

Mayor Dan Clodfelter

Al Austin
John Autry
Ed Driggs
Claire Fallon
David L. Howard

Mayor Pro Tem Michael D. Barnes

Patsy Kinsey
Vi Lyles
LaWana Mayfield
Greg Phipps
Kenny Smith

**CITY COUNCIL MEETING
Monday, February 23, 2015**

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

Item #	Page #	Title
30	29	LYNX Blue Line Capacity Expansion Change Order

Item 13: Non-Discrimination Ordinance has been moved to Monday, March 2nd, 2015 at 6:00 p.m. in the Meeting Chamber.

CITY COUNCIL AGENDA
Monday, February 23, 2015

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Item 13: Non-Discrimination Ordinance has been moved to Monday, March 2nd, 2015 at 6:00 p.m. in the Meeting Chamber.

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5:00 P.M. DINNER BRIEFING, CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Resource(s): Debra Campbell, 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.

2. Code of Ethics, Gift Policy, Investigation Process, and Disclosure Requirements

Committee Chair: David Howard

Resource(s): Bob Hagemann, City Attorney's Office

Time: 30 minutes

Synopsis

- On January 26, 2015, the City Attorney presented a proposed Code of Ethics to the Governance and Accountability Committee, which includes a Gift Policy, a process for investigating complaints, and a disclosure form.
- The Committee voted unanimously (Howard, Mayfield, Autry, and Phipps; Kinsey not present) to approve the revised Code of Ethics, Gift Policy, Investigation Process, and Disclosure Requirements.
- The Code of Ethics would go into effect upon approval by City Council.
- The new disclosure form, Statement of Economic Interest, will be used beginning January 2016.

Future Action

The City Council is requested to approve the Code of Ethics, Gift Policy, Investigation Process, and Disclosure Requirements, agenda item 15, on page 9.

3. Answers to Mayor and Council Consent Item Questions

Resource(s): Debra Campbell, City Manager's Office

Time: 10 minutes

Synopsis

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

**6:15 P.M. Reception for Thomas Davis, Defending Dreams
Foundation Leadership Academy, CH-14**

Introductions

Invocation

Pledge of Allegiance

4. Thomas Davis Recognition

Action: Mayor Clodfelter will recognize Thomas Davis, a Carolina Panthers' football player, for his service to the community and being named the 2014 Walter Payton National Football League Man of the Year Finalist.

6:30 P.M. CITIZEN'S FORUM, MEETING CHAMBER

CONSENT

- 5. Consent agenda items 21 through 49 may be considered in one motion except 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.

ZONING

6. Rezoning Petition 2015-027

Staff Resource(s): Tammie Keplinger, Planning

Explanation

The information for this petition will be included in the Council-Manager Memo on Friday, February 20, 2015.

Attachment 1

Included in the Council-Manager Memo on Friday, February 20, 2015

Fiscal Note

- Not Applicable

7. Rezoning Petition 2015-028

Staff Resource(s): Tammie Keplinger, Planning

Explanation

The information for this petition will be included in the Council-Manager Memo on Friday, February 20, 2015.

Attachment 2

Included in the Council-Manager Memo on Friday, February 20, 2015

Fiscal Note

- Not Applicable

8. Rezoning Petition 2015-029

Staff Resource(s): Tammie Keplinger, Planning

Explanation

The information for this petition will be included in the Council-Manager Memo on Friday, February 20, 2015.

Attachment 3

Included in the Council-Manager Memo on Friday, February 20, 2015

Fiscal Note

- Not Applicable

9. Rezoning Petition 2015-030

Staff Resource(s): Tammie Keplinger, Planning

Explanation

The information for this petition will be included in the Council-Manager Memo on Friday, February 20, 2015.

Attachment 4

Included in Council-Manager Memo on Friday, February 20, 2015

Fiscal Note

- Not Applicable

10. Rezoning Petition 2015-032

Staff Resource(s): Tammie Keplinger, Planning

Explanation

The information for this petition will be included in the Council-Manager Memo on Friday, February 20, 2015.

Attachment 5

Included in Council-Manager Memo on Friday, February 20, 2015

Fiscal Note

- Not Applicable

PUBLIC HEARING

11. Public Hearing on Voluntary Annexation

- Action:**
- A. Hold a public hearing for the Woodfield Northlake II voluntary annexation, and**
 - B. Adopt an ordinance with an effective date of February 23, 2015, to extend the corporate limits to include this property and assign it to the adjacent Council District 2.**

Staff Resource(s): Jonathan Wells, Planning

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- The voluntary annexation petition is for a small segment of the planned Woodfield Northlake multi-family development; a petition has been received from the owners of this 0.75-acre property located in the 11400 block of Northlake Centre Parkway in north Mecklenburg County.
- The remainder of the proposed Woodfield Northlake development was annexed by the City on September 22, 2014; the owners now wish to add this small adjacent property.
- The property is owned by Arrowood 77 Associates and Metrolina Properties Limited Partnership.
- The property is vacant and is zoned UR-3(CD).
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Annexation of this property will allow for more orderly extension of City services and capital investments in the future.
- The effective annexation date for this property is February 23, 2015.
- The Annexation Ordinance assigns the annexed area to adjacent City Council District 2.

Consistent with City Council Policies

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

Fiscal Note

- Not Applicable

Attachment 6

[Map](#)
[Annexation Ordinance](#)

POLICY **Item 13: Non-Discrimination Ordinance has been moved to Monday, March 2nd, 2015 at 6:00 p.m. in the Meeting Chamber.**

12. City Manager's Report

13. 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

Explanation

- At the Dinner Briefing meeting on November 24, 2014, Scott Bishop of the Human Rights Campaign gave a presentation to the City Council in which he proposed adding marital status, familial status, sexual orientation, gender expression, and gender identity to the list of protected characteristics in several City non-discrimination ordinances.
- In response to Mr. Bishop's request, the City Council asked the City Manager and the City Attorney to draft information on the proposed ordinance changes to amend non-discrimination language.
- During the February 9, 2015 dinner briefing, the City Attorney provided a history of protected characteristics under federal, state, and local law, outlined the City's current non-discrimination ordinances, and presented a proposed ordinance that would implement the request.
- The City Council voted 7-4 (Barnes, Driggs, Phipps, and Smith voted no) to place this matter on the February 23 Council Business Agenda.
- 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 vehicle 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.
- As proposed, the ordinance would be effective April 1, 2015.

Fiscal Note

- Not Applicable

Attachment 7

[Memo from City Attorney Ordinance](#)

Item 13: Non-Discrimination Ordinance has been moved to Monday, March 2nd, 2015 at 6:00 p.m. in the Meeting Chamber.

14. City Protocol Society Membership

Action: Approve the Economic Development & Global Competitiveness Committee recommendation to:

- A. Submit an application for the City of Charlotte to join the City Protocol Society,**
- B. Submit the \$1,000 membership fee, and**
- C. Evaluate benefits of membership after one year.**

Committee Chair: Michael Barnes

Staff Resource(s): Rob Phocas, Neighborhood & Business Services

Explanation

- The City Protocol Society (CPS) is a global community of cities, companies, academia, and other organizations that leverage their knowledge and experience in cities worldwide to offer guidance and collaborative action so that cities can develop more efficient and sustainable city systems: operations, finance, management, and governance.
- The vision for the CPS is “Building Together Better Cities”.
- A San Francisco, California based non-profit, CPS was launched at the 2012 Smart City World Congress in Barcelona, Spain.
- Current CPS members include:
 - Cities: Amsterdam, Barcelona, Genoa, London, Dublin, Moscow, Quito, and Dubai;
 - Corporations: Cisco, Comsystem, Microsoft, and Schneider Electric; and
 - Universities: University of Chicago, University of Toronto, and University of Barcelona.
- Benefits of CPS membership include:
 - Becoming part of a problem-solving, cross-sector global community of peers.
 - Extending the City’s global leadership, through sharing significant achievements with other cities, such as Envision Charlotte, a solution model for Public-Private Partnership design and management.
 - Identifying problems for which the City seeks solution models, and forming a City-led City Protocol team to pursue the solutions collaboratively, including developing effective Public-Private Partnership models for funding and evolving transit/mobility infrastructure projects.
- The City would be the first United States city to join; CPS is also currently in membership discussions with San Francisco.

Economic Development & Global Competitiveness Committee Discussion

- On February 5, 2015, City staff presented the Committee with a description of the City Protocol Society and the benefits of joining the organization.
- The Committee voted unanimously (Barnes, Lyles, Austin, Fallon, and Mayfield) to recommend staff apply for membership, pay the \$1,000 membership fee, and evaluate the benefits of membership after one year.

Fiscal Note

- Funding: Neighborhood & Business Services Operating Budget

15. Code of Ethics, Gift Policy, Investigation Process, and Disclosure Requirements

Action: Approve the Governance and Accountability Committee recommendation to adopt a new Code of Ethics, which includes a Gift Policy, Investigation Process, and Disclosure Requirements.

Committee Chair: David Howard

Staff Resource(s): Bob Hagemann, City Attorney's Office

Explanation

- On May 24, 2010, the City Council adopted a Code of Ethics that included the following:
 - Guidelines for ethical standards of conduct for the Mayor and City Council;
 - A general disclosure statement to be filed with the City Clerk by February 1 of each year; and
 - A provision directing the City Attorney to investigate any apparent violation of the Code of Ethics.
- The proposed New Code of Ethics includes:
 - Guidelines for ethical standards of conduct for the Mayor and Council;
 - A Gift Policy;
 - Disclosure requirements based on the State of North Carolina disclosure form; and
 - A process for addressing complaints, investigations, and sanctions that includes the use of an independent investigator to review complaints.

Governance and Accountability Committee Discussion

- On April 28, 2014, and November 24, 2014, the Governance and Accountability Committee discussed the need for a revised Code of Ethics.
- On January 26, 2015, the City Attorney presented a proposed Code of Ethics, which includes a Gift Policy, a process for investigating complaints, and a disclosure form.
- Following discussions, the Committee voted unanimously (Howard, Mayfield, Autry, and Phipps; Kinsey not present) to approve the revised Code of Ethics, Gift Policy, Investigation Process, and Disclosure Requirements.
- The Code of Ethics, which includes the Gift Policy and an Investigation Process, would go into effect upon approval by the City Council.
- The new disclosure form, Statement of Economic Interest, will be used beginning January 2016.

Fiscal Note

- Not Applicable

Attachment 8

[Code of Ethics](#)

[Statement of Economic Interest](#)

16. Mecklenburg Livable Communities Plan Support

Action: Approve the “Resolution of Charlotte City Council for Endorsement of Mecklenburg Livable Communities Plan Process,” supporting the City’s continued partnership with the Mecklenburg Livable Communities Plan.

Committee Chair: John Autry

Staff Resource(s): Ron Carlee, City Manager’s Office
 Rob Phocas, Neighborhood & Business Services
 Katie McCoy, Management & Financial Services

Explanation

- The City Council action would support the City’s continued partnership with the Mecklenburg Livable Communities Plan (Plan) by endorsing the “Resolution of Charlotte City Council for Endorsement of Mecklenburg Livable Communities Plan Process” (Resolution).
- The purpose of the Plan is to facilitate opportunities for cross-sector collaboration across Mecklenburg County, while also serving as a single-source document of the numerous initiatives that local governments, non-profit agencies, and private sector businesses are undertaking to make the community a great place to live, work, and visit.
- By supporting the Resolution, the City would continue to partner with the Plan through collaborative conversations with other partners, developing and reporting on performance measures, and considering the Plan when preparing Focus Area Plans.
- The Plan does not supplant the City’s existing strategic Focus Areas or processes; rather, it builds upon the City’s strategic planning efforts by facilitating cross-sector collaboration in addressing community goals.
- There is no City funding associated with endorsement of the Plan process.
- The Plan can be viewed online at: <http://charmec.org/livablecommunities>

Background

- On May 13, 2013, the City Council approved the recommendation of the Environment Committee to fund \$125,000 in collaboration with Mecklenburg County (\$125,000), Foundation For The Carolinas (\$25,000), and the Knight Foundation (\$25,000) for the development of a collaborative community plan.
- On May 24, 2014, the City Council received a Dinner Briefing presentation with an update on the Plan.
- During the month of December 2014, the City Manager briefed City Council members on the Mecklenburg Livable Communities Plan Draft Strategies.
- Through community workgroups, more than 2,000 residents and community partners provided input. To date, 105 community stakeholders have responded positively to joining local governments to implement and further develop the Plan.

Environment Committee Discussion

On February 11, 2015, the Environment Committee voted unanimously (Autry, Driggs, Howard, Smith; Fallon not present) to endorse the City’s continued partnership with the Plan.

Next Steps

- The Mecklenburg County Board of County Commissioners endorsed the Plan on January 21, 2015.
- The Davidson Town Council voted to endorse the Plan on February 10, 2015, and the Pineville Town Council voted to endorse the Plan on February 11, 2015. The elected bodies of the remaining County's towns have indicated they plan to endorse the Plan by the end of February.
- If the City Council approves the Resolution, staff would continue to work with Plan partners to identify opportunities for community collaboration that do not conflict with City Council-adopted policy, as well as develop measures to assess the Plan's progress. The first progress report is projected for fall of 2016.
- The Plan is a "living document" that will continue to be evaluated and refined.

Fiscal Note

- Not Applicable

Attachment 9

[Resolution of Charlotte City Council for Endorsement of Mecklenburg Livable Communities Plan Process](#)

[Environment Committee Presentation on February 11, 2015](#)

[Mecklenburg Livable Communities Plan – Strategies Matrix](#)

BUSINESS

17. Ultra-High Speed Internet Readiness

Action: Authorize the City Manager to execute a Google fiber Inc. Network Hut License Agreement.

Staff Resource(s): Phil Reiger, Transportation

Explanation

- On January 27, 2015, Google fiber Inc. (Google fiber) announced its intentions to serve Charlotte with ultra-high speed residential internet and television services.
- In order to facilitate the efficient build-out of its fiber infrastructure, Google fiber is seeking to use City-owned property to place 21 network huts.
 - A network hut is an essential piece of fiber infrastructure that facilitates providing internet and television services.
 - Huts are 12feet X 30feet buildings enclosed by a security fence or wall that acts as a substation for internet and television provision as shown in pictures included in the attachment.
 - The total foot print of a fiber hut site (both hut and security fence/wall) is approximately 1,400 square feet.
- During a Dinner Briefing presentation on April 28, 2014, City staff shared a map of City properties that depicted potential hut locations.
- During the process of identifying the original locations, staff sought properties with the following qualities.
 - Remnant properties (no better use)
 - Existing cell tower locations
 - Water and sewer properties
 - Maintenance facilities
 - Fire stations with extra land
- Since the Dinner Briefing presentation, Google fiber refined their network design and continued to work with City staff to locate sites for huts.
- The result of those conversations has significantly altered the list of original properties.
- The City located approximately 17 locations that meet Google fiber's design requirements as shown in the attachment of the map.
 - The new properties identified on the map have the same qualities listed above, but also meet Google fiber's design criteria.
- Google fiber continues to work with the City and other partners to locate properties to place huts.

Network Hut License Agreement

- The City Council action authorizes the City Manager to execute a Network Hut License Agreement. This action also authorizes the City Manager to execute the individual hut site licenses, which are integrated as exhibits of the master agreement.
- The Network Hut License Agreement describes the general terms and conditions of using City property for the purpose of locating fiber huts.
- During the Dinner Briefing on April 28, 2014, City staff presented the following terms of the agreement to the City Council, which have not changed.
 - A 20-year term with unconstrained two-year renewal options.
 - Installations must comply with all applicable laws including all zoning requirements.

- \$2.00 per square foot per year with 3% annual escalation.
- There is an opportunity to adjust prices at the end of the initial term.
- The agreement includes a non-discrimination clause that makes rates, terms, and conditions available to qualifying internet and television providers.
- The \$2.00 per square foot rate is a negotiated rate derived from a market study conducted by City staff. The rate is consistent with the pricing of other Google fiber cities nationwide.
- Each hut site is expected to generate approximately \$2,800 in revenue annually or \$56,000 over the 20-year life of the agreement.

Operating and Personnel Services Impact

- On October 22, 2007, the City Council adopted a Utility Right-of-Way Management Ordinance that governs the utility industries' use of City right-of-way.
- A staff of six full-time employees enforces the ordinance through a system of plan reviews, permitting, and construction inspections.
- All of the expenses incurred to permit and inspect the work of utilities within the City's right-of-way are recovered through the utility right of way management fee.
- Google fiber is proposing to construct approximately 6,000 miles of fiber optic cable and associated equipment in the next two years. This work represents 12 times more work permitted in the next two years than City staff has permitted since the ordinance was adopted in 2007.
- Google fiber related work will require four previously unfunded staff positions needed to address the expected increase in permitting and inspections work through the end of Fiscal Year 2015.
- These staff resources will also be included in both the Fiscal Year 2016 and Fiscal Year 2017 operating budget subject to permit review and inspection demand and 100% fee recovery over a five year horizon (see Fiscal Note).
- In addition, construction activities from other telecommunication providers will continue to increase.
- Staff has developed a plan that uses a combination of permanent and temporary staffing to appropriately scale the workforce required to provide consistent permitting and inspection services. This level of service will be available to all utilities operating in the community.

Fiscal Note

- Funding: Projected Utility Right-of-Way Management Fees

ROW Management 5 year Projection							
	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	Total
Expenses							
Current	\$ 538,667	\$ 552,549	\$ 567,889	\$ 583,690	\$ 599,965	\$ 616,728	\$ 3,459,488
Additional	\$ 135,000	\$ 1,075,534	\$ 1,086,250	\$ 378,947	\$ 390,316	\$ 400,147	\$ 3,466,193
Total Expenses	\$ 673,667	\$1,628,083	\$1,654,139	\$ 962,637	\$ 990,280	\$1,016,875	\$6,925,682
Revenues							
Current	\$ 600,712	\$ 620,000	\$ 635,500	\$ 651,388	\$ 667,672	\$ 684,364	\$ 3,859,636
Additional	\$ -	\$ 1,210,534	\$ 1,086,250	\$ 378,947	\$ 390,316	\$ 400,147	\$ 3,466,193
Total Revenue	\$ 600,712	\$1,830,534	\$1,721,750	\$1,030,335	\$1,057,988	\$1,084,511	\$7,325,829
Annual Difference	\$ (72,955)	\$ 202,451	\$ 67,611	\$ 67,697	\$ 67,707	\$ 67,636	\$ 400,147

Attachment 10

[City Council Dinner Briefing Presentation on April 28, 2014](#)

[Picture of Fiber Hut](#)

[Potential Hut Site Map](#)

18. Business Investment Grant for Frito-Lay Inc.

Action: Approve the City's share of a Business Investment Grant to Frito-Lay Inc. for a total estimated amount of \$1,212,129 over five years (Total City/County grant estimated to be \$3,321,651).

Staff Resource(s): Bill Cronin, Neighborhood & Business Services

Explanation

- Frito-Lay, Inc. is the snack food division of PepsiCo, Inc. and is headquartered in Plano, Texas. The company produces, markets, and sells branded snack food such as Doritos, Cheetos, Fritos, Tostitos, Ruffles, and Lays Potato Chips. It operates 34 production plants in the United States, and is the largest global producer of snack foods.
- The company currently operates in Southwest Charlotte with 563 full-time employees at an average annual salary of \$50,000, plus benefits.
- The company has conditionally selected the Charlotte site for an expansion of \$74 million, contingent upon approval of a Business Investment Grant.
- As part of a plan to transform the 38-year-old facility into a "mega-facility," co-locating a manufacturing operation with on-site distribution using high-technology equipment, the company proposes to make a capital investment of \$69 million. In addition, the company proposes to invest \$5 million to replace the equipment that handles finished goods within the plant with new equipment that is more efficient. These two projects represent a total capital investment of \$74 million.
- The proposed capital investment for the expansion project would be for the 10th site out of Frito-Lay's portfolio of 34 plants in the United States to expand and adopt the extremely efficient and effective warehouse and distribution system.
- Frito-Lay, Inc. has indicated the Charlotte plant competed with the other 25 plants in the United States to be selected as one of the select few "mega facility" expansions scheduled to be approved in 2015.
- The expansion project will create a net of 30-35 new jobs by 2018 and bring the total number of jobs to approximately 598 after capital improvements are completed in 2017. The annual average wage, of \$50,000, is in excess of the current regional wage of \$46,820. Before the expansion project becomes operational, headcount will fluctuate due to normal attrition and productivity initiatives that are not part of this project. However, the expansion project will allow for transition opportunities for newly created positions.

Business Investment Grant

- The project meets the City Council-approved criteria as an existing business expansion, within the Business Investment Zone, for a five-year term.
- The project does not meet the criteria for State incentives, because the timeline for job creation exceeds the State's three-year requirement.
- On January 12, 2015, the City Council indicated its intent to approve a Business Investment Grant to Frito-Lay, Inc. in a closed session.
- On February 3, 2015, the Mecklenburg County Board of County Commissioners indicated its intent to approve a Business Investment Grant to Frito-Lay, Inc. in closed session, and will vote in public session on March 3, 2015.
- The general terms and conditions of this grant include:
 - A portion of the grant must be repaid if the company moves this investment from Charlotte within five years of the end of the grant term.

- Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
- All property taxes due from the company must be paid before a grant payment is made.

Fiscal Note

- Funding: Business Investment Grant

Business Investment Grant to Frito Lay, Inc. Year-By-Year Projections						
Grant Year	1	2	3	4	5	6
Tax Revenue to City	\$37,496	\$229,141	\$306,820	\$290,375	\$271,070	\$253,929
Grant Payment	(\$33,746)	(\$206,227)	(\$276,138)	(\$261,338)	(\$243,963)	\$0
Net Revenue to City	\$3,750	\$22,914	\$30,682	\$29,037	\$27,107	\$253,929

Attachment 11

[Business Investment Grant Project Analysis](#)

19. Conclusion of Consent Agenda

20. Mayor and City Council Topics

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

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CONSENT

Introduction to CONSENT

Consent consists of routine items that have been approved in the budget. Price lists for unit price contracts are available upon request.



On April 8, 2013, the City Council voted to replace the City's Small Business Opportunity (SBO) Program with the Charlotte Business INCLUSION program. On July 1, 2013, the City phased in the Charlotte Business INCLUSION program into all of its practices and procedures.

The Charlotte Business INCLUSION program seeks to promote diversity, inclusion, and local business opportunities in the City's contracting and procurement process for Minority, Women, and Small Business Enterprises (MWSBEs) headquartered in the Charlotte Combined Statistical Area. Participation of Minority, Women, or Small Business Enterprises (MBE, WBE, or SBE) is noted where applicable.

For a period of time during Fiscal Year 2014, projects appeared in the Council Agenda incorporated Policy references for either the current Charlotte Business INCLUSION program or the Small Business Opportunity Program.

The applicable Charlotte Business INCLUSION program Policy or the Small Business Opportunity Program policy sections are referenced at the end of the Council Business Agenda.

Disadvantaged Business Enterprise

Disadvantaged Business Enterprise is a federal program primarily used for Aviation and Transit.

Contractors and Consultants

All contractor and consultant selections follow the Council-approved process unless described otherwise. For the procurement of professional services and/or engineering, architectural, and surveying services, the North Carolina General Statutes 143-64.31 requires that units of government "select firms qualified to provide such services on the basis of demonstrated competence and qualification...without regard to fee other than unit price information, and therefore to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm."

The Property Transaction process following the City Council approval for condemnation is referenced at the end of the Council Business Agenda.

21. Planning Director Profile

Action: Approve the Position Profile for the Charlotte-Mecklenburg Planning Director.

Staff Resource(s): Cheryl Brown, Human Resources
Debra Campbell, City Manager's Office

Explanation

- In October 2014, the Charlotte-Mecklenburg Planning Director was reassigned to the position of Assistant City Manager. An incumbent Planning Department staff member was reassigned as the Interim Planning Director.
- The City Manager determined that a nationwide recruitment would be conducted to fill the position of Charlotte-Mecklenburg Planning Director. Waters and Company, Executive Recruitment, was selected to provide executive recruitment services in the recruitment and selection of a qualified individual for the position of Planning Department Director.
- In 2003, at the time of the previous vacancy, the City Council and Mecklenburg County Board of County Commissioners amended their interlocal agreement and approved a process for recruiting and selecting the Charlotte-Mecklenburg Planning Director.
 - The first step in the process includes development of a profile for the Planning Director, following significant stakeholder input through focus group interviews and surveys.
 - Pursuant to that process, a profile has been developed and the City Manager recommends its approval.

Background

- The approved process included the following:
 - An electronic survey soliciting ideal Planning Director characteristics was sent to the Mayor and the City Council, Mecklenburg County Board of County Commissioners, Charlotte-Mecklenburg Planning Commissioners, Charlotte-Mecklenburg School Board, County Manager, Superintendent of Schools, Centralina Council of Government, Business leaders, members of the development community, neighborhood leaders, and Planning staff;
 - Scheduled focus groups with area elected officials, including the Mayor and City Council, Mecklenburg County Board of County Commissioners, and the Charlotte-Mecklenburg School Board;
 - Scheduled focus groups with the development community, business leaders, and neighborhood leaders; and
 - Scheduled focus groups with Planning Department staff.
- In late December 2014 through mid-January 2015, electronic surveys were sent via email soliciting input from community stakeholders. In early February 2015, an executive search firm conducted seven focus group interview sessions.
- All of the focus groups and surveys outlined in the approved search process have been completed. Based on this input, staff recommends the Position Profile (attachment), for the Charlotte-Mecklenburg Planning Director.

Key Components of the Profile

- As a result of the stakeholder input, attributes for the ideal Planning Director have been developed. The complete list is contained in the appendix of the Position Profile. Selected attributes include:
 - A pragmatic “thinker” capable of developing a strong vision for the community that integrates and implements balanced growth principles, anticipating municipal trends and issues, and integrating planning principles with public transit and transportation issues;
 - A consensus builder able to balance all perspectives of planning issues;
 - A strong communicator;
 - A person of strong personal ethics and values who is well respected and able to gain the trust of the elected and appointed leadership, the staff, the development and business communities, and the neighborhoods;
 - The Director cannot be a micro-manager, but must continue to delegate to the department’s leadership team and hold them accountable for performance. The Director also should be a skilled staff developer able to hire and retain professional staff; and
 - A strong sense of urban priorities, while remaining sensitive to suburban needs. There must be an awareness of private sector priorities, but also an awareness of and appreciation for the economic reality of growth and the marketplace. A keen awareness of national trends and local solutions is vital.

Next Steps in the Recruitment Process

- The next steps in the recruitment process approved by the City Council and the Mecklenburg County Board of Commissioners are as follows:
 - Applications and resumes will be received by the executive search consultant;
 - The City Manager and the executive search firm will narrow the field of candidates;
 - Characteristics of the final candidates will be presented to the Mayor and the City Council in a closed session;
 - An assessment center will be conducted on a narrowed field of finalists;
 - Interviews will be conducted by the City Manager, the County Manager, the Chair of the Planning Commission, the Chair of the Chamber of Commerce, and a neighborhood representative; and
 - Final selection is to be made by the City Manager pursuant to the City Charter and the interlocal agreement.
- The goal is to fill the position by May 2015.

Fiscal Note

- Not Applicable

Attachment 12

[Position Profile](#)

22. Animal Licensing and Registration Program

Action: Approve a contract in the amount of \$250,000 with PetData Inc. for the administration of the City's animal registration and licensing program for a term of one year.

Staff Resource(s): Verna Nelson, Police
Karl Bannerman, Police

Explanation

- The Animal Care and Control Division of the Charlotte-Mecklenburg Police Department requires a comprehensive package of services in support of ongoing needs for licensing and license renewals for approximately 84,000 pets on an annual basis.
- The City initially contracted with PetData in 2005 based upon a recommendation from the City's Privatization and Competition Advisory Committee.
- PetData provides a turn-key service package, including:
 - Licensing and license renewal form creation, and supply of forms to approximately 75 veterinarians within Mecklenburg County;
 - Processing of completed forms and management of a database, including entering approximately 140,000 rabies certificates each year, 30,000 microchips, and transferring data between PetData and Charlotte-Mecklenburg Animal Care & Control;
 - Mailing of licenses and tags to individuals; and
 - A customer service line answering approximately 12,000 Mecklenburg County area calls annually.
- Citizens currently pay a \$10.00 fee for each pet licenses or annual renewals
 - PetData deposits all revenue into the City's general fund.
 - For a one year spay/neuter tag, PetData receives \$4.25 of the \$10.00 fee paid by the animal owner.
- The number of licensed pets has increased from approximately 50,000 when the City first contracted with PetData, to 83,580 as of December 31, 2014.
- The total estimated expenditure is \$250,000.

Selection Process

- The Police Department, in collaboration with Management & Financial Services, thoroughly researched the availability of other service providers, solutions and opportunities.
- While there are service providers for components of the needed solution, no other providers offer the same service portfolio to meet the City's current needs.
- On January 30, 2015, the City Manager's Office waived the requirement to perform a formal solicitation process for one year, due to the lack of other companies that provide comprehensive animal licensing services.

Charlotte Business INclusion

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

Fiscal Note

Funding: Police Operating Budget

23. Crime Analysis Capability Project Grant

Action: Authorize the City Manager to accept the grant award in the amount of \$295,945 for the Crime Analysis Capability project.

Staff Resource(s): Steve Willis, Police
Paul Paskoff, Police

Explanation

- On September 16, 2014, the Charlotte-Mecklenburg Police Department (CMPD) was awarded a \$295,945 grant from the Bureau of Justice Assistance, through the Institute for Intergovernmental Research, under the category of a police agency that operates with a Crime Analysis Division and a Real Time Crime Center (RTCC).
- CMPD will use the grant funds to retain UNC-Charlotte to advance the crime analysis capacity of the nation.
 - Using CMPD as pilot, faculty will develop a toolkit for law enforcement agencies to enhance their analytic capability. The toolkit will contain guidelines, resources, best practices, and expert research to aid law enforcement agencies in implementing a vigorous data-driven and evidence-based crime analysis capability.
- CMPD would also use the grant funds to procure technology that further enhances the department's capabilities for solving crime in real time and integrate the situational awareness provided by the RTCC with data-driven capabilities of the Crime Analysis Division.
 - The technology is Geographic Information System (GIS)-based software that will integrate disparate and independently-functioning applications (cameras, license plate readers, etc.) into one web-based platform. It will provide CMPD staff the ability to obtain and analyze information in the immediate vicinity of an event.
 - The technology will be used in conjunction with cameras, electronic monitors, and license plate readers currently operating in Charlotte - alerting RTCC and Crime Analysis staff of key situations and events and subsequently driving relevant data to the appropriate responding officers and detectives.
 - The technology will also merge the traditional GIS map within the RTCC. Within this framework, RTCC detectives, crime analysts, and selected police officers will be able to search and find a GIS location, and view the distinct applications available in the RTCC that are located in close proximity to the selected GIS location.
- The grant does not require any matching funds from the City.
- The grant period runs from January 2015 - April 30, 2016.

Charlotte Business INclusion

This effort is a federally-funded grant and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

- Funding: Crime Analysis Capability Project Grant

Expense	FY2015	FY2016	FY2017	FY2018	Notes
CMPD Operating	\$0	\$0	\$13,500	\$16,200	
Grant Expenses	\$65,765	\$197,297	\$32,883	\$0	
Revenue	FY2015	FY2016	FY2017	FY2018	Notes
Grants	\$65,765	\$197,297	\$32,883	\$0	
Total Net Impact to General Fund	\$0	\$0	\$13,500	\$16,200	\$16,200 ongoing maintenance costs funded within existing CMPD operating budget

24. Police Motorcycles Lease

- Action:**
- A. Authorize the City Manager to negotiate a unit price contract to Mears Leasing for the lease of Harley Davidson motorcycles for the term of three years,**
 - B. Authorize the City Manager to approve the purchase of leased motorcycles at the end of the three-year lease term,**
 - C. Authorize the City Manager to approve the purchase of additional motorcycles for the term of three years with possible price adjustments as authorized by the contract, and**
 - D. Award a unit price, low-bid contract with Harley Davidson for the purchase of motorcycles for the term of three years.**

Staff Resource(s): Michelle Hummel, Police
Michael Shy, Police

Explanation

Action A

- The Charlotte-Mecklenburg Police Department (CMPD) currently leases 15 of their 19 Harley Davidson motorcycles primarily for traffic enforcement tasks.
- On January 9, 2015, Management & Financial Services issued an Invitation to Bid for the lease and purchase of motorcycles; two bids were received from interested service providers.
- Harley Davidson of Charlotte was selected as the lowest responsive, responsible bidder.
- Harley Davidson of Charlotte submitted the supplemental lease agreement to be administered through Mears Leasing for motorcycle leasing.
- The current lease for 11 motorcycles expires July 2015. At that time, CMPD plans to lease 11 new 2015 models for a term of three years.
- Including a three-year warranty, annual expenditures will be \$66,660 for the lease term.

Action B

- CMPD will have the option to purchase any or all 11 motorcycles at the end of the lease term. The estimated unit price at the end of year three will be \$8,500.
- The CMPD motorcycle quickly depreciates in value due to up-fits, general daily use in various conditions, and high mileage.

Action C

- CMPD will also have the option to purchase additional motorcycles as needed. This provides flexibility to purchase motorcycles to replace current units that have reached the end of their useful life or are about to expire on separate lease agreements.
- The purchase unit price in year one is \$23,459.83.

Charlotte Business INCLUSION

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

Fiscal Note

Funding: Police Operating Budget

25. Agreement with the Charlotte-Mecklenburg Board of Education for Infrastructure Improvements

- Action:**
- A. Authorize the City Manager to execute an interlocal agreement with the Charlotte-Mecklenburg Board of Education for infrastructure improvements in the amount of \$152,355, and**
 - B. Adopt a budget ordinance appropriating \$152,355 from the Charlotte-Mecklenburg Board of Education to the Johnston-Oehler Road Farm-to-Market project.**

Staff Resource(s): Matt Magnasco, Transportation
Leslie Bing, Engineering & Property Management

Explanation

- The Charlotte-Mecklenburg Board of Education (CMBE) is constructing a new elementary school on Johnston-Oehler Road, scheduled to open for the fall 2015 school year.
- The City has a concurrent project to improve Johnston-Oehler Road with curb and gutter, sidewalks, bike lanes, and turn lanes (the Johnston-Oehler Road Farm-to-Market project). The project is expected to be completed first quarter 2016.
- Charlotte Land Development ordinances require CMBE to mitigate impacts to the transportation system by building curb and gutter, sidewalks, and turn lanes. If a land development project is adjacent to a funded City capital project, the City can choose to accept a fee-in-lieu of having the development project construct their required improvements.
- In order to decrease inconvenience to the traveling public and produce a seamless construction project, the City will accept \$152,355 as fee-in-lieu from CMBE. The City will construct the required improvements as part of the Johnston-Oehler Road Farm-to-Market project. The fee-in-lieu is based on CMBE's materials quantities and the City's unit prices established in the farm-to-market project contract.

Charlotte Business INclusion

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

Fiscal Note

- Funding: Charlotte-Mecklenburg Board of Education

Attachment 13

[Map](#)

[Budget Ordinance](#)

26. Celia Avenue Storm Drainage Improvement Project

Action: Award the low-bid contract of \$442,060 to United Construction, Inc. for the Celia Avenue Storm Drainage Improvement project.

Staff Resource(s): Jennifer Smith, Engineering & Property Management

Explanation

- The Celia Avenue Storm Drainage Improvement project is a flood control project that will improve the storm drainage infrastructure to reduce flooding of streets, properties, and structures.
- The project area is roughly bounded by Remington Street to the north, Onyx Street to the east, Dundeen Street to the south, and Stewart Creek to the west.
- The work will include:
 - Grading,
 - Storm drainage pipes and structures,
 - Paving,
 - Curb and gutter,
 - Driveways, and
 - Sanitary sewer pipe replacement.
- On December 18, 2014, an Invitation to Bid was advertised; eight bids were received from interested service providers. United Construction, Inc. was the lowest responsive, responsible bidder.
- Construction is expected to be complete by fourth quarter 2015.

Charlotte Business INclusion

Established SBE Goal: 12%

Committed SBE Goal: 12.04%

United Construction, Inc. exceeded the established subcontracting goal, and has committed 12.04% (\$53,230) of the total contract amount to the following SBE firms: B & N Grading, Inc. (paving), Carolina Wetland Services, Inc. (erosion control), Maybury Fencing, Inc. (fencing) and Streeter Trucking Company, Inc. (hauling). (Part B: Section 3 of the Charlotte Business INclusion Policy).

Carolina Wetland Services and Maybury Fencing are also City WBEs.

Fiscal Note

- Funding: Storm Water Community Investment Plan

Attachment 14

[Map](#)

27. Storm Water Maintenance Contract

- Action:**
- A. Award the low-bid contract of \$1,485,249.75 to Onsite Development LLC for Storm Water Maintenance Contract FY2015-C, and**
 - B. Authorize the City Manager to extend the contract for two additional, one-year terms in the amount not to exceed the original contract amount.**

Staff Resource(s): Jennifer Smith, Engineering & Property Management

Explanation

- The Storm Water Maintenance contract is part of an ongoing program to provide maintenance and/or repairs to existing storm drainage systems and construction of new storm drainage systems.
 - Each request is investigated and prioritized based on the severity of potential public/private property flooding.
 - The necessary repairs for each project are designed and a work order is prepared including an estimated list of quantities.
- A retainer contract is used to provide timely repairs. The contract amount is based on the unit prices competitively bid for items typically used during construction of storm drainage repairs.
- Approximately 60-75 projects may be constructed. The number may vary depending on the nature and extent of the repairs actually constructed.
- On December 19, 2014, an Invitation to Bid was advertised; four bids were received from interested service providers. Onsite Development LLC was the lowest responsive, responsible bidder.
- The City may renew this contract up to two times as an incentive to the contractor for good performance and quality work.

Charlotte Business INclusion

Established SBE Goal: 14.00%

Committed SBE Goal: 17.24%

Onsite Development LLC exceeded the established subcontracting goal and has committed 17.24% (\$256,000) of the total contract amount to the following SBE firms: B&N Grading (paving), RRC Concrete Inc. (concrete), On Time Construction, Inc. (masonry), Streeter Trucking (hauling), JV Trucking (hauling), L. Carranza Dump Truck Service (hauling) and MTS Trucking Inc. (hauling) (Part B: Section 3 of the Charlotte Business INclusion Policy).

Established MBE Goal: 3.00%

Committed MBE Goal: 3.03%

Onsite Development LLC exceeded the established subcontracting goal, and has committed 3.03% (\$ 45,000) of the total contract amount to the following MBE firms: On Time Construction, Inc. (masonry) and MTS Trucking Inc. (hauling). (Part B: Section 3 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Storm Water Community Investment Plan

28. Oakhurst Bus Parking Lot

Action: Award the low-bid contract of \$301,485.80 to Carolina Cajun Concrete, Inc. for the Oakhurst Bus Parking Lot project.

Staff Resource(s): Veronica Wallace, Engineering & Property Management
A.C. Shull, Neighborhood & Business Services

Explanation

- On May 27, 2014, the City Council approved the construction contract for the Oakhurst Redevelopment project.
 - The project realigned Chippendale Road at Monroe Road and Richland Avenue to create a new four-way intersection and widened Monroe Road to include left turn lanes.
 - The project is being constructed as part of a development agreement between the City and David R. Krug Associates to develop a mixed-use project with residential, a grocery store, and retail. On February 27, 2012, the City Council approved the agreement.
- The Developer purchased property from Charlotte-Mecklenburg Schools (CMS), since the alignment would displace part of the school's parking lot.
- Instead of going through the appraisal/condemnation process, the City agreed to resurface the CMS parking lot in exchange for the land needed to straighten the road.
- The contract with Carolina Cajun Concrete, Inc. will reconfigure the Oakhurst Elementary School bus parking lot that was eliminated when Chippendale Road was realigned.
- On December 18, 2014, an Invitation to Bid was advertised; 10 bids were received from interested service providers. Carolina Cajun Concrete, Inc. was the lowest, responsive, responsible bidder.
 - This bid is 14.20% over the engineer's estimate; however, there are sufficient funds in the project budget to cover this amount.
- Construction of the road is expected to be complete by July 2015, before the start of the 2015/16 CMS school year. Construction of the mixed-use project will be completed within three years after completion of the road.

Charlotte Business INclusion

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

Carolina Cajun is, however, a City certified SBE.

Fiscal Note

Funding: Transportation Community Investment Plan

Attachment 15

[Map](#)

29. Old City Hall - Americans with Disability Act Renovations

Action: Award the low-bid contract of \$183,122.50 to D.E. Brown Construction, Inc. for the Old City Hall Americans with Disability Act Renovations project.

Staff Resource(s): William Haas, Engineering & Property Management

Explanation

- The contract with D.E. Brown Construction, Inc. will renovate existing facilities at Old City Hall, located at 600 East Trade Street, to increase compliance with the Americans with Disabilities Act (ADA).
- The City seeks to improve the accessibility of its facilities for members of the public to encourage active participation in civic affairs.
- Facility accessibility assessments were completed in 2012 across 90 facilities. Improvements are being implemented on a programmed basis and prioritized by the facilities level of public access.
- The contract will include:
 - Basement restroom renovations to include accessible sinks and toilets;
 - Break room renovations to include an accessible sink and cabinets;
 - New exterior handrails and slip resistant tread strips;
 - New accessible drinking fountain on the first floor; and
 - New toilet partitions.
- On December 18, 2014, the City advertised an Invitation to Bid to 31 Small Business Enterprise firms. D.E. Brown Construction, Inc. was the only vendor to submit a bid and was selected as the lowest responsive, responsible bidder.
- The Charlotte-Mecklenburg Historic Landmarks Commission has reviewed and approved the project scope.
- Work is anticipated to be complete in second quarter 2015.

Charlotte Business INclusion

For this contract, the City performed targeted outreach to City certified SBEs (Part A: Section 2.3 of the Charlotte Business INclusion Policy), resulting in the project award to the following SBE firm: D.E. Brown Construction, Inc.

D.E. Brown has also committed 6.91% (\$12,660) of the total contract amount to the following MSBE firms: Electrical System Specialists, Inc. (electrical) and Makk Services Unlimited, Inc. (clean up).

Fiscal Note

Funding: General Facilities Community Investment Plan

30. LYNX Blue Line Capacity Expansion Change Order

Action: Approve change order #1 in the amount of \$857,000 to the LYNX Blue Line Capacity Expansion Track & Systems contract with Balfour Beatty Infrastructure, Inc. for the expansion of the Woodlawn Station platform.

Staff Resource(s): Danny Rogers, CATS
Andy Mock, CATS

Explanation

- On April 14, 2014, the City Council awarded the track and systems construction contract for the LYNX Blue Line Extension and Blue Line Capacity Expansion (BLCE) projects to Balfour Beatty Infrastructure, Inc., in the amount of \$130,805,444.31.
- The BLCE portion of that contract is \$16,455,683.58. The BLCE work provides for the expansion of three station platforms to accommodate three-car trains:
 - Interstate-485/South Blvd Station,
 - Stonewall Street Station, and
 - 7th Street Station.
- Based on an analysis of project expenditures to date, CATS anticipates that a fourth station can be expanded within the existing TIGER III grant budget; however, the contract amount would need to be adjusted based on the final negotiated change order amount.
- In July 2014 CATS requested that the Federal Transit Administration (FTA) approve the expansion of the Woodlawn Station platform.
- On October 2, 2014, the FTA gave its approval for the expansion of the Woodlawn Station.
- Staff has negotiated with the contractor for the addition of the Woodlawn Station extension pending approval by the City Council.
- The proposed change order is \$857,000 and will be paid for with existing contract contingency (\$377,510) and the Transit Community Investment Plan (\$479,490).
- The new value of the entire contract with this change order is \$131,284,934.31.

Disadvantaged Business Enterprise

Established DBE Goal: 9.2%

Committed DBE Goal: 9.9%

DBE firms: Bullington Construction, Inc. (chain link fencing/gates), CES Group Engineers (construction survey), Stay Alert Safety Services (traffic control), Bonn-J Contracting Inc. (MSE retaining walls), All-Points Trucking (trucking), BESCO Electric Company (electrical), Lanier Steel Products, Inc. (railroad/track material supply), and Integrity Wire, Inc. (electrical cable equipment supply).

The following subcontracting firms are also City MWSBES: All-Points Trucking; BESCO Electric Company; and CES Group Engineers.

Fiscal Note

Funding: Transit Community Investment Plan (FTA 80% and Transit Sales Tax 20%)

Attachment 16

[LYNX Blue Line System Map](#)

[Woodlawn Station Aerials](#)

31. Airport Baggage Transfer Facility Design Services

- Action:**
- A. Approve a contract in the amount of \$630,828 with RS&H Architects-Engineers-Planners, Inc. for design services for a baggage transfer facility, and**
 - B. Adopt a budget ordinance appropriating \$630,828 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s): Jack Christine, Aviation

Explanation

- Since opening Concourse E in 2002, the airlines using the concourse have continuously increased their operations in terms of frequency and utilization of larger aircraft capable of carrying more passengers.
- In order to accommodate the increased operations, the Aviation Department is adding a facility consisting of a 31,000 square foot baggage handling building, with an adjacent 2,000 square foot canopy, and 10,000 square feet of office/break room space.
- The contract will provide architectural and engineering design, bidding, and construction administration services for the project.
- On February 3, 2014, the Aviation Department issued a Request for Qualifications for architectural and engineering design services; 29 firms submitted a proposal. Of those, 22 firms were selected for future architectural and engineering design.
- RS&H Architects-Engineers-Planners, Inc. was one of the firms selected, and was chosen for this project based on their expertise in the design of large aviation facilities.
- Design will take approximately six month to complete, construction is estimated to begin in early 2016 with an estimated 18-month contract time.

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). For this contract, RS&H Architects-Engineers-Planners, Inc. has committed 10.82% (\$68,278) of the total contract amount to the following SBE firms: System WorkCx, PLLC (LEED consulting and commissioning), and Capstone Civil Group, P.A. (geotechnical investigation and report).

Capstone Civil Group, P.A. is also a City MBE.

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment 17

[Budget Ordinance](#)

32. Airport Checked Baggage In-Line System Owner's Contingency

- Action:**
- A. Authorize the establishment of an owner's contingency in the amount of \$3,800,000 with Pteris Global (USA) Inc. to fund anticipated change orders for additional secondary screening areas associated with the Checked Baggage In-Line System,**
 - B. Adopt a budget ordinance appropriating \$3,800,000 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund, and**
 - C. Authorize the City Manager to approve and execute as needed change orders to the existing contract with Pteris Global (USA) Inc. not to exceed the owner's contingency established in Action A.**

Staff Resource(s): Jack Christine, Aviation

Explanation

- The Aviation Department is presently constructing the Checked Baggage In-Line System (CBIS) pursuant to a federal grant awarded by the Transportation Security Administration (TSA). This grant provides funding for 90% of project costs with the remaining 10% paid with General Airport Revenue Bonds (GARBs).
- The TSA changed the standards for screening requiring the current Airport baggage system to increase the secondary screening area in order to maintain the required baggage screening rate.
- The owner's contingency gives the City Manager authority to approve and execute change orders in a total amount up to \$3,800,000. These change orders will provide for additional space, conveying systems, and secondary screening equipment necessary for CBIS to meet the new TSA standards.

Background

- On June 25, 2012, the City Council approved a contract with Pteris Global (USA), Inc. in the amount of \$25,384,571 for the installation of the CBIS system.
- In October 2013, the City Manager approved change order #1 in the amount of \$52,159.77 for an upgrade to a more energy efficient conveyor belt and changes to system configuration.
- On February 24, 2014, the City Council authorized the establishment of an owner's contingency in an amount not to exceed \$700,000 with Pteris Global (USA), Inc. for additional services needed for the installation of the CBIS.
 - The allowance was used for relocation of screening capabilities, acceleration and integration of the control room, and acceleration of individual sequences. These were all in accordance with TSA guidance in order to meet the allowable TSA grant timeline.
- The new total value of the contract is up to \$29,936,730.77 if the owner's contingency is completely expended.

Disadvantage Business Enterprise

All additional work involved in this contract change order will be performed by Pteris Global (USA), Inc. and their existing subcontractors.

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment 18

[Budget Ordinance](#)

33. Airport Remote Rental Car Storage Facility Change Order and Contract Amendments

- Action:**
- A. Approve amendments to the City's Automobile Rental Concession Agreements with Enterprise, Hertz/Dollar, Avis/Budget, and Advantage in a total amount of \$2,575,446 for expansion of the Remote Storage Facilities,**
 - B. Approve change order #1 in the amount of \$2,575,446 with Messer Construction Co. to provide additional paved storage for the remote rental car storage facility,**
 - C. Approve contract amendment #1 in the amount of \$99,742 with Baker LPA Architects, PC to provide additional design services, and**
 - D. Adopt a budget ordinance appropriating \$2,575,446 from the proceeds from the Rental Car Companies to the Aviation Community Investment Plan Fund and appropriating \$99,742 from the Contract Facility Charge Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s): Jack Christine, Aviation

Explanation

- The City is party to Automobile Rental Concession Agreements with six rental car companies.
- The remote rental car facility is an auxiliary facility to the new hourly parking/rental car deck currently under construction. The project develops the site into four parcels, which are assigned to rental car companies based on their market share.
- Since the original design of the facility, the rental car agencies have requested that the facility be expanded to meet their additional storage needs. The additional construction costs of this change order will be paid for by the rental car agencies.

Action A

- The City and the rental car companies have agreed to amend the Automobile Rental Concession Agreements to require the rental car companies to reimburse the City in the amount of \$2,575,446 for the expanded vehicle storage.

Action B

- On July 28, 2014, the City Council approved a construction contract with Messer Construction Co. in the amount of \$11,338,900 to construct a rental car storage facility.

- Change order #1 in the amount of \$2,575,446 will add 12.81 acres of paved vehicle storage.
- The new total value of the construction contract with Messer Construction is \$13,914,346.

Action C

- On February 24, 2014, the City Council approved a professional service contract with Baker Architects LPA, PC in the amount of \$957,438, to design a rental car storage facility.
- Contract amendment #1 in the amount of \$99,742 will provide the design for the expanded area, which will include landscape revisions to the initial phase design required by Urban Forestry.
- The new total value of the design contract with Baker Architects LPA is \$1,057,180.

Action D

- The funding of the change order with Messer Construction will be reimbursed by the proceeds from the amendment with the Rental Car Companies in Action A.
- The funding of the amendment with Baker LPA Architects, PC will be paid by Contract Facility Charge Fund.

Charlotte Business INclusion

All work involved in this change order will be performed by Messer Construction Co. and its existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy). Messer has committed 9.66% (\$248,872) of the change order amount to the following SBE firms: All Points Trucking (hauling), CES Group Engineers, LLP (surveying), Dakota Contracting (site utilities), Martin Resources (hauling), and PT&L (erosion control).

Messer has also committed 3.10% (\$79,868) of the change order amount to the following MBE firms: All Point Waste (dumpsters), Dakota Contracting (site utilities) and Life Guard Protective Services (security).

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment 19

[Budget Ordinance](#)

34. Josh Birmingham Parkway Improvements

- Action:**
- A. Award a low-bid contract of \$202,372.08 to The Earth Scape Company, Inc. for the installation of landscaping improvements for the Realignment of Josh Birmingham Parkway project,**
 - B. Approve a series of Duke Energy Street Lighting contracts in the amount of \$95,553.20 for the installation of LED street lights along Josh Birmingham Parkway,**
 - C. Approve a reimbursement in the amount of \$132,186.59 to the Charlotte Department of Transportation for traffic signalization work, and**
 - D. Adopt a budget ordinance appropriating \$430,111.87 from the Aviation Discretionary Fund to the Aviation Community Investment Fund.**

Staff Resource(s): Jack Christine, Aviation

Explanation

Action A

- The landscaping installation will focus on the new main entrance to the Airport at Wilkinson Boulevard.
- On January 8, 2015, the City issued an Invitation to Bid for landscaping improvements; three bids were received from interested service providers. The Earth Scape Company, Inc. was the lowest responsive, responsible bidder.

Action B

- Several street lights must also be relocated for various phases of the realignment of Josh Birmingham Parkway from the terminal to Interstate-85. The cost of relocation is \$95,553.20.
- LED lights have become the new standard lamp technology for street lights throughout Charlotte. The Airport has previously installed LED street lights along its new entrance roadway and terminal curb front.
- On February 14, 2011, the City Council approved a contract with HNTB Carolina, PC to design the relocation of Josh Birmingham Parkway. The design contained two phases.
 - The first phase was the design of a new roadway between Wilkinson Boulevard and the Terminal.
 - On September 26, 2011, and June 25, 2012, the City Council approved two contracts with Blythe Construction, Inc. in the total amount of \$20,063,592 for the construction of this phase.
 - The second phase will connect the new Entrance Roadway to the intersection of Scott Futrell Drive and Little Rock Rd and will create a direct path from Interstate-85 to the front of the Terminal.
 - On May 27, 2014, the City Council approved a contract with Sealand Contractors, Corp. in the amount of \$2,954,177.75 for the construction of this phase.

Action C

Aviation will reimburse the Charlotte Department of Transportation for traffic signalization work that must be completed in order to open the new intersection.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment 20

[Budget Ordinance](#)

35. Airport Long-Term Parking Toll Plazas

- Action:**
- A. Award a low-bid contract of \$1,810,600 to Messer Construction Co. for construction of toll plazas in the long-term parking lots,**
 - B. Approve a contract with Duke Energy in the amount of \$26,736.55 for the installation of LED street lights in Long Term 1 and new Cell Phone Lot, and**
 - C. Adopt a budget ordinance appropriating \$1,837,336.55 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s): Jack Christine, Aviation

Explanation

- The new Airport Entrance Road requires the relocation of the entry and exit plazas for the Long-term and Daily parking lots, a relocation of the bus path in Long Term II, and a relocation of the Cell Phone lot. The relocation of the entry and exit plazas also requires the design of new toll plaza canopies and cashier facilities.
- On April 28, 2014, the City Council awarded a contract to LS3P Associates in the amount of \$225,075 for the design of these toll plazas.
- On April 28, 2014, the City Council awarded a contract to Blythe Development Company in the amount of \$4,903,370.85 for construction of improvements for the long-term parking lots.
- The new toll plaza canopies and cashier facilities will coincide with new entrance and exit locations that are currently under construction. This construction is estimated to be completed in eight months.
- On January 8, 2015, the City issued an Invitation to Bid for construction services; six bids were received from interested service providers. Messer Construction Co. was the lowest responsive, responsible bidder.
- Duke Energy will be providing new LED street lights in the Cell Phone Lot and relocating several street lights impacted by the improvements.
- LED lights have become the new standard lamp technology for street lights throughout the city of Charlotte. The Airport has previously installed LED street lights along its new entrance roadway and terminal curb front.

Charlotte Business INclusion

Established SBE Goal: 8%

Committed SBE Goal: 23.71%

Messer Construction Co. exceeded the established subcontracting goal, and has committed 23.71% (\$390,204) of the base bid amount of \$1,646,000 to the following SBE firms: Roadmasters Traffic Control, LLC (traffic control), Davis Container Service, LLC (dumpsters), CES Group Engineers, LLP (surveying), Stevens Interiors, Inc. (drywall and ceilings), Dakota Contracting Company, Inc. (utilities), Mekki Modular Systems Inc. (flooring), and RDS Electrical Contracting of Charlotte, LLC (electrical).

Davis Container Service, LLC, Dakota Contracting Company, Inc., and Mekki Modular Systems Inc. are also City MBEs.

Roadmasters Traffic Control, LLC and CES Group Engineers, LLP are also City WBEs.

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment 21

[Budget Ordinance](#)

36. Airport Runway 18L Repairs

Action: Award a low-bid contract of \$5,420,020.20 to Cedar Peaks Enterprises, Inc. for repairs to Runway 18L.

Staff Resource(s): Jack Christine, Aviation

Explanation

- On May 25, 2013, the City Council awarded a contract to WK Dickson in the amount of \$196,000 for design repairs on Runway 18L.
- On September 8, 2014, the City Council accepted a grant with the Federal Aviation Administration for the project costs for the rehabilitation of Runway 18L/36R.
- The Airport's Pavement Management Program has identified Runway 18L/36R for rehabilitation of the asphalt pavement to extend the useful life of these surfaces and maintain operational capacity.
- All of the centerline lights will also be replaced with this project.
- On January 6, 2015, the City issued an Invitation to Bid for construction services; three bids were received from interested service providers. Cedar Peaks Enterprises, Inc. was the lowest responsive, responsible bidder.

Disadvantaged Business Enterprise

Established DBE Goal: 6.00%

Committed DBE Goal: 6.16%

Cedar Peaks Enterprises, Inc. exceeded the established subcontracting goal and has committed 6.16% (\$334,000.80) of the total contract amount to the following DBE firms: All Points Trucking, Inc. (hauling), Mrs. Airfield Lights & Supplies (supply of electrical material), and Apex Petroleum Corporation (supply of petroleum products).

All Points Trucking is also a City SBE.

Fiscal Note

Funding: Aviation Community Investment Plan

37. Airport Rental Car Facility and Hourly Parking Deck Change Order

Action: Approve change order #13 in the amount of \$487,122.32 to Archer Western Contractors, LTD for modifications required by code officials and modifications to accommodate rental car agencies.

Staff Resource(s): Jack Christine, Aviation

Explanation

- On November 14, 2011, the City Council awarded a contract to Archer Western Contractors, LTD. in the amount of \$120,920,000 to construct a new 7,000 space parking deck for hourly parking and rental car operations.
- Change order #13 in the amount of \$487,122.32 will address outstanding items associated with the elevators, egress, and other public safety items, which are necessary for occupancy of the facility.
- Funding for this change order comes from Contract Facility Charge fund proceeds and General Airport Revenue Bond revenues. On November 11, 2011, the City Council appropriated these proceeds.
- The new total value of the contract is \$125,509,972.55. The project is within the original budget including this change order.

Background

- On August 27, 2012, the City Council approved change order #1, in the amount of \$578,489, to accommodate changes needed to improve fire protection and allow the ability to store fuel adjacent to the deck in lieu of pumping from the fuel farm on Old Dowd Rd. These changes provided Aviation a cost savings of \$2,000,000 in overall project cost.
- Change order #2, #3, and #4 were credits applied to the project budget, combined for a net savings of \$12,616.
- On September 23, 2013, the City Council approved change order #5, in the amount of \$788,008, to accommodate foundation modifications.
- Four additional change orders (#6, #7, #8, and #9) were approved by the Aviation Director and City Manager, totaling \$99,552.35. These change orders were primarily for structural modifications to accommodate future pedestrian tunnels and measures to discharge groundwater.
- On May 12, 2014, the City Council approved change order #10 for \$1,687,651.09 for a storm sewer line in order to give the Airport a four month schedule advantage for the future pedestrian tunnels.
- On July 28, 2014, the City Council approved change order #11 for \$962,930.57 for customer service building modifications and modifications to the parking deck air conditioning system.
- Change order #12 was approved by the Aviation director for a credit of (\$1,165.61) for various additions and deletions of work on the project.

Charlotte Business INclusion

All additional work involved in this change order will be performed by Archer Western Contractors, LTD and its existing subcontractors (Part D: Section 6 of the SBO Policy)

Fiscal Note

Funding: Aviation Community Investment Plan

38. American Airlines Federal Credit Union Lease

Action: Approve a lease with American Airlines Federal Credit Union.

Staff Resource(s): Brent Cagle, Aviation

Explanation

- The merger between US Airways and American Airlines has increased the number of services offered by the airline to their employees in the community.
- The increased services include a need for the American Airlines Credit Union to be present at the Airport.
- The Airport has designated 793 square feet of space, located in the Airport's main passenger terminal, for the American Airlines Credit Union to lease and operate.
- Necessary tenant improvements are currently underway with an estimated completion date of March 2015.
- The lease term is from Date of Beneficial Occupancy through October 1, 2017.
- The annual value of the lease is \$50,855.09, and a total estimated value of a 31-month lease is \$131,375.65.
- The revenue generated from this lease will be deposited into Aviation's Operating Fund.

Fiscal Note

Funding: Vendor Revenue

39. JetBlue Leased Premises Relocation

Action: Award a low-bid contract of \$158,180 to Metro Landmarks Construction to relocate JetBlue Airlines.

Staff Resource(s): Brent Cagle, Aviation

Explanation

- The Airport is relocating JetBlue from Concourse D to Concourse A in order to increase the efficiency of gate assignments and will free up a gate on Concourse D for larger aircraft.
- The contract will provide for the relocation of JetBlue ticket counter and offices, baggage claim office and gate space from Concourse D to Concourse A.
- It will also provide for minor demolition and electrical work for a new break room, locker room, offices, and relocation of Airport security equipment.
- On December 5, 2014, the Aviation Director awarded a contract to DAS Architecture, Inc. in the amount of \$21,025 for design services to relocate JetBlue Airlines.
- On January 8, 2015, the City issued an Invitation to Bid for construction services; four bids were received from interested service providers. Metro Landmarks was the lowest responsive, responsible bidder.
- JetBlue is reimbursing the airport \$32,000 of the total contract value for additional upgrades to their security equipment and office space.

Charlotte Business INclusion

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

Metro Landmarks Construction is, however, a City MBE.

Fiscal Note

Funding: Aviation Operating Budget

40. Irwin Creek Wastewater Treatment Facility Polymers

Action:

A. Award the performance based low-bid, unit price contracts to Solenis, LLC and Polydyne, Inc. for the purchase of polymer chemicals for solids thickening and dewatering operations for one year, and

B. Authorize the City Manager to extend the contracts for up to two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the terms of the contract.

Staff Resource(s): Barry Gullet, Charlotte Water

Explanation

- These contracts will provide polymer chemicals for Irwin Creek Wastewater Treatment Facility (Irwin Creek) that are necessary for the treatment and dewatering of solids that are removed from the wastewater treatment process.
- On October 9, 2014, a Request for Information (RFI) was issued to invite polymer manufacturers to participate in prequalification polymer testing for three wastewater treatment facilities. In order to participate in the testing, manufacturers had to meet the Initial Manufacturer Qualification criteria outlined in the RFI. Three vendors responded to and met the qualification criteria of the RFI.
- The tests are being held at one wastewater treatment plant facility at a time, and vendors were required to test at the Irwin Creek Wastewater Treatment Plant first.
- On January 27, 2015, Charlotte Water issued an Invitation to Bid for dewatering and for thickening polymers for Irwin Creek; two bids were received on February 3, 2015 from the pre-qualified and interested polymer manufacturers.
- The basis of award for each type of polymer was the lowest Total Price which is a performance based price. The Total Price was calculated using each vendors bid price per pound of polymer and the amount of polymer used to reach established performance criteria during the polymer prequalification testing.
- Solenis, LLC polymer has been evaluated and determined to be the best performance based cost benefit value and the lowest responsive, responsible bidder for Thickening polymer for the City. Polydyne, Inc. polymer has been evaluated and determined to be the best performance based cost benefit value and the lowest responsive, responsible bidder for Dewatering polymer for the City.
- The total annual expenditures for both polymers at the Irwin Creek plant are estimated to be \$146,000.
- Approval for the new performance based contracts for McDowell Creek, McAlpine Creek, and Mallard Creek wastewater treatment plants and Franklin water treatment plant polymers will be requested in separate RCAs.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Operating Budget

41. Charlotte Water Uniforms

Action: **A. Award the low-bid, unit price contract to Impact Plus for the purchase of work uniforms for the term of one year, and**

B. Authorize the City Manager to extend the contract for up to two additional, one-year terms.

Staff Resource(s): Barry Gullet, Charlotte Water

Explanation

- Uniforms are provided to Charlotte Water employees who either come in contact with the public in the course of their daily job activities, or who are required to work in hazardous environments.
- Uniforms make the employees readily recognizable to the public as City employees, and protect them from exposure to hazardous environments and materials.
- Clothing provided under this contract covers items described in the Charlotte Water Uniform and Work Clothing Policy. Typical items include trousers, shirts, jackets, and caps.
- Charlotte Water will continue to use the previously purchased uniform items with the Charlotte-Mecklenburg Utility Department logo until such time that the items need to be replaced due to wear and tear.
- On October 24, 2014, Charlotte Water issued an Invitation to Bid; two bids were received from interested service providers.
- On January 9, 2015, Aria Imageworks withdrew their bid.
- Charlotte Water staff pulled the Request for Council Action scheduled on the Council Business Meeting for January 12, 2015. The annual expenditures are estimated to be \$90,000.
- Impact Plus is the second lowest responsive, responsible bidder.

Charlotte Business INclusion

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

Fiscal Note

- Funding: Charlotte Water Operating Budget

42. Walkers Ferry Road Water Line Phase 4

Action: **A. Authorize the City Manager to accept a Community Development Block Grant in the amount of \$200,000 from Mecklenburg County for the design and construction of the Walkers Ferry Road water line, and**

B. Adopt a budget ordinance appropriating \$200,000 to Charlotte Water Community Investment Plan.

Staff Resource(s): Barry Gullet, Charlotte Water

Explanation

- On March 22, 2010, the City Council approved an application with Mecklenburg County to apply to the U.S. Department of Housing and Urban Development for federal funding under the Community Development Block Grant program.
- Walkers Ferry Road Water Main serves one of the identified eligible geographic areas, west of the Airport between the Catawba River and Interstate-485 (Dixie Berryhill Area).
- The project was originally proposed in three phases matching the potential three year funding cycle of the grant. Phase 4 of the project will construct approximately 2,000 linear feet of 16" water main along Walkers Ferry Road.
- Phase 4 has been added to reach a target area with the need for municipal water. It is an area currently being served by a private well system.

Fiscal Note

- Funding: Charlotte Water Community Investment Plan

Attachment 22

[Budget Ordinance](#)

43. Fire Apparatus Parts and Warranty Service

- Action:**
- A. Approve the purchase of Fire Apparatus original equipment manufacturer parts and warranty service, as authorized by the sole source exemption of G.S. 143-129(e)(6),**
 - B. Approve a contract with Atlantic Coast Fire Trucks for the purchase Fire Apparatus original equipment manufacturer parts and warranty service for the term of five years, and**
 - C. Authorize the City Manager to approve possible price adjustments as deemed reasonable and appropriate by the City Manager.**

Staff Resource(s): Chris Trull, Management & Financial Services

Sole Source Exception

- 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 because there is only one supply source and standardization and compatibility is an overriding consideration.
- The City Council must approve purchases made under the sole source exception.

Explanation

- The City currently owns and operates 79 units of Smeal/Spartan Fire Apparatus and related operating systems.
- The proprietary equipment is highly specialized and is manufactured for a specific market for fire and rescue apparatus purposes.
- Atlantic Coast Fire Trucks is the sole factory authorized dealer of Smeal/Spartan original equipment manufacturer repair and replacement parts for North Carolina.
- Smeal/Spartan parts are required for equipment repairs to maintain warranty and equipment performance standards.
- The original equipment manufacturer parts are also required to retain National Fire Protection Association Certifications.
- Annual expenditures under the contract are estimated to be \$325,000.

Charlotte Business INclusion

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

Fiscal Note

- Funding: Fleet Management Operating Budget

44. Medical Gloves

- Action:**
- A. Reject the low-bid contract submitted by Dotcom for medical gloves,**
 - B. Award the low-bid, unit price contract to the second lowest responsive, responsible bidder Performance Safety Group for the purchase of medical gloves for the term of three years, and**
 - C. Authorize the City Manager to extend the contract for up to two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the terms of the contract.**

Staff Resource(s): Richard Granger, Fire

Explanation

- Medical gloves are a critical supply item for the Fire Department and are carried on all fire trucks to be used when treating individuals with medical emergencies.
- The Fire Department responds to approximately 60,000 medical calls per year - the majority of calls involve bodily fluids. Therefore, it is critical from a risk management standpoint that firefighters wear an approved glove that provides a high degree of protection.
- As part of the solicitation requirements, all gloves submitted were to meet National Fire Protection Association 1999 compliance, which is the Standard for Protective Clothing for Emergency Medical Operations. This is to protect firefighters against communicable diseases and bloodborne pathogens.
- On October 30, 2014, Management & Financial Services issued an Invitation to Bid; 11 bids were received from interested service providers.
- The annual expenditures are estimated to be \$60,082.

Award to the Second Lowest, Responsive Bidder

- Management & Financial Services recommends rejecting the low-bid submitted by Dotcom.
- Dotcom was non-responsive as it did not submit the required documentation and samples for physical testing and evaluation.
- Management & Financial Services recommends the contract be awarded to the second lowest responsive, responsible bidder Performance Safety Group.

Charlotte Business INclusion

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

Fiscal Note

Funding: Fire Operating Budget

45. Refund of Property and Business Privilege License Taxes

- Action:** A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$5,603.66, and
- B. Adopt a resolution authorizing the refund of business privilege license payments in the amount of \$10,671.49.

Staff Resource(s): Chip Harris, 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.
- In accordance with the ordinance approved by the City Council on August 25, 2014, and the North Carolina law, a list of refunds, which have been paid since the last City Council Business Meeting as a result of the Pearson Review, is available at the City Clerk's Office.
- The amount of Pearson Review refunds paid since the last City Council Business Agenda Meeting on February 9, 2015, totaled \$3,193.87.

Fiscal Note

- Not Applicable

Attachment 23

[List of Property Tax Refunds and Resolution](#)

[List of Business Privilege Refunds and Resolution](#)

46. Resolution of Intent to Abandon a Portion of Woodard Avenue and Eli Street

- Action:** A. Adopt a Resolution of Intent to abandon portions of Woodard Avenue and Eli Street, and
- B. Set a public hearing for March 23, 2015.

Staff Resource(s): Jeff Boenisch, Transportation

Explanation

The portion of Woodard Street and Eli Street is located in Council District 6.

Fiscal Note

- Not Applicable

Attachment 24

[Map](#)

[Resolution](#)

47. Meeting Minutes

- Action:** Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of:
- January 12, 2015 - Council Business Meeting

PROPERTY TRANSACTIONS

48. Property Lease for the Charlotte-Mecklenburg Police Department North Division

Action: Approve an eight-year lease with two additional, one-year options beginning May 1, 2015, for North Division Station, Charlotte-Mecklenburg Police Department.

Staff Resource(s): Robert Drayton, Engineering & Property Management
Kerr Putney, Police
Lisa Goelz, Police

Explanation

- Since April 2005, the City has leased 10,650 square feet of office space at 10430 Harris Oaks Boulevard, Suite R for the North Division Station, Charlotte-Mecklenburg Police Department.
- Initial rent for the new lease will be \$13,791.75 per month with a 4% annual escalation beginning July 1, 2016, which is comparable to similar properties in the area.
- The rental rate includes property taxes, insurance, and common area charges. The City pays for janitorial and utility expenses.

Fiscal Note

- Funding: Police Operating Budget

Attachment 25

[Map](#)

49. Property Transactions

Action: Approve the following property transaction(s) (A-F) and adopt the condemnation resolution(s) (G-H).

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

Acquisitions

- A.** **Project:** Arrowood / Nations Ford Road Intersection Improvements, Parcel #6
Owner(s): Sam's Mart, LLC
Property Address: 8925 Nations Ford Road
Total Parcel Area: 32,594 sq. ft. (0.748 ac.)
Property to be acquired by easements: 1,260 sq. ft. (.029 ac.) in Sidewalk and Utility Easement, plus 6,351 sq. ft. (.146 ac.) in Temporary Construction Easement, plus 3,447 sq. ft. (.079 ac.) in Utility Easement, plus 3,392 sq. ft. (.078 ac.) in Right of Way Easement
Structures/Improvements to be impacted: Parking spaces, light poles and driveway.
Landscaping to be impacted: Trees and various landscaping
Zoned: B-1
Use: Commercial
Tax Code: 169-241-06
Purchase Price: \$102,225
Council District: 3
- B.** **Project:** Briar Creek Relief Sewer Phase III, Parcel #104
Owner(s): James L. Lindler and Carolyn M. Lindler
Property Address: 6509 Somersworth Drive
Total Parcel Area: 24,007 sq. ft. (0.551 ac.)
Property to be acquired by easements: 3,118 sq. ft. (.072 ac.) in Sanitary Sewer Easement, plus 2,649 sq. ft. (.061 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: Storage shed
Landscaping to be impacted: Trees
Zoned: R-4
Use: Single-family Residential
Tax Code: 097-051-01
Purchase Price: \$10,582
Council District: 5
- C.** **Project:** Charlotte Water - Sanitary Sewer to serve Clarke Creek area, Parcel #1
Owner(s): One Half Undivided Interest: William O. Bradford, Jr., Ross M. Bradford, John Scott Bradford, Barry Lee Bradford, Patricia A. Bradford, and One Half Undivided Interest: Cecil D. Bradford, III, Beverly Bradford Woods, Smith Cross Bradford, Melanie Bradford Frear
Property Address: Huntersville-Concord Road
Total Parcel Area: 9,776,171 sq. ft. (224.43 acres)
Property to be acquired by easements: 57,212 sq. ft. (1.313 acres) in Sanitary Sewer Easement, plus 39,469 sq. ft. (.906 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: R
Use: Agricultural
Tax Code: 021-061-04
Purchase Price: \$18,304
Council District: N/A (Huntersville)

- D. Project:** Lyon Court Storm Drainage Improvement project, Parcel #143
Owner(s): Andrew S. Hubbard and Leah Atfeld Hubbard
Property Address: 1701 Tippah Avenue
Total Parcel Area: 11,495 sq. ft. (0.264 ac.)
Property to be acquired by easements: 2,831 sq. ft. (.065 ac.) in Storm Drainage Easement, plus 1,095 sq. ft. (.025 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R-5
Use: Single-family Residential
Tax Code: 095-063-18
Purchase Price: \$12,875
Council District: 1
- E. Project:** Scaleybark Road Traffic Calming, Parcel #6
Owner(s): Chester Eugene Callaway
Property Address: 1051 Scaleybark Road
Total Parcel Area: 31,993 sq. ft. (0.734 ac.)
Property to be acquired by easements: 1,009 sq. ft. (.023 ac.) in Temporary Construction Easement, plus 1,076 sq. ft. (.025 ac.) in Right of Way Easement
Property to be acquired in Fee: 9,991 sq. ft. (.229 ac.) in Fee Simple within Existing Right-of-Way
Structures/Improvements to be impacted: None
Landscaping to be impacted: One large oak tree
Zoned: R-4
Use: Single-family Residential
Tax Code: 149-182-14
Purchase Price: \$15,000
Council District: 1
- F. Project:** Scaleybark Road Traffic Calming, Parcel #8
Owner(s): J. Clegg Almond, Jr. And Brita S. Almond
Property Address: 1029 Scaleybark Road
Total Parcel Area: 19,846 sq. ft. (0.456 ac.)
Property to be acquired by easements: 769 sq. ft. (.018 ac.) in Temporary Construction Easement
Property to be acquired in Fee: 1,813 sq. ft. (.042 ac.) in Fee Simple, plus 1,352 sq. ft. (.031 ac.) in Fee Simple within Existing Right-of-Way
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R-4
Use: Single-family Residential
Tax Code: 149-182-12
Purchase Price: \$12,225
Council District: 1

Condemnations

- G.** **Project:** Charlotte Water - Hambright Road 11725 8" Sanitary Sewer, Parcel #1
Owner(s): Theodore C. Dellinger, Daisy Lou Dellinger, William Joseph Dellinger, Brenda Dellinger, Johnny Watt Dellinger, A. Scott Dellinger, Laura Roberta Dellinger a/k/a Laura Roberta Meyer, Dana Dellinger Minshew, William Joseph Dellinger, Jr., Walter Jason Dellinger and the Estate of Robert C. Dellinger and any other parties of interest
Property Address: 12150 Hambright Road
Total Parcel Area: 2,829,713 sq. ft. (64.961 acres)
Property to be acquired by easements: 6,162 sq. ft. (.141 ac.) in Sanitary Sewer Easement, plus 11,763 sq. ft. (.27 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: NR
Use: Forest - Commercial Production
Tax Code: 017-062-05
Appraised Value: \$6,875
Property Owner's Counteroffer: None
Recommendation: To obtain clear title and avoid delay in the project schedule, staff recommends proceeding to condemnation.
Council District: N/A (Huntersville)
- H.** **Project:** Pressley Road Extension project, Parcel #3
Owner(s): Estate of James E. Davis and any other parties of interest
Property Address: 1300 Caldwell Williams Road
Total Parcel Area: 97,899.04 sq. ft. (2.247 acres)
Property to be acquired by easements: 1,951.79 sq. ft. (.045 ac.) in Storm Drainage Easement, plus 9,863.09 sq. ft. (.226 ac.) in Temporary Construction Easement
Property to be acquired in Fee: 17,546.6 sq. ft. (.403 ac.) in Fee Simple, plus 6,834.15 sq. ft. (.157 ac.) in Fee Simple within Existing Right-of-Way
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: I-1
Use: Industrial
Tax Code: 035-121-11
Appraised Value: \$21,125
Property Owner's Counteroffer: None
Outstanding Concerns: Property owner passed away before closing was completed.
Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation due to inability to obtain clear title, and just compensation can be determined by the court.
Council District: 2

50. Reference – Charlotte Business INClusion Policy



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

Part A: Administration & Enforcement

Appendix Section 18: Contract: For the purposes of establishing an SBE 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, 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).
- Contracts do not include agreements or purchase orders for the purchase or lease of apparatus, supplies, goods, or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE 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 SBO Program Policy.

Appendix Section 23: Exempt Contracts: Contracts that fall within one or more of the following categories shall be "Exempt Contracts" for the purposes of establishing an SBE subcontracting goal, unless the Department responsible for procuring the Contract decides otherwise:

23.1. Informal Contracts. Informal Contracts shall be Exempt Contracts. (See Appendix Section 29 for a definition of Informal Contracts)

23.2. 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.

23.3. 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.

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

23.5. 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.

23.6. 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.

23.7. 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.

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

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

23.10. 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).

23.11. 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 29: 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:

29.1. Construction Contracts Less Than or Equal To \$200,000: Contracts for construction or repair work that are estimated to require a total expenditure of City funds less than or equal to \$200,000.

29.2. Service Contracts That Are Less Than or Equal To \$100,000: Service Contracts that are estimated to require a total expenditure of City funds 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 SBE Goal, each Bidder must either: (a) meet the SBE 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 2.4: No SBE Goal When There Are No SBE Subcontracting Opportunities.

The City shall not establish an SBE Goal for Construction Contracts where there are no SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part C: Services Procurement

Part C: Section 2.2: When the City Solicitation Documents for a Service Contract do not contain an SBE Goal, each Proposer must negotiate in good faith with each SBE that responds to the Proposer's solicitations and each SBE 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 2.4: No SBE Goal When There Are No SBE Subcontracting Opportunities.

The City shall not establish an SBE Goal for Service Contracts where there are no SBEs 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 SBE subcontracting opportunity, the City shall either:

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

51. 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.

Rezoning Petition 2015-027

**Please be advised that the attachment for this zoning
item will be included within the
Council-Manager Memo on Friday, February 20, 2015.**

Rezoning Petition 2015-028

**Please be advised that the attachment for this zoning
item will be included within the
Council-Manager Memo on Friday, February 20, 2015.**

Rezoning Petition 2015-029

**Please be advised that the attachment for this zoning
item will be included within the
Council-Manager Memo on Friday, February 20, 2015.**

Rezoning Petition 2015-030

**Please be advised that the attachment for this zoning
item will be included within the
Council-Manager Memo on Friday, February 20, 2015.**

Rezoning Petition 2015-032

**Please be advised that the attachment for this zoning
item will be included within the
Council-Manager Memo on Friday, February 20, 2015.**

ORDINANCE NO. _____

NORTHLAKE CENTRE II AREA

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF CHARLOTTE, NORTH CAROLINA**

WHEREAS, the City Council has been petitioned under G.S. 160A-31(a) to annex the area described below; and

WHEREAS, the City Council has by Resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Meeting Chamber of the Charlotte - Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on February 23, 2015 after due notice by the Mecklenburg Times on February 13, 2014; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Charlotte as of February 23, 2015 (effective date):

LEGAL DESCRIPTION

All those certain tract of land lying and being in Long Creek Township, Mecklenburg County, North Carolina, and being more particularly described as follows:

BEGINNING at a point located on the westerly right-of-way margin of Northlake Centre Parkway (a variable width public right-of-way) as shown on plat recorded in Map Book 43 at Page 55) in the Mecklenburg County Registry, said point also being on the city limits line of the City of Charlotte and

having N.C. NAD-83 Grid Coordinates (N: 589,890.7102 ft., E: 1,447,060.0790 ft.); thence with the City limits with an arc of a circular curve to the left having a radius of 2,410.63 feet, an arc distance of 55.15' feet (Chord Bearing = N 37-52-16 E 55.14 feet) to a point; thence N 47-58-39 W 63.48 feet to a point; thence N 60-39-28 W 75.17 feet to a point; thence N 47-58-39 W 373.75' feet to a point; thence N 55-25-53 E 29.19 feet to a point; thence with the arc of a circular curve to the left having a radius of 235.50 feet, an arc distance of 55.11 feet (Chord Bearing = N 48-43-37 E 54.99 feet) to a point; thence N 42-01-21 E 224.80 feet to a point; thence N 47-57-56 W 35.50 feet to an existing #4 rebar, said point also being on the city limits line of the City of Charlotte; thence S 42-01-21 W 350.02 feet to an existing #4 rebar; thence with the arc of a circular curve to the right having a radius of 60.00 feet, an arc distance of 21.18 feet (Chord Bearing = S 58-05-31 E 21.07 feet) to an existing #4 rebar; thence S 47-58-39 E 516.12 feet to an existing # 4 rebar, the point and place of BEGINNING containing 0.75 acres more or less.

PORTIONS OF TAX PARCELS 025-103-01, 025-103-02, 025-103-03, 025-081-23

Section 2. Upon and after February 23, 2015 (effective date) the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Charlotte and shall be entitled to the same privileges and benefits as other parts of the City of Charlotte. Said territory shall be subject to municipal taxes according to G.S.160A-58.10.

Section 3. Subject to change in accordance with applicable law, the annexed territory described above shall be included in the following Council electoral district: 2.

Section 4. The Mayor of the City of Charlotte shall cause to be recorded in the office of the Register of Deeds of Mecklenburg County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Mecklenburg County Board of Elections, as required by G.S. 163-288.1.

Adopted this 23rd day of February, 2015.

APPROVED AS TO FORM:

Charlotte City Attorney

**CITY OF CHARLOTTE
OFFICE OF THE CITY ATTORNEY
Memorandum**

TO: Mayor and City Council

FROM: Robert E. Hagemann, City Attorney

DATE: February 3, 2015

RE: Non-Discrimination

At your November 24, 2014 meeting, Scott Bishop of the Human Rights Campaign gave a presentation in which he proposed adding marital status, familial status, sexual orientation, gender expression, and gender identity to the list of protected characteristics in several City non-discrimination ordinances. In response, Council asked me to prepare a briefing paper and to draft a proposed ordinance that would implement the request.

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, and according to the attached FAQ from the Human Rights Campaign, seventeen states (North Carolina is not one of them), the District of Columbia, and more than 225 cities and counties have passed laws prohibiting discrimination 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. The ordinance was based on the 1964 federal law and 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 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).

Regarding the concerns expressed at the November 24 meeting, the Human Rights Campaign asked me to provide the attached document that provides some perspectives from twelve states.

enclosures

NON-DISCRIMINATION POLICIES AND ORDINANCES: FAQ

Beginning with an ordinance passed in Minneapolis in 1975, **17 states**, the District of Columbia, and **more than 200 cities and counties** have enacted laws prohibiting discrimination based on sexual orientation and gender identity. More than 500 private businesses across the United States, including 61% of Fortune 500 companies, have voluntarily adopted policies that prohibit discrimination based on sexual orientation and gender identity.

WHY ARE THESE LAWS AND POLICIES NEEDED?

- The motivation behind these protections is simple, but powerful: **the goal is to protect people from arbitrary discrimination** in employment, housing, public accommodations, and other areas. A person’s sexual orientation or gender identity has nothing to do with their job performance, or their qualifications as a good renter, or their right to receive service at a business open to the public. People should be judged on their merits and not be denied opportunities because of prejudice.
- In jurisdictions without protections against discrimination based on sexual orientation or gender identity, LGBT people simply have no legal protection against even the most outrageous forms of discrimination, unless they live in a city or county with applicable anti-discrimination protections.
- One reason why it is particularly urgent to prohibit discrimination based on gender identity is the reality that **transgender people experience unusually high rates of discrimination**: Forty-seven percent have experienced an adverse job outcome, such as being fired, not hired or denied a promotion.¹ Transgender people report having difficulty making ends meet because, although they possess valuable skills and experience, they often cannot find work because they face discrimination from employers.
- It’s important to note that **laws against discrimination do not prevent employers from firing incompetent employees and do not prevent landlords from turning down unqualified renters**. These laws simply make sure that all employees get a fair chance at working hard to get ahead without being singled out or judged based on factors irrelevant to their ability to work or pay their bills.

WHAT CAN CITIES DO?

- Nearly all cities have the ability to pass municipal non-discrimination ordinances that prohibit discrimination against lesbian, gay, bisexual and transgender (LGBT) people within the city’s jurisdiction. Cities often already have non-discrimination ordinances that prohibit discrimination against other protected classes (such as race, religion, national origin, age, etc.), and extending these protections to LGBT people is as simple as adding “sexual orientation, gender identity and expression” to the list of protected classes.
- Cities also have the ability to prohibit discrimination in the city workplace by adopting non-discrimination policies that protect city employees from discrimination on the basis of their sexual orientation and gender identity or expression.
- City contractors can also be required to have non-discrimination policies in order to make a contracting proposal to the city.

¹ National Center for Transgender Equality and the National Gay and Lesbian Task Force “National Transgender Discrimination Survey” http://transequality.org/Resources/NCTE_prelim_survey_econ.pdf, November 2009.

NON-DISCRIMINATION POLICIES AND ORDINANCES: FAQ

RESPONDING TO COMMON COUNTERARGUMENTS

- **Special Rights.** Anti-discrimination laws do not create “special rights” for LGBT Americans. The right to work, rent a home, or shop for groceries is not a “special” right, and that is why we already have civil rights laws protecting against many forms of discrimination including race, religion, gender, disability and national origin. An inclusive law simply puts LGBT Americans on the same footing as everyone else.
- **Flood of Litigation.** An anti-discrimination law will not create a flood of litigation or harm small businesses. Experience with other state and local laws which protect LGBT workers has shown that LGBT people file discrimination claims at the same rate that people in other protected classes do; and, because the LGBT community is smaller than many of the other protected classes that there simply has not been a notable increase in litigation.
- **Redundant Protections.** The Employment Non-Discrimination Act would add discrimination on the basis of sexual orientation and gender identity into federal law, but even if ENDA becomes law it only deals with employment discrimination. A recent decision by the EEOC that forbids gender identity discrimination in federal employment is an important, but similarly limited, development. 29 states do not prohibit discrimination on the basis of sexual orientation and 33 do not prohibit discrimination on the basis of gender identity.
- **Bathroom Concerns.** Anti-discrimination laws forbidding discrimination on the basis of gender identity allow transgender people to use the bathroom in which they feel most comfortable and physically safe. The claim that these laws provide men access to women’s rooms in order to assault women and girls is fear-mongering, fundamentally untrue, and insulting. Assault is and continues to be illegal, no matter who is perpetrating it or where it occurs. Transgender people deserve the ability to be able to use bathrooms in peace and safety, and the truth is that they are far more likely to be the *victims* of harassment and violence in bathrooms than they are to be the perpetrators – particularly if they are forced to use a bathroom that is inconsistent with their gender identity or expression.
- **Religious Organizations.** Religious organizations can choose to hire members of their own faith and exclude applicants based on virtually any reason, so long as the work those people are hired to perform is related to the organization’s religious activities. Those rights are not affected by a non-discrimination ordinance that includes protections for LGBT people.
- **Religious Individuals.** Existing non-discrimination laws at the state and local level obligate business owners to serve people of all faiths and races even when doing so challenges the religious views of the business owner. For example, the Christian owner of a florist shop may not refuse to provide flowers for the wedding of an interfaith couple, nor would it for an inter-racial couple. Businesses engaged in public commerce should be held to this same standard in relation to LGBT people.

<http://mediamatters.org/research/2014/03/20/15-experts-debunk-right-wing-transgender-bathro/198533>

Experts in 12 states -- including law enforcement officials, government employees, and advocates for victims of sexual assault -- have debunked the right-wing myth that sexual predators will exploit transgender non-discrimination laws to sneak into women's restrooms, calling the myth baseless and "beyond specious."

Colorado

State Law Has Prohibited Discrimination In Public Accommodations Since 2008. In 2008, Colorado expanded its Anti-Discrimination Act, which prohibits discrimination in public accommodations, to include sexual orientation and gender identity as a protected class. [*The Denver Post*, 5/29/08]

Coalition Against Sexual Assault: Opponents Of Protections Are Creating "Unsubstantiated Fear." Alexa M. Priddy, director of training and communications at the Colorado Coalition Against Sexual Assault, reported no problems as a result of her state's non-discrimination law. In an email to *Media Matters*, she wrote:

Denying equal rights is yet another form of discrimination against transgender individuals, which is pervasive within our society and institutions. Such criticisms of this law and ads [that] invoke what we see as "trans panic," an attempt to create fear of transgender people and a false label of trans individuals as sexual predators.

CCASA would love to see the real focus be on the realities that transgender people are far too often targeted for sexual violence, and if they seek support through victim services or the criminal justice system in the aftermath, they often face continued discrimination from the very people who are there to help. Sexual assault is already an under-reported crime, and we see this increase with marginalized communities. We want to focus on creating safety for transgender survivors and not on creating unsubstantiated fear. [Email exchange, 3/8/14]

Connecticut

State Law Has Prohibited Discrimination In Public Accommodations Since 2011. In 2011, Connecticut Gov. Dannel Malloy signed into law legislation prohibiting discrimination in public accommodations based on gender identity or expression. [*Bay Windows*, 7/6/11]

State Commission On Human Rights: "Unaware Of Any Sexual Assault." In an email to *Media Matters*, Jim O'Neill, legislative liaison and spokesman for the Connecticut Commission on Human Rights in Opportunities, reported no problems as a result of the state's non-discrimination law:

I am unaware of any sexual assault as the result of the CT gender identity or expression law. I'm pretty sure it would have come to our attention. [Email exchange, 3/6/14]

Hawaii

State Law Has Prohibited Discrimination In Public Accommodations Since 2006. In 2006, Hawaii expanded its non-discrimination laws to prohibit discrimination in public accommodations on the basis of sexual orientation and gender identity. [Hawaii Civil Rights Commission, accessed 3/12/14]

State Civil Rights Commission: Non-Discrimination Law "Has Not Resulted In Increase[d] Sexual Assault Or Rape." William Hoshijo, executive director of the Hawaii Civil Rights Commission, told *Media Matters* in an email:

In Hawai'i, the protection against discrimination in public accommodations on the basis of sex, including gender identity or expression, has not resulted in increase sexual assault or rape in women's restrooms. The HCRC is not aware of any incidents of sexual assault or rape causally related or attributed to the prohibition against discrimination on the basis of gender identity or expression. (In contrast to anecdotal reports of transgender students being harassed and bullied in school restrooms when forced to use an assigned restroom inconsistent with their gender identity.) [Email exchange, 3/6/14]

Iowa

State Law Has Prohibited Discrimination In Public Accommodations Since 2007. In 2007, the Iowa Civil Rights Act was expanded to prohibit discrimination on the basis of sexual orientation and gender identity in public accommodations. [Iowa Civil Rights Commission, accessed 3/14/14]

Des Moines Police Department: "We Have Not Seen That." In an interview with *Media Matters*, Des Moines Police Department spokesman Jason Halifax stated that he hadn't seen cases of sexual assault related to the state's non-discrimination ordinance:

We have not seen that. I doubt that's gonna encourage the behavior. If the behavior's there, [sexual predators are] gonna behave as they're gonna behave no matter what the laws are. [Phone interview, 3/13/14]

Maine

State Law Has Prohibited Discrimination In Public Accommodations Since 2005. In 2005, Maine adopted legislation prohibiting discrimination in public accommodations on the basis of gender identity and sexual orientation. [GLAD, 2/25/14]

State Human Rights Commission: "No Factual Basis" For Sexual Assault Fears. In an email to *Media Matters*, Executive Director Amy Sneirson of the Maine Human Rights Commission said that the state's non-discrimination law hadn't led to increased sexual assault or rape:

I know that this concern persists but I personally have not seen any factual basis for it.

I am not aware of any increased sexual assault or rape in women's restrooms as a result of Maine's 2005 adoption of protections in the Maine Human Rights Act for sexual orientation (which, in Maine, includes "a person's actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression"). [Email exchange, 3/7/14]

Massachusetts

Cambridge Has Prohibited Discrimination In Public Accommodations Since 1997. In 1997, the city of Cambridge expanded its non-discrimination ordinance to prohibit discrimination against transgender people in public accommodations. [National Gay and Lesbian Task Force, July 2008]

Cambridge Police Superintendent: "No Incidents" Of Transgender Protections Being Abused. Police Superintendent Christopher Burke told *Media Matters* in an email:

Back in 1984 Cambridge enacted an ordinance that established the Human Rights Commission. The purpose of the ordinance was to protect the human rights of all citizens of the City. In 1997 this ordinance was amended to specifically include gender identity and expression. Much like the Transgender Equal Rights Bill proposal, the City of Cambridge sought to offer protection to transgender individuals from being harassed, fired from a job, denied access to a public place, or denied or evicted from housing. Since this 1997 amendment there have been no incidents or issues regarding persons abusing this ordinance or using them as a defense to commit crimes. **Specifically, as was raised as a concern if the bill were to be passed, there have been no incidents of men dressing up as women to commit crimes in female bathrooms and using the city ordinance as a defense.** [Email exchange, 3/7/14, emphasis added]

State Victims' Advocacy Group: Fears About Transgender Protections Are "Beyond Specious." Toni Troop, spokeswoman for the statewide sexual assault victims organization Jane Doe Inc., told *Media Matters* in an email:

The argument that providing transgender rights will result in an increase of sexual violence against women or men in public bathrooms is beyond specious. The only people at risk are the transgender men and women whose rights to self-determination, dignity and freedom of violence are too often denied. We have not heard of any problems since the passage of the law in Massachusetts in 2011, nor do we expect this to be a problem. While cases of stranger rape and sexual violence occur, sexual violence is most often perpetrated by someone known to the victim and not a stranger in the bush or the bathroom. [Email exchange, 3/7/14, emphasis added]

Minnesota

State Law Has Prohibited Discrimination In Public Accommodations Since 1993. In 1993, Minnesota amended its Human Rights Act to prohibit discrimination against transgender people in public accommodations. [OutFront Minnesota, accessed 3/13/14]

Minneapolis Police Department: Fears About Sexual Assault "Not Even Remotely" A Problem. Minneapolis police spokesman John Elder told *Media Matters* in an interview that sexual assaults stemming from Minnesota's 1993 transgender non-discrimination law have been "not even remotely" a problem. Based on his experience, the notion of men posing as transgender women to enter women's restrooms to commit sex crimes "sounds a little silly," Elder said. According to Elder, a police department inquiry found "nothing" in the way of such crimes in the city. [Phone interview, 3/11/14]

Nevada

State Law Has Prohibited Discrimination In Public Accommodations Since 2011. In 2011, Nevada enacted three transgender non-discrimination laws, including a law explicitly prohibiting discrimination in public accommodations. [National Gay and Lesbian Task Force, 6/2/11]

Las Vegas Police Department: No Problems Since Passage Of Non-Discrimination Law. Asked whether Nevada's 2011 gender identity law had fueled a rise in sex crimes, Las Vegas Police Department spokesman Jesse Roybal told *Media Matters*, "the answer would be no." After the department's lieutenant for sexual assault ran a check of crimes since 2011, Roybal told *Media Matters* that the department had not "had any incidents involving transgender suspects." [Phone interview, 3/6/14, 3/11/14]

New Mexico

State Law Has Prohibited Discrimination In Public Accommodations Since 2003. In 2003, New Mexico amended its Human Rights Act to prohibit discrimination on the basis of sexual orientation and gender identity in public accommodations. [The Williams Institute, **September 2009**]

Albuquerque Police Department: "Unaware Of Any Cases Of Assault" Due To Non-Discrimination Law. Officer Tasia Martinez, Public Information Officer for the Albuquerque Police Department, told *Media Matters* in an email:

We are unaware of any cases of assault in our city as a result of transgendered [sic] accommodations. [Email exchange, 3/13/14]

Oregon

State Law Has Prohibited Discrimination In Public Accommodations Since 2007. In 2007, Oregon enacted the Oregon Equality Act, which prohibits discrimination in public accommodations on the basis of sexual orientation and gender identity. [Lambda Legal, accessed **3/13/14**]

Bureau of Labor And Industries: "Zero Allegations" Of Assault Due To 2007 Law. Oregon Bureau of Labor and Industries spokesman Charlie Burr told *Media Matters* in an email:

The Oregon Equality Act protects the rights of LGBT Oregonians in employment, housing and public places and has done so without any incidents of LGBT assaults on women in public restrooms that we're aware of. Our agency has encountered zero allegations of LGBT assault related to this public accommodation protection. [Email exchange, 3/7/14]

Portland Police Department: "I Have Never Heard Of Any Issues Like This." Portland Police Department spokesman Peter Simpson wrote in an email to *Media Matters*:

I have never heard of any issues like this in Portland. We have a very low rate of sexual assault/rape crimes here overall. [Email exchange, 3/7/14]

Rhode Island

State Law Has Prohibited Discrimination In Public Accommodations Since 2001. In 2001, Rhode Island explicitly prohibited discrimination on the basis of gender identity or expression in public accommodations. [GLAD, 2/25/14]

State Commission for Human Rights: No Increase In Sex Crimes Due To Non-Discrimination Law. Rhode Island Commission for Human Rights Executive Director Michael D. Evora told *Media Matters* in an email:

The Commission for Human Rights has not taken in any cases alleging gender identity discrimination in respect to bathroom usage in public facilities since the law was amended to prohibit such discrimination. In addition, we are not aware of any affect the passage of the law has had on incidents of assault in public restrooms. [Email exchange, 3/7/14]

Vermont

State Law Has Prohibited Discrimination In Public Accommodations Since 2007. In 2007, Vermont explicitly prohibited discrimination on the basis of gender identity in public accommodations. [GLAD, 3/4/14]

State Human Rights Commission: "We Are Not Aware" Of Any Problems From Non-Discrimination Law. In an email to *Media Matters*, the Vermont Human Rights Commission's Karen Richards said:

I have only been here a short time so was checking with my staff to find out if they were aware of any issues. ... We are not aware of any other issues or problems similar to this caused by prohibiting discrimination against those who are transgendered. [Email exchange, 3/7/14]

Montpelier Police Department: No Complaints. Montpelier Police Chief Tony Facos responded to an email inquiry about whether the state's non-discrimination law had led to incidents of rape or sexual assault in women's restrooms, stating, "We do not have any complaints related to this issue." [Email exchange, 3/10/14]

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~~ 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 constitute 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 2 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, 2015.

Approved as to form

City Attorney

**Code of Ethics, Gift Policy, and Disclosure Requirements
for the Mayor and City Council of the City of Charlotte, North Carolina**

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty,” and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina’s state motto, *Esse quam videri*, “To be rather than to seem,” and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this City, and with obeying the law, and

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the City of Charlotte, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the City Council do hereby adopt the following General Principles and Code of Ethics to guide the Mayor and City Council in their lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- The Mayor and Council members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.
- The Mayor and Council members must always remain aware that at various times they play different roles:
 - As advocates, who strive to advance the legitimate needs of their citizens
 - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions
 - As decision-makers, who arrive at fair and impartial determinations.
- The Mayor and Council members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

- The Mayor and Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

A. CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Mayor and Council members and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for an official's best judgment.

Section 1.

The Mayor and Council members should obey all laws applicable to their official actions. The Mayor and Council members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, the Mayor and Council members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that the Mayor or a Council member is behaving unethically because one disagrees with that official on a question of policy (and not because of the council member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Section 2.

The Mayor and Council members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Exhibiting trustworthiness
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- Treating other council members and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Showing respect for their offices and not behaving in ways that reflect badly on those offices

- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual Council members are not generally allowed to act on behalf of the Council but may only do so if the Council specifically authorizes it, and that the Council must take official action as a body

Section 3.a.

The Mayor and Council members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach and they should not use their official position for personal gain. Although opinions may vary about what behavior is inappropriate, this Council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the Council member's action would conclude that the action was inappropriate.

Section 3.b.

If the Mayor or a Council member believes that his or her actions, while legal and ethical, may be misunderstood, the official should seek the advice of the City Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4.

The Mayor and Council members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

The Mayor and Council members should faithfully attend and prepare for meetings. They should demand full accountability from those over whom the board has authority.

The Mayor and Council members should be willing to bear their fair share of the governing board's workload. To the extent appropriate, they should be willing to put the City's interests ahead of their own.

Section 5.

The Mayor and Council members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to them or City employees.

In order to ensure strict compliance with the laws concerning openness, the Mayor and Council members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the Council are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

B. GIFT POLICY

Definitions

“Gift” – Anything of monetary value given or received without valuable consideration. The following shall not be considered gifts:

- (1) Anything for which fair market value, or face value if shown, is paid by the official.
- (2) Commercially available loans made on terms not more favorable than generally available to the general public in the normal course of business.
- (3) Contractual arrangements or commercial relationships or arrangements made in the normal course of business.
- (4) Academic or athletic scholarships based on the same criteria as applied to the public.
- (5) Anything of value properly reported as required under Article 22A of Chapter 163 of the General Statutes (North Carolina Campaign Contributions Law).
- (6) Expressions of condolence related to a death of an individual, sent within a reasonable time of the death, if the expression is one of the following:
 - a. A sympathy card, letter, or note.
 - b. Flowers.
 - c. Food or beverages for immediate consumption.
 - d. Donations to a religious organization, charity, the State or a political subdivision of the State, not to exceed a total of two hundred dollars per death per donor.

“Extended family” – Spouse, lineal descendant, lineal ascendant, sibling, spouse's lineal descendant, spouse's lineal ascendant, spouse's sibling, and the spouse of any of these individuals.

“Official” – the Mayor or a member of the City Council.

Gift Ban

No official shall knowingly accept a gift unless the gift falls within one of the exceptions set forth below.

A prohibited gift shall be promptly declined, returned, paid for at fair market value, or donated to charity or the City.

Exceptions

These prohibitions shall not apply to any of the following:

- (1) Gifts from the official's extended family, or a member of the same household.
- (2) Gifts given or received as part of a business, civic, religious, fraternal, personal, or commercial relationship provided that the gift is made under circumstances that a reasonable person would conclude that the gift was not given to influence or attempt to influence official action.
- (3) Nominal gifts having a value of less than \$50.
- (4) Anything generally made available or distributed to the general public without charge.
- (5) A memento such as a commemorative shovel, plaque, figurine, trinket, or novelty item related to a civic occasion or event.
- (6) Informational materials relevant to the duties of the official.
- (7) Food and beverages for immediate consumption in connection with any of the following:
 - a. A meeting of the City Council, provided that the meeting is properly noticed under Article 33C of Chapter 143 of the General Statutes.
 - b. Business meetings so long as the food and beverages are of incidental value.
 - c. Neighborhood or community meetings.
 - d. A gathering of ten or more individuals that is open to the general public, provided that the official pays the same amount, if any, that the general public is charged to attend.
- (8) Tickets or admittance to, and food and beverages for immediate consumption at, an event where the official is clearly representing the City and where the City has a legitimate purpose in being represented at the event. By way of illustration but not limitation, this would include events sponsored by the Charlotte Regional Visitors Authority, the Charlotte Chamber of Commerce, the Foundation for the Carolinas, Charlotte Center City Partners, the Regional Partnership, the United Way, the Arts & Science Council, colleges, universities, and other educational institutions, and similar organizations.
- (9) Food and beverages for immediate consumption and related transportation provided all of the following conditions are met:
 - a. The food, beverage, or transportation is provided during a conference, meeting, or similar event and is available to all attendees of the same class as the recipient.
 - b. The official is a director, officer, governing board member, employee, or independent contractor of one of the following:
 1. The entity giving the food, beverage, or transportation.
 2. A third party that received the funds to purchase the food, beverages, or transportation.

- (10) An expense appropriate for reimbursement by the City if it had been incurred by the official personally. Such a gift shall be considered a gift accepted by or donated to the City, provided that the gift and its value are reported in writing to the City Clerk within two weeks of receipt.

C. DISCLOSURE REQUIREMENTS

By February 1 of each year, the Mayor and Council members shall file with the city clerk a statement of economic interest using the form set forth in Exhibit A attached hereto. The statements required by this section are public records available for inspection and copying by any person during normal business hours.

D. COMPLAINTS, INVESTIGATIONS, AND SANCTIONS

1. Complaints

- a. Any individual may file a complaint alleging a violation. Complaints shall be filed with the City Clerk on a form provided by the City Clerk. Complaints shall: (i) identify the complainant; (ii) state with specificity the facts that form the basis for the alleged violation; and (iii) cite the provision that has allegedly been violated.
- b. Upon receiving a complaint, the City Clerk shall forward the complaint to the City Attorney for initial review.
- c. The City Attorney shall review the complaint to determine whether it provides the information required in subsection a. If the City Attorney determines that the complaint fails to provide the information required by subsection (a), the complainant shall be so informed and afforded an opportunity to provide the required information. If the City Attorney determines that a complaint does provide the required information, the complaint shall be referred to an independent investigator selected by the City Attorney.

2. Investigations

- a. The independent investigator shall review a complaint referred by the City Attorney. In the event that the independent investigator determines that the complaint is either: (i) frivolous; or (ii) does not state a claim of a violation even if the facts alleged are true, then the investigator shall communicate that conclusion in writing to the City Attorney who shall in turn communicate that conclusion to the complainant and the Mayor or, if the subject of the complaint is the Mayor, to the Mayor Pro Tempore.
- b. If the independent investigator determines that the complaint is not frivolous and does state a claim of a violation if the facts alleged are true, the independent investigator shall investigate the allegations and make written findings as to the truthfulness of the factual allegations and conclusions as to whether a violation has occurred. The written findings and conclusions shall be provided to the City Attorney who shall in turn provide them to the complainant, the Mayor, and the City Council.

3. Sanctions

Upon receipt of written findings and conclusions pursuant to Section 2.b., the City Council may sanction the official who was the subject of the investigation. Potential sanctions include the adoption of a Resolution of Censure and any other lawful sanction within the Council's power.

Proposed

City of Charlotte

Statement of Economic Interest

FI			
First Name	Middle Name	Last Name	Suffix
MAILING ADDRESS, CITY, STATE, ZIP			
Address	City	State	Zip
HOME ADDRESS, CITY, STATE, ZIP			
<input type="checkbox"/> Same as Mailing Address			
Address	City	State	Zip
CURRENT EMPLOYER	JOB TITLE		
NATURE OR TYPE OF BUSINESS			
DAYTIME PHONE NUMBER	ALTERNATE PHONE NUMBER		
E-MAIL ADDRESS			

I. \$10,000 PLUS DISCLOSURES

If you, your spouse, or members of your immediate family¹ have assets or liabilities with a market value of at least \$10,000 in the following categories, please provide the requested information as of December 31st of the preceding year unless another time period is specified in the question.

- ▶ Do not list the actual value of those assets or liabilities.
- ▶ Do not list assets or liabilities held in a blind trust² established by or for the benefit of you or an immediate family member.

1. Do you, your spouse, or members of your immediate family have an ownership interest in any real estate located in the City of Charlotte or the City's extraterritorial planning jurisdiction with a market value of \$10,000 or more?

▶ This may include your home/residence. Do not list actual value.

Yes No

Owner of Real Estate	% Ownership Interest	Location by City

2. Do you, your spouse, or members of your immediate family lease or rent to or from the City real estate with a market value of \$10,000 or more? Do not list actual value.

Yes No

Name of Lessor	Name of Lessee (Renter)	Location by City

3. Within the preceding two years, have you, your spouse, or members of your immediate family sold to or bought from the City personal property with a market value of \$10,000 or more? Do not list actual value.

Yes No

Name of Purchaser	Name of Seller	Type of Property

4. Do you, your spouse, or members of your immediate family currently lease or rent to or from the City personal property with a market value of \$10,000 or more? Do not list actual value.

Yes No

Name of Lessor	Name of Lessee (Renter)	Type of Property

¹ **Immediate family** includes your spouse (unless legally separated), minor children, and members of your extended family (your and your spouse's adult children, grandchildren, parents, grandparents, and siblings, and the spouses of each of those person) that reside in your household.

² **Blind trust** is a trust that meets all of the following criteria: (a) the owner of the trust's assets has no knowledge of the trust's holdings and sources of income, (b) the individual or entity managing the trust's assets ("the trustee") is not a member of the official's extended family and is not associated with or employed by the official or his or her immediate family, and (c) the trustee has sole discretion to manage the trust's assets.

5(a). Do you, your spouse, or members of your immediate family own interests (generally stock) valued at \$10,000 or more in a publicly owned company that you know or have reason to know: (1) is doing or is seeking to do business of any kind with the City; or (2) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of your official duties? **Do not list actual value.**

▶ Do not list ownership interests in a widely held investment fund (including mutual funds, regulated investment companies, or pension or deferred compensation plans) if (i) the fund is publicly traded or its assets are widely diversified and (ii) neither you nor an immediate family member are able to control the assets held in the mutual fund, investment company, or pension or deferred compensation plan.

Owner of Interest	Full Name of Company (Do not use a ticker symbol)

5(b). Do you, your spouse, or members of your immediate family hold stock options valued at \$10,000 or more in a company or business that you know or have reason to know: (1) is doing or is seeking to do business of any kind with the City; or (2) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of your official duties? **Do not list actual value.**

Owner of Stock Option	Full Name of Company (Do not use a ticker symbol)

6(a). Do you, your spouse, or members of your immediate family have financial interests valued at \$10,000 or more in a non-publicly owned company or business entity (including interests in sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations) that you know or have reason to know: (1) is doing or is seeking to do business of any kind with the City; or (2) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of your official duties? **Do not list actual value.**

Owner of Interest	Name of Business Entity

6(b). For each of those non-publicly owned companies or business entities identified in question 6(a) (the "primary company"), please list the names of *any other companies* in which the primary company owns securities or equity interests valued at over \$10,000, *if known*. **Do not list actual value.**

Non-Publicly Owned Company (the Primary Company)	Other Companies in which the Primary Company Owns Security or Equity Interests
<input type="checkbox"/> None or Not Known	

6(c). If you know that any company or business entity listed in 6(a) or (b) above has any material business dealings or business contracts *with the City*, or is *regulated by the City*, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the City
<input type="checkbox"/> None or Not Known	

II. OTHER DISCLOSURES

7(a). During the preceding calendar year, were you, your spouse or members of your immediate family a director, officer, governing board member, employee, or independent contractor of a nonprofit corporation or organization operating in the City primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes that you know or have reason to know: (1) is doing or is seeking to do business of any kind with the City; or (2) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of your official duties?

▶ Do not list organizations of which you are a mere member or subscriber.

Name of Person	His/Her Position	Name of Nonprofit Corporation or Organization	Nature of Business or Purpose of Organization

7(b). If the listed nonprofit corporations or organizations do business with the City or receive City funds, please provide a brief description of the nature of that business, if known, or with which due diligence could reasonably be known.

Name of Nonprofit Corporation or Organization	Describe City Business or City Funding
<input type="checkbox"/> None or Not Known	

8. Have you ever been convicted of a felony for which you have not received either (i) a pardon of innocence or (ii) an order of expungement regarding that conviction?

Yes No

Offense	Date of Conviction	County of Conviction	State of Conviction

9(a). List the name of each business with which you are associated where you or a member of your immediate family is an employee, director, officer, partner, proprietor, or member or manager and that you know or have reason to know: (1) is doing or is seeking to do business of any kind with the City; or (2) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of your official duties.

Name of Person	Relationship to Filer	Name of Company	Role of Person
<input type="checkbox"/> No Business Associations			

9(b). If you know that any company or business entity listed in 9(a) above has any material business dealings or business contracts with the City, or is regulated by the City, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
<input type="checkbox"/> Not applicable (No entities listed on #14a) <input type="checkbox"/> No relationship / Not known	

AFFIRMATION

I affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest.

I understand that my Statement of Economic Interest and any attachments or supplements thereto are public record.

I Agree

Printed Name

Signature

Date

Submit SIGNED, ORIGINAL documents.

Resolution of Charlotte City Council For Endorsement of Mecklenburg Livable Communities Plan Process

WHEREAS, the City of Charlotte joined with other jurisdictions in Mecklenburg County and The Foundation For The Carolinas to prepare a Mecklenburg Livable Communities Plan (“the Plan”), intended to establish a common vision for the future of these communities and identify opportunities for collaborative action to help achieve that vision; and

WHEREAS, work has been underway throughout 2014, involving local governments, organizations, businesses, residents, and stakeholders throughout the County to prepare the 2015 Mecklenburg Livable Communities Plan; and

WHEREAS, the Plan articulates a community-wide Vision and set of Guiding Principles for broader Mecklenburg County, identifies specific strategies and actions to be pursued, identifies community partners to be engaged with implementation of the actions, and includes performance measures to monitor progress toward achievement of the stated actions, creating an actionable plan for helping to achieve the Vision;

NOW, THEREFORE, BE IT RESOLVED that the Charlotte City Council hereby endorses the 2015 Mecklenburg Livable Communities Plan Process.

Adopted this the __rd day of _____, 2015.

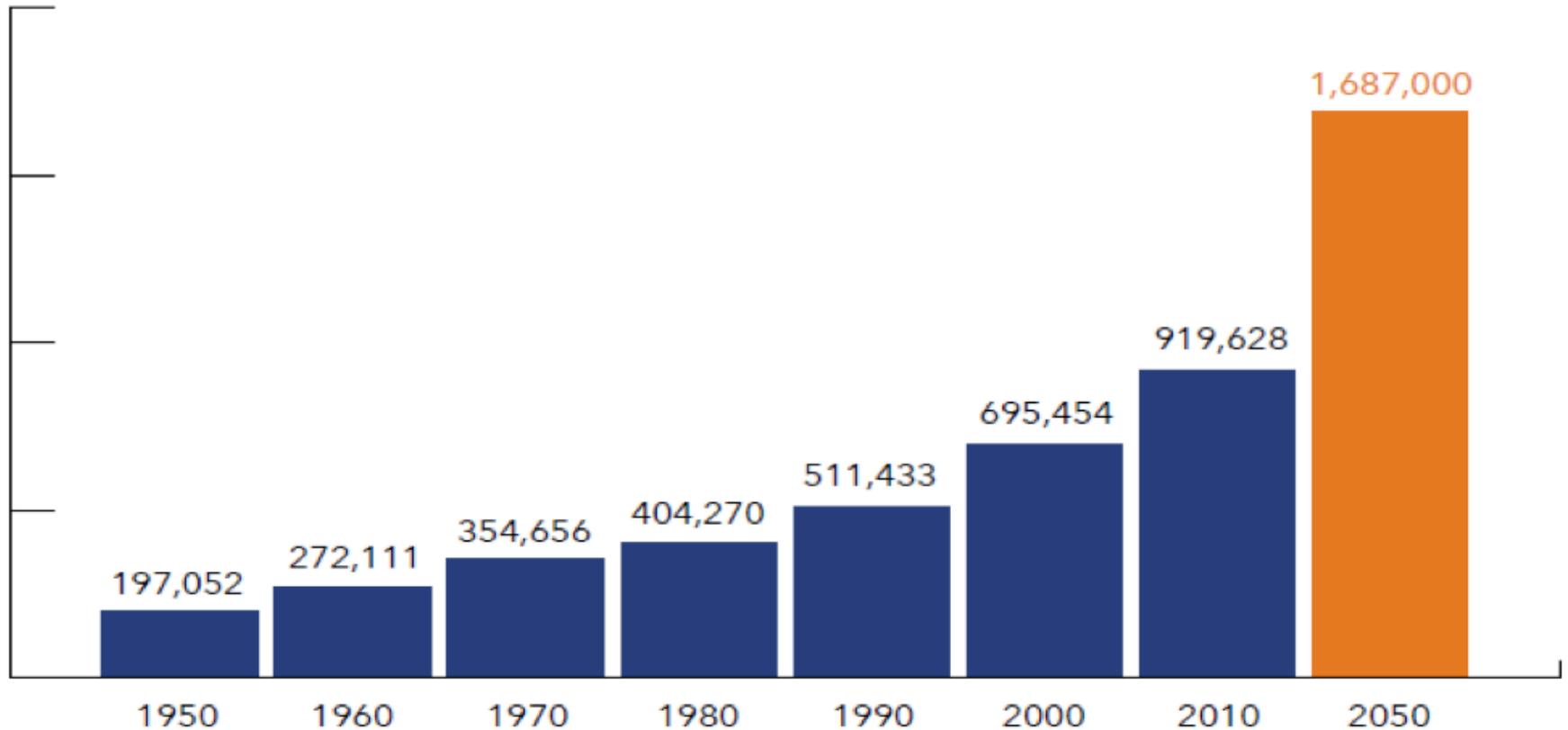


Mecklenburg Livable Communities Plan

Environment Committee
February 11, 2015

Why a Plan

County population projected to grow by 75%



Sources: 1950-2010 - US Census Bureau; 2050 - Connect Our Future Regional Scan Document, August 2013

Plan Development

Since October 2013:

- Reviewed 200+ Plans & Programs to Understand Existing Playing Field
 - 50+ City plans & programs
- Heard from 2,000 Community Voices
- Received Input from 57 Community Organizations
- Worked with 150 Dedicated Resident Workgroup Members
 - 5 workgroups, met monthly
 - 3 meetings of Livability Group
- Solicited Elected Officials' Input

MECKLENBURG LIVABLE COMMUNITIES PLAN

Greater Charlotte

Big city opportunities, small town feel



Livability Vision for the Future

Greater Charlotte is **home**.

Home to generations of families and cultures from all over the world. Home to neighborhoods that blend thriving businesses with natural landscapes. Home to endless opportunities for all, **where good people make great things happen.**



Plan Components: 7 Guiding Principles



WELCOMING

We are a hospitable destination for those seeking opportunity.



INNOVATIVE

We are entrepreneurial and pioneer solutions to support a prosperous community.



CONNECTED

We are physically and socially linked to one another.



INCLUSIVE

We celebrate our differences and see them as strengths that bind us together.



PREPARED

We provide opportunities for learning and applying new skills—in school, on the job, and throughout our lives.



HEALTHY

We protect the foundation of our community—our residents and the environment.



RESILIENT

We collaborate and innovate in the face of a changing environment, evolving economy, and diversifying culture.

WE ARE ... **WELCOMING**

Our focus is on: Character, Entertainment, Opportunity, Safe Neighborhoods

A Build a Safe Community

ACTIONS:

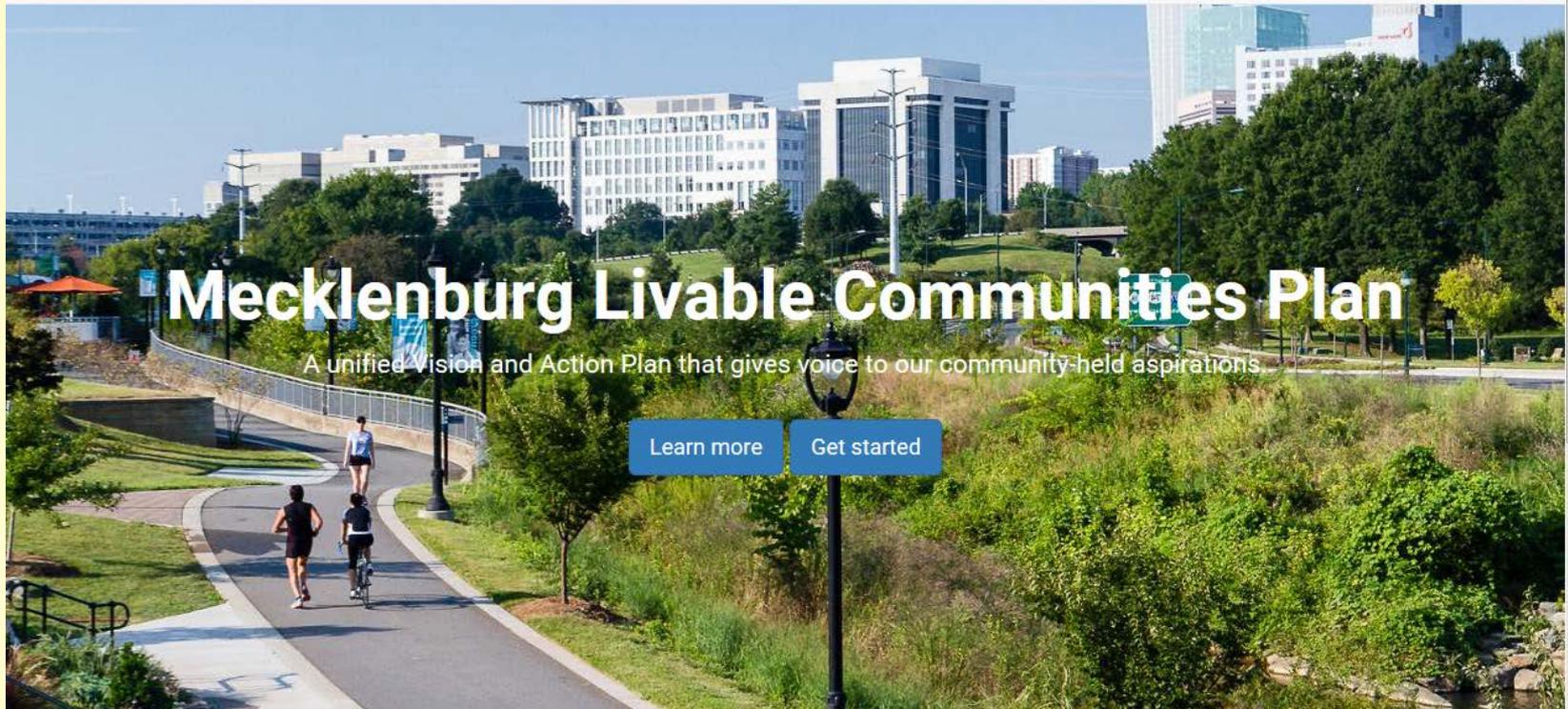
- i. Increase the participation and number of residents and business owners/occupants in neighborhood safety and emergency preparedness programs. ★
- ii. Increase collaboration and communication between law enforcement and neighborhood organizations to develop violence prevention plans, improve response times, and reduce justice involvement. ★
- iii. Support safe walking and biking by focusing on education, infrastructure improvements, and enforcement.

SUCCESS MEASURES:

- Resident perceptions of safety.¹
- Crime Index Rate by Neighborhood Area.²
- Police Department Proactive Community Service Hours.³

*80% of residents believe
Charlotte-Mecklenburg is
a safe place to live*

Source: North Carolina State Center for Health Statistics,
Behavioral Risk Factor Surveillance System, 2012



Mecklenburg County is a remarkable and unique place. It has transitioned from a crossroads destination to a national economic center with global ties. This is projected to be one of the fastest growing urban areas between now and 2030. We want to preserve our character, embrace innovation, welcome new cultures, and move with vitality into the future.

Navigate this site to discover the Strategies and Actions our community is undertaking. View in detail our Community Partners, Plans and Programs. Have your voice heard through our MeckConnect blog. We invite you to take this journey with us in realizing our Vision of Greater Charlotte: Big City Opportunities, Small Town Feel.

Does

- Identify community vision
- Facilitate community engagement
- Undertake plan synthesis
- Forces cross institution collaboration
- Identifies strengths & weaknesses
- Plans, measures & reports

Does not

- Mandate/require action
- Supplant City administration, plans or processes
- Take away City autonomy
- Require financial investment(s)
- Strip uniqueness of each gov't body/community

Our Intentions

- Focus Area Plan Initiatives align with MLCP Strategies
- MLCP will be used to guide Council's and staff's discussion of Focus Area Plan revisions
- Staff will continue to work with MLCP staff and MLCP Partners to establish goals and targets
- Staff will provide data to be reported in MLCP annual report
- Staff will continue to participate in the evolution of this living document

Task	Month
Endorsement of Plan	January-February 2015
Begin Collaboration Discussions with 105 Potential Partners	March 2015
Establishment of Goals and Targets	December 2015
Annual Reporting	July 2016

Elected Official Review

- Mecklenburg County BOC 1/21/15
- Cornelius Town Council 2/2/15
 - Addt'l meeting needed
- Davidson Town Council 2/10/15
- City Environment Cmte. 2/11/15
- Pineville Town Council 2/11/15
- Mint Hill Town Council 2/12/15
- Huntersville Town Council 2/16/15
- Matthews Town Council 2/23/15
- Charlotte City Council 2/23/15

Action Requested

- Committee support for MLCP Resolution; and
- Committee sends MLCP resolution to full City Council for their endorsement at February 23, 2015 meeting.

Mecklenburg Livable Communities Plan – Vision and Plan Summary Document

<p>VISION</p>	<p align="center">Greater Charlotte – Big city opportunities, small town feel</p> <p align="center">Greater Charlotte is home.</p> <p align="center">Home to generations of families and cultures from all over the world. Home to neighborhoods that blend thriving businesses with natural landscapes. Home to endless opportunities for all, where good people make great things happen.</p>						
<p>GUIDING PRINCIPLES: We are...</p>	 <p align="center">WELCOMING</p>	 <p align="center">INNOVATIVE</p>	 <p align="center">CONNECTED</p>	 <p align="center">INCLUSIVE</p>	 <p align="center">PREPARED</p>	 <p align="center">HEALTHY</p>	 <p align="center">RESILIENT</p>
<p>DESCRIPTORS: Our focus is on...</p>	<p align="center">Character Entertainment Opportunity Safe Neighborhoods</p>	<p align="center">Jobs Entrepreneurship Commerce</p>	<p align="center">Engaged Residents Transportation Choices</p>	<p align="center">Community Participation</p>	<p align="center">A Skilled Workforce Quality Education</p>	<p align="center">Physical Activity Healthy Foods Clean Environment</p>	<p align="center">Future Well-being Collaboration</p>
<p>DRAFT STRATEGIES: We will...</p> <p><i>Note: Each strategy addresses multiple Guiding Principles. Icons are shown under each strategy to indicate linkages.</i></p>	<p>Build a safe community [A] </p> <p>Increase access to community-based arts, science, and history education [B] </p> <p>Continue to be an inviting destination for residents, visitors, and businesses [C] </p> <p>Celebrate and integrate history, culture, and diversity [D] </p>	<p>Make it easier for new businesses to succeed and existing businesses to flourish [E] </p> <p>Increase global economic competitiveness [F] </p> <p>Promote the redevelopment, reuse, and rehabilitation of declining and vacant properties [G] </p> <p>Leverage technology [H] </p>	<p>Expand capacity and increase use of sidewalks, bikeways, greenways/paved trails, bus routes, and rail [I] </p> <p>Build stronger connections across diverse population groups [J] </p>	<p>Balance available housing options [K] </p> <p>Coordinate the work of organizations addressing the needs of at-risk residents [L] </p> <p>Expand the availability of affordable recreation and cultural services programs [M] </p>	<p>Expand and enhance learning across all age groups [N] </p> <p>Enhance partnerships between workforce development initiatives and employers [O] </p>	<p>Create a culture of health and wellness [P] </p> <p>Protect and restore the natural environment [Q] </p> <p>Coordinate open space, greenways/paved trails, and parks planning with neighborhood accessibility [R] </p>	<p>Manage zoning and development to revitalize community character and the natural environment while allowing for growth and innovation [S] </p> <p>Manage resources wisely [T] </p> <p>Develop community and neighborhood leaders for the future [U] </p>
<p align="center">Common Theme Associated with all Strategies: Engage the Community – Inform, Convene, Collaborate, and Empower</p>							



CHARLOTTESM

Google Fiber Update

Charlotte City Council Dinner Briefing

April 28, 2014

Purpose

- Familiarize Council with the Google Fiber opportunity
- Present staff's work to date
- Discuss "Digital Inclusion"
- Seek Council support to move forward

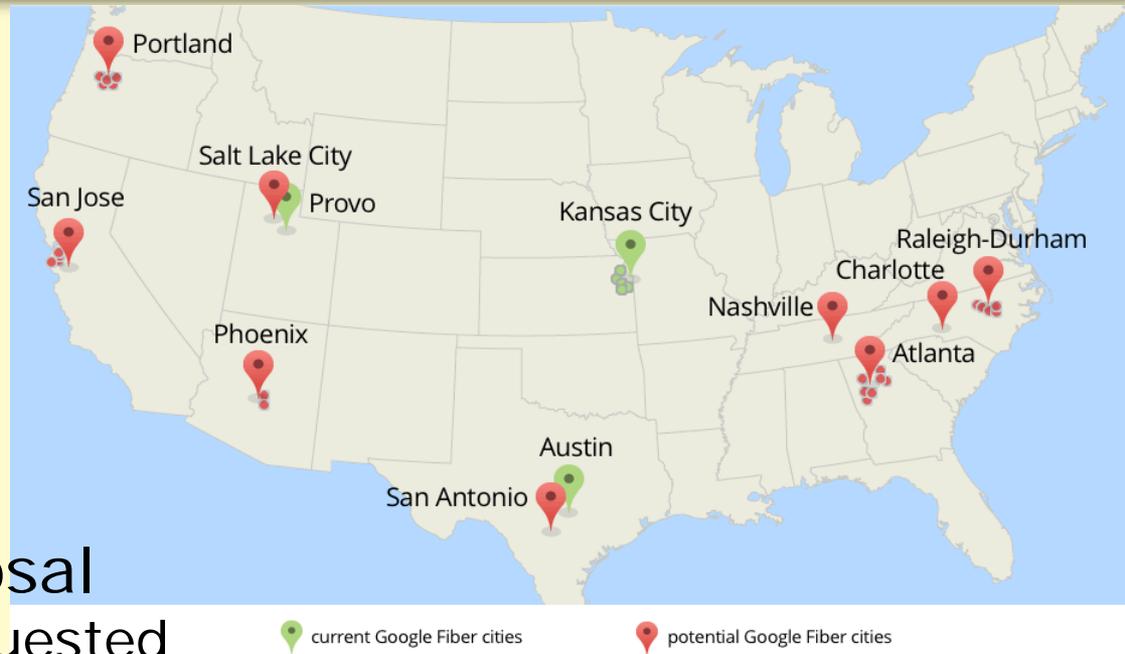


Background

- 2010 – 2013 Cities
 - Kansas City, KS
 - Kansas City, MO
 - Provo, UT
 - Austin, TX

- February 2014 Proposal
 - No public subsidy requested

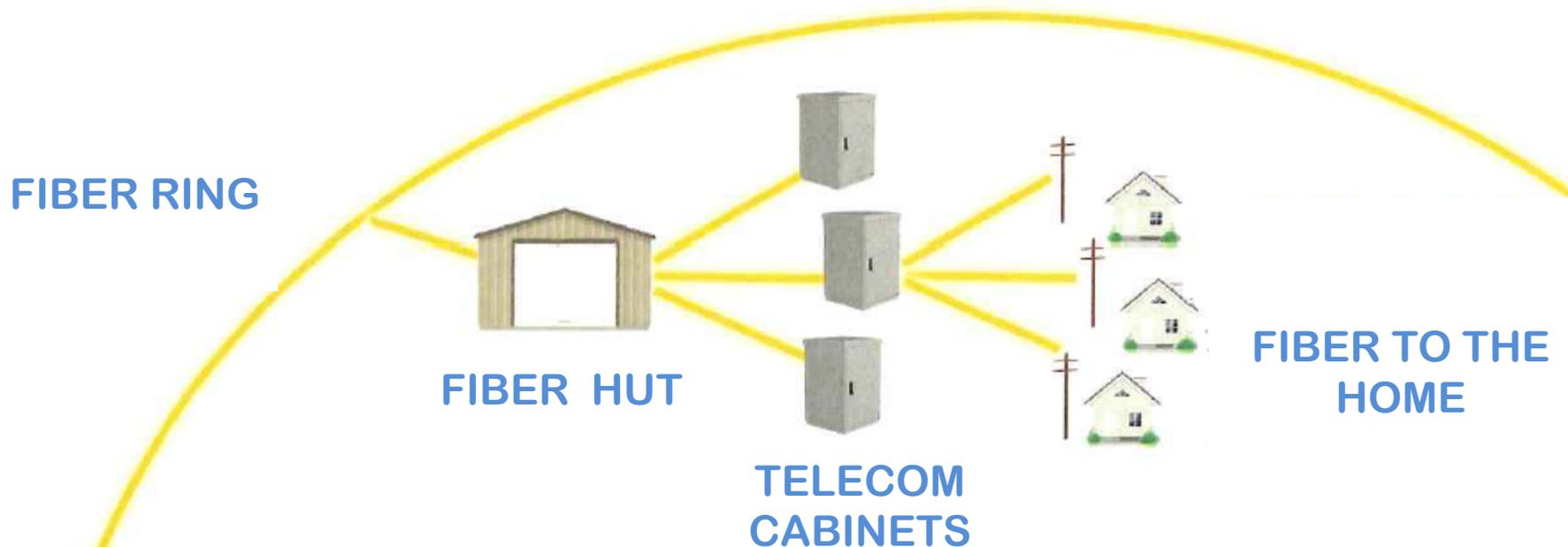
- Google Checklist Process
 - An evaluation, not a competition between cities
 - Initial service is residential only
 - May 1 deadline



Why Does It Matter?

- Very few cities have “gigabit” residential broadband
 - 100x faster with similar pricing to conventional broadband
 - No equivalent offering in the Charlotte market today
 - Enabler for developing a highly connected, tech savvy citizenry
- Catalyst for existing businesses and new start-ups
 - Telecommuting and telework
 - Future small/medium business offerings
 - Potential economic development stimulus

What does fiber to the home mean?



Unlike conventional broadband solutions that bring high-bandwidth optical fiber only to within the “last mile”, “fiber to the home” extends optical cable all the way to the customer’s dwelling.

Gigabit broadband requires optical cabling (versus copper).

Kansas City Plans and Pricing



Gigabit + TV -- \$120/mo



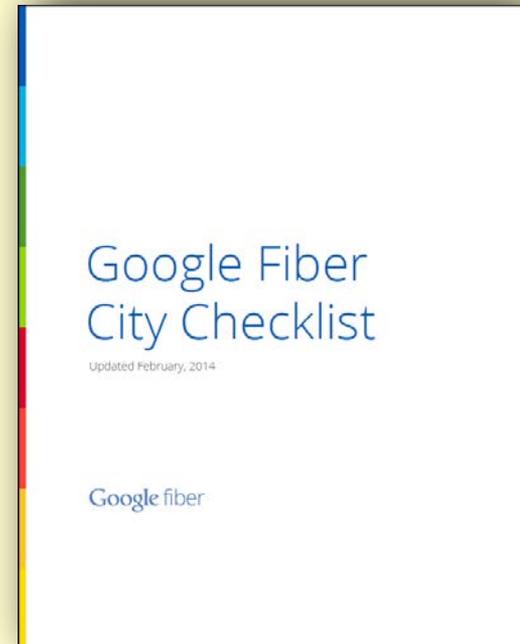
Gigabit -- \$70/mo



Free Internet -- \$0/mo,
\$300 one-time construction fee
(Conventional speeds, not Gigabit)

Small Business
pilot announced
April 2014
(Rates TBD)

- GIS Data
 - Parcel and Address Data
 - Location of Public Right of Way
 - Location of Existing Underground Infrastructure
- Permitting Process Documentation
 - Right of Way Use Permitting
 - Building Permitting
 - NCDOT Encroachments
 - Zoning Review
- Potential City Land for Lease
 - Lease Agreement Negotiations (Fiber Huts)
 - Lease Pricing (Market based)
 - Potential Property Locations



Fiber Huts



Hut Description:

- 12ft X 30ft pre-fab. building
- Concrete foundation
- Back up generator
- Security fence or wall
- 1400 SF of total space
- approx. 20 sites needed

*Pictures represent actual installations in Kanas City

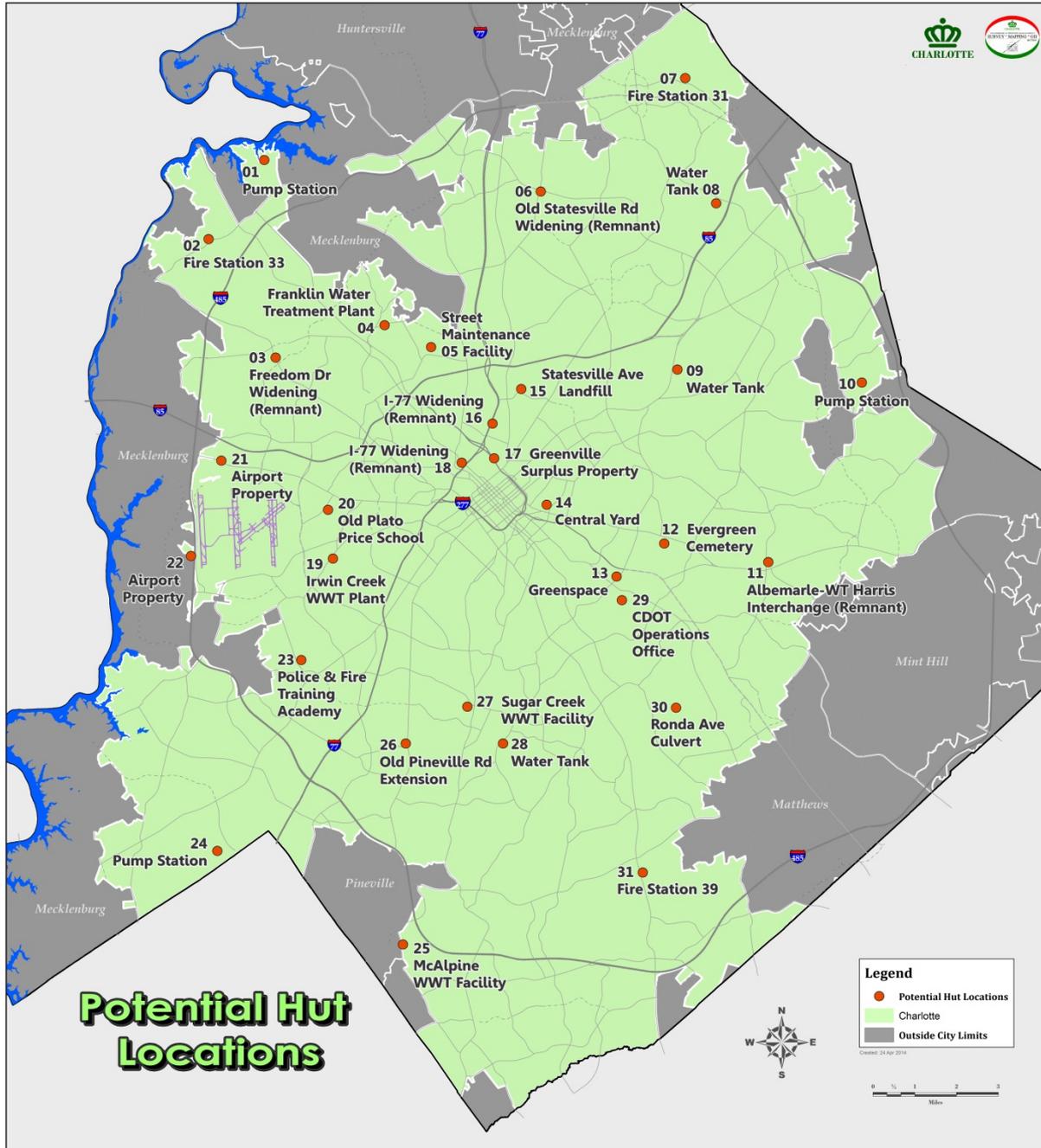


"Hut" Lease Agreement Terms

- 20 year term with unconstrained 2 year renewal options
- Installations must comply with all applicable laws including all zoning requirements
- Market based pricing with 3% annual escalation
- Opportunity to adjust prices at the end of the initial term
- Includes a non-discrimination clause that makes rates, terms and conditions available to qualifying Internet and TV providers

Potential Property Locations

- Approximately 30 options across the city (locations are still under evaluation)
- Selection Criteria
 - Remnant Properties (no better use)
 - Existing Cell Tower Locations
 - Water & Sewer Properties
 - Maintenance Facilities
 - Fire Stations w/extra land
 - Others



- Google has expressed a commitment to Digital Inclusion
- A team of City, County, and CMS staff has met and discussed the issue with Google
- Google shared their experiences in Kansas City
- If Google selects Charlotte, City, County, CMS and partners will develop a strategy

What if Google selects Charlotte?

- 6000 +/- Miles of Fiber
(Kansas City Experience)
- A lot of permitting work
- A lot of activity in the Right of Way
- Some inconveniences



Next Steps

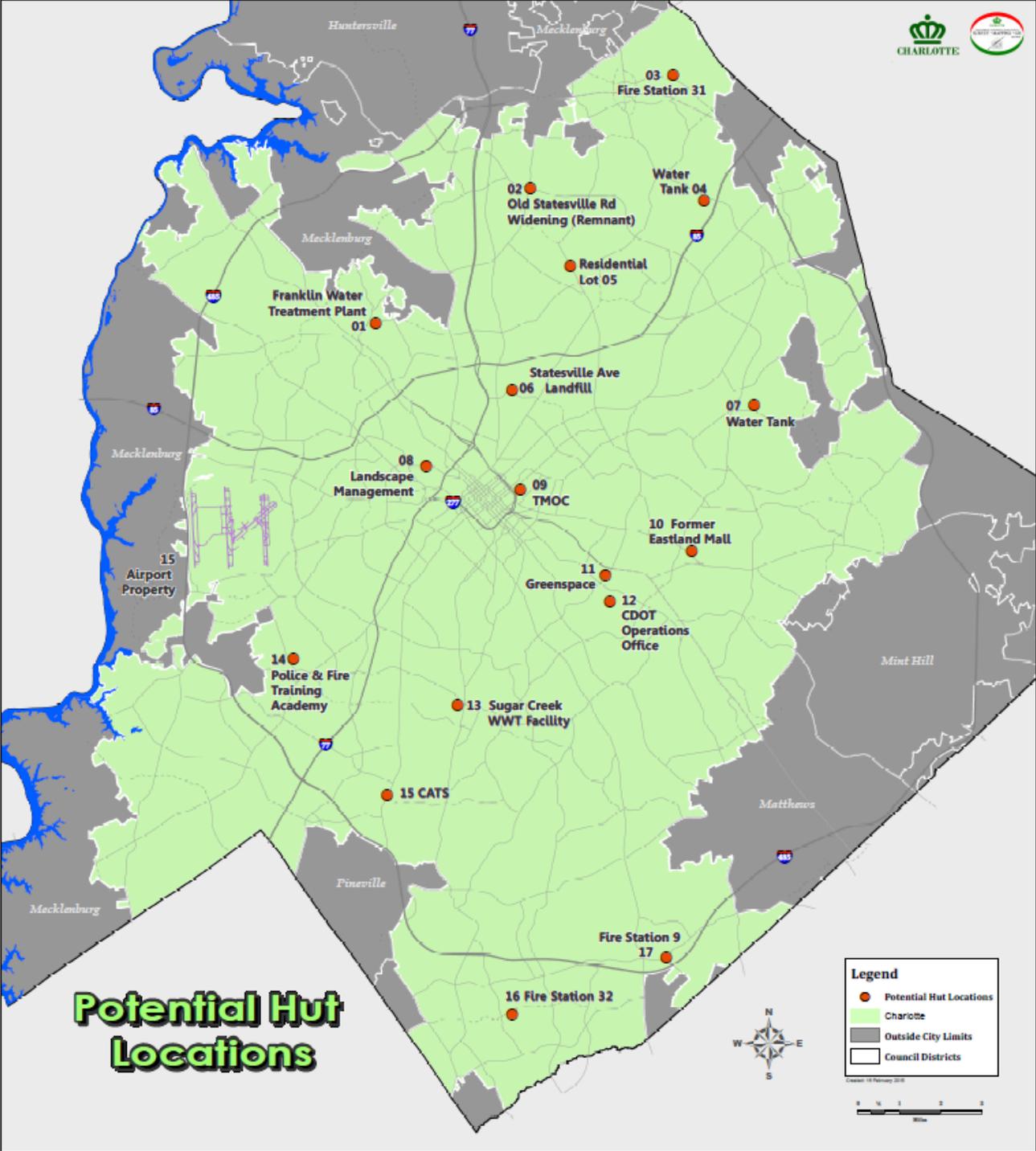
- Charlotte completes checklist by May 1st
- Google evaluates Charlotte and makes a decision no later than Dec. 31st
- Google designs fiber network and selects “Hut” sites (timing contingent on Google decision)
- City Council takes action on lease agreement (timing contingent on Google decision)

Staff Recommendation

- Staff requests City Councils authorization to make a final submittal by May 1st to continue the Google Fiber evaluation process

FIBER HUT EXAMPLES





Business Investment Grant Project Analysis

Total City Grant Amount:	\$1,212,129
Total Grant Including County:	\$3,321,651
Grant Terms:	5 years at 90%
New Capital Investment:	\$74 million
Estimated New Jobs:	30 - 35
Estimated % Hired Locally:	100%
Average Wage for New Jobs:	\$50,000
Charlotte Area Average Wage:	\$46,820



DIRECTOR OF PLANNING CANDIDATE PROFILE

Presented to:
City of Charlotte
Mayor and City Council
February 23, 2015

Presented by:
Andrea Battle Sims
W & C Executive Recruitment

The Waters Consulting Group, Inc.
Dallas (HQ)
5050 Quorum Dr. Phone: 972.481.1950
Suite 625 Toll-free: 800.899.1669
Dallas, TX 75254 Fax: 972.481.1951

Sixth St
McDowell St
NEXT RIGHT



DIRECTOR OF PLANNING CANDIDATE PROFILE

February 18, 2014

Dear Mayor Clodfelter and Members of City Council:

Attached is the proposed Candidate Profile for the Director of Planning. This document was developed based on interviews with elected officials, focus groups conducted with key business and community leaders, and input provided by Planning Commission and Planning staff. Following your review, you will be asked to approve this document at the February 23, 2015 Council meeting. The Candidate Profile will then be used during our recruitment process.

Also included are supporting documents that provide summary themes and data collected during the on-site interviews and through the online survey.

Thank you all for the opportunity to work with you on this important assignment. We are excited about the opportunity to help the City Manager recruit a top candidate pool for Charlotte's Planning Director.

Sincerely yours,

Andrea Battle Sims



CHARLOTTE

DIRECTOR OF PLANNING CANDIDATE PROFILE

SECTION | 1

DIRECTOR OF PLANNING CANDIDATE PROFILE



DIRECTOR OF PLANNING CANDIDATE PROFILE

CITY OF CHARLOTTE, NC DIRECTOR OF PLANNING

CANDIDATE PROFILE

The City of Charlotte is recruiting nationwide for a Director of the Charlotte-Mecklenburg Planning Department. The Planning Department is a public planning agency established in 1954 as a joint City-County Department to provide integrated planning services to the City of Charlotte and unincorporated areas of Mecklenburg County. In 2003, the City and County amended their Inter-local Cooperative Agreement to make the Planning Department a City Department, while still providing planning services to both jurisdictions. As a City department, the Planning Director reports to the Charlotte City Manager.

Today, the Planning Department consists of 65 employees with a total budget of 5.7 million dollars. The department provides a comprehensive array of long-range planning, land development, and strategic planning services to improve the quality of life in Charlotte-Mecklenburg. These services address land use, regulatory requirements and special service areas. The Department also works with a 14-member appointed Planning Commission that advises on planning and zoning issues. Additionally, staff works with the City Council, Board of County Commissioners, Charlotte Mecklenburg School Board, neighborhood and business groups, and other advisory boards, which includes the Zoning Board of Adjustment (“ZBA”), Historic District Commission (“HDC”) and Charlotte Regional Transportation Planning Organization (“CRTPO”), to ensure that the community plans and prepares for the future.

Candidates for this position should be exceptional leaders and strategic thinkers, capable of planning and directing the services of the Department and developing a strong vision for the community. Candidates should be genuinely committed to a strong customer service ethic, responsive to organizational needs, and open and honest in all internal and external relationships.

The candidate will be known for the use of innovative, forward thinking and creative methods in planning for the City and region’s future. He/she must be capable of managing highly complex issues among a number of intergovernmental agencies and non-profits. The successful candidate is expected to be open to change and innovation, a motivating factor in building consensus for new ideas.

Charlotte is the principal City within Mecklenburg County. There are also six other vibrant municipalities within the County that provide their own planning functions. The candidate must have both an understanding of and appreciation for the importance of regional cooperation with Mecklenburg and other cities and counties in the surrounding area. This is particularly important as it relates to transportation and transit planning.

The next Director is expected to have a record of success in neighborhood revitalization and engagement. He/she must bring an appreciation of the importance of strong neighborhoods, the impact of gentrification, and seek ways to improve equity and stability among them. Understanding the historic roots of the neighborhood culture and how and why they are changing will be essential for success in



DIRECTOR OF PLANNING CANDIDATE PROFILE

this important position. He/she is expected to engage with community groups, neighborhood associations, and in regional, state, and national venues to develop a viable plan that will continue to advance Charlotte as an economically vibrant and livable community.

The next Director is expected to possess exceptional public speaking skills; he/she will be called upon to make presentations in a clear, credible and convincing manner before local groups, committees, councils, media and city and county staff at all levels. This person must have a record of building and cultivating relationships, with the ability to work in a team-oriented environment.

The successful candidate will be a strong and visible leader of city staff. In addition to being a role model of impeccable integrity and ethical conduct, he/she will set high standards for citizen service delivery and customer service. Employee development and leadership is a key ingredient for success of this Director.

The ideal candidate will have a proven track record as a successful executive within a public or private organization addressing complex and diverse community issues, opportunities, and challenges similar to those in the City of Charlotte. A diversity of planning experience would be highly desirable. The ideal candidate must have a strong sense of what it takes to create and sustain a large global city with a wide diversity of land uses across 375 square miles when all land within Charlotte's sphere of influence is fully annexed. The candidate will maintain a keen awareness of private sector priorities and its impact on future growth and development.

The international dimension of Charlotte's culture is expanding rapidly. The number of foreign-born residents has increased from approximately 15,000 in 1990 to an estimated 100,000 today. About 630 foreign-owned firms representing forty-five nations are now located in the Charlotte region. A principal reason for this is the success of the Charlotte-Douglas International Airport, considered to be Charlotte's "gateway to the world." The successful candidate must have an understanding of the importance of this growing international role for the Charlotte region.

Given the changing demographics of Charlotte with increasing diversity in ethnicity, race, religion, and income, the next Director of Planning must be skillful in addressing policies and services that value differences and recognize that social and economic equity improves the quality of life for all.

EDUCATION AND EXPERIENCE

The successful candidate will hold a minimum of a Bachelor's degree in Urban Planning, Public Administration or a related field. A graduate degree in Regional Planning, Public Administration, or a closely related field is highly desirable. The selected candidate is expected to have 10 years or more of progressively more responsible planning experience in a municipal or equivalent environment, with at least six years successful leadership experience. Candidates who have worked in high growth and



DIRECTOR OF PLANNING CANDIDATE PROFILE

fast-paced urban environments will have the most likelihood of success in this role. Equal consideration will be given to internal and external candidates. AICP certification is desired but not required.

COMPENSATION AND BENEFITS

The City offers a highly competitive salary and benefits package, negotiable depending on experience and qualifications. Relocation assistance will be provided.

APPOINTMENT PROCESS

Final selection of the candidate will be made by the City Manager pursuant to the City Charter with input from the interview team to include, in addition to the City Manager and his designee, the County Manager, Chair of the Charlotte Mecklenburg Planning Commission, Chair of the Charlotte Chamber, and a Neighborhood representative.



CHARLOTTE

DIRECTOR OF PLANNING CANDIDATE PROFILE

SECTION | 2

APPENDIX

Director of Planning Candidate Profile
Survey/Interview Comments from All Participants
Consolidated Summary of Principal Themes

Question 1:

What are the most important areas of professional experience and expertise that the new Planning Director should have?

Summary of Responses:

1. Charlotte is a community of dynamic and complex relationships. The Planning Director must be expert at achieving results with public/private partnerships, demonstrating this expertise in the City/Region with success in the business community, development community and the neighborhoods.
2. The Director must be an expert in urban planning and development in a growing City/Region. He/she must have achieved results in the organization they are a part, preferably in one of the top cities in the country. Creating and getting approval of a plan is not enough, the person must have been a leader in its implementation.
3. The role is expected to be a strong communicator and leader with all constituencies. This includes internal and external communications.
4. The Director must prioritize the development of the Planning Department staff, ensuring that policies and procedures are in place, staff is empowered and held accountable for ensuring that neighborhood, developer and business communities' needs are met in a timely and client-centric manner.

Question 2:

What are the most important management and leadership characteristics that the new Planning Director should demonstrate? Select up to six of the seventeen most critical from the list.

Summary of Responses:

1. The organization needs a Planning Director that will have a vision and with experience in championing change in a complex organization. He/she will have a track record of bringing governing boards to consensus in the face of external and internal challenges that are for the greater good of the organization in the long-term.
2. The Planning Director's external responsibilities with the business community, development community and neighborhoods are such that internal champions of change and internal leaders must be in place in the Department to manage the day-to-day operations of the office. He/she must have a record of developing and managing such an organization in a local government.

3. This role calls for a resilient and results oriented leader, one that can accept constructive criticism and incorporate so that the end goal is met.

Question 3:

On a 1 to 5 scale, please indicate the degree of importance of each variable, with 1 indicating little importance and 5 indicating high importance to you:

Summary of Responses:

1. Private and public sector experience is highly desirable, the visioning comes from the private sector, but the person needs to have the governmental experience to be accepted.
2. The credentials are nice-to-have, especially in managing a staff with such certifications, but their results in Planning are more important.
3. This Director must be solid results from a large City, it is less important that he/she has Southeastern and/or North Carolina experience. Candidates from Denver, Seattle, New York, etc., transformational leaders are most important. With the exception of Raleigh, Charlotte is the most innovative City in the State.

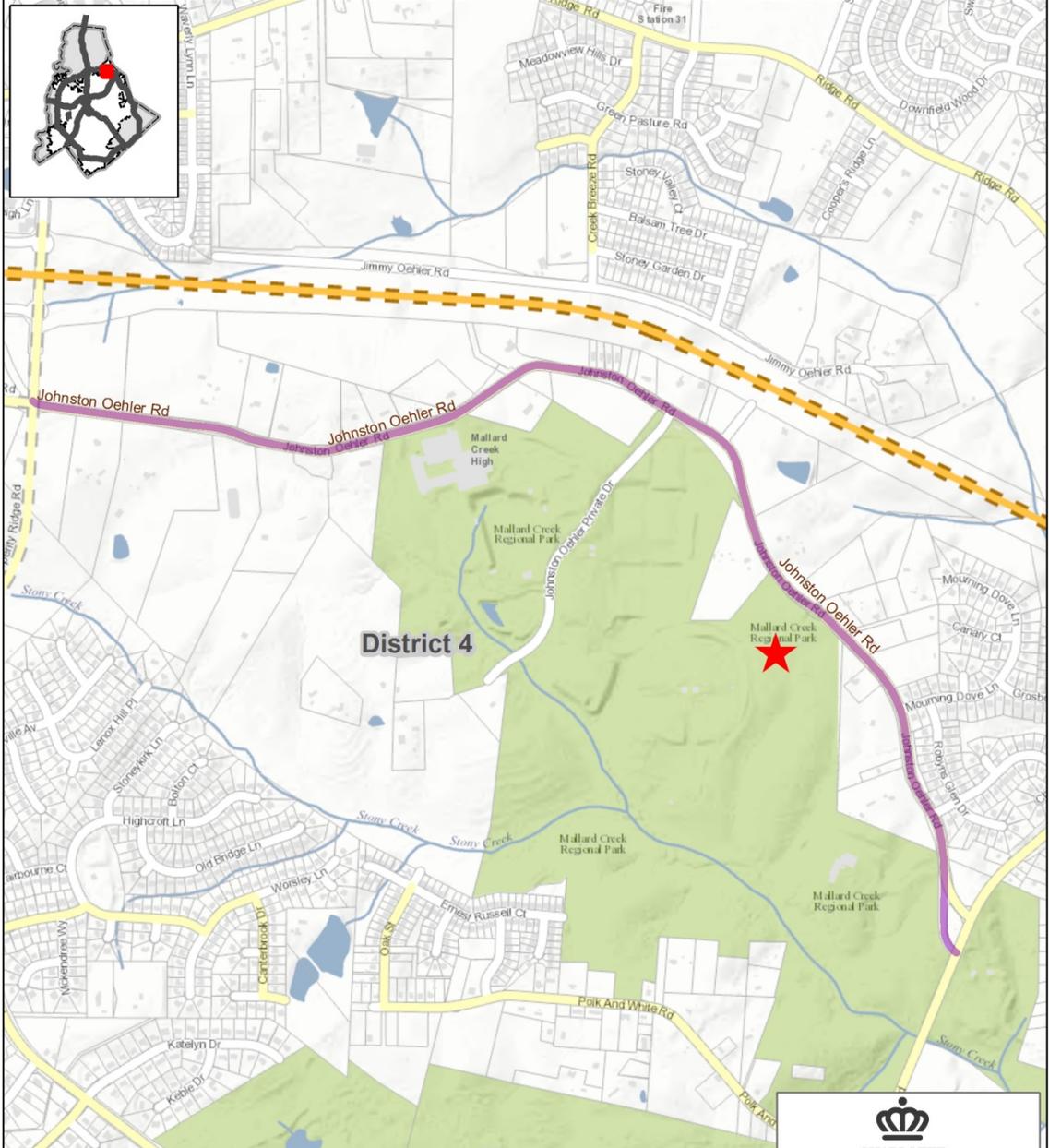
Question 4:

What are the highest priority issues and greatest challenges that the new Planning Director must be prepared to address in the short term and long term? Please select three from the following list.

Summary of Responses:

1. This role must have extensive experience with zoning regulations as this is one of the biggest undertaking of the Planning Department in the coming year. He/she must be able to manage/lead and get input and approval from all constituencies for this redo.
2. The Planning Director must have a record of achieving results and building support with the County, State and other constituencies. Understanding the balance between politically diverse entities is key for the success of the organization.
3. The Director must be astute politically and comfortable with “walking the streets” to learn the neighborhoods and its leaders. This position is expected to model coming to the communities and encourage his/her staff to do so with interest, enthusiasm, and bringing back solutions as a result of these meetings.

Agreement with the Charlotte-Mecklenburg Board of Education for Infrastructure Improvements



-  new Johnston-Oehler Elementary School
-  Johnston-Oehler Farm to Market Project


CHARLOTTE
TRANSPORTATION
Planning & Design - GIS
February 16, 2015
GIS\RCA\ProjectFiles\1
JohnstonOehlerFTM.mxd

0 500 1,000
Feet

© City of Charlotte, Mecklenburg County, NAVTEQ

ORDINANCE NO. _____

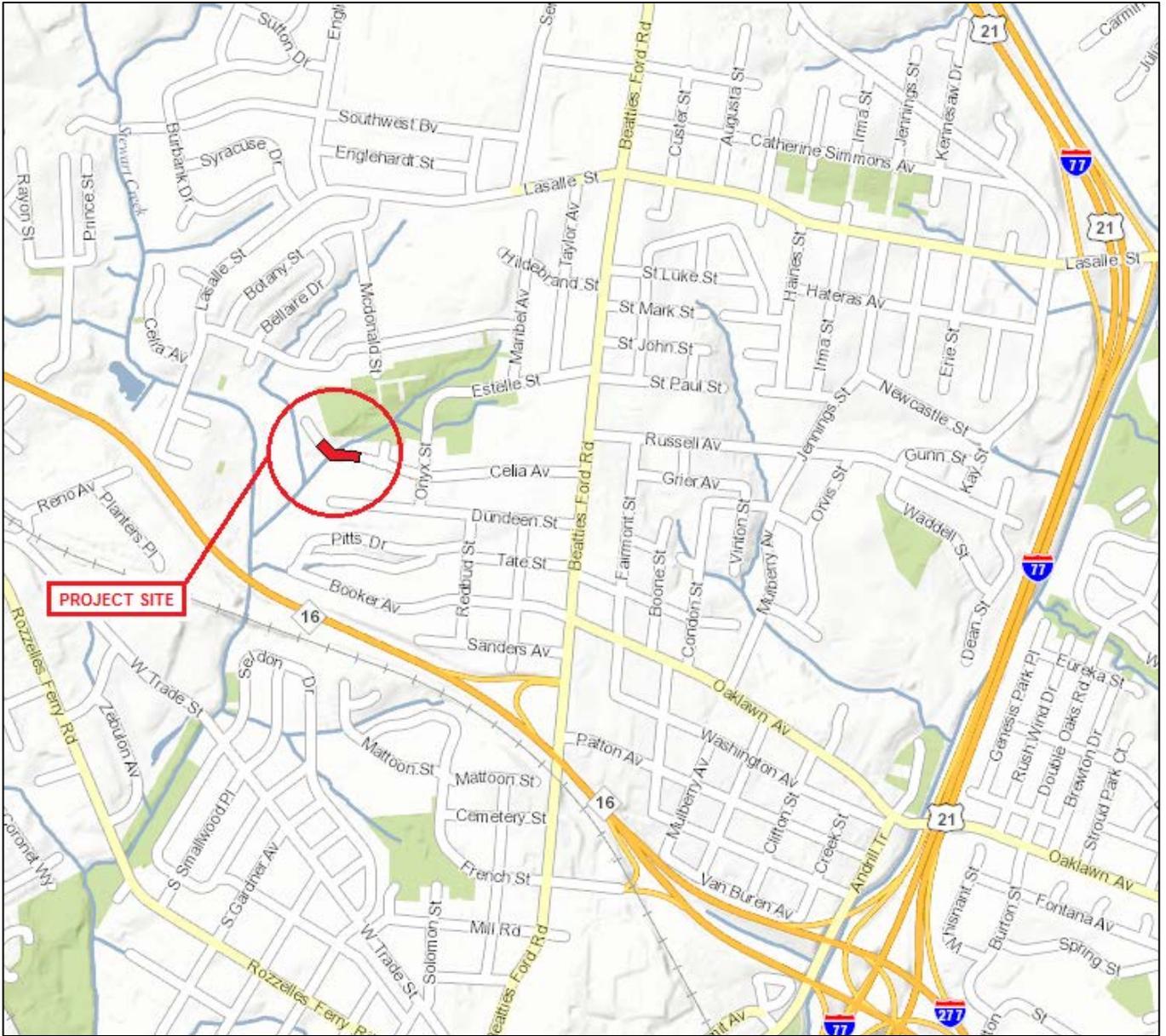
AN ORDINANCE TO AMEND ORDINANCE NUMBER 5405-X, THE 2014-2015 BUDGET ORDINANCE PROVIDING AN APPROPRIATION FOR INFRASTRUCTURE AND ROAD IMPROVEMENTS TO JOHNSTON-OEHLER ROAD

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

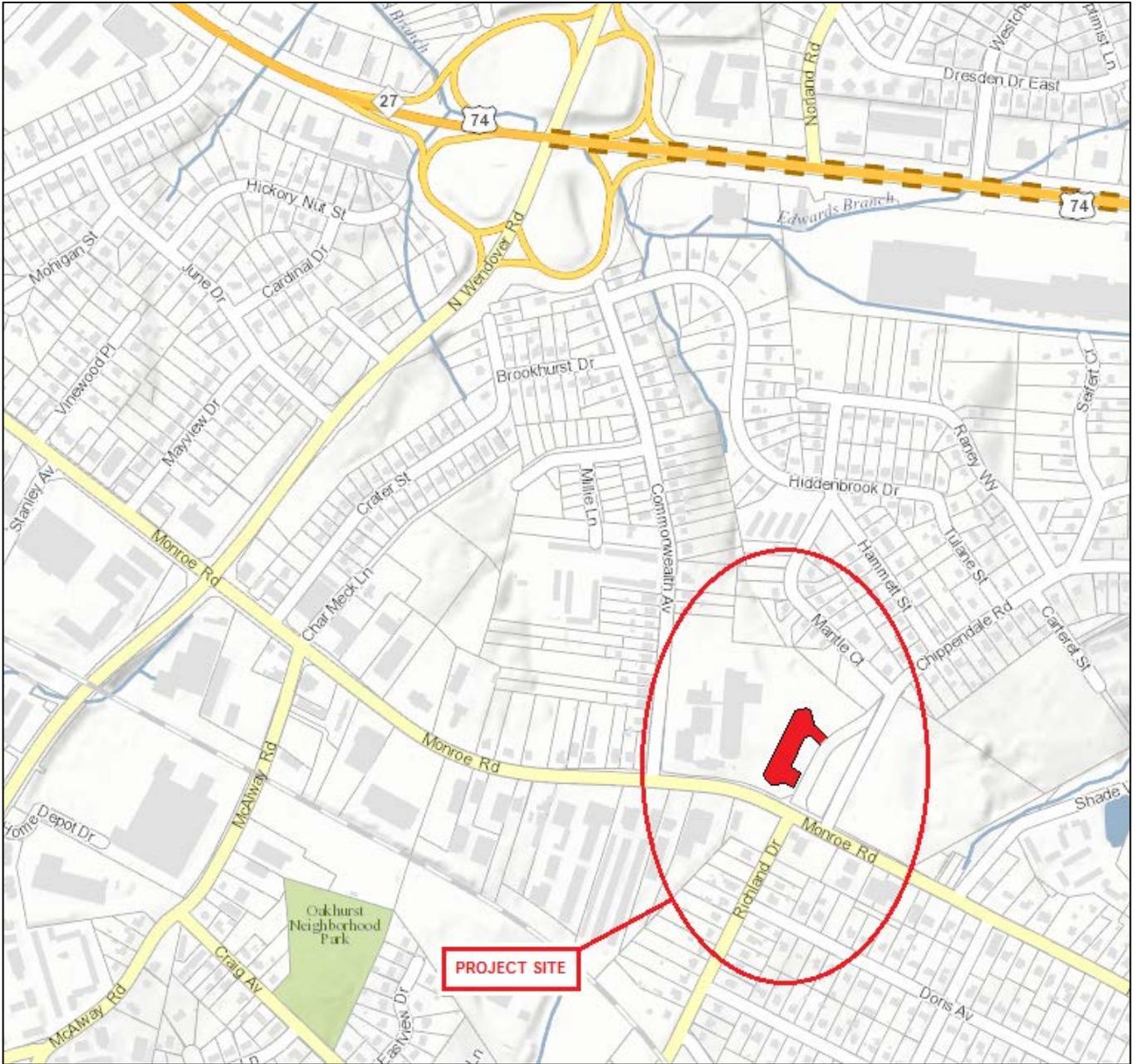
- Section 1. That the sum of \$152,355 is hereby estimated to be available from the Charlotte-Mecklenburg School System for infrastructure and road improvements to Johnston-Oehler Road
- Section 2. That the sum of \$152,355 is hereby appropriated in the General Capital Investment Fund (4001) Johnston-Oehler Road FTM (project #4288760003)
- 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

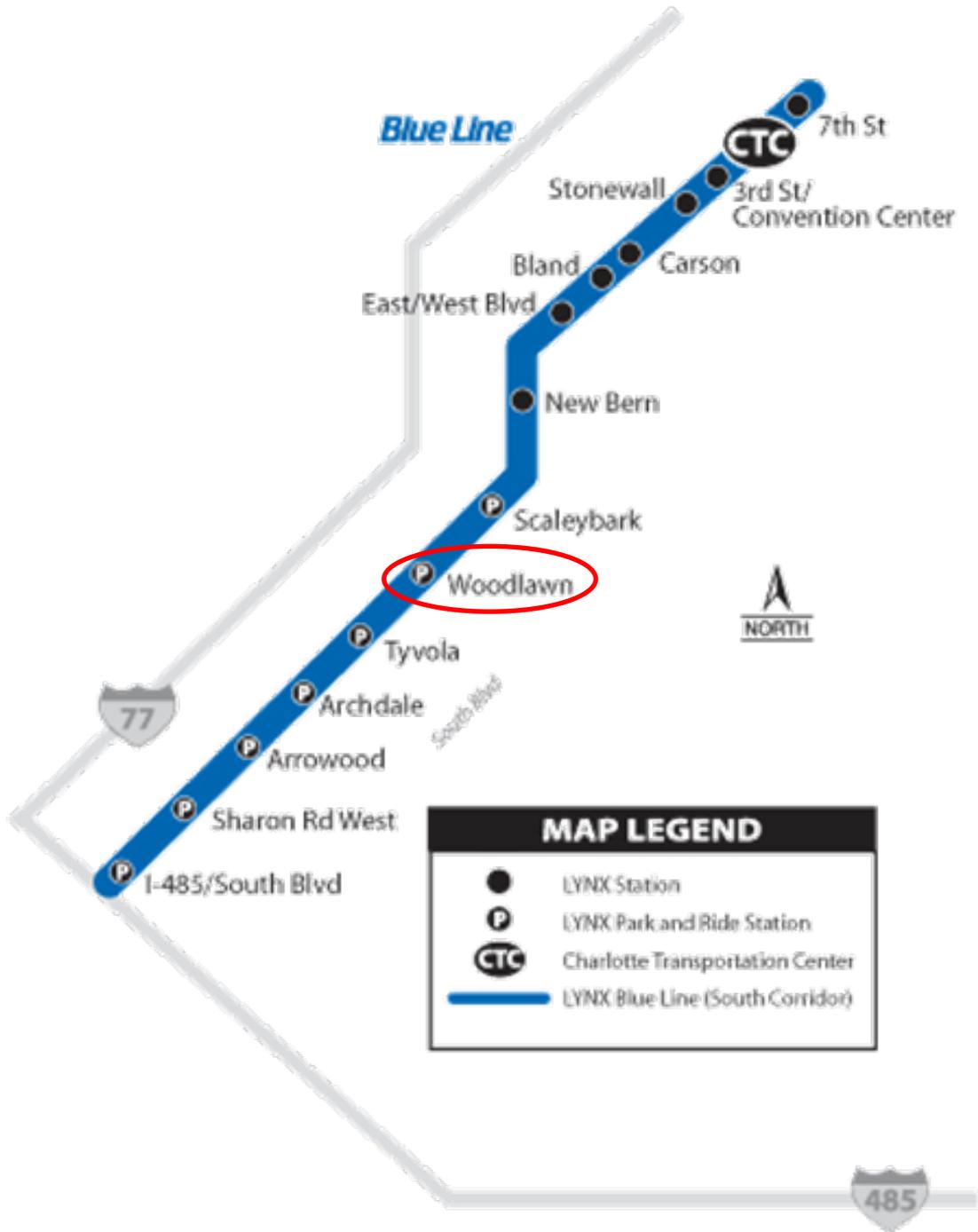


Location Map: Celia Avenue Drainage Improvement Project (Council District 2)



Location Map: Oakhurst Bus Parking Lot (Council District 5)

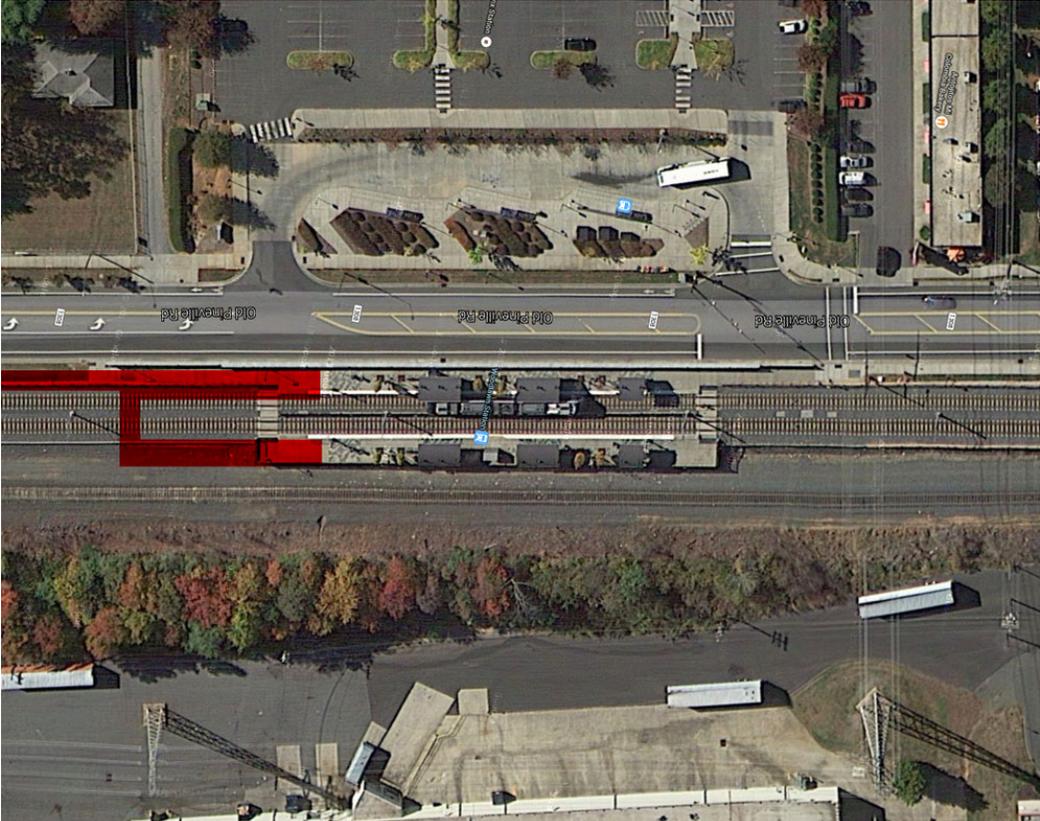
LYNX Blue Line System Map



Woodlawn Station Aerials



Woodlawn Station Aerials (with platform extension)



ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5405-X, THE 2014-2015 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF \$630,828 FOR THE CONTRACT WITH RS&H ARCHITECTS-ENGINEERS-PLANNERS, INC. FOR DESIGN SERVICES FOR A BAGGAGE TRANSFER FACILITY

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

Section 1. That the sum of \$630,828 is hereby appropriated from the Aviation Discretionary Fund for the contract with RS&H Architects-Engineers-Planners, Inc.

Section 2. That the sum of \$630,828 is hereby appropriated in the Aviation Community Investment Plan Fund

Fund	6064
Project	4020901530
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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5405-X, THE 2014-2015 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF \$3,800,000 FOR PAYMENT TO PTERIS GLOBAL (USA), INC. FOR ADDITIONAL SECONDARY SCREENING AREAS ASSOCIATED WITH THE CHECKED BAGGAGE IN-LINE SYSTEM

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

- Section 1. That the sum of \$3,800,000 is hereby appropriated from the Aviation Discretionary Fund for the payment to Pteris Global (USA), Inc.
- Section 2. That the sum of \$3,800,000 is hereby appropriated in the Aviation Community Investment Plan Fund
- | | |
|---------|------------|
| Fund | 6064 |
| Project | 4020905502 |
| 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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5405-X, THE 2014-2015 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF \$2,675,188 FOR THE CHANGE ORDER WITH MESSER CONSTRUCTION CO. TO PROVIDE ADDITIONAL PAVED STORAGE FOR THE REMOTE RENTAL CAR STORAGE FACILITY AND THE CONTRACT WITH BAKER LPA ARCHITECTS, PC TO PROVIDE ADDITIONAL DESIGN SERVICES

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

Section 1. That the sum of \$2,575,446 is hereby appropriated from proceeds from Rental Car Companies for the contract with Messer Construction Co.

Section 2. That the sum of \$2,575,446 is hereby appropriated in the Aviation Community Investment Plan Fund

Fund	6064
Project	4020901531
Source	6000
Type	60006001
Year	0000

Section 3. That the sum of \$99,742 is hereby appropriated from the Contract Facility Charge Fund (6003) for the contract with Baker LPA Architects, PC

Section 4. That the sum of \$99,742 is hereby appropriated in the Aviation Community Investment Plan Fund

Fund	6064
Project	4020901531
Source	6000
Type	60006001
Year	0000

Section 5. 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 6. All ordinances in conflict with this ordinance are hereby repealed.

Section 7. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5405-X, THE 2014-2015 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF \$430,111.87 FOR THE 1) CONTRACT WITH THE EARTH SCAPE COMPANY, INC. FOR THE INSTALLATION OF LANDSCAPING IMPROVEMENTS FOR THE REALIGNMENT OF JOSH BIRMINGHAM PARKWAY PROJECT; 2) A SERIES OF CONTRACTS WITH DUKE ENERGY STREET LIGHTING CONTRACTS FOR THE INSTALLATION OF LED STREET LIGHTS ALONG JOSH BIRMINGHAM PARKWAY; AND 3) FOR THE REIMBURSEMENT TO THE CITY GENERAL FUND - CHARLOTTE DEPARTMENT OF TRANSPORTATION FOR TRAFFIC SIGNALIZATION WO

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

Section 1. That the sum of \$430,111.87 is hereby appropriated from the Aviation Discretionary Fund for the following contracts:

- 1) The Earth Scape Company, Inc. in the amount of \$202,372.08;
- 2) A series of Duke Energy Street Lightning contracts in the amount of \$95,553.20; and
- 3) A reimbursement to the City General Fund - Charlotte Department of Transportation in the amount of \$132,186.59.

Section 2. That the sum of \$430,111.87 is hereby appropriated in the Aviation Community Investment Plan Fund

Fund	6064
Project	4020902992
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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5405-X, THE 2014-2015 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF \$1,837,336.55 FOR THE CONTRACTS WITH 1) MESSER CONSTRUCTION CO. FOR THE CONSTRUCTION OF TOLL PLAZAS IN THE LONG-TERM PARKING LOTS; AND 2) DUKE ENERGY FOR THE INSTALLATION OF LED STREET LIGHTS IN LONG TERM 1 AND THE NEW CELL PHONE LOT

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

Section 1. That the sum of \$1,837,336.55 is hereby appropriated from the Aviation Discretionary Fund for the following contracts:
1) Messer Construction Co. in the amount of \$1,810,600; and
2) Duke Energy in the amount of \$26,736.55.

Section 2. That the sum of \$1,837,336.55 is hereby appropriated in the Aviation Community Investment Plan Fund

Fund	6064
Project	4020902993
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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5405-X, THE 2014-2015 BUDGET ORDINANCE APPROPRIATING \$200,000 FOR THE DESIGN AND CONSTRUCTION OF THE WALKERS FERRY

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

Section 1. That the sum of \$200,000 is available from Mecklenburg County through Community Development

Section 2. That the sum of \$200,000 is hereby appropriated to the Charlotte Mecklenburg Utility Department
Community Investment Fund

Fund	6261
Project	7030300004
Source	1100
Type	11002100
Year	2012

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

CE,
Y ROAD WATER LINE

velopment Block Grant F

partment

Property Tax Refund Requests

BALCHUNAS, FRANCES	\$	361.17
BORUM, JOHN R,JR		583.34
CAMPAGNA, DANIEL SCOTT		78.13
CORNWELL, ERIC VINSON		218.29
COSMETIC & FAMILY DENTISTRY CENTER		1,740.16
JIMENEZ, ALBERTO PATINO		174.15
JORDAN, ALPHONSO		218.29
LAWLOR, SVETLANA R		100.77
MARTIN, THOMAS I		36.37
MARTIN, THOMAS I		422.28
MULLIS, VIRGINIA		9.18
MULLIS, VIRGINIA		8.74
MULLIS, VIRGINIA		9.37
PARSELL, ALICE G		283.29
SIRJANE, CHRISTOPHER W		378.51
SMITH, JEFFREY H		48.00
STIRLING, SUSAN A		659.28
TANNER, OLLIE M		221.93
US BANK N.A.-DISTRICT 5		52.41
	\$	5,603.66

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 23rd day of February 2015 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.

CERTIFICATION

I, _____, _____ City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____ 2015 the reference having been made in Minute Book _____ and recorded in full in Resolution Book _____ Page(s) _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the day of _____, 2015.

Business Privilege License Tax Refund Requests

KUEHNE NAGEL INC	\$	10,000.00
YGM XTRIM CARPENTRY		62.50
DAT-A-SYST LLC		440.24
SINE TIME FLOOR CARE LLC		25.00
FRANKLIN FAST STOP- C AND D FRANKLIN, INC		81.25
ESSENTIALLY PERFECT		62.50
	\$	10,671.49

**A RESOLUTION AUTHORIZING THE REFUND OF
CERTAIN BUSINESS PRIVILEGE LICENSES**

Reference is made to the schedule of "Business Privilege License 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:

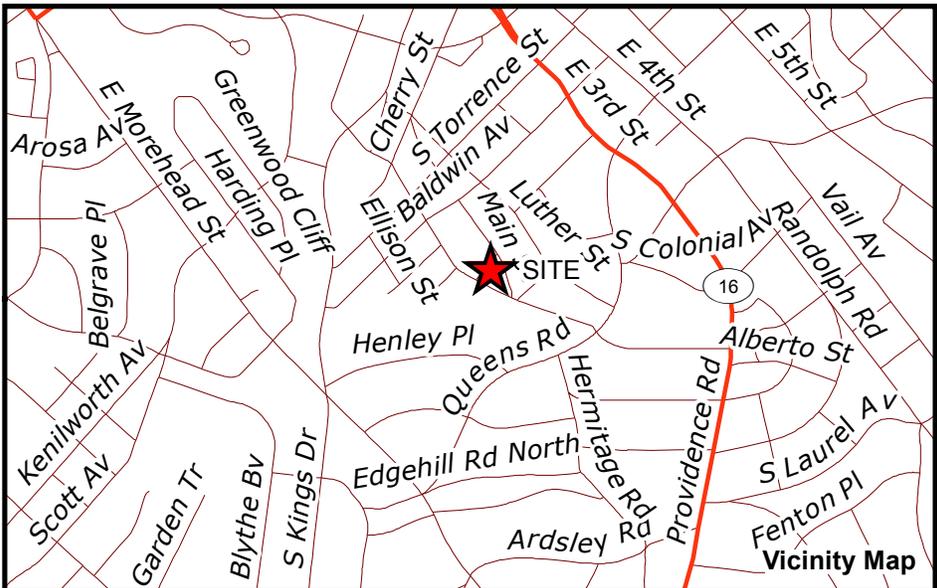
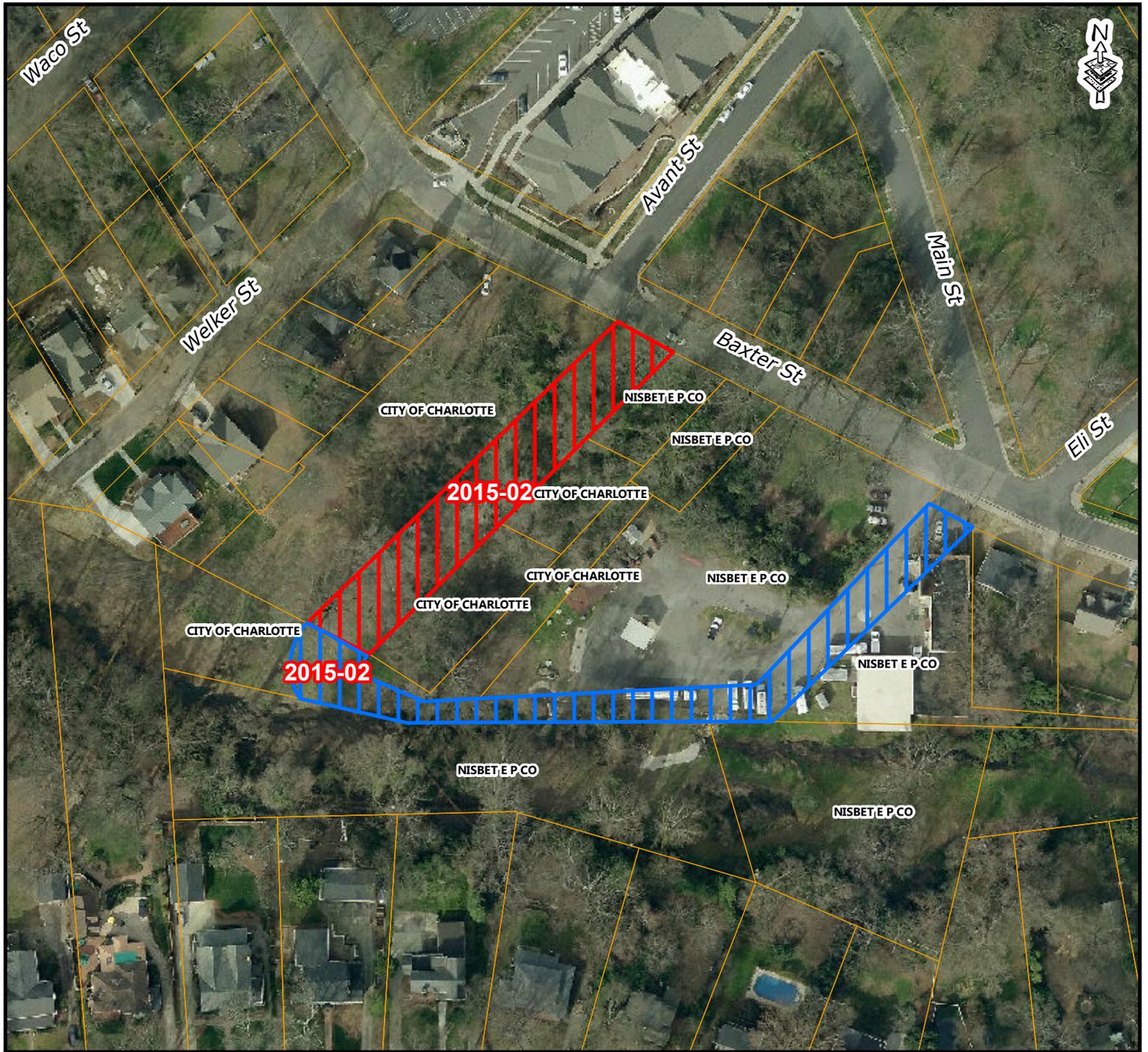
1. The City-County Tax Collector has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time 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 23rd day of February 2015 that those taxpayers listed on the schedule of "Business Privilege License 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.

CERTIFICATION

I, _____, _____ City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of 2015, the reference having been made in Minute Book _____ and recorded in full in Resolution Book Page(s) _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____ day of _____, 2015.



CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION
 Development Services Division

Right-of-Way Abandonment Petition 2015-02

Woodard Street and a portion of Eli Street

Right-of-Way Abandonment Area

RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE a portion of Woodard Street and Eli Street in the City of Charlotte, Mecklenburg County, North Carolina

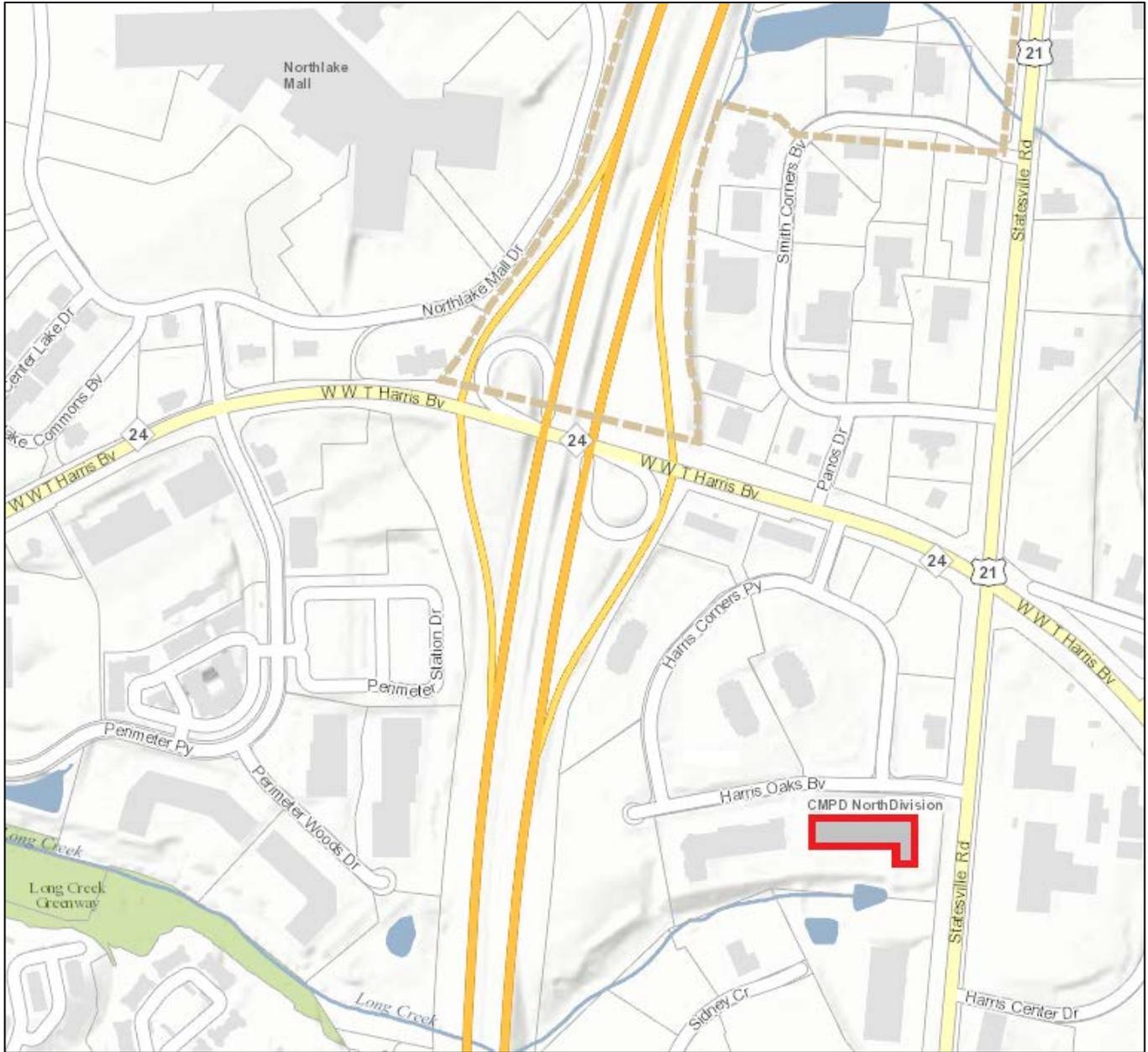
Whereas, **Laurel Street Residential** has filed a petition to close a portion of Woodard Street and Eli Street in the City of Charlotte; and

Whereas, a portion of Woodard Street is a 50-foot wide right-of-way that begins at its intersecting point with Baxter Street, continuing approximately 352 feet in a southeastward direction to its terminus at Eli Street, and consists of 17,319 square feet; and a portion of Eli Street begins at its intersecting point with Woodard Street as a 50-foot wide right-of-way curving in a northeastern direction for approximately 700 feet, while varying in width to its terminus at its intersecting point with Baxter Street, and consists of 22,799 square feet, as shown in the maps marked “Exhibit A-1, and A-2” and are more particularly described by metes and bounds in the documents marked “Exhibit B-1 and B-2” 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 23, 2015, that it intends to close a portion of Woodard Street and Eli Street and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 23rd day of March, 2015, 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.



**Location Map: Lease of Property at 10430 Harris Oaks Boulevard for the
CMPD North Division Station (Council District 2)**