Meeting Agenda

Monday, December 11, 2017

Council Chambers

City Council Business Meeting

Mayor Vi Lyles
Mayor Pro Tem Julie Eiselt
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Ed Driggs
Council Member Larken Egleston
Council Member Justin Harlow
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Matt Newton
Council Member Greg Phipps
Council Member Braxton Winston II
5:00 P.M. DINNER BRIEFING, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, ROOM 267

1. **Mayor and Council Consent Item Questions**
   - **Staff 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. **Agenda Overview**
   - **Staff Resource(s):**
     Marcus Jones, City Manager

3. **Solid Waste Services Overview**
   - **Staff Resource(s):**
     Victoria Johnson, Solid Waste Services
   - **Time:** 30 minutes
   - **Explanation**
     - The purpose of this presentation is to provide an overview of the Solid Waste Services Department and future City Council request for action.
   - **Future Action**
     City Council will be asked to award a Solid Waste Services Multi-Family Refuse Collection Services contract at the January 8, 2018 City Council Business Meeting.

4. **2018 City Council Meeting Schedule**
   - **Time:** 30 minutes
   - **Explanation**
     - North Carolina General Statute 143-318.12 requires that the City Clerk maintain on file a schedule of the City Council’s regular meetings and that the approved schedule shall be posted to the City’s website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
     - City Council will discuss the 2018 City Council meeting schedule.

5. **Answers to Mayor and Council Consent Item Questions**
   - **Staff Resource(s):**
     Debra Campbell, City Manager’s Office
   - **Time:** 10 minutes
   - **Synopsis**
     Staff responses to questions from the beginning of the dinner meeting.

6. **Closed Session (as necessary)**
6:30 P.M. PUBLIC FORUM

7. Public Forum
7:00 P.M. BUSINESS MEETING

CALL TO ORDER

ROLL CALL

INTRODUCTIONS

INVOCATION

PLEDGE OF ALLEGIANCE
8. **Consent agenda items 12 through 41 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

A. Items that have not been pulled, and
B. Items with citizens signed up to speak to the item.
PUBLIC HEARING
9. Public Hearing on a Resolution to Close a Portion of N. Brevard Street

**Action:**
A. Conduct a public hearing to close a portion of N. Brevard Street, and
B. Adopt a resolution to close a portion of N. Brevard Street.

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

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

**Petitioners**
White Point Paces Partners, LLC - Mr. John Carmichael

**Right-of-Way to be Abandoned**
The portion of N. Brevard Street is located between Belmont Avenue and Parkwood Avenue.

**Reason**
This abandonment is consistent with a Council approved rezoning (#2016-029: Highland Park Mill), which was approved on May 16, 2016. Conditions within the rezoning plan require the developer to construct a 12-foot wide multi-use path to provide connectivity between Parkwood Avenue and Brevard Street. Due to the increased pedestrian access, staff is willing to support the abandonment of the portion of N. Brevard Street.

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

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

**Neighborhood/Business Association(s)**
Optimist Park Neighborhood Association - Notified/no comments

**Private Utility Companies** - No objections

**City Departments**
Review by City departments identified no apparent reason this closing would:
- Be contrary to the public interest;
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.
Attachment(s)
Map
Resolution
CityCouncilROWAbandonmentMap_2017-06
Resolution to Close a portion of N. Brevard Street FV
POLICY

10. City Manager’s Report
BUSINESS

11. Mayor and City Council Topics

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

12. Charlotte Fire Security Camera Purchase

Action:
A. Approve the purchase of security camera equipment, as authorized by sole source exemption of G.S. 143-129 (e) (6),

B. Approve a contract with A.D.M Security Systems for the purchase of security camera equipment for the term of one year, and

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

Staff Resource(s):
Pete Key, Fire
Kevin Gordon, Fire

Sole Source Exemption
- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available;
  - A needed product is available from only one source or supply;
  - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract to ensure standardization and compatibility with existing hardware and software. The City Council must approve purchases made under the sole source exemption.

Explanation
- Security cameras were first installed at various fire stations two years ago in response to vehicle larceny. Since then, we have installed cameras at 14 station locations and they are monitored by CMPD Real Time Crime Center and CFD alarm.
- If approved, this request will allow us to install cameras at all remaining stations, as well as CFD Logistics and Arson buildings. We estimate that a total of 64 cameras will be required to outfit all the remaining buildings. Each station generally requires 2-3 cameras for adequate coverage, although the number can vary depending on station layout.
- The one-time cost to place cameras at all remaining locations should not exceed $185,000 (over the life of the contract). This will include the cost of the cameras as well as installation; memory cards and any related software. There is no annual cost associated with storing the data. The anticipated on-going costs are nominal and include maintenance or camera replacement in the event of damage.

Charlotte Business Inclusion
This is a sole source contract and is exempt (Part A: Appendix 27 of the Charlotte Business INClusion Policy).

Fiscal Note
Funding: Fire Operating Budget
13. Voluntary Annexation Public Hearing Date

**Action:**
Adopt a resolution setting a public hearing for January 8, 2018 for the Sutton Farms voluntary annexation petition.

**Staff Resource(s):**
Ed McKinney, Planning  
Bryman Suttle, Planning

**Explanation**
- The City has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte’s extraterritorial jurisdiction.
- Area proposed for annexation shares boundary with current city limits.
- Annexation of this area at this time will allow for more orderly land development review, extension of City services, capital investments, and future annexation processes.
- The 71.853-acre “Sutton Farms” site is located at 6815 Pleasant Grove Road east of Brookshire Blvd. in western Mecklenburg County.
  - The property is currently vacant with exception of a single-family home.
  - The petitioner has plans to construct a 159-unit single family residential development on the site.
  - The property is zoned (R-3) single family residential at 3 dwelling units per acre.
  - The property is located immediately adjacent to City Council District 2.
  - Petitioned area consists of one parcel, PID 035-181-08.

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

**Public Hearing Date**
The resolution sets Monday, January 8, 2018 for the public hearing.

**Attachment(s)**
Map
Resolution

Map for RCA

Resolution to set hearing - SuttonFarms
14. Expansion of the Charlotte B-cycle Bike-Sharing System

Action:
A. Approve a Municipal Agreement with North Carolina Department of Transportation (NCDOT) in the amount of $1,000,000 for the administration of Congestion Mitigation Air Quality (CMAQ) funds for the expansion of the Charlotte B-cycle bike-sharing system,

B. Approve a Municipal Agreement with North Carolina Department of Transportation (NCDOT) in the amount of $675,000 for the administration of Transportation Alternative Program (TAP) funds for the expansion of the Charlotte B-cycle bike-sharing system,

C. Approve the purchase of bicycles and stations from Trek/B-Cycle, as authorized by the sole source exemption of G.S. 143-129 (e)(6),

D. Adopt a budget ordinance appropriating $1,000,000 in CMAQ funds,

E. Adopt a budget ordinance appropriating $675,000 in TAP funds,

F. Adopt a budget ordinance appropriating $450,801 in local match funds provided by Charlotte B-cycle, and

G. Approve an extension of the Lease agreement with Charlotte Center City Partners Community Trust for Charlotte B-cycle's City van.

Staff Resource(s):
Liz Babson, Transportation
Alex Riemondy, Transportation

Sole Source Exemption

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:
- Performance or price competition are not available;
- A needed product is available from only one source or supply; or
- Standardization or compatibility is the overriding consideration.

- Sole sourcing is necessary for this contract because there is a need of standardization and compatibility.
- NCDOT has approved the City of Charlotte's request to proceed with a sole source procurement process for B-Cycle, LLC to construct future bike-share stations.
- The City Council must approve purchases made under the sole source exception.

Explanation

- Charlotte B-cycle was launched in 2012 by Charlotte Center City Partners with support from the City of Charlotte and private sponsors.
- Charlotte B-cycle ridership has grown from nearly 34,000 trips in 2013 to over 56,000 trips in 2016, providing important connections to jobs, public spaces and key services.
- Today, Charlotte B-cycle is one of the largest bike-sharing systems in the Southeast, with 214 blue bikes and 26 stations placed throughout Uptown and surrounding neighborhoods.

Grant Administration (Action Items A-E)

- Charlotte B-cycle has been selected by the Charlotte Regional Transportation Planning Organization (CRTPO) to receive $1,000,000 in Congestion Mitigation Air Quality (CMAQ) funding and $675,000 in Federal Transportation Alternatives Program (TAP) funding.
- CMAQ and TAP programs are federal reimbursement programs. The CMAQ awarded funds require a 22 percent local match and the TAP awarded funds require a 20 percent local match. The local match for both grants will be reimbursed to the City by Charlotte B-cycle.
CMAQ and TAP funds will be used to expand the number of bike share stations by approximately 25 stations.

- The City of Charlotte will become the sponsoring agency for this project, as non-profit organizations such as Charlotte B-cycle are not eligible to be the sponsoring agency or receive CMAQ or TAP funds directly.
- The City of Charlotte will provide staff support for the expansion of the bike-sharing system. One of the support functions is financial administration services (i.e., receiving and distributing funds).
- Charlotte B-cycle will:
  - Provide the matching funds for the up-front capital purchase and the local match totaling $450,801 ($282,051 for CMAQ funding and $168,750 for TAP funding) for the bike share expansion grants;
  - Operate and maintain all B-cycle stations at no cost to the city (ownership of the new stations would be transferred to Charlotte B-cycle over a period of time, consistent with Federal requirements);
  - Provide the commercial insurance liability for the operation of these bike share stations, and indemnify the City from all claims and liabilities that may arise in the operation of a public bike share service.

**Expansion Strategy**
- The City of Charlotte and Charlotte B-cycle will expand the bike share system by selecting future station locations that meet the following goals:
  - Increasing station density within the existing system to provide redundancy, serve additional destinations, and improve the bike share experience;
  - Expanding the system into areas of community need, promoting additional transportation options that connect households to key job centers and services; and
  - Locating stations in areas that are supported by a bicycle-friendly street network.

**Extension of Lease Agreement (Action Item F)**
- On July 22, 2013, City Council approved an extension of the lease agreements with Charlotte Center City Partners Community Trust for a City van. It is recommended the leases be extended to coincide with the end of funding agreements with current sponsors.
- **Van Lease Terms** - Extend a leased City van for one dollar a year through June 30, 2022.
  - Charlotte B-Cycle is responsible for all van maintenance costs.

**Fiscal Note**
Funding: Federal Highway Administration (FHWA) - Transportation Alternatives Program Grant Fund, Federal Highway Administration (FHWA) - Congestion Mitigation and Air Quality Grant Fund, and grant matching by Charlotte B-cycle

**Attachment(s)**
Budget Ordinance

[CDOT ord 9-25-17 B-Cycle contribution]
15. Private Developer Funds Appropriation

Action:
Adopt a budget ordinance appropriating $91,000 in private developer funds from TDCA Resource Square, LLC and NR Stonewall Property Owner, LLC.

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

Explanation
- Funding contributions from private developers must be appropriated prior to the City’s initiation of work.
- TDCA Resource Square, LLC contributed $40,000 for a new traffic signal at the intersection of Mallard Creek Church Road and David Taylor Drive.
- NR Stonewall Property Owner, LLC contributed $51,000 for traffic signal modifications at Stonewall south of Caldwell.
- Payments made by developers are in response to estimates of work prepared by the Charlotte Department of Transportation (CDOT) and supplied to the developers.
- The $91,000 is restricted to traffic signals, upgrades, and related work associated with the developer projects.
- Any funding contributed by developers for signal projects that is unused by the City will be refunded after project completion.
- CDOT will be installing and operating these signals as part of the existing signal systems in the area.

Fiscal Note
Funding: Private Developer Contributions

Attachment(s)
Map
Budget Ordinance
Traffic Signal Improvements 103017
CDOT ord 12-11-17 Developer Contributions
16. Intelligent Transportation System Project

**Action:**
Award a contract in the amount of $999,605.48 to the lowest responsive bidder, Utility Service Contractors, Inc. for the Central Business District Traffic Signal Communications Upgrade project.

**Staff Resource(s):**
Liz Babson, Transportation
Ashley Boenisch, Transportation

**Explanation**
- The Intelligent Transportation Systems (ITS) project is part of the implementation of the Intelligent Transportation System Master Plan described in the Transportation Action Plan.
- Traffic signals and traffic management cameras are major components of an Intelligent Transportation System and connecting them with fiber optic cable provides the ability to monitor and remotely adjust traffic signals to improve traffic flow.
- The ITS project extends communications into the Uptown area and includes, but is not limited to:
  - Installation of approximately 5.78 miles of fiber optic cable,
  - Connections to 27 existing traffic signals, and
  - 20 traffic management camera installations.
- On September 26, 2017, the City issued an Invitation to Bid; three bids were received from interested service providers.
- Utility Service Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The anticipated completion date is the second quarter of 2018.

**Charlotte Business INClusion**
Established SBE Subcontracting goal: 8%
Committed SBE Subcontracting goal: 12%
Utility Service Contractors, Inc. has exceeded the established subcontracting goal and has committed 12% ($119,950) to the following certified firm (Part B: Section 3 of the Charlotte Business INClusion Policy):
- Carolina Traffic Controls, LLC (SBE) ($119,950) for camera installation

**Fiscal Note**
Funding: General Transportation Community Investment Plan
17. Pavement Markers

**Action:**

A. Award a unit price contract to the lowest responsive bidder Flint Trading, Inc. for the purchase of Pavement Markers for the term of three years, and

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

**Staff Resource(s):**
Liz Babson, Transportation
Ronnie Ashburner, Transportation

**Explanation**

- Pavement Markers are a preformed pavement marking material that provides guidance to motorists, cyclist and pedestrians (turn arrows, school symbols, and bike symbols).
- On September 19, 2017, the City issued an Invitation to Bid and received one bid.
- Procurement advertised electronically and gave vendors two weeks to respond. Flint Trading, Inc. provided the only bid and was the only participant at the pre bid meeting. The bid was determined to be responsive, and fairly priced.
- Estimated annual expenditures are $75,000.

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

**Fiscal Note**
Funding: Charlotte Department of Transportation Operating Budget
18. **Street Maintenance Facility HVAC Replacement Project**

**Action:**
Award a contract in the amount of $149,486.70 to the lowest responsive bidder Southern Comfort of Charlotte, Inc. for the Charlotte Street Maintenance Facility HVAC Replacement project.

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

**Explanation**
- This project includes the replacement of a 14-year-old HVAC system at the Charlotte Department of Transportation Street Maintenance Facility, located at 6001 General Commerce Drive.
- The existing equipment has reached the end of its useful life and must be replaced.
- The work will include, but is not limited to:
  - Removal of existing HVAC equipment,
  - Installation of a newly designed HVAC system, and
  - Introduction of new technology for HVAC controls.
- The new equipment will improve the energy efficiency of the facility and provide better occupant comfort.
- On October 12, 2017, the City issued an Invitation to Bid; two bids were received from interested service providers.
- Southern Comfort of Charlotte, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed by first quarter 2018.

**Charlotte Business INClusion**
Construction contracts estimated to be less than $300,000 are informal and exempt from the goal setting process (Part A: Section 3.1 of the Charlotte Business INClusion Policy). However, Southern Comfort of Charlotte, Inc. has committed 41.18% ($61,558.00) of the total Contract amount to the following certified firms:
- Controls Service Group, Inc. (SBE) ($28,500) (Controls)
- D.E. Brown Construction, Inc. (SBE) ($22,765) (Construction)
- Electric System Specialists, Inc. (SBE) ($10,293) (Electrical)

**Fiscal Note**
Funding: General Community Investment Plan

**Attachment(s)**
Map

[Location Map - Charlotte Street Maintenance HVAC Replacement](#)
19. **West Morehead and I-77 Pedestrian Improvements Project**

**Action:**
Award a contract in the amount of $319,541.75 to the lowest responsive bidder B & N Grading, Inc. for the West Morehead and I-77 Pedestrian Improvements project.

**Staff Resource(s):**
Mike Davis, Engineering and Property Management  
Chandler Crofts, Engineering and Property Management

**Explanation**
- This project was selected because there is a significant need to upgrade the existing pedestrian facilities in order to provide a safer connectivity to Center City and the surrounding neighborhoods.
- The scope for this project will include new curb and gutter, wider sidewalks, wheelchair ramps, pedestrian lighting, and street resurfacing.
- The goal of this project is to enhance pedestrian safety at West Morehead Street and I-77 (approximately 0.2 mile). The City has identified this location as a priority due to high traffic volumes.
- On October 13, 2017, the City issued an Invitation to Bid; four bids were received from interested service providers.
- B & N Grading, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter of 2018.

**Charlotte Business INClusion**
Established SBE Goal: 10.00%  
Committed SBE Goal: 10.31%  
B & N Grading, Inc. exceeded the established SBE subcontracting goal, and has committed 10.31% ($32,931.26) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INClusion Policy):
- Silverback Brothers LLC (SBE, MBE) ($17,931.26) (grading)
- RPG Construction LLC (SBE, MBE) ($15,000) (pavement)

Established MBE Goal: 5.00%  
Committed MBE Goal: 10.31%  
B & N Grading, Inc. exceeded the established MBE subcontracting goal, and has committed 10.31% ($32,931.26) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INClusion Policy):
- Silverback Brothers LLC (SBE, MBE) ($17,931.26) (grading)
- RPG Construction LLC (SBE, MBE) ($15,000) (pavement)

**Fiscal Note**
Funding: General Community Investment Plan

**Attachment(s)**
Map  
[Location Map - West Morehead and I-77 Pedestrian Improvements Project](#)
20. Public Infrastructure Improvements and Repairs in Subdivisions

Action:
Award a contract in the amount of $1,088,900 to the lowest responsive bidder Red Clay Industries Inc. for the Subdivision Infrastructure Repairs and Improvements FY 2018 project.

Staff Resource(s):
Mike Davis, Engineering and Property Management
Steve Canter, Engineering and Property Management

Explanation
- The City, through a land development permitting process, requires developers and builders to construct infrastructure improvements, such as roads and sidewalks, as part of the planned development.
- The City created a subdivision bond administration program to allow developers and builders to record subdivision plats and begin real estate transactions in the absence of completed infrastructure improvements such as roads and sidewalk. This program ensures the completion of required public improvements should the developer or builder default.
- Work performed under this contract will consist of public infrastructure improvements for subdivisions where developers have defaulted. All subdivisions are located within the City of Charlotte or its extraterritorial jurisdiction.
- For each subdivision where work is to be done, the City has declared the developer/builder to be in default, made demands for, and received the surety bond funds. Funding for the construction of the infrastructure improvements will be solely from private developer bond funds.
- Work includes, but is not limited to, paving, sidewalks, curb and gutter, accessible ramps, and storm drainage, and for public streets to be maintained by the City.
- On October 3, 2017, the City issued an Invitation to Bid; three bids were received from interested service providers.
- Red Clay Industries Inc. was selected as the lowest responsive, responsible bidder.

Charlotte Business INClusion
Established SBE Goal: 18.00%
Committed SBE Goal: 18.00%
Red Clay Industries has identified an SBE on its project team, and for each work order issued, committed 18.00% of the total contract amount to the following certified firm:
- Express Logistics Services, Inc. (SBE, MBE) (hauling)

Established MBE Goal: 7.00%
Committed MBE Goal: 7.00%
Red Clay Industries has identified an MBE on its project team, and for each work order issued, committed 7.00% of the total contract amount to the following certified firm:
- Express Logistics, LLC (SBE, MBE) (hauling)

Fiscal Note
Funding: Private Developer Bonds

Attachment(s)
Map
Location Map - Public Infrastructure Improvements and Repairs in Subdivisions
21. **City Strategic Research and Consulting Services**

**Action:**
A. Authorize the City Manager to negotiate and approve a contract with Southeastern Institute of Research, Inc. ("SIR") for strategic research and consulting services, for a term of one year, and

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

**Staff Resource(s):**
Brent Kelly, City Manager’s Office

**Explanation**
- This contract will support the continued efforts of the City to help improve communication and community building activities through research, community feedback, and scientific data analysis.
- Work includes an assessment of resident and community expectations of City services and strategic planning for various departments, such as Economic Development and Planning and the Charlotte Mecklenburg Police Department. In addition, an analysis of the City’s communication impact through various media platforms will be conducted and areas of improvement will be identified.
- The vendor will also assist the City in establishing a common City-wide vision and path forward toward more effective communication to residents, businesses and community partners.
- Southeastern Institute of Research, Inc. (SIR) is a strategic management consultancy that provides market research, communications planning, change management, website optimization, leadership training, and other related services.
- The City has utilized SIR to provide research and strategic planning support services, including demographic trend analysis and review of national best practices in planning and communication.
- Based on SIR’s stated proficiencies, effective performance to date, and familiarity with the City’s structure and future goals, it will be advantageous for the City to continue to use SIR’s services to formalize planning and communication efforts.
- The estimated contract expenditure is $125,000.

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

Action:

A. Authorize the City Manager to negotiate and approve a contract with Pictometry International Corp for Aerial Imagery Services for an initial term of three years, and

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

Staff Resource(s):
Jeff Stovall, Innovation and Technology

Explanation
- The City has a need for aerial and oblique imagery data for use in its application, map making and data collection. All City departments use the aerials and obliques in a direct or indirect way.
- Data gathered from aerial imagery may be used to verify streets, addresses, streams, ponds and buildings, as well as assists in the determination of damage to structures after a disaster.
- While other firms provide a similar product, they are not compatible with the necessary viewers and lack the quality required or fail to perform.
- A Waiver of a competitive solicitation process may be granted on a limited basis when deemed appropriate and in the City’s best interest. The City Manager has approved a waiver on this item.
- Contract expenditures are estimated to be $95,000 annually and $465,000 over the three-year term.

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

Fiscal Note
Funding: Innovation and Technology Operating Budget
23. Telecommunications Infrastructure Management Services

Action:

A. Approve a unit price contract with PRS Tower Management Services LLC for management and consulting services for an initial term of three years, and

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

Staff Resource(s):
Barry Gullet, Charlotte Water
Jeff Stovall, Innovation and Technology
Mike Davis, Engineering and Property Management
Tony Korolos, Engineering and Property Management

Explanation

- The City currently has 22 radio towers located on City property, with two additional towers under construction. This contract will cover a total of 24 radio towers.
- The City has an ongoing need for telecommunication management services along with consultation services to assist in review of carrier applications, contracts and amendments.
- Telecommunications structure services to be performed at the individual structure locations include, but may not be limited to:
  - Lease reviews of all existing customer leases to ensure compliance with equipment installed on each site under management contract.
  - Telecommunications Industry Association inspections (conduct or coordinate inspections, review reports, and submit reports to the City of Charlotte).
  - Monthly site inspections and project reporting along with emergency weather inspections to ensure City’s equipment is protected.
  - Issuance of Notice to Proceed (NTP) to cell tower personnel to climb towers and conduct maintenance under management agreement.
- A waiver of a competitive solicitation process may be granted when deemed appropriate and in the City’s best interest. Such a finding has been made and a waiver granted for this procurement.
- PRS Tower Management Services LLC best meets the City’s needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The annual estimated contract expenditures are $138,400.

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

Fiscal Note
Funding: Charlotte Water, Innovation and Technology, and Engineering and Property ManagementOperating Budgets
24. **Storm Water Repair and Improvement Contract (Fiscal Year 2018-D)**

**Action:**
Award a contract in the amount of $3,987,927.13 to the lowest responsive bidder United of Carolinas, Inc. for the Storm Water Repair and Improvement Fiscal Year 2018-D project.

**Staff Resource(s):**
Mike Davis, Engineering and Property Management
Susan Tolan, Engineering and Property Management

**Explanation**
- This contract is part of an ongoing program to provide repairs and/or improvements to existing storm drainage systems and the construction of new storm drainage systems. Each request is investigated and prioritized based on the severity of potential public/private property flooding and/or property damage.
- The necessary repairs for each project are designed and a work order will be prepared.
- Approximately 30 projects may be constructed within a contract term that may not exceed 18 months. The number of projects may vary depending on the nature and extent of the repairs actually constructed.
- On September 11, 2017, the City issued an Invitation to Bid; on October 10, 2017, one bid was received from an interested service provider. Since a minimum of three bidders are required for construction contracts in order to open bids per North Carolina General Statute, the project was re-advertised.
- This project was re-advertised on October 12, 2017; two bids were received from interested service providers. During the re-advertisement, the contract may be awarded to the lowest responsible bidder even if only one bid is received from an interested service provider.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.

**Charlotte Business INClusion**

Established SBE Goal: 19.00%
Committed SBE Goal: 19.05%
United of Carolinas, Inc. has identified SBEs on its project team, and for each work order issued, committed 19.05% of the total contract amount to the following certified firm:
- Abram Construction Inc. (SBE, MBE) (concrete)
- Armadillo Construction, LLC (SBE) (excavation)
- Cesar A. Leon LLC (SBE, MBE) (hauling)
- Silverback Brothers LLC (SBE, MBE) (hauling)
- Streeter Trucking Company Inc. (SBE, MBE) (hauling)

Established MBE Goal: 10.03%
Committed MBE Goal: 10.03%
United of Carolinas, Inc. has identified MBEs on its project team, and for each work order issued, committed 10.03% of the total contract amount to the following certified firm:
- Abram Construction Inc. (SBE, MBE) (concrete)
- Cesar A. Leon LLC (SBE, MBE) (hauling)
- Silverback Brothers LLC (SBE, MBE) (hauling)
- Streeter Trucking Company Inc. (SBE, MBE) (hauling)

**Fiscal Note**
Funding: Storm Water Community Investment Plan
25. **Storm Water Services Bioengineering and Invasive Plant Removal Services**

**Action:**
Approve a contract for up to $343,498.17 with Carolina Wetland Services, Inc. for Storm Water Bioengineering and Invasive Plant Removal.

**Staff Resource(s):**
Mike Davis, Engineering and Property Management
Isaac Hinson, Engineering and Property Management

**Explanation**
- Stream restoration projects improve water quality and generate mitigation credits that can be used later by City and County public projects that impact streams.
- Stream restoration and bioengineering is the process of converting a degraded, eroding stream corridor to a stable condition, including establishment of trees and other native vegetation.
- This contract includes vegetation management services necessary to support the City’s stream restoration program and the Stream and Wetland Mitigation Bank.
- Native vegetation promotes stability to stream banks and provides water quality benefits. Non-native vegetation can overtake native vegetation and must be controlled to adequately protect streams and wetlands.
- Services under this contract include the installation of native plants and removal of non-native (invasive) plants along restored streams; additional services may include wildlife management and small stream repairs.
- On September 13, 2017, the City issued a Request for Proposals (RFP): one proposal was received from an interested service provider.
- Carolina Wetland Services, Inc. meets the City’s needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.

**Charlotte Business INClusion**
No subcontracting goal was established because there are no opportunities (Part B: Section 2.3 of the Charlotte Business INClusion Policy). However, Carolina Wetland Services is a City SBE and WBE.

**Fiscal Note**
Funding: Storm Water Operating Budget
26. Fiscal Year 2018 New Water and Sewer Connection Services Contract

Action:
A. Award a contract in the amount of $4,055,746.75 to the lowest responsive bidder B.R.S., Inc. for the installation of water and sewer services, and

B. Authorize the City Manager to approve up to two renewals in the same amount stated above, plus or minus possible price adjustments based on the Engineering News Record Construction Cost Index, and to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):
Barry Gullet, Charlotte Water
Carl Wilson, Charlotte Water

Explanation
- Charlotte Water (CLT Water) outsources the majority of new water and sewer service installations, main line extensions and dismantlements using construction contracts in order to ensure timely service.
- These services will include:
  - Water service connections extending from the Charlotte Water main to the meter at the property, including a meter, meter box/vault, applicable valves and fittings;
  - Sewer service connections extending from the Charlotte Water sewer line to the cleanout, which is typically just outside the road right-of-way;
  - Water and sewer service dismantlements from the main line to the property; and
  - Short water and sewer main extensions connecting to our existing system and extending to the property in question to provide a new water and/or sewer service.
- Numerous existing water meter assemblies within our system are phased out, damaged or malfunctioning, requiring replacement to provide better efficiency and meter reading accuracy.
  - These replacements will include:
    - Replacement of existing water meter assembly that may incorporate replacement of the service line, meter vault, meter lid and associated fittings depending upon condition as well as compatibility of current meter assemblies within existing vaults.
- The work covered by each term of this contract should provide approximately 250 total new service connections, 50 existing service dismantlements, 10 main line extensions and 50 existing meter assembly replacements within approximately 12 months.
- On October 3, 2017, the City issued an Invitation to Bid (ITB); two bids were received. On October 26, 2017, the ITB was re-issued; three bids were received from interested service providers.
- B.R.S., Inc. was selected as the lowest responsive, responsible bidder.
- The contract may be renewed for two renewals (approximately one year per renewal) at unit prices based on the Engineering News Record Construction Cost Index.

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

Fiscal Note
Funding: Charlotte Water Community Investment Plan
27. Irwin Creek Wastewater Treatment Plant Dewatering Facilities

**Action:**
Award a contract in the amount of $2,486,000 to the lowest responsive bidder The Harper Corporation - General Contractors for the Irwin Creek Wastewater Treatment Plant Dewatering Facilities project.

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

**Explanation**
- The Irwin Creek Wastewater Treatment Plant (WWTP) is one of Charlotte Water’s five WWTPs and is located in the southwestern part of the City near the airport and the Billy Graham Library.
- The project provides the installation of new Biosolids Dewatering Facilities.
- Dewatering is the process by which water is removed from the biosolids that are generated during the wastewater treatment process.
- The facilities will include a dewatering building that will house a new dewatering system that includes a belt filter press, biosolids and chemical feed pumps, as well as miscellaneous piping, valves, electrical equipment, and instrumentation required to provide a complete dewatering system.
- In addition to the new dewatering system, the major components of the temporary system currently in operation will be completely refurbished and installed in the new dewatering building.
- When complete, the new dewatering building will include two identical biosolids dewatering systems capable of meeting current and future needs of the Irwin Creek WWTP.
- On September 7, 2017, the City issued an Invitation to Bid; five bids were received from interested service providers.
- The Harper Corporation - General Contractors was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the second quarter of 2019.

**Charlotte Business INClusion**
Established MSBE Goal: 10%
Committed MBE Goal: 10.18%
The Harper Corporation - General Contractors met the established subcontracting goal and has committed 10.18 percent ($253,164) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INClusion Policy):
- CITI, LLC (MBE) ($253,164) (systems integration)

**Fiscal Note**
Funding: Charlotte Water Community Investment Plan
28. Fiscal Year 2018 Water Main Rehabilitation

Action:
A. Award a contract in the amount of $2,616,666.66 to the lowest responsive bidder Michels Pipe Services, a division of Michels Corporation, for the FY 2018 Water Main Rehabilitation project, and

B. Authorize the City Manager to approve up to two renewals in the same amount stated above, plus or minus possible price adjustments based on the Engineering News Record Construction Cost Index, and to amend the contract consistent with the purpose for which the contract was approved.

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

Explanation
- Charlotte Water maintains a water distribution system of approximately 4,314 miles of water lines and approximately 280,000 active water service connections that each provide water to multiple people.
- The Water Rehabilitation Program allows for the refurbishment of water distribution infrastructure that has reached the end of its service life, as needed. The primary function is to refurbish or replace water distribution lines to meet water quality and flow requirements throughout the distribution system. Over 46,000 feet of water mains were refurbished or replaced by contracts similar to this in FY 2017.
- On September 29, 2017, the City issued an Invitation to Bid; three bids were received from interested service providers.
- Michels Pipe Services was selected as the lowest responsive, responsible bidder.
- The contract may be renewed for two renewals at unit prices based on the Engineering News Record Construction Cost Index.

Charlotte Business INClusion
Established MSBE Goal: 5%
Committed MSBE Goal: 15.55%
Michels Pipe Services met the established subcontracting goal and has committed 15.55% ($406,920) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INClusion Policy):
- Central Carolina Underground, Inc. (SBE) ($373,920) (general excavation/pipe work)
- Conmat Development, Inc. (SBE) ($33,000) (concrete sidewalk/curb)

Fiscal Note
Funding: Charlotte Water Community Investment Plan
29. **Contract Amendment for the Biosolids Market Study**

**Action:**
Approve contract amendment # 1 in the amount of $370,750 to the Biosolids Market Study Contract with CDM Smith, Inc. for biosolids treatment technology evaluation, planning, and procurement assistance.

**Staff Resource(s):**
Barry Gullet, Charlotte Water  
Carl Wilson, Charlotte Water

**Explanation**
- “Biosolids” are highly treated, nutrient-rich solids produced in the wastewater treatment process. Most biosolids produced at Charlotte Water's treatment plants are land applied on approximately 25,000 acres of permitted farm land in North and South Carolina as a soil enhancement for pastures and non-human food crops. Any biosolids that do not conform to the strict “Class B” regulatory standards are landfilled.
- In 2013 a biosolids master plan suggested the need to evaluate process alternatives to produce a thermally treated “Class A” biosolids product which reduces the volume to be disposed of.
- In 2016 a biosolids market study provided for local end users to witness application of a thermally dried biosolid pellets and a thermal hydrolyzed biosolid soil-like material. Both of these two Class A products were deemed the most viable with the local end users.
- The proposed amendment will fund additional scope related to evaluating the thermal treatment technologies as long-term improvement options, which could take up to 10 years to be in place, as well as address any interim short-term improvements.
- On October 9, 2015, the City issued a Request for Qualifications for Professional Engineering Services. CDM Smith, Inc. was selected based on qualifications.
- On April 11, 2016, City Council approved the original contract in the amount of $633,808.
- The new contract amount including the contract amendment is $1,004,558.

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

**Fiscal Note**
Funding: Charlotte Water Community Investment Plan

**Attachment(s)**
Map  
[McAlpine Creek WWTP Map](#)
30. Aviation Concourse Design Services Contract Amendment

**Action:**
Approve contract amendment #2 in the amount of $217,500 with C Design, Inc. to provide design services for operations support space as part of the Concourse A Expansion project.

**Staff Resource(s):**
Brent Cagle, Aviation
Jack Christine, Aviation

**Explanation**
- Aviation is currently undergoing an expansion of Concourse A, which is scheduled to open in summer 2018. As a result, multiple airlines will shift operations to the new concourse gates, resulting in availability of vacant space.
- Delta Air Lines and American Airlines have requested to use the vacant space to support their operations.
- Contract amendment #2 provides for interior design services for approximately 16,000 square feet of space on the ramp level of existing Concourse A to meet the Airlines’ request.
- The new total of the contract, including this amendment, is $3,099,590.

**Charlotte Business INClusion**
All additional work involved in this amendment will be performed by C-Design, Inc. and their existing sub consultants (Part D: Section 6 of the Charlotte Business INClusion Policy).
C Design, Inc. has committed 46.80% ($101,800) of the total contract amendment amount to the following certified firms:
- AME Consulting Engineers (SBE) ($95,000) (mechanical and electrical engineering, plumbing, and fire protection)
- Laurene, Ricker and Sorrell, PC (SBE) ($6,800) (structural engineering)

**Fiscal Note**
Funding: Aviation Community Investment Plan
31. **Aviation Propane Contract**

**Action:**

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

B. Approve a contract with AmeriGas Propane L.P. dba Heritage Propane for the purchase of propane for the term of five years, and

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

**Staff Resource(s):**

Brent Cagle, Aviation
Jack Christine, Aviation

**Sole Source Exemption**

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available;
  - A needed product is available from only one source or supply; or
  - Standardization or compatibility is the overriding consideration.

- Sole sourcing is necessary for this contract because competition is not available.

The City Council must approve purchases made under the sole source exception.

**Explanation**

- The Aviation Department supplies propane to the Charlotte Fire Department (CFD) Aircraft Rescue and Fire Fighting stations that service the Airport - these are stations 17, 41, and occasionally 30.
- CFD Aircraft Rescue and Fire Fighting staff uses the propane during training exercises as part of federal mandated requirements.
- Annual expenditures under the contract are estimated to be $35,000.

**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: Aviation Operating Budget
32. **Aviation Digital Display Systems**

**Action:**
A. Approve a five-year contract with Infax, Inc. to provide software, integration, implementation, and support services for the Airport’s Digital Display Systems, and

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

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

**Explanation**
- Aviation recently completed a Master Wayfinding and Signage study (Study), which provided the Airport with a long-term plan for how to most effectively present signage to passengers.
- One of the outcomes of this Study was the need for a system to manage all the different digital screens and manage the content developed to be shown within these screens.
- The contract with Infax, Inc. will provide for design, implementation, and maintenance services for software solution for a content management system, website, an Airport mobile application, and procurement of all digital display system equipment.
- On May 19, 2017, the City issued a Request for Proposals (RFP); five proposals were received from interested service providers.
- Infax, Inc. was selected due to its qualifications, experience, and responsiveness to the RFP requirements.
- The current estimated cost for the first year of this contract is $2.5 million.

**Charlotte Business INClusion**
The City will negotiate with Infax, Inc. for MWSBE participation to be included as part of the operational activity of the services provided. Infax, Inc. has identified potential MWSBE opportunities in the following scopes of work:
- Cleaning services
- Marketing services

**Fiscal Note**
Funding: Aviation Community Investment Plan
33. **Aviation Conveyor System Section Replacement**

**Action:**
A. Approve a contract for up to $1,745,749.87 with Pteris Global Inc., to replace sections of the conveyor system, and

B. Authorize the City Manager to amend the contract consistent with the City’s business needs for which the contract was approved.

**Staff Resource(s):**
Brent Cagle, Aviation
Jack Christine, Aviation

**Explanation**
- The checked baggage in-line system (baggage system) transports travelers’ baggage at the Terminal. The system consists of over two miles of conveyor belts.
- A portion of the conveyor system includes two sections: curbside unit used to transport checked baggage from the Terminal curb to the baggage room, and the make-up unit, which is used to sort bags in preparation to transport to planes.
- Certain sections within the conveyor system are over 20 years old and have reached the end of its useful life.
- The contract with Pteris Global Inc. will provide for the replacement of these sections within the conveyor system.
- On September 14, 2017, the City issued a Request for Proposals; two proposals were received from interested service providers.
- Pteris Global Inc., best meets the City’s needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.

**Charlotte Business Inclusion**
The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business Inclusion Policy).

Pteris Global, Inc. has committed 5.73 percent ($100,000) of the total contract amount to the following certified firms:
- Link Staffing (SBE) ($75,000) (labor)
- All-Pro Builders & Restoration (SBE, MBE) ($25,000) (labor)

**Fiscal Note**
Funding: Aviation Community Investment Plan
34. Aviation Parking and Revenue System Software Upgrade Services

**Action:**

A. Approve a three month contract with Scheidt & Bachmann for parking revenue control system software upgrade implementation services, and

B. Approve the purchase of spare parts, materials, labor, software, and other services necessary to fully support the parking and revenue control system from Scheidt & Bachmann under the current Monitoring and Maintenance Services Agreement.

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

**Explanation**
- The Aviation Department contracts with Scheidt & Bachmann to provide the Airport’s public parking revenue control system. Scheidt & Bachmann is the proprietary owner of the software used to operate the system.
- Due to recent changes by the Payment Card Industry Security Standards Council, a software upgrade is required to continue to process credit card data.
- The project scope includes the software installation and configuration that controls devices at more than 70 Airport entry and exit parking locations.
- A waiver of a competitive solicitation process may be granted when deemed appropriate and in the City’s best interest. Such a finding has been made and a waiver has been granted for this procurement.
- Expenditures for licensing and implementation services are estimated to be $210,000.

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

**Fiscal Note**
Funding: Aviation Community Investment Plan
35. Aviation Uniforms and Apparel Contract

**Action:**

A. Approve the purchase of Aviation Uniforms and Apparel, as authorized by the sole source exemption of G.S. 143-129 (e)(6),

B. Approve a contract with AddLogos for the purchase of Aviation Uniforms and Apparel (i.e. safety gear, outerwear, shirts, sweaters, hats, etc.) for the term of five years, and

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

**Staff Resource(s):**
Brent Cagle, Aviation
Jack Christine, Aviation

**Sole Source Exemption**

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

**Explanation**

- Aviation has a patch and embroidery design on uniforms and apparel in order to meet the functional needs of Airport operations.
- This enhancement provides Aviation the means to increase visibility and better communicate an Aviation employee identifier that is easily recognized in a security-conscious and customer-focused environment.
- Annual expenditures under the contract are estimated to $125,000.

**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: Aviation Operating Budget
36. CATS Retired Buses Donation

Action:
Adopt a resolution authorizing the donation of five surplus CATS buses to the City of Oxford, Mississippi.

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

Explanation
- North Carolina General Statute 160A-280 authorizes the donation of personal property to another governmental unit upon adoption of a resolution by the City Council.
- CATS’ buses are purchased with funds from the Federal Transit Administration (FTA) (80 percent), North Carolina Department of Transportation (10 percent), and local funds (10 percent).
- Buses that have reached the end of their useful life (defined by the FTA as more than 12 years of service and/or 500,000 service miles) and have a fair market value (FMV) less than $5,000, may be disposed of pursuant to locally authorized methods with no reimbursement required to the FTA.
- CATS has identified five buses that have reached the end of their useful service life, have a FMV less than $5,000, and are no longer needed.
- The City of Oxford Mississippi will accept the donated buses in “as is” condition, without warranty.

Attachment(s)
Resolution
Resolution.Bus donation to Oxford MS 2017-10-27.docx
37. CATS Video Monitoring Product and Services Contract

**Action:**
A. Approve contracts with Transit Solutions, LLC and A3 Communications, Inc. for an initial term of three years to provide CATS Video Monitoring Products and Services.

B. Authorize the City Manager to renew the contracts for up to two additional, one year terms;

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

D. Authorize the City Manager to purchase such additional software licenses, services, and hardware as needed from time to time to optimize the City’s use of the systems or implement new systems, and to approve other amendments consistent with the purpose for which the contracts were approved, including price adjustments.

**Staff Resource(s):**
John Lewis, CATS
Mike Haddad, CATS

**Explanation**
- Video monitoring enhances safety and security for CATS customers, staff and assets. Captured surveillance video is also used in reviewing insurance and legal claims from accidents.
- CATS currently contracts with Transit Solutions, LLC to obtain video monitoring and maintenance services for mobile fleet vehicles and facilities and that contract expires on December 31, 2017.
- On January 26, 2017, the City issued a Request for Proposals (RFP) for video monitoring, camera equipment, software, and maintenance and for implementation services to support all of the departments’ needs, with the objective to update as many of the City’s video related assets to current technological standards as possible for the lowest possible price. The City received 12 proposals from interested service providers.
- Transit Solutions, LLC and A3 Communications, Inc. were two of six (6) companies chosen in the RFP process by a cross-department team and the two firms CATS selected to provide these services.
- The contracts will include:
  - Video cameras and components,
  - Security cameras and components,
  - Wireless cameras and components,
  - Video Recorders, and
  - Related Services.
- Under the terms of these contracts, Transit Solutions, LLC and A3 Communications, Inc. are required to maintain operational rates of 98.5 percent.
- CATS selected Transit Solutions, LLC and A3 Communications, Inc. as best meeting the City’s needs in terms of qualifications, experience, proposed solution, cost, and acceptance of the terms of the contract.
- Transit Solutions, LLC was selected for CATS’ mobile fleet video monitoring contract because it was the only qualified responding vendor that provides transit mobile fleet video monitoring services.
- A3 Communications, Inc. was selected for the video monitoring contract for CATS’ facilities because it offered the lowest price.
- Estimated annual contract expenditures for both contracts are $1,534,000.

**Charlotte Business INClusion**
No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INClusion Policy).
Fiscal Note
CATS Community Investment Plan
38. CATS BLE Property Manager and Leasing Agent Contract

**Action:**
A. Approve a contract with NAI Southern Real Estate for an initial term of three years to provide Property Management and Contract Services for all parking decks on the Blue Line Extension (BLE) and Leasing Services for the retail spaces in the JW Clay and University City Boulevard parking decks, and

B. Authorize the City Manager to renew the contract for up to two additional, one year terms and to approve other amendments consistent with the purpose for which the contract was approved, including price adjustments.

**Staff Resource(s):**
John Lewis, CATS
Olaf Kinard, CATS
Tony Korolos, Engineering and Property Management

**Explanation**
- The Blue Line Extension (BLE) includes three parking decks. Two of these parking decks, JW Clay and University City Boulevard, incorporate approximately 25,265 square feet of leasable retail and office space at North Tryon Street level per Transit Oriented Development ordinance. The Sugar Creek Parking Deck has no leasable space.
- The leasable spaces provide opportunities for retail and business firms to offer services and goods to future customers using the LYNX Blue Line along with walk-up customers from the surrounding areas.
- On June 22, 2017, CATS and EPM issued a Request for Proposals (RFP) for Leasing and Property Management Services; two firms responded with proposals.
- City staff evaluated both proposals and selected NAI Southern Real Estate as the service provider that will best meet the City’s needs in terms of qualifications, project approach, cost effectiveness and value, and acceptance of the terms of the contract.
- The contract with NAI Southern Real Estate will provide for:
  - Administration of tenant leases, including addressing tenant service requests and locating suitable retail tenants;
  - Management of the day-to-day operations of each parking deck, including developing the annual budget, with oversight and participation by CATS’ Facilities Management Section; and
  - Administration of vendor contracts for services, such as heating, ventilation, and air conditioning maintenance, pest control, and exterior lighting.
- NAI Southern Real Estate will be paid $102,698 annually, which consists of a management fee, staff and administrative costs.
- In addition to the management fee, NAI Southern Real Estate will be reimbursed for expenses paid on behalf of the CATS to maintain the three parking decks for services including landscaping, HVAC, plumbing, cleaning, and lighting, pest control, etc. CATS estimates these reimbursable expenses to approximate $1,426,000 a year.
- Over the life of the contract, NAI Southern Real Estate will also be paid commissions for fixed initial and renewal leasing percentage commissions and construction management fees outlined in the table below.
- CATS currently uses NAI Southern Real Estate to provide these types of services at the Charlotte Transportation Center.

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

**Fiscal Note**
39. Garment Rental Services for CATS Rail Operations

Action:
A. Approve a unit price contract in an amount not to exceed $143,099 with UniFirst Corporation to provide rental garments and related services for an initial term of three years, and

B. Authorize the City Manager to approve one, three-year renewal option contingent upon the company's satisfactory performance.

Staff Resource(s):
John Lewis, CATS
Allen Smith, CATS

Explanation
- This contract will provide garment rental and related services for CATS Rail Operations maintenance personnel. The contract will include:
  - Rental garments to meet CATS Rail Operations specification, pressed maintenance uniforms, supervisory garments, coveralls, and flame resistant garments,
  - Shop rags, micro fiber towels, and lockers,
  - Weekly laundering of all uniforms, and
  - Repair and Replacement of damaged or lost uniforms.
- On August 31, 2017 the City issued a Request for Proposals; three proposals were received from interested providers.
- UniFirst was selected as the firm providing the best value.

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

Fiscal Note
Funding: CATS Operating Budget
40. **Application for Public Monument Public Hearing Date**

**Action:**
Adopt a resolution setting the public hearing for January 8, 2018 for the application for the installation of public monument.

**Staff Resource(s):**
Mike Davis, Engineering and Property Management
Gina Shell, Engineering and Property Management

**Explanation**
- The City has received an application for the installation of a public monument in the form of a plaque to be installed in the lobby of Old City Hall.
- City Code requires that a public hearing occur prior to City Council action on the installation of a public monument.
- The local Chapter of the National Society of Daughters of American Colonists has submitted an application proposing to recreate and install a replica of a plaque that was originally presented to the City and displayed in Old City Hall in 1937. The original plaque, which commemorated the chartering of the City of Charlotte in 1768, cannot be located, but was likely misplaced during past renovations to Old City Hall.
  - The etched bronze plaque will measure 23 inches high, 16 inches wide, and ¼ inch thick.
  - The Daughters of American Colonists would like to install this replica plaque to coincide with Charlotte’s 250th anniversary.
- Standards for review and acceptance of a monument are documented in City Code as follows:
  - The monument shall have historic, aesthetic or special character or interest to the general public and not be limited in interest to a special group or persons. The Council shall consider the local and general significance and prominence of the things to be memorialized.
  - The monument’s location shall be compatible with its surroundings and its establishment shall not have a negative impact on environmental integrity. Council shall avoid undue concentrations of monuments.
  - The monument must be of enduring quality and character and materials used in creating and establishing each monument shall reflect such quality and character.
  - The care and maintenance of the monument shall not require a disproportionate expenditure of public funds.
- Council will be asked to consider acceptance of the monument following the public hearing at the January 8, 2018 business meeting.

**Public Hearing Date**
The resolution sets Monday, January 8, 2018 for the public hearing.

**Attachment(s)**
Application
Resolution
Complete Packet Public Monument Application.pdf
Resolution for Public Hearing.pdf

41. **Meeting Minutes**

**Action:**
Approve the titles, motions, and votes reflected in the Clerk’s record as the minutes of:
  - November 13, 2017, Business Meeting
  - November 20, 2017, Zoning Meeting

**Staff Resource(s):**
Stephanie Kelly, City Clerk’s Office
PROPERTY TRANSACTIONS

42. Exchange of Railroad Right-of-Way along the LYNX Light Rail Corridor

Action:
A. Adopt a resolution authorizing an exchange of railroad right-of-way between the City of Charlotte and AP 1515 Camden Road, LLC or its successors involving parcel identification number 123-041-12, and
B. Authorize the City Manager to execute all necessary documents to complete the exchange of right-of-way between the City of Charlotte and AP 1515 Camden Road, LLC.

Staff Resource(s):
Mike Davis, Engineering and Property Management
Tony Korolos, Engineering and Property Management
John Lewis, CATS

Explanation
- The railroad right-of-way to be exchanged is part of an approximately one-acre parcel, zoned I-2, located between the Bland Light Rail Station and the East/West Light Rail Station.
- The property owner intends to renovate the existing buildings and repurpose them as retail and urban open space. To complete the project, the property owner requires use of some of the City’s unused, excess railroad right-of-way.
- Per the City’s Administrative Policy, Utilization of Rail Corridor, the City may release the excess railroad right-of-way to facilitate transit supportive redevelopment.
- The property owner will exchange property rights with the City for full and fair consideration as required by law. Fair consideration can be any combination of cash, real or personal property and other benefits.
- The terms of the exchange are as follows:
  - The property owner will receive 13,563 square feet of excess railroad right-of-way valued at $417,740, and
  - The City will receive:
    - 11,697 square feet of railroad right-of-way, valued at $71,358 due to restricted usability, and
    - New streetscape improvements, valued at approximately $346,800, including urban open space, expanded Rail Trail, and conversion to a pedestrian festival street along a portion of Camden Road. The property owner will be responsible to maintain the improvements at an estimated cost of approximately $7,500 annually for 10 years, totaling $75,000.

Attachment(s)
Map
Resolution
Location Map - Exchange of R-O-W along the LYNX Light Rail Corridor with 1515 Camden Road LLC
Exchange of Railroad Right of Way
43. Innovation and Technology Data Center Lease Agreement Amendment

**Action:**
Approve an amendment to the original lease agreement with Digital 125 N. Myers, LLC to modify the term of the lease.

**Staff Resource(s):**
Jeff Stovall, Innovation and Technology
Mike Davis, Engineering and Property Management
Tony Korolos, Engineering and Property Management

**Explanation**
- On June 24, 2003, the Innovation and Technology Department (I&T) executed a 10-year lease with two, five-year renewal options for 6,627 square feet at 125 N. Myers Street in uptown Charlotte. This space is used to operate the City’s data center equipment including the core network and server infrastructure.
- The City currently pays $208,498 per year, or $31 per square foot, in rent with three percent annual rate increases.
- The data center space is distinct from the new I&T administrative facility located at 5516 Central Avenue approved by City Council on October 23, 2017. The administrative facility will be used to consolidate personnel in a traditional office environment, whereas the data center is occupied primarily by equipment rather than employees.
- City staff recommends I&T continue a long-term lease because of the significant expense associated with data center relocation and construction. City staff estimates potential costs to construct a new data center to exceed $10,000,000.
- Terms of the proposed amendment are as follows:
  - One, five-year renewal option, and
  - $238,572 per year, or $36 per square foot, in rent with three percent annual rate increases.
  - This rate is consistent with market rates.
- All other lease terms will remain the same.

**Fiscal Note**
Funding: I&T Operating Budget

**Attachment(s)**
Map

[Location Map - Innovation and Technology Data Center Lease Agreement Amendment](#)
44. **In Rem Remedy: 9336 Pinewood Avenue**

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

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

**Policy:**
- Housing & Neighborhood Development and Community Safety

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

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

**Public Safety: (9336 Pinewood Avenue)**

**Action:**
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (9336 Pinewood Avenue) (Neighborhood Profile Area 83).

**Attachment(s)**
In Rem Packet for (9336 Pinewood Avenue)

In Rem Remedy 9336 Pinewood Av.pdf
45. **Property Transactions - 5820 Wilkinson Boulevard**

**Action:** Approve the following Property Acquisition - 5820 Wilkinson Boulevard

- **Project:** Airport Area Master Plan - Project AMP
- **Owner(s):** Harvey W. Gouch Sr. and Louise B. Gouch
- **Property Address:** 5820 Wilkinson Boulevard
- **Total Parcel Area:** 2.793 acres
- **Property to be acquired by Easements:** N/A
- **Structures/Improvements to be impacted:** Commercial Building and 25 mobile homes
- **Landscaping to be impacted:** Trees and shrubs
- **Zoned:** I-2
- **Use:** Commercial
- **Tax Code:** 061-282-01
- **Purchase Price:** $1,325,000 and all relocation benefits in compliance with federal, state, or local regulations
- **Council District:** 3
46. **Property Transactions - 25th Street Connection, Parcel #19**

   **Action:** Approve the following Acquisition: 25th Street Connection, Parcel #19

   **Project:** 25th Street Connection, Parcel #19

   **Owner(s):** 2226 Properties (Charlotte) LLC

   **Property Address:** 2226 North Davidson Street

   **Total Parcel Area:** 99,955 sq. ft. (2.295 ac.)

   **Property to be acquired by Easements:** 605 sq. ft. (.014 ac.) in Temporary Construction Easement, plus 471 sq. ft. (.011 ac.) in Utility Easement

   **Structures/Improvements to be impacted:** None

   **Landscaping to be impacted:** None

   **Zoned:** I-1

   **Use:** Industrial

   **Tax Code:** 083-054-09

   **Purchase Price:** $15,950

   **Council District:** 1
47. Property Transactions - 8" Sanitary Sewer to serve 8215 Hood Road, Parcel #3

Action: Approve the following Condemnation: 8" Sanitary Sewer to serve 8215 Hood Road, Parcel #3

Project: 8" Sanitary Sewer to Serve 8215 Hood Road, Parcel #3

Owner(s): American Tower Asset Sub, LLC

Property Address: 8036 Hood Road

Total Parcel Area: 2,528,462 sq. ft. (58.045 ac.)

Property to be acquired by Easements: 5,410 sq. ft. (.124 ac.) in Sanitary Sewer Easement, plus 5,550 sq. ft. (.127 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 111-011-11

Appraised Value: $1,575

Property Owner’s Concerns: Property owner is concerned with the amount of compensation.

City’s Response to Property Owner’s Concerns: City staff has made a counter offer to the property owner and is awaiting response.

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

Council District: 5
48. **Property Transactions - Gum Branch Sanitary Sewer, Parcel #10**

*Action:* Approve the following Condemnation: Gum Branch Sanitary Sewer, Parcel #10

*Project:* Gum Branch Sanitary Sewer, Parcel #10

*Owner(s):* James Charles Dover and Sarah Lee Dover

*Property Address:* 609 Belmorrow Drive

*Total Parcel Area:* 55,468 sq. ft. (1.273 ac.)

*Property to be acquired by Easements:* 4,413 sq. ft. (.101 ac.) in Sanitary Sewer Easement

*Structures/Improvements to be impacted:* None

*Landscaping to be impacted:* Tree

*Zoned:* R-3

*Use:* Single-family Residential

*Tax Code:* 031-421-31

*Appraised Value:* $1,525

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

*Council District:* 2
49. **Property Transactions - Gum Branch Sanitary Sewer, Parcel #11**

**Action:** Approve the following Condemnation: Gum Branch Sanitary Sewer, Parcel #11

**Project:** Gum Branch Sanitary Sewer, Parcel #11

**Owner(s):** George Gordon Taylor, III and Deborah Sisk Taylor

**Property Address:** 605 Belmorrow Drive

**Total Parcel Area:** 40,075 sq. ft. (.920 ac.)

**Property to be acquired by Easements:** 1,265 sq. ft. (.029 ac.) in Sanitary Sewer Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 031-421-30

**Appraised Value:** $475

**Property Owner’s Concerns:** The property owners’ are concerned with impacts to storm water drainage and the restoration of the easement area.

**City’s Response to Property Owner’s Concerns:** Staff amended the plans to address property owners’ concerns.

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

**Council District:** 2
50. **Property Transactions - Gum Branch Sanitary Sewer, Parcel #16**

**Action:** Approve the following Condemnation: Gum Branch Sanitary Sewer, Parcel #16

**Project:** Gum Branch Sanitary Sewer, Parcel #16

**Owner(s):** Frederick E. Barwick, III and Alberta M. Barwick

**Property Address:** 838 Kentberry Drive

**Total Parcel Area:** 62,519 sq. ft. (1.435 ac.)

**Property to be acquired by Easements:** 2,300 sq. ft. (.053 ac.) in Sanitary Sewer Easement

**Structures/Improvements to be impacted:** Irrigation Pump

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 031-073-02

**Appraised Value:** $2,325

**Property Owner’s Concerns:** The property owner is concerned with impacts to their irrigation pump and loss of trees.

**City’s Response to Property Owner’s Concerns:** Staff redesigned the plans and addressed the property owners' concerns.

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

**Council District:** 2
51. **Property Transactions - Gum Branch Sanitary Sewer, Parcel #2**

**Action:** Approve the following Condemnation: Gum Branch Sanitary Sewer, Parcel #2

**Project:** Gum Branch Sanitary Sewer, Parcel #2

**Owner(s):** John J. Oates, Trustee under the John J. Oates Living Trust

**Property Address:** 1032 Gum Branch Road

**Total Parcel Area:** 527,512 sq. ft. (12.110 ac.)

**Property to be acquired by Easements:** 13,186 sq. ft. (.303 ac.) in Sanitary Sewer Easement, plus 9 sq. ft. (ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 031-421-04

**Appraised Value:** $3,775

**Property Owner’s Concerns:** The property owners are concerned with the fence relocation and associated costs due to their livestock and the impact on future taxes.

**City’s Response to Property Owner’s Concerns:** Staff amended the plans to reflect property owners’ relocation of the fence. Staff agreed to compensation for restoration of the easement area.

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

**Council District:** 2
52. Property Transactions - Gum Branch Sanitary Sewer, Parcel #3

Action: Approve the following Condemnation: Gum Branch Sanitary Sewer, Parcel #3

Project: Gum Branch Sanitary Sewer, Parcel #3

Owner(s): Barbara Thelma Oates Tomlinson

Property Address: 1016 Gum Branch Road

Total Parcel Area: 473,746 sq. ft. (10.876 ac.)

Property to be acquired by Easements: 10,320 sq. ft. (.237 ac.) in Permanent Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 031-421-05

Appraised Value: $4,050

Property Owner’s Concerns: The property owners are concerned with the fence relocation and associated costs due to their livestock and the impact on future taxes.

City’s Response to Property Owner’s Concerns: Staff amended the plans to reflect property owners’ relocation of the fence. Staff agreed to compensation for restoration of the easement area.

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

Council District: 2
53. Property Transactions - Gum Branch Sanitary Sewer, Parcel #9

Action: Approve the following Condemnation: Gum Branch Sanitary Sewer, Parcel #9

Project: Gum Branch Sanitary Sewer, Parcel #9

Owner(s): Eugene M. Reed, Jr.

Property Address: 617 Belmorrow Drive

Total Parcel Area: 76,685 sq. ft. (1.760 ac.)

Property to be acquired by Easements: 6,946 sq. ft. (.159 ac.) in Sanitary Sewer Easement, plus 879 sq. ft. (.02 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Irrigation System

Landscaping to be impacted: Trees

Zoned: R-3

Use: Flum/Swim Floodway (No Build Zone)

Tax Code: 031-421-32

Appraised Value: $5,725

Property Owner’s Counteroffer: $6,225

Property Owner’s Concerns: The property owner is concerned with the impacts to the irrigation system and trees.

City’s Response to Property Owner’s Concerns: Staff included impacts to the irrigation system and trees within the appraisal report.

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

Council District: 2
54. Property Transactions - Paw Creek Sanitary Sewer Outfall, Parcel #9

Action: Approve the following Condemnation: Paw Creek Sanitary Sewer Outfall, Parcel #9

Project: Paw Creek Sanitary Sewer Outfall, Parcel #9

Owner(s): Fallsdale Project, LLC

Property Address: 1209 Little Rock Road

Total Parcel Area: 997,611 sq. ft. (22.902 ac.)

Property to be acquired by Easements: 4,344 sq. ft. (.1 ac.) in Sanitary Sewer Easement, plus 4,775 sq. ft. (.11 ac.) in Existing Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-8MF

Use: Single-family Residential

Tax Code: 059-201-08

Appraised Value: $1,250

Property Owner’s Concerns: Property owner is concerned with the amount of compensation and impact on future development.

City’s Response to Property Owner’s Concerns: Staff addressed property owner concerns.

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

Council District: 3
55. Reference - Charlotte Business INClusion Policy

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

**Part A: Administration & Enforcement**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Appendix Section 35: Informal Contracts:** Contracts and purchase orders through which the City procures services from a Business Enterprise that fall within one of the following two categories:

- **Construction Contracts Less Than or Equal To $500,000:**
- **Service and Commodities Contracts That Are Less Than or Equal To $100,000:**

**Part B: Formal Construction Bidding**

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

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

**Part C: Services Procurement**

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

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

**Part D: Post Contract Award Requirements**

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

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

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

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

**Property Transaction Process Following City Council Approval for Condemnation**

The following overview is intended to provide further explanation for the process of property transactions that are approved by City Council for condemnation.

Approximately six weeks of preparatory work is required before the condemnation lawsuit is filed. During this time, City staff continues to negotiate with the property owner in an effort to reach a mutual settlement.

- If a settlement is reached, the condemnation process is stopped, and the property transaction proceeds to a real estate closing.
- If a settlement cannot be reached, the condemnation lawsuit is filed. Even after filing, negotiations continue between the property owner and the City’s legal representative. Filing of the condemnation documents allows:
  - The City to gain access and title to the subject property so the capital project can proceed on schedule.
  - The City to deposit the appraised value of the property in an escrow account with the Clerk of Court. These funds may be withdrawn by the property owner immediately upon filing, and at any time thereafter, with the understanding that additional funds transfer may be required at the time of final settlement or at the conclusion of litigation.
- If a condemnation lawsuit is filed, the final trial may not occur for 18 to 24 months; however, a vast majority of the cases settle prior to final trial. The City’s condemnation attorney remains actively engaged with the property owner to continue negotiations throughout litigation.
  - North Carolina law requires that all condemnation cases go through formal non-binding mediation, at which an independent certified mediator attempts to facilitate a successful settlement. For the minority of cases that do not settle, the property owner has the right to a trial by judge or jury in order to determine the amount of compensation the property owner will receive.