity, age, marital status, familial status, sexual orientation, gender identity, gender expression, or disability, or on the basis of any otherwise unlawful use of characteristics regarding such vendor's, supplier's, or commercial customer's employees or owners in connection with a city contract or solicitation; provided that nothing in this commercial non-discrimination policy shall prohibit or limit otherwise lawful efforts to remedy the effects of discrimination that has occurred or is occurring in the marketplace.

Sec. 2-152. - Purpose and intent.

It is the intent of the city to avoid becoming a passive participant in private sector commercial discrimination by refusing to procure goods and services from business firms that discriminate in the solicitation, selection, hiring, or treatment of vendors, suppliers, subcontractors, or commercial customers on the basis of race, gender, religion, national origin, ethnicity, age, marital status, familial status, sexual orientation, gender identity, gender expression, or disability in connection with city contracts or solicitations by providing a procedure for receiving, investigating, and resolving complaints of discrimination involving city contracts or solicitations.

Sec. 2-153. - Definitions.

For purposes of this article, the following terms have the meanings indicated unless the context clearly requires a different meaning.

…

Discrimination means any disadvantage, difference, distinction, or preference in the solicitation, selection, hiring, or treatment of a vendor, supplier, subcontractor or commercial customer on the basis of race, gender, religion, national origin, ethnicity, age, marital status, familial status, sexual orientation, gender identity, gender expression, or disability, or on the basis of any otherwise unlawful use of characteristics regarding such vendor's, supplier's, or commercial customer's employees or owners in connection with a city contract or solicitation;

provided that nothing in this definition or article shall prohibit or limit otherwise lawful efforts to remedy the effects of discrimination that has occurred or is occurring in the marketplace.

…

Sec. 2-166. - Mandatory nondiscrimination contract clause.

Every contract and subcontract shall contain a nondiscrimination clause that reads substantially as follows:

> As a condition of entering into this agreement, the company represents and warrants that it will fully comply with the city's commercial non-discrimination policy, as described in section 2, article V of the City Code, and consents to be bound by the award of any arbitration conducted thereunder. As part of such compliance, the company shall not discriminate on the basis of race, gender, religion, national origin, ethnicity, age, marital status, familial status, sexual orientation, gender identity, gender expression, or disability in the solicitation, selection, hiring, or treatment of subcontractors, vendors, suppliers, or commercial customers in connection with a city contract or contract solicitation process, nor shall the company retaliate against any person or entity for reporting instances of such discrimination. The company shall provide equal opportunity for subcontractors, vendors and suppliers to participate in all of its subcontracting and supply opportunities on city contracts, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that has occurred or is occurring in the marketplace. The company understands and agrees that a violation of this clause shall be considered a material breach of this agreement and may result in termination of this agreement, disqualification of the company from participating in city contracts or other sanctions.

Sec. 2-167. - Contractor bid requirements.

All requests for bids or proposals issued for city contracts shall include a certification to be completed by the bidder or proposer in substantially the following form:

> The undersigned bidder or proposer hereby certifies and agrees that the following information is correct:
>
> 1. In preparing ~~it's the~~ its enclosed bid or proposal, the bidder or proposer has considered all bids and proposals submitted from qualified, potential subcontractors and suppliers, and has not engaged in discrimination as defined in section 2.
>
> 2. For purposes of this section, discrimination means discrimination in the solicitation, selection, or treatment of any subcontractor, vendor, supplier or commercial customer on the basis of race, ethnicity, gender, age, religion, national origin, marital status, familial status, sexual orientation, gender identity, gender expression, disability or any otherwise unlawful form of discrimination. Without limiting the foregoing, discrimination also includes retaliating against any person or other entity for reporting any incident of discrimination.

3. Without limiting any other remedies that the city may have for a false certification, it is understood and agreed that, if this certification is false, such false certification will constitute grounds for the city to reject the bid or proposal submitted with this certification, and terminate any contract awarded based on such bid or proposal It shall also constitute a violation of the city's commercial non-discrimination ordinance and shall subject the bidder or proposer to any remedies allowed thereunder, including possible disqualification from participating in city contracts or bid processes for up to two years.

4. As a condition of contracting with the city, the bidder or proposer agrees to promptly provide to the city all information and documentation that may be requested by the city from time to time regarding the solicitation and selection of suppliers and subcontractors in connection with this solicitation process. Failure to maintain or failure to provide such information shall constitutes grounds for the city to reject the bid or proposal and to any contract awarded on such bid or proposal. It shall also constitute a violation of the city's commercial non-discrimination ordinance, and shall subject the bidder or proposer to any remedies that are allowed thereunder.

5. As part of its bid or proposal, the bidder or proposer shall provide to the city a list of all instances within the past ten years where a complaint was filed or pending against bidder or proposer in a legal or administrative proceeding alleging that bidder or proposer discriminated against its subcontractors, vendors, suppliers, or commercial customers, and a description of the status or resolution of that complaint, including any remedial action taken.

6. As a condition of submitting a bid or proposal to the city the bidder or proposer agrees to comply with the city's commercial non-discrimination policy as described in section 2, article V of the city code, and consents to be bound by the award of any arbitration conducted thereunder."

Section 2. Article II of Chapter 12 of the Charlotte City Code is amended as follows:

"Sec. 12-27. - Powers.

Within the limitations provided by law, the community relations committee created under this article has the power to:

…

(9) Render at least annually a written report to the mayor and to the city council and to the chairman and the board of county commissioners. The report may contain recommendations of the committee for legislation or other actions to eliminate or reduce discrimination with respect to race, color, religion, sex, marital status, familial status, sexual orientation, gender identity, gender expression, or national origin.

…

Sec. 12-29. - Powers of conciliation division.

Within the limitations provided by law, the conciliation division of the community relations committee created by this article has the power to:

…

(3) Approve or disapprove plans to eliminate or reduce discrimination with respect to race, color, religion, sex, marital status, familial status, sexual orientation, gender identity, gender expression, or national origin;

…"

Section 3. Article III of Chapter 12 of the Charlotte City Code is amended as follows:

"Sec. 12-58. - Prohibited acts.

(a) It shall be unlawful to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of race, color, religion, sex, marital status, familial status, sexual orientation, gender identity, gender expression, or national origin.

(b) It shall be unlawful to make, print, circulate, post, mail or otherwise cause to be published a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation will be refused, withheld from, or denied any person because of race, color, religion, sex, marital status, familial status, sexual orientation, gender identity, gender expression, or national origin, or that any person's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because of race, color, religion, sex, marital status, familial status, sexual orientation, gender identity, gender expression, or national origin; provided, however, this section does not apply to a private club or other establishment not, in fact, open to the public.

~~Sec. 12-59. - Prohibited sex discrimination.~~

~~(a) It shall be unlawful to deny a person, because of sex, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a restaurant, hotel, or motel.~~

~~(b) This section shall not apply to the following:~~

~~(1) Restrooms, shower rooms, bathhouses and similar facilities which are in their nature distinctly private.~~

~~(2) YMCA, YWCA and similar types of dormitory lodging facilities.~~

(3) ~~A private club or other establishment not, in fact, open to the public.~~"

Section 4. Article II of Chapter 22 of the Charlotte City Code is amended as follows:

"Sec. 22-31. - Conduct of certificate holders, permit holders, drivers.

…

(i) No company operating certificate holder, vehicle operating permit holder, or driver shall refuse or neglect to transport any person on the basis of race, color, religion, sex, marital status, familial status, sexual orientation, gender identity, gender expression, or national origin. In addition, no company operating certificate holder, vehicle operating permit holder, or driver shall refuse or neglect to transport any person on the basis of disability when such service can be provided to a person with a disability with reasonable accommodation."

Section 5. This ordinance shall be effective April 1, 2016.

Approved as to form

_____

City Attorney

Agenda #: 13.**File #:** 15-2546 **Type:** Policy Item

Mayor and City Council Topics

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

Agenda #: 14.**File #:** 15-2513 **Type:** Consent Item

Police Uniforms, Related Equipment and Services

Action:

A. Award unit price contracts to the lowest responsive bidders (Galls, Inc. and Lawmen's Distribution, LLC) for the purchase of Police uniforms, related equipment and services for the term of three years, and

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

Staff Resource(s):
Brian Russell, Police
Mike Smathers, Police

Explanation

- Annually, the Charlotte-Mecklenburg Police Department (CMPD) purchases uniforms, related equipment and services including, but not limited to, standard uniforms, alternate duty pants and shirts, and leather accessories.
- This contract impacts:
  - More than 1,800 officers, and
  - 300 civilian employees in Crime Scene, Communications, Crime Reporting Unit, and Property and Evidence.
- On October 2, 2015, the Management & Financial Services issued a two-step Invitation to Bid that required bidders to furnish sample garments for Police to wear and evaluate; three bids were received from interested service providers.
  - Vendors were allowed to bid on any of the eight categories (uniforms, footwear, leather, web gear, holsters, accessories, headwear, and badges).
  - Phase I entailed testing and evaluating alternate products submitted by bidders. Phase II requested the bidders submit pricing on all products that were approved for use.
  - During Phase I, two vendors supplied uniforms and products for evaluation.
- CMPD conducted a thorough evaluation of the uniforms and products submitted in Phase I, including a four-week wear test to evaluate uniform samples for durability, fit, and comfort.
- Staff recommends awarding to the following lowest responsive, responsible bidders:
  - Galls, Inc.: uniforms, footwear, holsters, accessories, and headwear; and
  - Lawmen's Distribution, LLC: leather and web gear.
- Galls, Inc. will provide a storefront facility as well as a web-based shopping experience that

includes delivery to the division offices. The website will reduce the time an employee spends traveling to the uniform shop.

- During the solicitation, Lawmen's Safety Supply was purchased by Safariland and is now operating as Lawmen's Distribution, LLC.
- Annual expenditures are estimated at $1,191,820.

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 #: 15.**File #:** 15-2500 **Type:** Consent Item

Time Warner Cable Arena Upgrades - Construction Manager at Risk

Action:

Approve a contract with Rodgers Builders, Inc. in an amount not to exceed $18,000,000 for construction management at risk services for the Time Warner Cable Arena Upgrades to be performed between years 2016-2019.

Staff Resource(s):
William Haas, Engineering & Property Management
Steve Bagwell, Charlotte Regional Visitors Authority

Explanation

- On September 8, 2014, City Council approved $27.5 million in capital investment to upgrade the Time Warner Cable Arena. The upgrades will be completed over the next four years with most of the improvements performed in the summers of 2016-2019.
- In addition to the $27.5 million City contribution, the City and Charlotte Hornets agreed to each contribute approximately $1 million per year for a 10-year period for general maintenance of the facility (Arena Maintenance & Operating Fund).
- Renovations to the suites will be funded from the Charlotte Hornets using $1.8 million from the Arena Maintenance & Operating Fund ($600,000/year for three years).
- In 2016, the anticipated areas of work will include:
  - Renovations to 43 suites (funded by the Hornets contribution),
  - Performer dressing rooms
  - Officials locker room,
  - Three visiting team locker rooms,
  - Plumbing repairs, and
  - Roof repairs.
- Construction is proposed to begin in May 2016 and continue through the summer while the NBA is in its off season.
- Work completed in 2015 and the anticipated work in 2016 will prepare the Arena to host the 2017 NBA All Star Game.
- Work planned for years 2017-2019 will include both general repairs and capital improvements to the Arena.
- On September 30, 2015, five firms submitted proposals. Rodgers Builders, Inc. was selected by a committee comprised of staff from the City of Charlotte, Charlotte Regional Visitors Authority and Charlotte Hornets. Rodgers Builders, Inc. was selected using the Council-approved qualification based selection process.

Background

- As the Construction Manager at Risk, Rodgers is responsible for:
  - Monitoring the design process for adherence to the project budget,
  - Scheduling and managing all phases of construction and the performance of all of its subcontractors in the construction of the project,
  - Pre-qualifying first tier sub-contractors as required by State statute,
  - Organizing the work into bid packages, conducting a public bidding process for each subtracting opportunity, and awarding each package to the lowest, responsive, responsible bidder,
  - Implementation of the City's Charlotte Business Inclusion (CBI) plan with a 2016 goal of 10% Small Business and 15% Minority Business, and
  - Substantial completion of the 2016 work by October 1, 2016.
- The Construction Manager at Risk contract value includes contingency for unknown scope.
- Staff anticipates the annual expenses through this contract will be approximately:
  - 2016: $3,700,000,
  - 2017: $5,300,000,
  - 2018: $4,000,000, and
  - 2019: $5,000,000.
- The total project budget for Rodgers Builders, Inc. is $18,000,000.

Charlotte Business INClusion

The City has established a 2016 goal of 15% MBE and 10% SBE. As scopes of work are developed in years 2017-2019, MSBE goals will be established and approved for each individual year by the City's CBI Manager.

Fiscal Note

Funding: Tourism Capital Project Fund and Arena Maintenance & Operating Fund

Attachment

Time Warner Cable Arena Council Action Summary

Time Warner Cable Arena Upgrades - Council Action Summary

Line Item	Original Project Budget 9/08/2014	Hornets Contributiuon	Revised Total Budget	CBI Commitment		RCA Amount	Council Date	Difference	Comments
				SBE	MBE				
Architectural Services	$2,300,000	$0	$2,300,000	17.39%	0.00%	$2,300,000	11/24/14	$0	Design services for the $27.5M capital plan that will involve approximately 15 projects throughout the arena to be completed over 5 years.
Package B - Video Replay Control Room Distribution - TV Display	$1,854,500	$0	$2,050,000	8.59%	8.59%	$1,979,865	6/8/15	$70,135	Scope of work includes removal of the existing standard definition video system, installation of a new high definition video and video replay system, and install/remove approximately 550 televisions which will enable the Arena operator to broadcast "in-house" video in high-definition.
Package A - Backcourt Restaurant & 21 Suites Renovations	$1,057,500	$464,000	$1,100,000	17.53%	13.93%	$897,150	6/22/15	$202,850	Scope of work includes the renovation of the Event level restaurant and the renovation of 21 private suites. Hornets will fund the suites renovations work per the Agreement
Replace Beverage/Concession Lines	$315,000	$0	$625,000	0.00%	0.00%	$625,000	8/24/15	$0	Scope of work includes removal and replacement of worn componenets of the centralized beverage distribution system.
Scoreboard Replacement	$6,930,000	$0	$7,700,000	0.00%	0.00%	$7,200,000	1/11/16	$500,000	Scope of work includes the replacement of the existing center-hung scoreboard and ribbon boards within the seating bowl plus the addition of new video boards in the corners of the upper deck.
Rodgers Builders Construction Manager contract	$17,000,000	$1,200,000	$18,000,000	15% for 2016	10% for 2016	$18,000,000	2/22/2016	$0	This contract will provide funds for work occuring between 2016 and 2019 and will include both improvements funded through the $27.5M Capital Account and repairs funded through the annual Maintenance and Operating Account. The Charlotte Hornets are contributing the $1.2M needed to renovate the remaining suites. As the scopes of work are finalized at the beginning of each year, CBI goals will be established in cooperation with staff from the Charlotte Business Inclusion office.
Totals	**$29,457,000**	**$1,664,000**	**$31,775,000**	**7.68%**	**3.98%**	**$31,002,015**		**$772,985**	

Future Council Agenda Items

Line Items	Original Project Budget 9/08/2014	Hornets Contribution	Revised Total Budget	Expected CBI Goal			Expected Council Date		Comments
Approving Rodgers' Guaranteed Maximum Price (GMP)	$18,000,000	$1,200,000	$18,000,000	TBD			TBD		

Agenda #: 16.**File #:** 15-2489 **Type:** Consent Item

Independence Boulevard Widening Intelligent Transportation System Work

Action:

A. Adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with the North Carolina Department of Transportation in the amount of $241,938, and

B. Adopt a budget ordinance appropriating $241,938 from the North Carolina Department of Transportation for performing Intelligent Transportation System work in conjunction with the widening of Independence Boulevard.

Staff Resource(s):
Charles Abel, Transportation

Explanation

- On April 8, 2013, City Council approved a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) in the amount of $472,000 for the traffic signal work on the Independence Boulevard Widening project.
- An Intelligent Transportation System consists of fiber optic cabling combined with traffic management cameras, dynamic message signs, and other traffic information devices that provide the ability to remotely adjust traffic signals to improve traffic flow in response to changing conditions during normal and emergency situations.
- The Supplemental Agreement in the amount of $241,938 from the NCDOT is needed to ensure the City is fully reimbursed for the work it performs in the Intelligent Transportation System phase.
- The additional $241,938 will fund the extension of the fiber optic communications network to the traffic signals and the installation of traffic management cameras.

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

Fiscal Note
Funding: Transportation General Community Investment Plan and the North Carolina Department of Transportation

Attachment
Budget Ordinance
Resolution

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF $241,938 FOR PERFORMING INTELLIGENT TRANSPORTATION SYSTEM WORK IN CONJUNCTION WITH THE WIDENING OF INDEPENDENCE BOULEVARD

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

Section 1. That the sum of $241,938 hereby estimated to be available from the North Carolina Department of Transportation

Section 2. That the sum of $241,938 is hereby appropriated in the General Capital Investment Fund (4001) into the Traffic Signal Iomprovements project #4292000044-300000000

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 PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON FEBRUARY 22, 2016

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

WHEREAS, A Supplemental Agreement to an existing Municipal Agreement between the City and the North Carolina Department of Transportation (NCDOT) will allow the City to be reimbursed for the Intelligent Transportation Systems work associated with the Independence Blvd widening project; and,

WHEREAS, the Supplemental Agreement provides for reimbursement not to exceed $241,938 of the total cost of the project; and,

WHEREAS, the format and cost sharing philosophy is consistent with past Municipal Agreements: and,

NOW, THEREFORE, BE IT RESOLVED that this resolution authorizing the City Manager to execute a Supplemental Agreement with the NCDOT for NCDOT to reimburse the City up to $241,938.00, in addition to, $472,000.00 of the original Municipal Agreement for a total of $713,938.00 for the traffic signal and Intelligent Transportation Systems work associated with the Independence Blvd widening project, is hereby formally approved by the City Council of the City of Charlotte and the City Manager and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the aforementioned groups.

Agenda #: 17.**File #:** 15-2547 **Type:** Consent Item

Southeast Corridor Infrastructure Planning and Design Services

Action:

Approve a contract in the amount of $2,300,000 with American Engineering Associates - Southeast, P.A. for Southeast Corridor Infrastructure.

Staff Resource(s):
Derrel Poole, Engineering & Property Management
Tim Greene, Engineering & Property Management

Explanation

- Southeast Corridor Infrastructure includes $25 million for the Land Acquisition and Street Connections Program to build key street connections in order to increase land use accessibility, encourage reinvestment in the area through construction of new retail and housing, increase employment, and improve mobility.
- These projects will advance the goals of the Independence Boulevard Area Plan adopted by City Council in 2011 and will focus on street improvements and connections to neighborhood services for pedestrians, bicyclists, motorists, and transit users.
- On August 25, 2014, the City Council approved an initial contract in the amount of $225,000 to American Engineering Associates - Southeast, P.A. (AEA) for advance planning services for the Southeast Corridor Infrastructure. City Council was informed that the contract was for advance planning services only.
- AEA has completed the advance planning phase, which included identification and prioritization, market analysis, and community engagement:
  - Project identification and prioritization included more than 50 projects to review for incorporating pedestrian, bicycle, and aesthetic improvements, complement other public investment in the area and provide opportunities to leverage private investment,
  - Market analysis identified areas with greatest market strength, and
  - Community engagement involved 30 stakeholder interviews and two open houses with more than 200 participants.
- The contract will include final planning and design services for two infrastructure projects identified and prioritized during the advance planning phase and planning services for five additional infrastructure projects. This work will allow staff to refine construction project needs and costs for the future.
- Planning and design services totaling $1,091,785 will include but is not limited to:
  - Urban street design,
  - Traffic analysis,
  - Public involvement,

  - Alternative analysis,
  - Environmental and natural resource assessments,
  - Geotechnical investigations,
  - Field surveys,
  - Permitting,
  - Right-of-way plans,
  - Traffic control plans,
  - Structure design,
  - Erosion control plans,
  - Cost estimates, and
  - Final design plans for construction (to be funded through future bond referendums).
- The two projects include:
  - Pierson Drive Extension (existing terminus at the Super Wal-Mart on Independence Boulevard to the intersection of Shade Valley Road and Monroe Road); and
  - Wendover/Pierson Frontage Road Connection to Eastway Drive (Wendover Road interchange at Independence Boulevard to Wendover/Pierson Frontage Road).
- Planning services in this contract total $838,341. The five infrastructure planning services projects include:
  - Wendover/Pierson Frontage Road (Pierson Drive in front of the Super Wal-Mart to the Wendover Road Interchange at Independence Boulevard)
  - Wallace Road Extension (Sharon Forest Drive intersection to Village Lake Drive)
  - Idlewild/Farmingdale Frontage Road (Farmingdale Drive to Idlewild Road at the Dion Avenue Intersection)
  - Coliseum Drive Extension (Commonwealth Avenue to the existing Coliseum Drive terminus at the Claremont Apartments);
  - Waterman/Eastway Frontage Road (Waterman Avenue to the Eastway Drive interchange at Independence Boulevard).
- The remaining costs of the contract in the amount of $369,874 will cover project expenses including permitting fees, renderings/graphics, reproduction of plans and additional services.
- On May 25, 2014, a Request for Qualifications was advertised; seven proposals were received from interested service providers.
- AEA was selected using the Council-approved, qualifications-based selection process and best meets the City's needs in terms of qualifications and experience of the firm and team members.
- $12.5 million of the total $25 million funding for the Land Acquisition and Street Connections Program was approved by voters as part of the November 2014 Bond Referendum. The remaining $12.5 million in project funding is scheduled for the 2016 Bond Referendum.
- Continuation to the construction phase for some of the projects included in this planning and design contract will be contingent on voter approval of the 2016 bonds.

Charlotte Business INClusion

The City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INClusion Policy). American Engineering Associates - Southeast, P.A. has committed 10.00% ($231,011) of the total contract amount to the following certified firms:

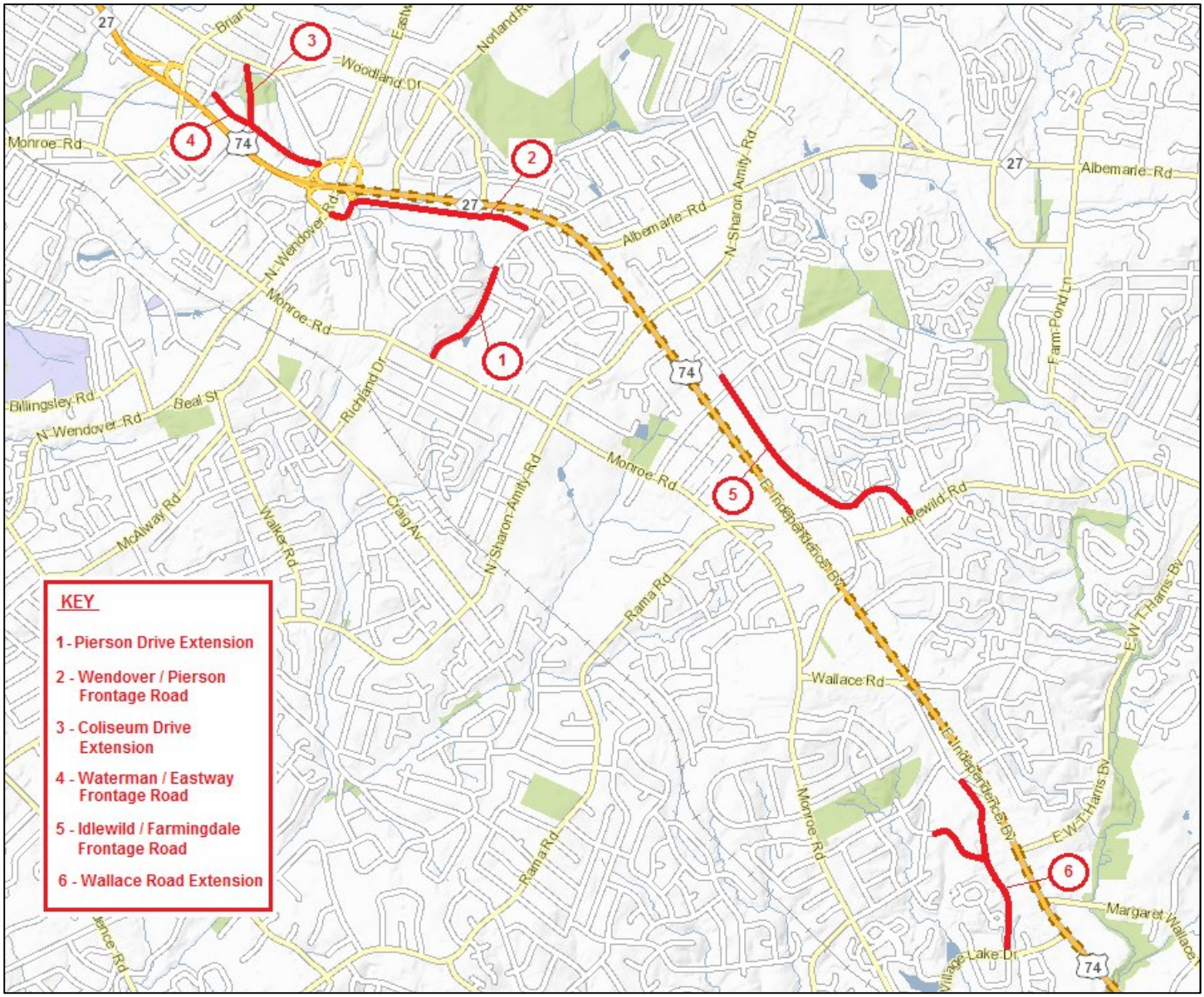
- Hinde Engineering, Inc. (SBE) ($101,928) (utility coordination)
- Capstone Civil Group, PA (SBE, MBE) ($68,066) (geotechnical services)
- US Infrastructure of Carolina, Inc. (SBE) ($61,017) (draining services)

Fiscal Note

Transportation General Community Investment Plan

Attachment

Map



Southeast Corridor Location Map: Land Acquisition and Street Connections (Council Districts 1 and 5)

Agenda #: 18.**File #:** 15-2286 **Type:** Consent Item

Airport Construction Management Software

Action:

A. Approve a five year contract with e-Builder to provide a cloud-based construction project management software,

B. Authorize the City Manager to approve price adjustments and amend the contract consistent with the City's business needs and the purpose for which the contract was awarded.

Staff Resource(s):
Brent Cagle; Aviation

Explanation

- As the country's sixth busiest airport in operations and eighth in enplanements, the Aviation Department requires construction management software to manage its large capital program.
- The Aviation Department commissioned an extensive review, including consultation with CATS, who currently uses e-Builder to manage the existing LYNX Blue Line Extension construction program. Based on the review, staff determined the e-Builder construction program management tool meets Aviation's needs.
- The contract with e-Builder includes licensing and implementation services for a five-year period. The one-time expenditure for licensing and implementing the system, including the first year of service is estimated to be $535,157 for the first year. The first year cost is higher due to one-time expenses associated with configuring the system to Aviation's specifications, including templates, process flows, and integration with existing City systems.
- Ongoing expenditures for annual maintenance and support are estimated to be $237,782 per year, subject to adjustments as authorized by the contract or by the City Manager. These annual expenditures will be included in Aviation's operating budget and recovered through a charge to the Aviation capital program.

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: Aviation Community Investment Plan

Agenda #: 19.**File #:** 15-2286A **Type:** Consent Item

Airport Project Construction Inspection Services

Action:

A. Approve a professional services contract with Talbert, Bright & Ellington Inc. for general project construction inspection services for a term of three years,

B. Authorize the City Manager to renew the contract for up to two additional, one-year extensions 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, and

C. Adopt a budget ordinance appropriating $3,640,570 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):
Jack Christine, Aviation

Explanation

- The Aviation Department is embarking on a $1.6 billion Community Investment Plan over the next five years that includes multiple projects within in the Airport Operations Area.
- Federal Aviation Administration Advisory Circular 150/5100-14E outlines specific requirements for the selection of project consultants within the Airport Operations Area, including the inspection of airport construction projects. These requirements include the services of full-time inspectors during the construction or installation phase of a project, which differs from periodic inspection responsibilities.
- The contract with Talbert, Bright & Ellington, Inc. will provide for up to five project construction inspectors and all necessary equipment including vehicles and technology to assist Aviation staff with the implementation of the Aviation Community Investment Plan.
- The inspectors offer specialized skills specific to the multiple construction projects. The inspectors also will use their expertise in airport construction projects to ensure that all construction work performed complies with Federal Aviation Regulation Part 139, Airport Certification, and that the Transportation Security Administration regulations are followed during construction.
- On August 31, 2015, Aviation issued a Request for Qualifications for project construction inspection services; two proposals were received from interested service providers.
- The Aviation Department selected Talbert, Bright & Ellington, Inc. for this project based on their past experience and specialization with similar airport projects.
- Aviation will partner with Talbert, Bright & Ellington as needed for various projects throughout the contract term and be paid an hourly rate for inspection services.
- The total estimated amount of the contract over the initial term is $3,640,570.

Disadvantaged Business Enterprise
No subcontracting goal was established because there are no subcontracting opportunities.

Fiscal Note
Funding: Aviation Community Investment Plan
The Aviation Department intends to seek Federal Aviation Administration approval to use Passenger Facility Charge (PFC) funds to pay for the additional PFC-eligible costs of these projects in PFC Application #6.

Attachment
Budget Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF $3,640,570 TO FUND CONSTRUCTION INSPECTION SERVICES FOR PROJECTS INCLUDED IN THE AVIATION COMMUNITY INVESTMENT PLAN

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

Section 1. That the sum of $3,640,570 is available from the Aviation Discretionary Fund for the contract with Talbert, Bright, & Ellington for general project construction inspection services for projects included in the Aviation Community Investment Plan.

Section 2. That the sum of $3,640,570 is hereby appropriated in the Aviation Community Investment Plan Fund (6064) to the following projects:

Fund	6064
Project	4020901622
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 #: 20.**File #:** 15-2397 **Type:** Consent Item

Airport Parking Lot Lighting

Action:

A. Approve a contract with Duke Energy not to exceed $750,000 to install LED street lights in a parking lot, and

B. Adopt a budget ordinance appropriating $750,000 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):
Jack Christine, Aviation

Explanation

- Approximately 25% of the Long Term 4 Parking lot has permanent street lights. The remainder of the lot uses temporary, portable gasoline-powered lights.
- The contract will provide for the replacement of all existing lights, and addition of new lighting and infrastructure to support the fixtures.
- The cost for the lighting installation includes new underground conduit, electrical circuits, concrete foundations, metal poles, and new light fixtures, as well as upgrades to the existing permanent street lights.
- Aviation has chosen LED lights for their superior energy efficiency and brightness.

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: Aviation Community Investment Plan

Attachment
Budget Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF $750,000 TO FUND LED STREETLIGHTS AND PARKING LOT LIGHTING

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

Section 1. That the sum of $750,000 is available from the Aviation Discretionary Fund for the contract with Duke Energy to install LED street lighting and partking lot lighting at the Airport.

Section 2. That the sum of $750,000 is hereby appropriated in the Aviation Community Investment Plan Fund (6064) to the following projects:

Fund	6064
Project	4020901606
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 #: 21.**File #:** 15-2068 **Type:** Consent Item

Airport PSA Hangar Addition

Action:

A. Award a contract in the amount of $1,255,650 to the lowest responsive bidder Encompass Building Group, Inc. for the construction of PSA Hangar Addition,

B. Approve a lease amendment with American Airlines for additional costs associated with construction of the PSA maintenance hangar, and

C. Adopt a budget ordinance appropriating $1,255,650 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):
Jack Christine, Aviation

Explanation

- The Airport built an aircraft maintenance hangar for MESA Airlines, Inc. in 2006 and subsequently leased it to MESA Airlines, Inc.
- American Airlines recently negotiated a contract with PSA Airlines, Inc. for PSA to replace MESA Airlines, Inc. as one of its American Eagle carriers.
- PSA Airlines, Inc. began limited operations in the hangar in December 2014 and has requested a loading dock and an additional 7,500 square feet of hangar space for parts storage and an engine repair shop.
- On June 22, 2015, the City Council awarded a contract to Baker LPA Architects, PC in the amount of $188,475 for the design of the hangar addition.
- On November 6, 2015, the City issued an Invitation to Bid for construction services; seven bids were received from interested service providers.
- Encompass Building Group, Inc. was the lowest responsive, responsible bidder.
- For the construction of the PSA Hangar, 100% of the costs will be captured in the monthly lease payments through the end of the term of the main hangar lease expiring December 2024, and any extensions; or if early termination, American will reimburse the Airport for any remaining unamortized value of the final construction cost.

Reject Low-Bid Explanation

- The apparent low bidder, EVS Construction & Development, Inc. did not meet the established SBE goal of 15%, proposing a total SBE utilization of 6.11% for the project.
- The apparent low bidder, EVS Construction & Development, Inc. did not meet the established MBE goal of 6%, proposing a total MBE utilization of 2.16% for the project.
- Per the CBI Policy, EVS submitted SBE and MBE Good Faith Efforts documentation and after

thorough review, staff determined that EVS did not meet the minimum required Good Faith Efforts (Part B: Section 4.3 of the Charlotte Business INClusion Policy).

- Staff recommends the contract be awarded to the next lowest, responsive, responsible bidder, Encompass Building Group, LLC.

Charlotte Business INClusion
Established SBE Goal: 15%
Committed SBE Goal: 15.13%
Encompass Building Group exceeded the established SBE subcontracting goal, and has committed 15.13% ($190,000) of the total contract to the following certified firm:

- All-Pro Builders and Restoration (SBE, MBE) ($190,000) (sitework, concrete package, project management assistance)

Established MBE Goal: 6%
Committed MBE Goal: 24.85%
Encompass Building Group exceeded the established MBE subcontracting goal, and has committed 24.85% ($312,000) of the total contract to the following certified firms:

- All-Pro Builders and Restoration (SBE, MBE) ($190,000) (sitework, concrete package, project management assistance)
- Superior Mechanical Systems (MBE) ($122,000) (HVAC mechanical systems)

Fiscal Note
Aviation Community Investment Plan

Attachment
Budget Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF $1,255,650 TO FUND CONSTRUCTION OF THE PSA HANGAR ADDITION

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

Section 1. That the sum of $1,255,650 is available from the Aviation Discretionary Fund for the contract with Encompass Building Group, Inc. for the construction of the PSA Hangar Addition.

Section 2. That the sum of $1,255,650 is hereby appropriated in the Aviation Community Investment Plan Fund (6064) to the following projects:

Fund	6064
Project	4020901544
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 #: 22.**File #:** 15-2497 **Type:** Consent Item

Airport Computer-Based Training and Learning Management System

Action:

A. Approve a five-year contract with The American Association of Airport Executives to provide an Airport Computer-Based Training and Learning Management System,

B. Authorize the City Manager to approve price adjustments and amend the contract consistent with the City's business needs and the purpose for which the contract was awarded,

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

D. Authorize the City Manager to purchase such additional software licenses, services, and hardware as needed from time to time to operate the system.

Staff Resource(s):
Brent Cagle, Aviation

Explanation

- The Airport's current computer-based training for security badge holders has been in place since 2005. It is an in-house developed system that does not easily implement updates.
- Due to changing regulatory requirements, the current system is out of date.
- The new system will allow for updates and expandability.
- On October 15, 2015, the City issued a Request for Proposal (RFP) for an Airport Computer-Based Training and Learning Management System. In response to the RFP, the City received five proposals from interested service providers.
- Aviation staff evaluated the proposals and determined that the American Association of Airport Executives best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Approval is requested for the City Manager to purchase maintenance and support for as long as the City uses the software. This may be done by amendment to the original contract or by new contracts with the same or other vendors that may offer such services in the future.
- Approval is also sought for the City Manager to purchase such additional software licenses, services, hosting, and hardware as needed from time to time for optimal City use of the system.
- One-time expenditures for licensing and implementing the system are estimated to be $157,425.
- Expenditures for maintenance and support are estimated to be $22,000 per year, subject to adjustments as authorized by the contract or by the City Manager.

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: Aviation Operating Budget

Agenda #: 23.**File #:** 15-2436 **Type:** Consent Item

Airport Mid-Sized Truck Acquisition

Action:

A. Award a unit price contract to the lowest responsive bidder Hendrick Toyota Concord for the purchase of Toyota Tacomas for the term of three years, and

B. Authorize the City Manager to renew the contract for up to two, one-year renewal 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):
Jack Christine, Aviation

Explanation

- The contract with Hendrick Toyota Concord will provide Aviation with mid-size trucks necessary to meet the needed requirements to navigate aircraft operating areas during normal operations as well as inclement weather events and off-road applications.
- Aviation will use the vehicles for general security/safety patrols, inspections, and emergency response.
- On December 9, 2015, Management & Financial Services issued an Invitation to Bid; two bids were received from interested service providers.
- Hendrick Toyota Concord was selected as the lowest responsive, responsible bidder.
- The company will be paid $29,449 per unit.
- Estimated contract expenditures are $58,898 annually.

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: Aviation Operating Budget

Agenda #: 24.**File #:** 15-2498 **Type:** Consent Item

Duke Hangar License

Action:

Approve a two-year license with Duke Business Services for storage of helicopters in Group Hangar B-3 at Wilson Air Center.

Staff Resource(s):
Brent Cagle, Aviation

Explanation

- Duke Energy built its own corporate hangar at the Airport's Fixed Base Operator in 2001. Since that time, Duke Energy's fleet of aircraft has grown requiring more space.
- The license is to accommodate two helicopters for a two-year term in the Airport's Group Hangar B -3 at Wilson Air Center.
- The value of the two-year license term is $56,068.80.

Fiscal Note
Funding: Revenue from this license will be deposited in the Aviation Operating Fund.

Agenda #: 25.**File #:** 15-2396 **Type:** Consent Item

Piedmont Advantage Credit Union Lease

Action:

Approve a month-to-month lease with Piedmont Advantage Credit Union for rental space in the Terminal.

Staff Resource(s):
Brent Cagle, Aviation

Explanation

- Piedmont Advantage Credit Union has occupied space in the main passenger terminal since 1994.
- The documentation of the agreement needed to be updated to incorporate updated provisions and rental amount.
- The annual rent of $39,557.76 is based on current rates and charges commensurate with comparable space users at the Airport.

Fiscal Note
Funding: Revenue generated from this lease will be deposited into the Aviation Operating Fund.

Agenda #: 26.**File #:** 15-2094 **Type:** Consent Item

NC Clean Water State Revolving Fund Application

Action:

A. Adopt a resolution authorizing Charlotte Water to apply for a Clean Water State Revolving Fund loan in an amount not to exceed $21,000,000, and

B. Authorize City staff to take necessary actions to complete the financing, including making application to the State of North Carolina Department of Environment and Natural Resources and obtaining Local Government Commission approval

Staff Resource(s):
Barry Gullet, Charlotte Water
Robert Campbell, Management & Financial Services

Explanation

- Charlotte Water desires to apply for a Clean Water State Revolving Fund loan for the construction of the Sugar Creek Wastewater Treatment Plant Reliability Upgrades project.
- The North Carolina Clean Water State Revolving Fund loan program offers interest free loans for projects that demonstrate a significant energy savings. A portion of this project includes the construction of a new blower building and the replacement of older air blowers with new high efficiency blowers which will result in approximately a 25% reduction in energy usage at the plant. This blower replacement is estimated to cost $9 million and qualifies for the 0% interest rate. The remaining balance of the project ($12 million) will have a 1.9% interest rate. The resulting blended interest rate for total financing for this project is 1.08%.
- If Charlotte Water is not selected to receive this loan, the project will be funded from the Charlotte Water Community Investment Plan, which is financed through revenue bonds at approximately 3.56% interest.
- If selected for the loan program, Charlotte Water will save approximately $6.4 million over the 20 year term.
- The loan is available from a fund established by the state and administered by the Department of Environment and Natural Resources. The City would sign a promissory note to repay the funds, which would then be re-loaned for other projects across the state as the City makes payments.
- Charlotte Water presented a project plan to the Charlotte Water Advisory Committee on October 15, 2015, and the City Council Environment Committee on November 11, 2015.
- On November 23, 2015, City Council approved a contract with HDR Engineering Inc. of the Carolinas for the final design, procurement assistance, and construction administration services associated with this project. The selection of a Construction Manager At-Risk is in process.

Fiscal Note
Funding: Charlotte Water Debt Service Fund

Attachment
Resolution

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON February 22, 2016

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

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, and

WHEREAS, The City of Charlotte has need for and intends to construct a wastewater treatment works project described as the Sugar Creek WWTP Reliability Upgrades Project, and

WHEREAS, The City of Charlotte intends to request state loan assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

That the City of Charlotte, (**Applicant)**, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the City of Charlotte will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the City of Charlotte agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Charlotte to make scheduled repayment of the loan, to withhold from the City of Charlotte any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the City of Charlotte will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Randy J. Harrington, Chief Financial Officer, and Robert Campbell, Finance Director, and successors so titled, are hereby authorized to execute and file an application on behalf of the City of Charlotte with the State of North Carolina for a loan to aid in the construction of the project described above.

That, if accepted into the loan program by the state, Randy J. Harrington, Chief Financial Officer, and Robert Campbell, Finance Director (**Authorized Officials)**, and successors so titled, individually or collectively, are hereby authorized to execute and accept a loan offer on behalf of the City of Charlotte with the State of North Carolina for a loan to aid in the construction of the project described above in an amount of $20,969,169 plus or minus up to 10% in accordance with the loan program based on actual project costs.

That Randy J. Harrington, Chief Financial Officer, and Robert Campbell, Finance Director, and successors so titled, individually or collectively, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Charlotte has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the _____ day of _____, 2016 at Charlotte, North Carolina.

_____

Jennifer Roberts, Mayor, City of Charlotte

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting _____ of the City of Charlotte does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council of the City of Charlotte duly held on the 22th day of February, 2016; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of February, 2016.

_____
(Signature)

_____
(Title)

Agenda #: 27.**File #:** 15-2341 **Type:** Consent Item

Mallard Creek Wastewater Treatment Plant Polychlorinated Biphenyl Decontamination Services

Action:

A. Approve a contract with Synagro Central, LLC for decontamination services for a term of 395 days,

B. Authorize the City Manager to extend the contract with Synagro Central, LLC for a term of 395 days with possible price adjustments as authorized by the terms of the contract, and

C. Approve a budget ordinance appropriating $10,785,000 from the Charlotte Water Fund Balance to the Charlotte Water Operating Fund. The budget ordinance will accommodate expenses related to PCB decontamination efforts.

Staff Resource(s):
Barry Shearin, Charlotte Water

Explanation

- On February 6, 2014, wastes containing polychlorinated biphenyl (PCB) and trichlorobenzene were illegally discharged to the sewage collection system that flows to the Mallard Creek Wastewater Treatment Plant (WWTP) and the collection system that flows to the McAlpine Creek WWTP.
- Since that time, Charlotte Water has been developing decontamination and sampling plans for the Environmental Protection Agency (EPA), decontaminating rental equipment, and disposing of highly contaminated biosolids. Before this decontamination project could begin, Charlotte Water had to sample and monitor PCB concentrations to ensure that PCB levels in the biosolids were declining to prevent re-contaminating the facility.
- Structures and equipment contaminated with PCBs above certain thresholds are regulated by EPA and require decontamination to levels and by methods outlined in the Toxic Substance Control Act (TSCA).
- Materials contaminated with PCBs above certain thresholds are also regulated by the EPA and TSCA and are required to be disposed of in permitted hazardous waste landfills, boiled, or incinerated.
- On September 17, 2015, the City issued a Request for Proposal (RFP) for Mallard Creek Wastewater Treatment Plant PCB Decontamination Services. In response to the RFP, the City received four proposals from interested service providers.
- Charlotte Water evaluated the proposals and determined that Synagro Central, LLC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Synagro Central, LLC will be paid the unit prices set forth in the contract.
- Estimated contract expenditures are $10.6 million in the aggregate over the 395 day term.
- On August 24, 2015, City Council approved a contract for S&ME to provide engineering and PCB testing services for the wastewater treatment facilities. Charlotte Water is developing the scope of

work for the decontamination of McAlpine Creek WWTP and expects to have a vendor selected for the work in 2016.

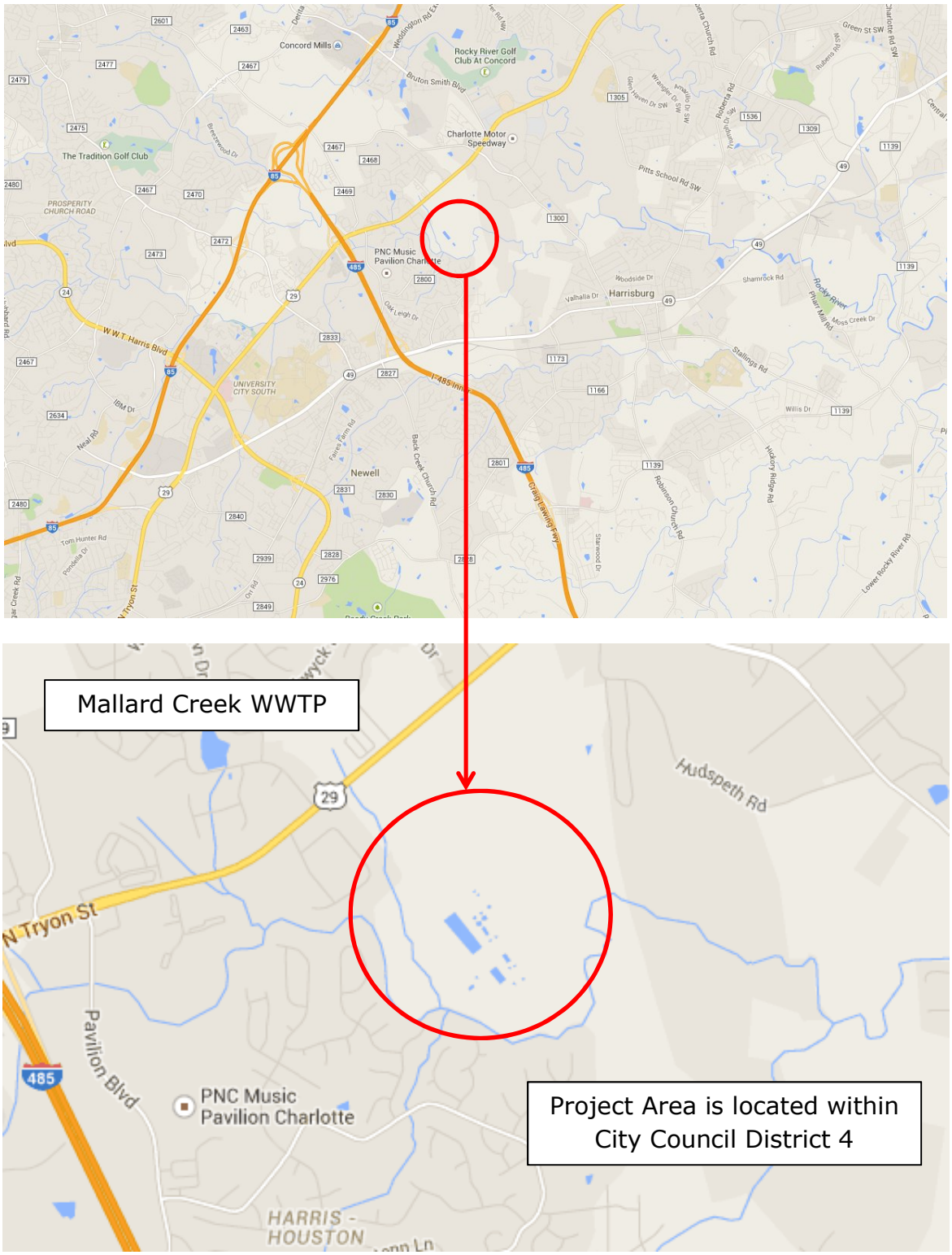
Charlotte Business INClusion
The City requested proposers to submit an MSBE Participation Plan outlining their solicitation and utilization efforts (Part C: Section 2.1(h) of the Charlotte Business INClusion Policy). Synagro Central, LLC has identified the following certified firms to participate as the project scope is further defined:

- All Points Waste Service Inc. (MBE) (dumpster, toilet, hand sanitizer, eye wash station)
- Alpha Labor Contractors, Inc. (SBE) (temporary labor)
- Fresh Bright Corp. (SBE, MBE) (janitorial)
- Harrisburg Security Inc. (SBE) (security)

Fiscal Note
Funding: Charlotte Water Operating Budget

Attachment
Map
Budget Ordinance

Mallard Creek Wastewater Treatment Plant Polychlorinated Biphenyl Decontamination Services – Map



ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE, APPROPRIATING $10,785,000 FOR ADDITIONAL COSTS REQUIRED FOR PCB DECONAMINATION EFFORTS

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

Section 1. That the sum of $10,785,000 is available in the Charlotte Water Fund Balance

Section 2. That the sum of $10,785,000 is hereby appropriated to the Charlotte Water Operating Fund: 6200-70-00-7090-709021-000000-000-530371

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

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 #: 28.**File #:** 15-2294 **Type:** Consent Item

McAlpine Creek Wastewater Treatment Plant Combined Heat and Power Improvements

Action:

Award a contract in the amount of $3,066,000 to the lowest responsive bidder State Utility Contractors, Inc. for the Combined Heat and Power Improvements at the McAlpine Creek Wastewater Treatment Plant.

Staff Resource(s):
Barry Shearin, Charlotte Water

Explanation

- The wastewater treatment process creates biogas that is approximately 60% methane. Currently the biogas is being used for digester heating and the excess is burned off.
- The project will change the process by burning the biogas in a specialized engine that will run a generator producing power, and heat off of the engine will be used for heating the digesters.
- The engine will produce close to 8,760 kW-hours, off-setting about one-sixth of the plant power energy use and save approximately $350,000 in power costs annually, leading to a 10-year project payback from savings.
- On December 22, 2015, the City issued an Invitation to Bid for Combined Heat and Power Improvements at the McAlpine Creek Wastewater Treatment Plant; four bids were received from interested service providers.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed in one year.
- The total project cost is approximately $4.5 million, including design and purchase of the geneator.
- The project will be partially-funded by the Clean Water State Revolving Fund loan approved by City Council on June 22, 2015.

Disadvantaged Business Enterprise (MBE/WBE) Opportunity
Goals were established per the North Carolina Clean Water State Revolving Fund loan program guidelines.

Established MBE Goal: 10.9%
Committed MBE Goal: 4.97%

Established WBE Goal: 10.4%
Committed WBE Goal: 2.47%

State Utility Contractors, Inc. has committed 7.45% ($228,380) of the total contract amount to the following certified firms:

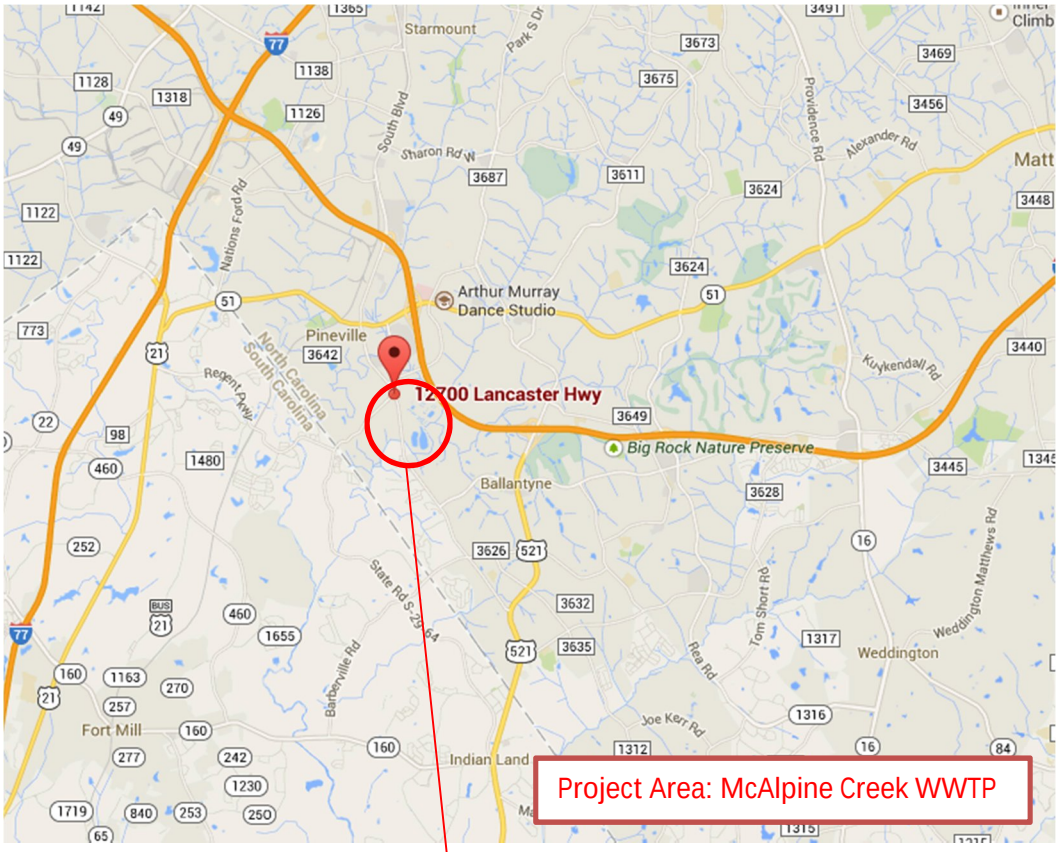
- CITI, LLC (MBE) ($152,500) (instrumentation)

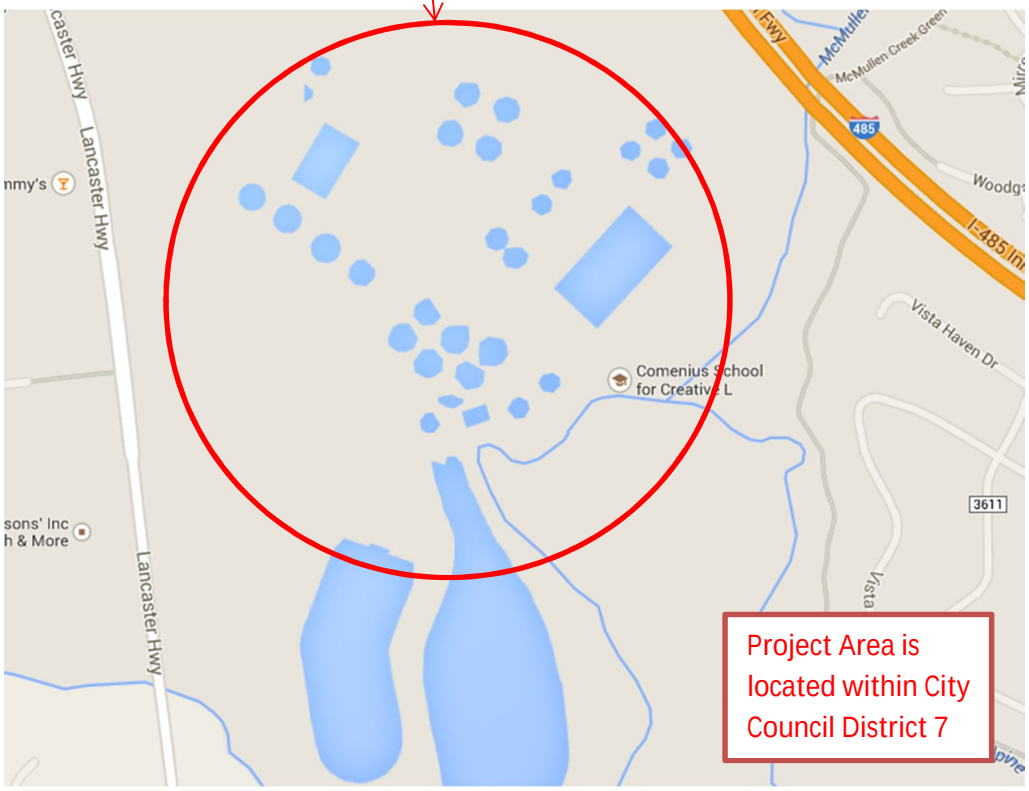
- Dover Insulation (WBE) ($57,380) (pipe insulation)
- CICA, Inc. (WBE) ($10,500) (painting)
- Oliver Paving (SBE, WBE) ($8,000) (paving)

State Utility Contractors, Inc. failed to meet the established subcontracting goals, but has earned the required Good Faith Efforts based on the Disadvantaged Business Enterprise program requirements.

Fiscal Note
Funding: Charlotte Water Community Investment Plan

Attachment
Map


12700 Lancaster Hwy
Project Area: McAlpine Creek WWTP
Starmount
Pineville
Arthur Murray Dance Studio
Big Rock Nature Preserve
Ballantyne
Fort Mill
Indian Land
Weddington
Matt


Lancaster Hwy
Comenius School for Creative L
Vista Haven Dr
McMullen Creek Greenway
Project Area is located within City Council District 7

Agenda #: 29.**File #:** 15-2326 **Type:** Consent Item

Wilgrove Elevated Water Storage Tank Reconditioning and Construction Administration and Inspection Services

Action:

A. Award a contract in the amount of $1,059,289.00 to the lowest responsive bidder Utility Service Co., Inc. for the Wilgrove Elevated Water Storage Tank Rehabilitation project, and

B. Approve a contract with DiCon Consulting, P.C. in the amount of $230,000 for construction administration and inspection services.

Staff Resource(s):
Barry Shearin, Charlotte Water

Explanation

- Charlotte Water has nine elevated storage tanks. The Wilgrove Elevated Water Storage Tank, located near Albemarle Road, was built in 1992. It is the last in the series to be reconditioned as a part of Charlotte Water's ongoing tank maintenance program.

Action A - Construction Contract

- The contract with Utility Service Co., Inc. will provide the materials and workmanship necessary for the rehabilitation of the Wilgrove Elevated Water Storage Tank.
- The tank will have minor renovations made to maintain Occupational Safety and Health Admininstration standards and receive a new coatings system with a 15-year warranty.
- On December 1, 2015, the City issued an Invitation to Bid for Wilgrove Elevated Water Storage Tank Reconditioning; two bids were received from interested service providers. The project was re -advertised and two bids were received again on January 14, 2016.
- Utility Service Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fall 2016.

Action B - Construction Administration and Inspection Services Contract

- The contract with DiCon Consulting, P.C. will provide for contract administration and inspection related to the rehabilitation of the Wilgrove elevated water storage tank.
- The rehabilitation project specifications require inspection by a National Association of Coatings Engineers Level 3 Inspector and periodic inspection by a Certified Welder Inspector.
- On October 29, 2015, the City issued a Request for Qualifications (RFQ) for Professional Engineering Services for Wilgrove Elevated Storage Tank Rehabilitation Construction Administration and Inspection. In response to the RFQ, the City received three proposals from

interested professional service providers.

- Charlotte Water staff evaluated the proposals and determined that DiCon Consulting, P.C. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Charlotte Business INClusion

Action A

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

Action B

No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INClusion Policy). DiCon Consulting, P.C. is a City SBE.

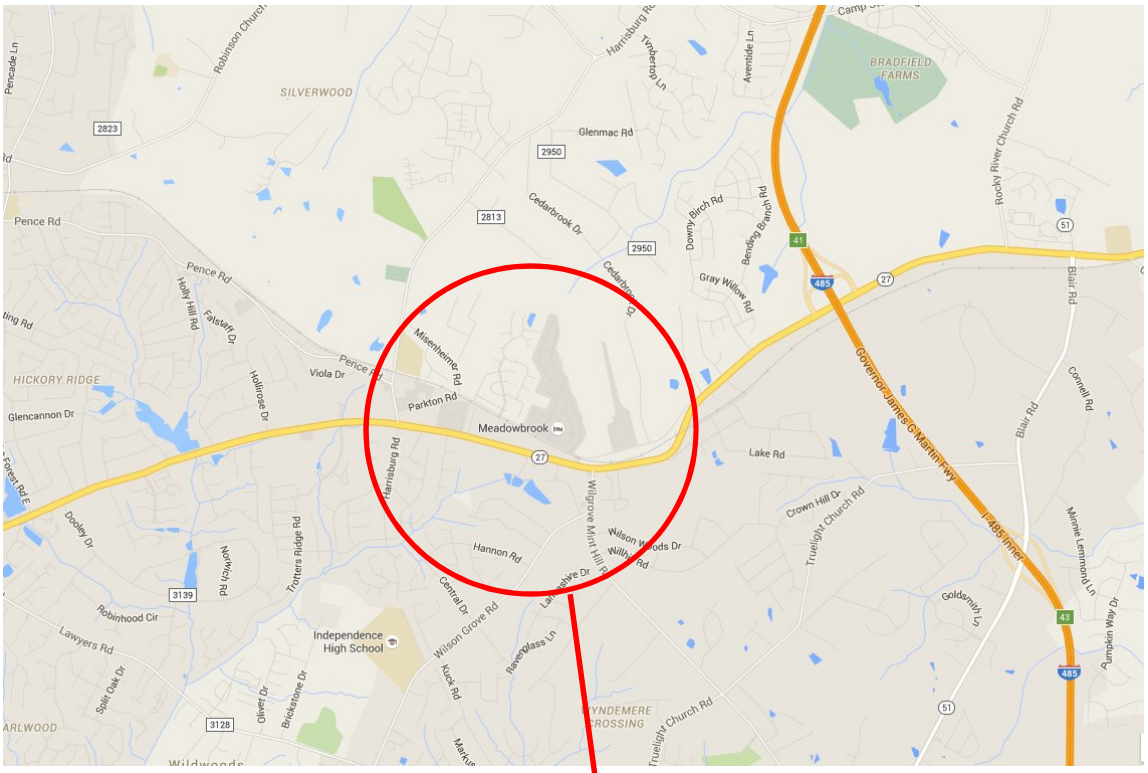
Fiscal Note

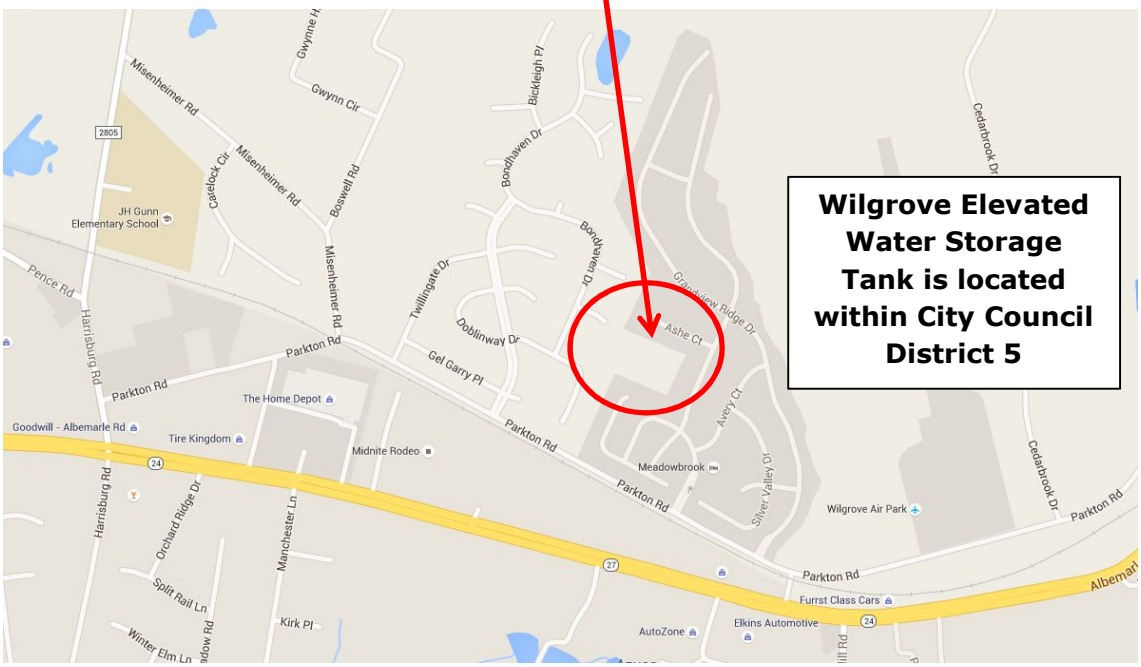
Funding: Charlotte Water Community Investment Plan

Attachment

Map

Wilgrove Elevated Water Storage Tank Reconditioning and Construction Administration and Inspection Services





Agenda #: 30.**File #:** 15-2342 **Type:** Consent Item

Septic Hauling Services for Wastewater Treatment Plants

Action:

A. Approve a contract with Terry Enterprises, Inc. for septic hauling services for wastewater treatment plants for an initial term of one year, and

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

Staff Resource(s):
Barry Shearin, Charlotte Water

Explanation

- The City requires septic hauling services for small wastewater treatment plants operated by Charlotte Water. The company will haul non-hazardous waste materials, including but not limited to wastewater, sanitary sludge, accumulated grease, grit, trash, and rags from various processing structures located at the plants.
- All non-hazardous waste materials will be hauled to one location for disposal and either deposited in a septic receiving station where it will be processed for land application or deposited on a drying bed for disposal to a landfill.
- Annual expenditures are estimated to be $128,000 a year for septic hauling from small Union County wastewater treatment plants. This cost will be paid from the fees paid to Charlotte Water from Union County Public Works (UCPW) for the operation and maintenance of the UCPW wastewater plants.
- Annual expenditures are estimated to be $62,000 a year for septic hauling from the small Charlotte Water owned wastewater treatment plants.
- On November 30, 2015, the City issued a Request for Proposal (RFP) for Hauling Services for Wastewater Treatment Plants. In response to the RFP, the City received one proposal from an interested service provider.
  - The RFP was electronically advertised in addition to a notice of advertisement distributed to 16 vendors.
- The Project Team, consisting of staff from Charlotte Water and Union County, evaluated the proposals and determined that Terry Enterprises, Inc. 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 consecutive one-year terms with a price increase negotiated based on diesel fuel market conditions.

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 #: 31.**File #:** 15-2503 **Type:** Consent Item

LYNX Blue Line Extension - Sugar Creek Pedestrian Bridge Railroad Agreement

Action:

Authorize the City Manager to negotiate and execute a bridge agreement with the North Carolina Railroad Company and Norfolk Southern Railway for maintenance and repair obligations covering the LYNX Blue Line Extension infrastructure in the North Carolina Railroad right-of-way.

Staff Resource(s):
Danny Rogers, CATS
Brad Thomas, City Attorney's Office

Explanation

- The LYNX Blue Line Extension alignment will run approximately 2.7 miles in the North Carolina Railroad Corridor and cross over property owned by the North Carolina Railroad Company (NCRR) and operated by Norfolk Southern Railway (NSR).
- Within the railroad right-of-way, the City will construct a pedestrian bridge for light rail users to cross over the freight tracks and access the Sugar Creek Station.
- The bridge agreement will be a three party agreement between the City, NCRR, and NSR.
- Terms and conditions will include the division of maintenance responsibilities for bridge structures and retaining walls, insurance and indemnity, giving notice of maintenance activities to railroad personnel, and new construction or alteration of existing improvements.
- On September 28, 2015, City Council awarded the Sugar Creek Parking Garage contract, which allowed construction of the pedestrian bridge in addition to the garage structure.
- On April 13, 2015, City Council authorized three other bridge agreements related to the LYNX Blue Line Extension project, for the 36th Street bridge, the Craighead bridge, and the bridge over Norfolk Southern's Aberdeen Carolina & Western freight tracks near Matheson Street.

Fiscal Note
Funding: CATS Community Investment Plan

Agenda #: 32.**File #:** 15-2505 **Type:** Consent Item

LYNX Blue Line Extension - Construction Materials Testing and Special Inspection Services Contract Amendment

Action:

Approve contract amendment #6 in an amount up to $1,000,000 to the LYNX Blue Line Extension contract with Kleinfelder Southeast, Inc. for construction materials testing and special inspection services.

Staff Resource(s):
Danny Rogers, CATS

Explanation

- 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 LYNX Blue Line Extension project.
- The LYNX Blue Line Extension project has experienced significant delays related to utility relocation and railroad requirements, which have affected the overall project completion date.
- As a result, the work by Kleinfelder Southeast, Inc. will continue for approximately 10 months longer than was forecast in the original cost estimate.
- In addition, the frequency of testing and inspections for retaining wall foundations required by Norfolk Southern Railway has been more extensive than anticipated.
- Contract amendment #6 will add up to $1 million for the additional testing requirements and extended completion schedule.
- Five contract amendments have been approved to date for minor additions to the scope of work not originally included in the contract. These changes used contract contingency and did not require additional funds.
- The new total value of the contract, including this amendment, is an amount up to $10,000,000.

Disadvantaged Business Enterprise
The additional contract scope authorized by this contract amendment will be held to the original contract DBE Goal of 11.75%.

Fiscal Note
Funding: CATS Community Investment Plan

Agenda #: 33.**File #:** 15-2496 **Type:** Consent Item

CATS Retired Buses Donation

Action:

A. Approve the donation of one retired CATS bus to Olympic High School, and

B. Approve the donation of one retired CATS bus to the Town of Matthews Fire Department.

Staff Resource(s):
Larry Kopf, CATS

Explanation

- North Carolina General Statute 160A-274 allows City property to be donated to other governmental units, such as other cities and public schools, with or without consideration.
- CATS buses are purchased with funds from the Federal Transit Administration (FTA) (80%), North Carolina Department of Transportation (10%), and local funds (10%). The buses are eligible for retirement on a 12 year depreciation cycle pursuant to federal regulation. Fully depreciated buses may be disposed of pursuant to locally authorized methods. The FTA does not require reimbursement if the amount received for a retired bus is less than $5,000.
- Olympic High School and the Town of Matthews would accept the donated buses "as is", without warranty.

Action A

- Olympic High School is taking part in an apprenticeship program designed by the CATS maintenance division. Students will be instructed on diesel mechanics and the proper care of a bus. One goal of the program is to help prepare students who might be interested in pursuing a career in diesel mechanics, potentially a career with CATS.
- CATS has a bus (Vehicle Identification Number 2NVYL82P9Y3000183) available that has reached its useful service life, is fully depreciated by FTA standards, and may therefore be retired and donated to Olympic High School.

Action B

- The Town of Matthews Fire Department is interested in training firefighters to better respond in the event of a bus fire. Using the bus for training purposes allows the firefighters to become familiar with the vehicle's features, such as ingress and egress points.
- CATS has six bus routes that provide over 14,000 hours of service annually through the Town of Matthews.
- CATS has a bus (Vehicle Identification Number 15GGD271931073727) available that has reached its useful service life, is fully depreciated by FTA standards, and may therefore be retired and donated to the Town of Matthews Fire Department.

Fiscal Note
Funding: Not Applicable

Agenda #: 34.**File #:** 15-2506 **Type:** Consent Item

CATS Bus Towing Contract Amendment

Action:

Approve contract amendment #1 in the amount of $45,000 to the CATS Bus Towing Services contract with Southern Star of Charlotte, Inc.

Staff Resource(s):
Larry Kopf, CATS
Edward Pullan, CATS

Explanation

- On September 1, 2014, CATS entered into a contract for bus towing services with Southern Star of Charlotte for an estimated cost of $30,000 annually. The contract was for a two-year term, with the option for one additional year. The total amount for this contract was $90,000.
  - The original contract was designed to provide towing services for the fixed route bus fleet only; and the cost estimate was based on the historical average number of bus tows required during the length of the contract.
- Since the contract has been in place, CATS has absorbed maintenance of the Special Transportation Services fleet. There are 88 vehicles in this fleet of smaller buses that provide services to individuals with disabilities.
- The inclusion of the Special Transportation Services fleet under this towing contract requires additional funding of $45,000.
- The new contract value, including the amendment is $135,000.

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

Fiscal Note
Funding: CATS Operating Budget

Agenda #: 35.**File #:** 15-2297 **Type:** Consent Item

CATS Amenities Bus Stop Benches

Action:

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

B. Approve a unit price contract with Simme, LLC for the purchase of transit bus stop benches for a term of two years, and

C. 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):
Steve Warren, CATS

Sole Source Exemption

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

Explanation

- The Charlotte Area Transit System (CATS) currently uses Simme-Seats at bus stops selected for areas where traditional seating will not work due to limited location space.
- The seats are a unique design - the sign base and seats are combined into one surface mounted unit. Simme, LLC has a patent on the design, is the manufacturer of the product, and is the sole distributor of the product.
- The design enables CATS to provide bus stop seating in areas of limited right-of-way. This application saves $87 per unit compared to standard bench and bus stop sign base designs.
- The Simme-Seats unit can be installed without constructing the standard concrete bench pad, resulting in further savings of approximately $2,000 in construction costs.
- Additionally, the Simme-Seats enhance comfort, are popular among users, and are fully compliant with the Americans with Disabilities Act.
- Each Simme-Seat costs $456.
- Annual expenditures under the contract are estimated to be $95,035.

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: CATS Community Investment Plan

Agenda #: 36.**File #:** 15-2561 **Type:** Consent Item

Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of $48,686.38.

Staff Resource(s):
Robert Campbell, Management & Financial Services

Explanation

- Notification of Property Tax and Business Privilege License Tax refunds due to clerical or assessor error are provided to the City by Mecklenburg County.

Pearson Review Update

- In accordance with the ordinance approved by the City Council on August 25, 2014, and 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 February 8, 2016, totaled $1,447,310.62.

Fiscal Note
Funding: Not applicable

Attachment
Taxpayers and Refunds Requested and Resolution

Taxpayers and Refunds Requested

ALDRICH, JOSEPH D	$	7.43
BAHNSON, MARTHA MCNEAL		113.53
BLANCHARD, J KATHRYN		60.74
BONAPARTE, JOSEPH		26.94
BOWED, REBEKAH LEANN		3.93
BOWED, REBEKAH LEANN		3.75
BOWED, REBEKAH LEANN		3.75
BRANTLEY, THOMAS M		24.25
BREEDEN, RALPH		333.62
CAROLINA SPORTING ARMS CO INC		1,605.48
CHARLOTTE SAW & KNIFE CO INC		558.28
CLARK, ROBERT THOMAS		80.62
CLARK, ROBERT THOMAS		80.62
CUSHMAN, JOHN U JR		26.22
DREYER, DENNIS W		468.67
EPSTEIN, CHRISTOPHER HERSCHEL		817.63
GARDNER, JARED E		551.05
GARDNER, JARED E		537.07
GARDNER, JARED E		576.03
GARDNER, JARED E		133.11
HAILEY, SHIRLEY		216.37
HALL, JACQUELINE C		520.47
HENDRICK AUTOMOTIVE GROUP		6,012.82
HENDRICK AUTOMOTIVE GROUP		5,478.34
KNIGHT, SALLY GAMBRELL		392.40
LEE VALVE CO		107.84
LORICK, MIRIAM H		109.68
MANESS, MARESE		65.21
MAYEUX, R PAUL		77.35
MCCARTNEY, SEAN P		3.47
MCCLENDON, ROBERT LEWIS		50.00
MYERS PARK COUNTRY CLUB INC		635.84
NEWTON & ASSOCIATES INC		34.47
POROBIC, SANJA		35.90
RETAIL FINANCE INTERNATIONAL HOLDINGS INC		10.57
RETAIL FINANCE INTERNATIONAL HOLDINGS INC		10.40
SHUGART, LOUISA R TRUST		6.99
SIMPSON, JAMES W		38.43
SMITH, CAROLYN V		272.86
SMITH, DOUGLAS E		58.98
TROUTMAN SHARPENING SERVICE INC		427.50
US AIRWAYS INC		26,475.64
VALERIE MITCHENER INC		20.52
VARNER, KENT A		343.92
YFP TIMBER LLC		1,267.69
	$	**48,686.38**

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 assessor error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 22nd day of February 2016 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 #: 37.**File #:** 15-2464 **Type:** Consent Item

Resolution of Intent to Abandon an Unopened Portion of E. Worthington Avenue

Action:

A. Adopt a Resolution of Intent to abandon an unopened portion of E. Worthington Avenue, and

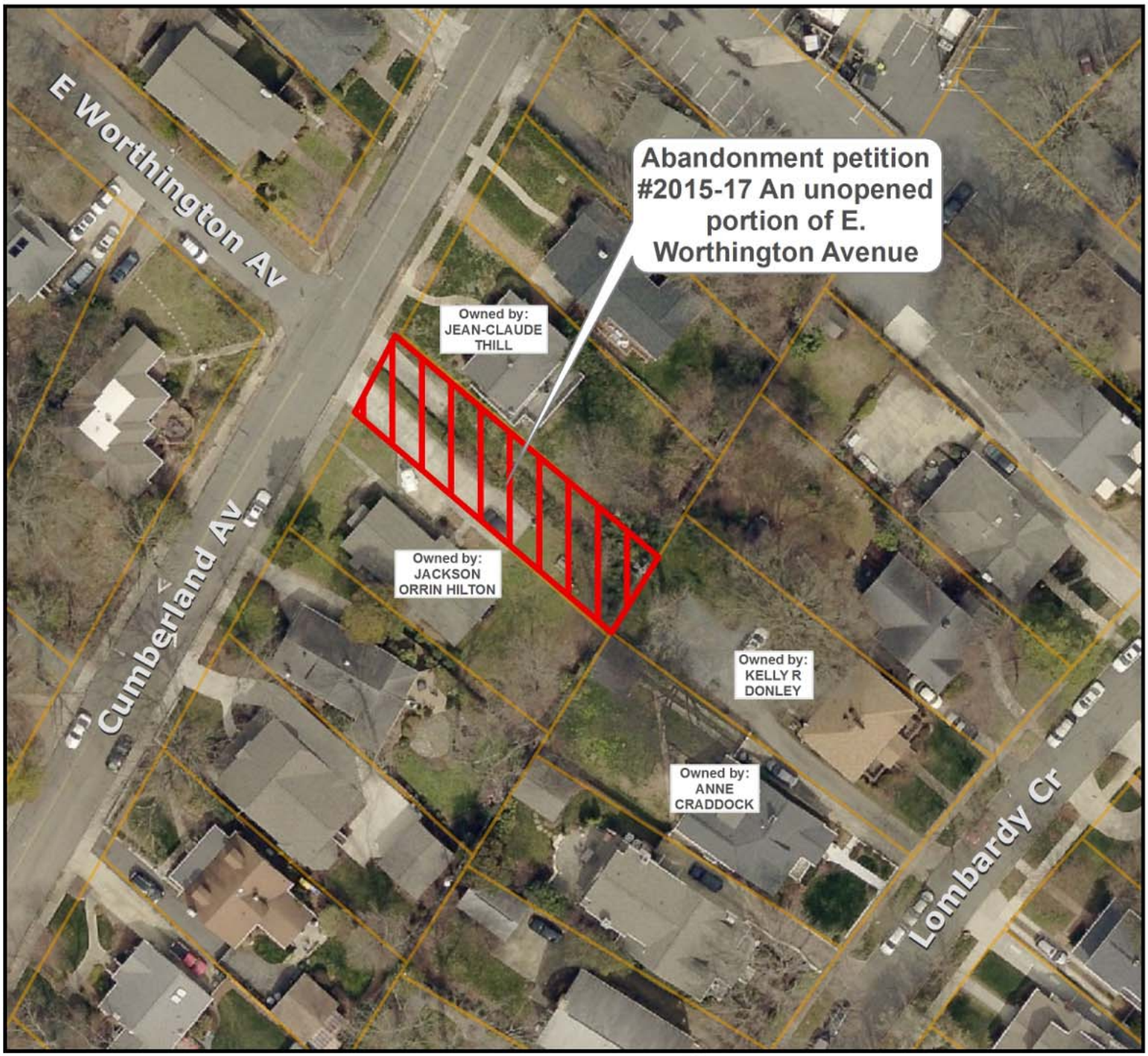
B. Set a public hearing for March 28, 2016.

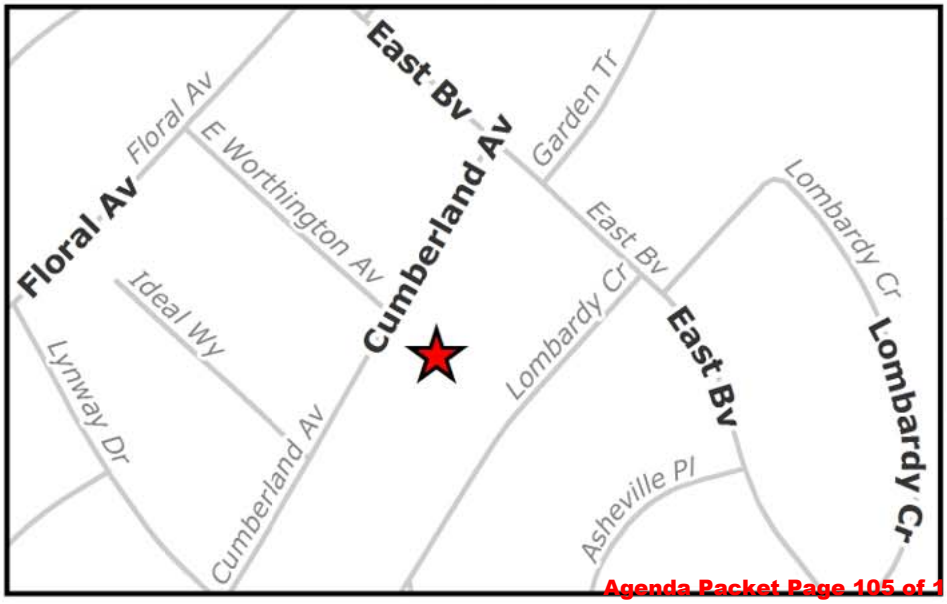
Staff Resource(s):
Jeff Boenisch, Transportation

Explanation

- The portion of E. Worthington Avenue is located in Council District 1.

Attachment
Map
Resolution





CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION

Right-of-Way Abandonment Petition 2015-17

Right-of-Way Abandonment Area

Unopened portion of E. Worthington Avenue

RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE **an unopened portion of E. Worthington Avenue** in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Jean-Claude Thill** has filed a petition to close an unopened portion of E. Worthington Avenue in the City of Charlotte; and

Whereas, an unopened portion of E. Worthington Avenue is 30-foot wide right-of-way located on the eastern most side of the intersection of Cumberland Avenue and E. Worthington Avenue, running approximately 140 feet in length to its terminus at a property currently or formerly owned by Kelly & Lorraine Donley (D.B. 27440, PG. 651), and consists of 5,647 square feet, as shown in the map marked "Exhibit A" and is more particularly described by metes and bounds in the document marked "Exhibit B" all of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina; and

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

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of February 22, 2016, that it intends to close an unopened portion of E. Worthington Avenue and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 28th day of March 2016, in CMGC meeting chamber, 600 East 4th Street, Charlotte, North Carolina.

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

Agenda #: 38.**File #:** 15-2423 **Type:** Consent Item

Meeting Minutes

Action:

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

- **January 19, 2016, Zoning Meeting**

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

Agenda #: 39.**File #:** 15-2442 **Type:** Consent Item

Land Purchase for Tree Canopy Preservation Program

Action:

A. Approve the purchase of four contiguous parcels of approximately 71 acres located near Robinson Church Road and Plott Road in Charlotte (parcel identification numbers 108-112-03, 108-112-04, 108-071-13, and 108-042-10A) for $884,295 from three property owners, and

B. Authorize the City Manager to negotiate and grant a Conservation Easement to the Catawba Lands Conservancy.

Staff Resource(s):
Tim Porter, Engineering & Property Management
Amanda Byrum, Engineering & Property Management

Explanation

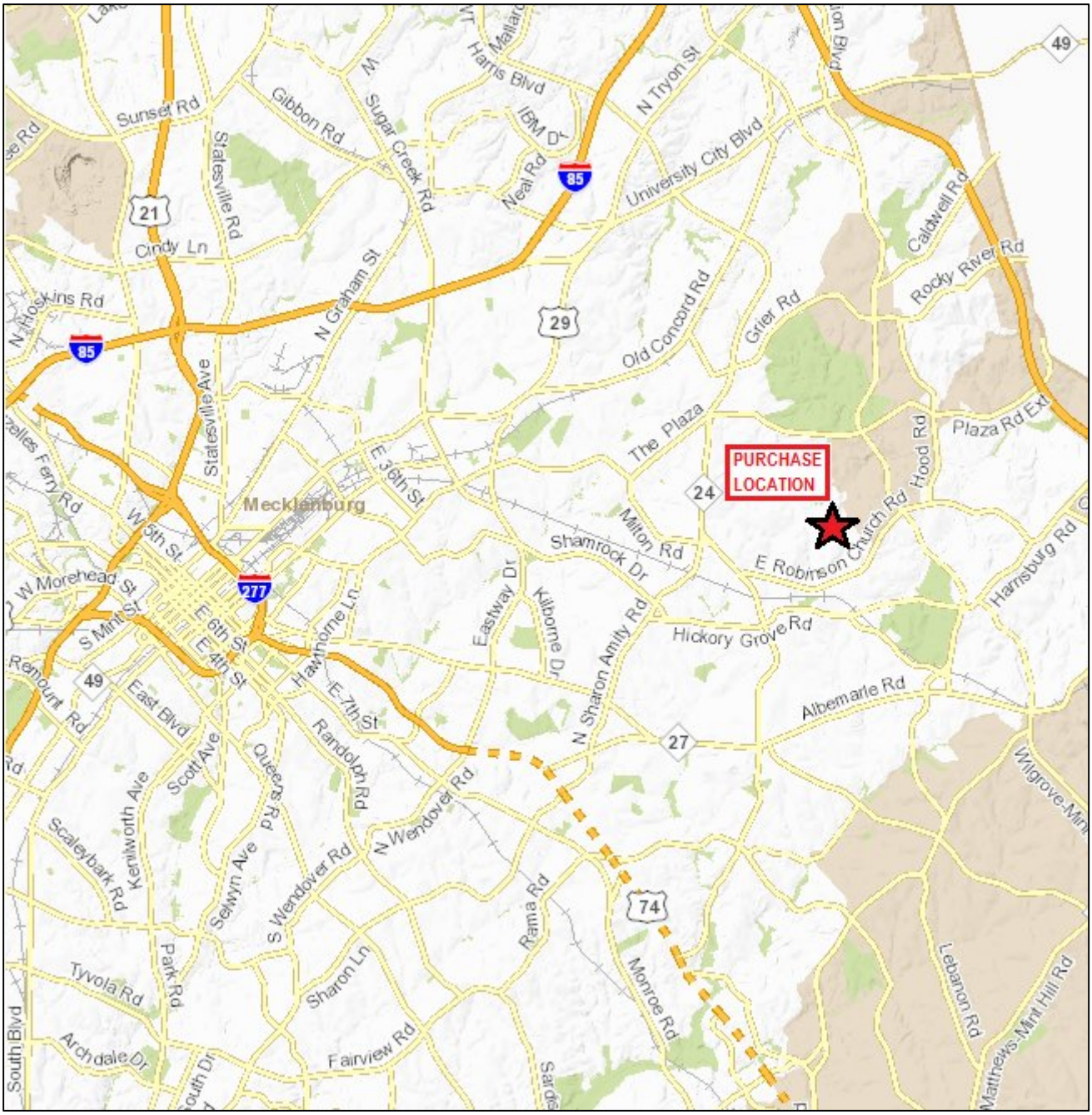
- Effective January 1, 2011, City Council approved revisions to the City's Tree Ordinance. The revised Ordinance changed tree save and tree planting requirements for commercial development and offered mitigation options at certain development locations.
- One mitigation option allows developers to pay into the Tree Ordinance Mitigation Fund (Fund), administered by the City, in lieu of saving trees on site.
- The City uses the Fund for property acquisition and expenditures associated with ongoing tree preservation and maintenance.
- City staff has established a Tree Canopy Preservation Program to set criteria for future acquisitions, including location, acreage, tree quality, rate of development in the area, connectivity to other open space or greenways, and opportunities for stewardship partner involvement.
- Staff researched many properties located primarily within Charlotte's city limits or within the City's extraterritorial jurisdiction and identified these properties as a partnership opportunity with the Catawba Lands Conservancy, meeting the program criteria.
- The four properties were subject to a timber harvesting operation in 2009 that removed approximately 45 of the 71 acres of mature forest that existed on site. Preserving the new growth that has regenerated in the timbered areas will result in a net tree canopy gain of 45 acres.
- Staff is working to develop a forest management plan with the North Carolina Forest Service for implementation following the acquisitions.
- Three of the four parcels were listed for sale, and the owner of the fourth parcel approached City staff with interest in the sale of the adjacent property. Staff negotiated purchase prices with each of the property owners based on appraised value findings and marketed list prices.
- The Catawba Lands Conservancy will apply for a Clean Water Management Trust Fund grant for the purchase of a Conservation Easement following acquisition by the City. If the Catawba Lands Conservancy does not receive the grant funds, the City will donate a Conservation Easement to ensure stewardship and maintenance of the property in perpetuity.
- The Charlotte-Mecklenburg Planning Commission recommended approval for the City to purchase

the land.

- Contingent upon City Council approval and acquisition of these properties, anticipated in August 2016, the Tree Ordinance Mitigation Fund will have a projected balance of approximately $629,000. Staff has developed a working priority list of additional property acquisitions using the remaining balance of the funds.

Fiscal Note
Funding: General Community Investment Plan - Tree Preservation Program

Attachment
Map



Location Map: Land Purchase for Tree Canopy Preservation Program (Council District 5)

Agenda #: 40.**File #:** 15-2533 **Type:** Consent Item

Property Transactions - Mt.Holly-Huntersville 11810 Road Sanitary Sewer, Parcel #5

Action: **Approve the following Condemnation: Mt.Holly-Huntersville 11810 Road Sanitary Sewer, Parcel #5**

Project: Mt.Holly-Huntersville 11810 Road Sanitary Sewer, Parcel #5
Owner(s): Elpiniki Karagiannis and Stantoula K. Drosinis
Property Address: 11725 Mt. Holly-Huntersville Road
Total Parcel Area: 267,236 sq. ft. (6.135 ac.)
Property to be acquired by Easements: 7,358 sq. ft. (.169 ac.) in Sanitary Sewer Easement, plus 4,196 sq. ft. (.096 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: Commercial Business
Use: Single-family Residential - Rural Acreage
Tax Code: 017-203-04
Appraised Value: $775
Property Owner's Counteroffer: $1,000
Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation for clear title to acquire necessary property rights.
Council District: N/A (Huntersville)

Agenda #: 41.**File #:** 15-1472 **Type:** Consent Item

Reference - Charlotte Business INClusion Policy

The following excerpts from the City's Charlotte Business INClusion Policy are intended to provide further explanation for those agenda items which reference the Charlotte Business INClusion Policy in the business meeting agenda.

Part A: Administration & Enforcement

Appendix Section 20: Contract: For the purposes of establishing an MWSBE subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the City procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration and remodeling; (b) architectural work, engineering, surveying, testing, construction management and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services) , and (d) apparatus, supplies, goods or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, MBE or WBE Goal has been set.
- Financial Partner Agreements, Development Agreements, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INClusion Program Policy.

Appendix Section 27: Exempt Contracts: Contracts that fall within one or more of the following categories shall be "Exempt Contracts" from all aspects of the Charlotte Business INClusion Policy, unless the Department responsible for procuring the Contract decides otherwise:

No Competitive Process Contracts: Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the City shall be Exempt Contracts, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

Managed Competition Contracts: Managed competition contracts pursuant to which a City Department or division competes with Business Enterprises to perform a City function shall be Exempt Contracts.

Real Estate Leasing and Acquisition Contracts: Contracts for the acquisition or lease of real estate

shall be Exempt Contracts.

Federal Contracts Subject to DBE Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation shall be Exempt Contracts.

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

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

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

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

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

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

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

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

Part B: Formal Construction Bidding

Part B: Section 2.1: When the City Solicitation Documents for a Construction Contract contain an MWSBE Goal, each Bidder must either: (a) meet the MWSBE Goal, or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements. Failure to do so constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities.
The City shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no SBEs, MBEs or WBEs (as applicable) to perform scopes of work or provide products or services that the City regards as realistic opportunities for subcontracting.

Part C: Services Procurement

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

Part C: Section 2.1: No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish an MWSBE Goal for Service Contracts where there are no MWSBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part D: Post Contract Award Requirements

Part D: Section 6: New Subcontractor Opportunities/Additions to Scope, Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the City as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the City shall either:

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

Agenda #: 42.**File #:** 15-1473 **Type:** Consent Item

Reference - Property Transaction Process

Property Transaction Process Following 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 #: 43.**File #:** 15-1471 **Type:** Consent Item

Reference - Property Acquisitions and Condemnations

- The City has negotiated in good faith to acquire the properties set forth below
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
  - Sending introductory letters via regular and certified mail;
  - Making several site visits;
  - Leaving door hangers and business cards;
  - Seeking information from neighbors;
  - Searching the internet
  - Obtaining title abstracts, and
  - Leave voice messages
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If the City Council approves the resolutions, the City Attorney's office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to a trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of <u>easement</u> is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross", such as public utility easement.
- The definition of <u>fee simple</u> is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited, commonly, synonym for ownership.