City of Charlotte

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

Meeting Agenda

Monday, February 13, 2017

Council Chambers

City Council Business Meeting

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

Meeting Agenda
City Council Business Meeting

Monday, February 13, 2017  5:00 PM  Council Chambers

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

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Roll Call
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Invocation
Pledge of Allegiance

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CITY COUNCIL MEETING
Monday, February 13, 2017

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

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<thead>
<tr>
<th>Item#</th>
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<tr>
<td>27</td>
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</table>
Mayor and Council Consent Item Questions

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

Time: 5 minutes

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

Staff Resource(s):
Marcus Jones, City Manager’s Office
Tom Murray, Charlotte Regional Visitors Authority
Jacqie McWilliams, CIAA

Time: 30 minutes

Explanation
- The Central Intercollegiate Athletic Association (CIAA) Men’s and Women’s Basketball Tournament runs from Tuesday, February 21 through Saturday, February 25.
- This is the 12th year Charlotte has hosted the tournament, which has been the City’s largest annual event.
- The CIAA Basketball Tournament is the largest NCAA Division II tournament nationwide.
- The event generated $57.4 million in economic impact ($31.6 million in direct spending) in the community last year.
- The purpose of this presentation is to recognize the strong partnership among the CIAA, City, and Charlotte Regional Visitors Authority, and to provide key highlights for the tournament week.

Future Action
The presentation is for informational purposes only.
Community Letter - Safety, Trust, and Accountability

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

Time: 45 minutes

Explanation

- On Monday, October 10, 2016, the City Council adopted a series of actions intended as initial steps related to fulfilling the goals outlined in its Letter to the Community dated October 3, 2016. These actions focus on the following key areas:
  - Safety, trust, and accountability,
  - Access to safe, quality, and affordable housing, and
  - Good paying jobs.
- As staff continues to focus on the items approved on October 10, briefings will occur with City Council to update progress at Council Workshops and other meetings on an as needed basis.
- The dinner briefing presentation will provide further information on several key initiatives related to safety, trust, and accountability.

Future Action
The presentation is for informational purposes only.
City Council Retreat Recap

Committee Chair:
Kenny Smith

Staff Resource(s):
Marcus Jones, City Manager’s Office

Time: 15 minutes

Explanation
- The 2017 City Council Retreat was held January 25-27 in Raleigh.
- The themes of the Retreat were: 1) Building Relationships, and 2) Preparing For the Future. Sessions included “Winning Cities of Tomorrow,” “Urban, Rural, and Suburban Connections,” and “Charlotte Financial and Strategic Outlook.”
- The Committee Chair and City Manager will summarize highlights from the Retreat and discuss next steps as Charlotte prepares to be THE winning City of the future.

Future Action:
The presentation is for informational purposes only.
Answers to Mayor and Council Consent Item Questions

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

Time: 10 minutes

Synopsis
Staff responses to questions from the beginning of the dinner meeting.
Agenda #: 6. File #: 15-5005 Type: Consent Item

Consent agenda items 27 through 56 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.
CIAA Week Proclamation

Action:
Council member Mitchell will read a proclamation recognizing, February 21 - 25, 2017 as Central Intercollegiate Athletic Association (CIAA) Week in Charlotte. He would also like to thank the CIAA Committee for its commitment to the Charlotte community.
Food Too Good To Waste Challenge Recognition

Action:
Mayor Roberts will recognize the participating neighborhoods and individual winner of Solid Waste Services’ Food Too Good to Waste Challenge.
African Caribbean Political Action Committee Proclamation

Action:
Mayor Roberts will read a proclamation recognizing the newly formed African Caribbean Political Action Committee in Charlotte.
Public Hearing on a Resolution to Close a Portion of Auten Avenue

Action:
A. Conduct a public hearing to close a portion of Auten Avenue, and
B. Adopt a resolution to close a portion of Auten Avenue.

Staff Resource(s):
Jeff Boenisch, Transportation

Explanation
- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk’s Office.
- A portion of Auten Avenue is located in Council District 2.

Petitioners
JDSI, LLC - Mr. Judson Stringfellow

Right-of-Way to be Abandoned
A portion of Auten Avenue is a stub-street located approximately a quarter mile North of I-85, east of I-77, and west of its intersecting point with Statesville Avenue.

Reason
The petitioner is vested in the abutting property and intends to reassemble this land to include a portion of Auten Avenue. The assembly of this land will accommodate the construction of the proposed Riley Woods Phase 2 single family subdivision.

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)
Prologis-North Carolina, LP - No objections
Agenda #: 10. File #: 15-4935 Type: Public Hearing Item

Neighborhood/Business Association(s) - None

Private Utility Companies - No objections

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

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

Attachment
Map
Resolution
Abandonment petition #2016-14
A portion of Auten Avenue
RESOLUTION CLOSING A PORTION OF AUTEN AVENUE IN THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a portion of Auten Avenue, which calls for a public hearing on the question; and

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

WHEREAS, the city may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to G.S.160A-299; and

WHEREAS, an easement shall be reserved in favor of Charlotte Water, AT&T, and Duke Energy over, upon, and under the area petitioned to be abandoned for ingress, egress, and regress to access its existing facilities for the installation, maintenance, replacement, and repair of water line, water mains, sewer lines, conduit, and related equipment, as shown on the attached map marked “Exhibit A”; and

WHEREAS, the public hearing was held on the 13th day of February, 2017, and City Council determined that the closing of a portion of Auten Avenue is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of February 13, 2017, that the Council hereby orders the closing of a portion of Auten Avenue in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked “Exhibit A”, and is more particularly described by metes and bounds in the document marked “Exhibit B”, all of which are attached hereto and made a part hereof.

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

Agenda Date: 2/13/2017

Agenda #: 11. File #: 15-5006 Type: Policy Item

City Manager’s Report
Agenda #: 12. File #: 15-4994 Type: Policy Item

Community Housing Development Organization Grants

Action:
Approve the Housing & Neighborhood Development Committee’s recommendation on the Community Housing Development Organization grants for a total of $740,000 to:

- Charlotte-Mecklenburg Housing Partnership, Inc. Land Acquisition for Catawba Phase II multi-family development for a total of $250,000, and
- CrossRoads Corporation for Affordable Housing and Community Development for the Elizabeth Heights Phase IV single-family homeownership housing development for a total of $490,000.

Committee Chair: LaWana Mayfield, Housing & Neighborhood Development

Staff Resource(s):
Pamela Wideman, Neighborhood & Business Services
Zelleka Bierrmann, Neighborhood & Business Services

Explanation
- The awarding of these grants aligns with work from the Response to the Community Letter, creating 5,000 affordable and workforce housing units within a three-year period.
- Staff provided an update on the Affordable Housing component of the Response to the Community Letter at the City Council Workshop on February 6, 2017.
- On May 9, 2016, the City Council adopted the U.S. Department of Housing and Urban Development (HUD) Annual Action Plan (Plan). The Plan:
  - Identifies the need for affordable, safe, and decent housing for low and moderate-income families, and
  - Reaffirms three basic goals of the City’s Housing Policy:
    - Preserve the existing housing stock,
    - Expand the supply of affordable housing, and
    - Support family self-sufficiency initiatives.
- As a HUD participating jurisdiction, the City must award a minimum of 15% of its HOME allocation to qualified Community Housing Development Organizations (CHDOs) for housing development activities in which these organizations are owners, developers, and/or sponsors.
- CHDO grant opportunities were announced during a quarterly meeting of nonprofit housing providers on July 20, 2016. The City received two funding requests. In this instance, further vetting was not required because the requests met threshold requirements, and sufficient funding
Neighborhood & Business Services (NBS) staff have reviewed two proposed developments for affordable housing and request City Council’s approval of a $740,000 grant allocated for the following:

- $250,000 to The Charlotte-Mecklenburg Housing Partnership Inc. (The Housing Partnership) toward land acquisition for 39 units that are part of Phase II for the Catawba Multi-family Senior development located at Mount Holly-Huntersville Road.
- $490,000 to CrossRoads Corporation for Affordable Housing for construction of eight single-family homes in Phase IV of Elizabeth Heights in the Grier Heights community.

The grants will be funded through HUD’s HOME Investment Partnerships Program, which focuses on development of affordable housing for low-income residents.

Unlike a Community Development Corporation (CDC) which provides programs, services and other activities to support a community, a CHDO is a non-profit that develops affordable housing within a community. However, The Housing Partnership and CrossRoads meet the standards for both categories.

The developments recommended for funding will serve families earning at or below 60% of the Area Median Income ($40,200) for multi-family rental units, and families earning at or below 80% of the Area Median Income ($53,600) for single-family homeownership units. In addition, they will have deed restrictions for a minimum affordability period of 15 years for homeownership and 20 years for multi-family rentals.

NBS will monitor the development during and after construction. Per the grant agreement, each CHDO must complete its development within two years. If an organization fails to complete its development or forfeits the funding for noncompliance and/or nonperformance, the funds will be redistributed to other CHDO developments.

### Housing & Neighborhood Development Committee Discussion

On January 11, 2017, Neighborhood & Business Services staff made a presentation on the proposed FY2017 CHDO grant to the Housing & Neighborhood Development Committee. The Committee voted unanimously (Mayfield, Austin, Driggs, and Kinsey) to recommend approval of the grant.

### Charlotte Business INClusion

The developments funded by these grants are subject to applicable Housing and Urban Development (HUD) requirements for providing training, employment, and contracting opportunities to Section 3 residents and minority, women, and small business enterprises.

### Fiscal Note

Funding: U.S. Department of Housing and Urban Development HOME Fund

### Attachment

Housing & Neighborhood Development Committee Presentation on January 11, 2017
City Council Workshop Presentation on February 6, 2017
A Community Housing Development Organization (CHDO) is defined as a private nonprofit, community-based service organization that has paid staff with the capacity to develop affordable housing for the community it serves.

CHDOs also provide programs, services, and engage in other activities that promote and support a community.
CHDO Set-Aside

- The City of Charlotte is designated as a Participating Jurisdiction (PJ) by Housing and Urban Development.

- The City of Charlotte as a PJ must allocate the equivalent of at least 15% of each HOME allocation to CHDOs for housing development serving households earning 80% ($53,600) and below the area median income.

<table>
<thead>
<tr>
<th>Budget Year</th>
<th>HOME Allocation</th>
<th>CHDO Set-aside</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2016</td>
<td>$2,251,986</td>
<td>$422,247</td>
</tr>
<tr>
<td>FY2017</td>
<td>$2,299,536</td>
<td>$431,163</td>
</tr>
<tr>
<td>Total</td>
<td>$4,551,522</td>
<td>$853,410</td>
</tr>
</tbody>
</table>
CHDO Qualifying Criteria

- CHDOs must meet requirements pertaining to their:
  - Legal status
  - Organizational structure
  - Capacity and experience
  - Fiscal soundness
  - Marketing Plan and/or managing rental units

CHDO Members

- Belmont CDC
- Builders of Hope, Inc.
- CrossRoads CDC
- Charlotte-Mecklenburg Housing Partnership, Inc.
- Friendship CDC
- MOSAIC /FKA TAHG
CHDO Proposals

• Neighborhood & Business Services received two development proposals qualified for CHDO funding from:
  • Crossroads Community Development Corporation
  • Charlotte-Mecklenburg Housing Partnership

• Funding Recommendation:
  • CrossRoads Corporation Elizabeth Heights Phase IV - New Construction
  • Charlotte-Mecklenburg Housing Partnership Catawba Phase II – Land Acquisition

Elizabeth Heights Phase IV
New Construction

• Units: 8
• AMI: \( \leq 80\% \) ($0 - $53,600)
• HOME Funds: $490,000
• Total Cost: $1,900,462
• Affordability: 15 Years
• Leverage: 1:4

Crossroads Community Working Teams
• New Home Team to increase home ownership
• Community Center Team
• Youth Program Team
• Pre-School/Parenting Education Team
• Critical Home Repair Team
• Study and Fellowship Team to build and strengthen community relationship

• Elizabeth Heights - A mixed income community has completed 24 homes (18 Affordable & 6 Market Rate)
• Upon completion Elizabeth Heights will have 41 new single family homes, mixed income with a substantial majority being affordable homes.
Catawba Phase II

- Units: 39
- AMI: ≤ 60% ($0 - $40,200)
- HOME Funds: $250,000
- Total Cost: $5,486,943
- Affordability: 20 Years
- Leverage: 1:22

Requested Committee Action

Approve Funding for:

- Elizabeth Heights Phase IV
  - 8 units of new single-family in the amount of $490,000

- Catawba Phase II
  - 39 units of new multi-family rental in the amount of $250,000
Next Steps

• Approval of this request will result in 47 additional units of affordable and workforce housing toward Council’s accelerated goal of creating 5,000 affordable/workforce housing within three years.

• On February 13, 2017, City Council will consider approval for 2017 CHDO Funding Requests:
  o Catawba Phase II - $250,000
  o Elizabeth Heights Phase IV - $490,000
Private Sale of City-Owned Property for the Development of Affordable/Workforce Housing West Tyvola Road (#143-133-01) & Community Housing Development Organizations Funding Support Requests

Presentation Overview

- On February 13, 2017, City Council will consider approval for both requests.

- Approval of both request will result in up to 247 additional units of affordable and workforce housing toward Council’s accelerated goal of creating 5,000 affordable/workforce housing within three years.
Council Priority

- Build and preserve vibrant and diverse neighborhoods by expanding the supply of affordable and workforce housing through new construction and preservation of the existing housing stock.

- On October 10, 2016, Council accelerated the goal of creating 5,000 affordable/workforce housing units within five years to three years.

Current Context

1 in 3 households in Charlotte now pay more than 30% of income on housing costs

34,000 affordable housing units needed in Charlotte, per recent HUD estimates

Senior population will grow rapidly, about half expected to be <60% AMI and need affordable housing
Who Needs Affordable Housing

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Median Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer service</td>
<td>$15</td>
</tr>
<tr>
<td>Health aides</td>
<td>$10</td>
</tr>
<tr>
<td>Retail sales</td>
<td>$10</td>
</tr>
<tr>
<td>Food prep</td>
<td>$8</td>
</tr>
<tr>
<td>Laborers</td>
<td>$11</td>
</tr>
</tbody>
</table>

Source: NC Department of Commerce, prepared for the Charlotte-Mecklenburg Workforce Board.

Strategies for creating Affordable and Workforce Housing

- The use of publicly-owned land is a national best practice proven to assist communities across the country in the creation of affordable and workforce housing.
### City-Owned Parcel Background

- The property is located on West Tyvola Road.

- The City obtained the property in segments beginning in 1926 with the final acquisition in 1985.

- The property is 11.686 acres of vacant land currently (approximately 6 acres is buildable) zoned MUDD-O.

- The property is located in proximity to areas currently experiencing new market rate developments with little to no affordable housing.

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### City-Owned Parcel Background

- In 1987, a portion of the property was sold to Duke Power Company to provide electricity for new development in the area including the old Coliseum.

- In 2015, the property was previously under contract by Crosland Southeast for a proposed commercial retail development that did not close due to insufficient market interest.

- Engineering & Property Management obtained a recent appraisal of the property dated October 21, 2016.
City-Owned Parcel Site Map

City-Owned Parcel and Surrounding Development

City-Owned Property

Hotel @City Park

City-Owned Property

City Park Entry
Offer to Purchase City-Owned Parcel

- Laurel Street Residential (LSR), a leading, Charlotte-based, mixed-income developer, desires to purchase a city-owned parcel for the development of a mixed-income community.

- LSR proposes to create a mixed-income community on the site.

- LSR’s offer includes the following terms:
  - Purchase Price of $1,235,000 (October 2015 appraised value)
  - Deposit of Earnest Money - $20,000 w/additional $20,000 at the end of the due diligence period
  - Due Diligence Period-240 days
  - Closing within 240 days from the end of the due diligence period
**Due Diligence Period**

- The due diligence period will take approximately 240 days and will include the following major activities:
  - Preliminary site planning and design
  - Rezoning Process
  - Geo-Technical Investigation
  - Environmental Assessment
  - Title Investigation
  - Topographic Survey
  - Obtain Financial Commitments (including a future Housing Trust Fund Request)

**Committee Action**

On January 11, 2017, the Housing & Neighborhood Development Committee unanimously recommended the private sale of City-Owned Parcel 143-33-01 to Laurel Street Residential for the development of up to 200 units of affordable and workforce housing units based on the following terms and conditions:

- Purchase Price of $1,235,000
- Deposit of Earnest Money - $20,000 w/additional $20,000 at the end of the due diligence period
- Due Diligence Period - 240 days
- Closing within 240 days from the end of the due diligence period
Next Steps

- On February 13, 2017, City Council will consider approval of a private sale of 11.686 acres of vacant land at West Tyvola Road to Laurel Street Residential, LLC for the development of up to 200 units of affordable and workforce housing.

- Approval of this request will result in up to 200 units of additional affordable and workforce housing toward Council’s accelerated goal of creating 5,000 affordable/workforce housing units within three years.

Community Housing Development Organization

- A Community Housing Development Organization (CHDO) is defined as a private nonprofit, community-based service organization that has paid staff with the capacity to develop affordable housing for the community it serves.

- CHDOs also provide programs, services, and engage in other activities that promote and support a community.
• The City of Charlotte is designated as a Participating Jurisdiction (PJ) by Housing and Urban Development.

• The City of Charlotte as a PJ must allocate the equivalent of at least 15% of each HOME allocation to CHDOs for housing development serving households earning 80% ($53,600) and below the area median income.

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- CHDOs must meet requirements pertaining to their:
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  - Capacity and experience
  - Fiscal soundness
  - Marketing Plan and/or managing rental units

CHDO Members

- Belmont CDC
- Builders of Hope, Inc.
- CrossRoads CDC
- Charlotte-Mecklenburg Housing Partnership, Inc.
- Friendship CDC
- MOSAIC /FKA TAHG

Heflin Street - Grier Heights
CHDO Proposals

• Neighborhood & Business Services received two development proposals qualified for CHDO funding from:
  - Crossroads Community Development Corporation
  - Charlotte-Mecklenburg Housing Partnership

• Funding Recommendation:
  - CrossRoads Corporation Elizabeth Heights Phase IV - New Construction
  - Charlotte-Mecklenburg Housing Partnership Catawba Phase II – Land Acquisition

Elizabeth Heights Phase IV
New Construction

• Units: 8
• AMI: ≤ 80% ($0 - $53,600)
• HOME Funds: $490,000
• Total Cost: $1,900,462
• Affordability: 15 Years

Crossroads Community Working Teams
• New Home Team to increase home ownership
• Community Center Team
• Youth Program Team
• Pre-School/Parenting Education Team
• Critical Home Repair Team
• Study and Fellowship Team to build and strengthen community relationship

• Elizabeth Heights - A mixed income community has completed 24 homes (18 Affordable & 6 Market Rate)
• Upon completion Elizabeth Heights will have 41 new single family homes, mixed income with a substantial majority being affordable homes.
Catawba Phase II

- Units: 39
- AMI: \( \leq 60\% \) ($0 - $40,200)
- HOME Funds: $250,000
- Total Cost: $5,486,943
- Affordability: 20 Years

Committee Action

On January 11, 2017, the Housing & Neighborhood Development Committee unanimously Recommended approval of funding for:

- Elizabeth Heights Phase IV
  - 8 units of new single-family in the amount of $490,000

- Catawba Phase II
  - 39 units of new multi-family rental in the amount of $250,000
Next Steps

• Approval of this request will result in 47 additional units of affordable and workforce housing toward Council’s accelerated goal of creating 5,000 affordable/workforce housing within three years.

• On February 13, 2017, City Council will consider approval for 2017 CHDO Funding Requests:
  o Catawba Phase II - $250,000
  o Elizabeth Heights Phase IV - $490,000

Conclusion

• On February 13, 2017, City Council will consider approval for both requests.

• Approval of both request will result in up to 247 additional units of affordable and workforce housing toward Council’s accelerated goal of creating 5,000 affordable/workforce housing within three years.
Agenda #: 13. File #: 15-4961 Type: Policy Item

Sale of City Property on West Tyvola Road - Responses to the questions asked at the February 6 City Council Workshop will be included in the February 9 Council-Manager Memo and Packet

Action: Approve the Housing & Neighborhood Development Committee’s recommendation to adopt a resolution approving the private sale of parcel 143-133-01, at West Tyvola Road, consisting of 11.686 acres of vacant land to Laurel Street Corporation, LLC, a wholly owned subsidiary of Laurel Street Residential, for the development of a mixed income rental residential community which will include up to 200 units of affordable and workforce rental housing units with a minimum commitment of 120 units.

Committee Chair: LaWana Mayfield, Housing & Neighborhood Development

Staff Resource(s):
Pamela Wideman, Neighborhood & Business Services
Tony Korolos, Engineering & Property Management

Explanation

- The sale of this City property aligns with work from the Response to the Community Letter, creating 5,000 affordable and workforce housing units within a three-year period. Staff provided an update on the Affordable Housing component of the Response to the Community Letter at the City Council Workshop on February 6, 2017.

- One of City Council’s priorities is to build and preserve vibrant and diverse neighborhoods by expanding the supply of affordable and workforce housing through new construction and preservation of the existing housing stock.
  - In January 2016, City Council established a goal of creating 5,000 affordable and workforce housing units within a five year period.
  - On October 10, 2016, City Council accelerated the goal of creating 5,000 affordable and workforce housing units from five years to three years.
  - The private sale of the property for use as affordable and workforce housing furthers this goal.

- The use of publicly-owned land is one of the tools proven to assist communities across the country in the creation of affordable and workforce housing.

- The City-owned property is 11.686 acres of vacant land currently zoned Mixed Use Development District - Optional (MUDD-O).

- An appraisal of the property on October 21, 2016 established a fair market value of $1,235,000.

- Laurel Street Residential (LSR), a leading Charlotte-based, mixed-income developer, desires to purchase the city-owned parcel for the development of a mixed-income community.
The offer from LSR includes the following terms:
- Purchase price of $1,235,000,
- Earnest money deposit of $20,000 with an additional $20,000 deposit following the end of the due diligence period,
- Due diligence period of 240 days, and
- Closing to occur within 240 days from the end of the due diligence period.

Approval of this offer will result in up to 200 units of affordable and workforce rental housing units with a minimum commitment of 120 units toward City Council’s accelerated goal of creating 5,000 affordable and workforce housing units within three years.
- The proposed housing units will target households earning up to 120% of the area median income with a long-term affordability deed restriction placed on the affordable units.

Once the due diligence period ends and site design is complete, LSR will make a Housing Trust Fund request to the City to assist in subsidizing the affordable units.

At the February 6 City Council Workshop, staff reviewed the transaction and discussed project details.

Background
- The City acquired the property in segments beginning in 1926 with the final acquisition in 1985.
- In 1987, a portion of the property was sold to Duke Power Company for a substation to provide electricity for new development in the area including the old Coliseum.
- The property went to Mandatory Referral in 2007 and the Planning Committee recommended development of the property in a 6-0 vote at their meeting on March 27, 2007.
- In 2015, the property was previously under contract by Crosland Southeast for a proposed commercial retail development that did not close due to insufficient market interest.

Housing & Neighborhood Development Committee Discussion
- On January 22, 2017, the Housing and Neighborhood Development Committee voted unanimously (Mayfield, Austin, Driggs, and Kinsey) to recommend the private sale of the City-owned parcel to Laurel Street Residential for the development of up to 200 units of affordable and workforce rental housing units with a minimum commitment of 120 units on the following terms and conditions:
  - Purchase Price of $1,235,000,
  - Earnest money deposit of $20,000 within 10 days of City Council’s approval to accept the offer, with an additional $20,000 deposit following the end of the due diligence period,
  - Due diligence period of 240 days, and
  - Closing to occur within 240 days of the end of the due diligence period.

Fiscal Note
Funding: Proceeds from the sale will be deposited into the City’s General Pay-As-You-Go Capital Fund

Attachment
Map
Resolution
City Council Workshop Presentation on February 6, 2017
Location Map: Sale of City Property: West Tyvola Road (Council District 3)
RESOLUTION AUTHORIZING THE CONVEYANCE OF @11.686 ACRES OF LAND TO LAUREL STREET CORPORATION, LLC

WHEREAS, the City of Charlotte owns approximately 11.686 acres of property more particularly identified as being all of Tax Parcel No. 143-133-01, located on W. Tyvola Rd. in Charlotte, Mecklenburg County, North Carolina (the “Property”); and

WHEREAS, in 2007 the Charlotte-Mecklenburg Planning Committee, through the mandatory referral process, determined the Property to be surplus; and

WHEREAS, an appraisal in 2016 determined the current fair market value of the Property to be $1,235,000; and

WHEREAS, Laurel Street Corporation, LLC desires to purchase the Property for redevelopment as a mixed-income residential community, which will include a minimum of 120 affordable/workforce rental housing units, serving families earning no more than 120%, or less, of the Charlotte area median income; and

WHEREAS, Laurel Street has agreed to a) pay the appraised value for the Property, b) develop affordable/workforce housing as set forth above and in accordance with restrictions to be recorded at Closing, and c) request a City Housing Trust Fund grant to help subsidize development and future maintenance of the affordable units; and

WHEREAS, City of Charlotte Charter §8.22 authorizes the City to convey real property by private sale when it determines that the sale will advance or further any Council-adopted urban revitalization or land use plan or policy; and

WHEREAS, the City Council of the City of Charlotte has determined that the sale of the Property to Laurel Street Corporation, LLC will advance the City’s 2016 Council-adopted goal to create 5,000 affordable and workforce housing units within three years; and

WHEREAS, notice of the proposed transaction was advertised at least ten days prior to the adoption of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, pursuant to Section 8.22(d) of the City of Charlotte Charter, that it hereby authorizes the private sale of the above referenced Property as follows:

The City will convey fee simple title to Laurel Street Corporation, LLC for One Million Two Hundred Thirty Five Thousand Dollars ($1,235,000). The City Manager or his
Designee is authorized to execute all documents necessary to complete the sale of the Property to Laurel Street Corporation, LLC, in accordance with the terms and conditions as advertised.

Private Sale of City-Owned Property for the Development of Affordable/Workforce Housing
West Tyvola Road (#143-133-01)
& Community Housing Development Organizations Funding Support Requests

Presentation Overview

- On February 13, 2017, City Council will consider approval for both requests.

- Approval of both request will result in up to 247 additional units of affordable and workforce housing toward Council’s accelerated goal of creating 5,000 affordable/workforce housing within three years.
Council Priority

- Build and preserve vibrant and diverse neighborhoods by expanding the supply of affordable and workforce housing through new construction and preservation of the existing housing stock.

- On October 10, 2016, Council accelerated the goal of creating 5,000 affordable/workforce housing units within five years to three years.

Current Context

1 in 3 households in Charlotte now pay more than 30% of income on housing costs

34,000 affordable housing units needed in Charlotte, per recent HUD estimates

Senior population will grow rapidly, about half expected to be <60% AMI and need affordable housing
Who Needs Affordable Housing

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Median Wage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer service</td>
<td>$15</td>
</tr>
<tr>
<td>Health aides</td>
<td>$10</td>
</tr>
<tr>
<td>Retail sales</td>
<td>$10</td>
</tr>
<tr>
<td>Food prep</td>
<td>$8</td>
</tr>
<tr>
<td>Laborers</td>
<td>$11</td>
</tr>
</tbody>
</table>

Source: NC Department of Commerce, prepared for the Charlotte-Mecklenburg Workforce Board.

Strategies for creating Affordable and Workforce Housing

- The use of publicly-owned land is a national best practice proven to assist communities across the country in the creation of affordable and workforce housing.
<table>
<thead>
<tr>
<th>City-Owned Parcel Background</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The property is located on West Tyvola Road.</td>
</tr>
<tr>
<td>• The City obtained the property in segments beginning in 1926 with the final acquisition in 1985.</td>
</tr>
<tr>
<td>• The property is 11.686 acres of vacant land currently (approximately 6 acres is buildable) zoned MUDD-O.</td>
</tr>
<tr>
<td>• The property is located in proximity to areas currently experiencing new market rate developments with little to no affordable housing.</td>
</tr>
</tbody>
</table>

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<td>• In 1987, a portion of the property was sold to Duke Power Company to provide electricity for new development in the area including the old Coliseum.</td>
</tr>
<tr>
<td>• In 2015, the property was previously under contract by Crosland Southeast for a proposed commercial retail development that did not close due to insufficient market interest.</td>
</tr>
<tr>
<td>• Engineering &amp; Property Management obtained a recent appraisal of the property dated October 21, 2016.</td>
</tr>
</tbody>
</table>
City-Owned Parcel and Surrounding Developments

City Park Townhomes

Charlotte V.A. Facility

Offer to Purchase City-Owned Parcel

- Laurel Street Residential (LSR), a leading, Charlotte-based, mixed-income developer, desires to purchase a city-owned parcel for the development of a mixed-income community.

- LSR proposes to create a mixed-income community on the site.

- LSR’s offer includes the following terms:
  - Purchase Price of $1,235,000 (October 2015 appraised value)
  - Deposit of Earnest Money - $20,000 w/additional $20,000 at the end of the due diligence period
  - Due Diligence Period-240 days
  - Closing within 240 days from the end of the due diligence period
Due Diligence Period

- The due diligence period will take approximately 240 days and will include the following major activities:
  - Preliminary site planning and design
  - Rezoning Process
  - Geo-Technical Investigation
  - Environmental Assessment
  - Title Investigation
  - Topographic Survey
  - Obtain Financial Commitments (including a future Housing Trust Fund Request)

Committee Action

On January 11, 2017, the Housing & Neighborhood Development Committee unanimously recommended the private sale of City-Owned Parcel 143-33-01 to Laurel Street Residential for the development of up to 200 units of affordable and workforce housing units based on the following terms and conditions:

- Purchase Price of $1,235,000
- Deposit of Earnest Money - $20,000 w/additional $20,000 at the end of the due diligence period
- Due Diligence Period - 240 days
- Closing within 240 days from the end of the due diligence period
## Next Steps

- On February 13, 2017, City Council will consider approval of a private sale of 11.686 acres of vacant land at West Tyvola Road to Laurel Street Residential, LLC for the development of up to 200 units of affordable and workforce housing.

- Approval of this request will result in up to 200 units of additional affordable and workforce housing toward Council’s accelerated goal of creating 5,000 affordable/workforce housing units within three years.

## Community Housing Development Organization

- A Community Housing Development Organization (CHDO) is defined as a private nonprofit, community-based service organization that has paid staff with the capacity to develop affordable housing for the community it serves.

- CHDOs also provide programs, services, and engage in other activities that promote and support a community.
• The City of Charlotte is designated as a Participating Jurisdiction (PJ) by Housing and Urban Development.

• The City of Charlotte as a PJ must allocate the equivalent of at least 15% of each HOME allocation to CHDOs for housing development serving households earning 80% ($53,600) and below the area median income.

<table>
<thead>
<tr>
<th>Budget Year</th>
<th>HOME Allocation</th>
<th>CHDO Set-aside</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2016</td>
<td>$2,251,986</td>
<td>$422,247</td>
</tr>
<tr>
<td>FY2017</td>
<td>$2,299,536</td>
<td>$431,163</td>
</tr>
<tr>
<td>Total</td>
<td>$4,551,522</td>
<td>$853,410</td>
</tr>
</tbody>
</table>
### CHDO Qualifying Criteria

CHDOs must meet requirements pertaining to their:
- Legal status
- Organizational structure
- Capacity and experience
- Fiscal soundness
- Marketing Plan and/or managing rental units

### CHDO Members

- Belmont CDC
- Builders of Hope, Inc.
- CrossRoads CDC
- Charlotte-Mecklenburg Housing Partnership, Inc.
- Friendship CDC
- MOSAIC /FKA TAHG

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*Heflin Street - Grier Heights*
### CHDO Proposals

- Neighborhood & Business Services received two development proposals qualified for CHDO funding from:
  - Crossroads Community Development Corporation
  - Charlotte-Mecklenburg Housing Partnership

- Funding Recommendation:
  - CrossRoads Corporation Elizabeth Heights Phase IV - New Construction
  - Charlotte-Mecklenburg Housing Partnership Catawba Phase II – Land Acquisition

### Elizabeth Heights Phase IV

**New Construction**

<table>
<thead>
<tr>
<th>Feature</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Units</td>
<td>8</td>
</tr>
<tr>
<td>AMI</td>
<td>≤ 80% ($0 - $53,600)</td>
</tr>
<tr>
<td>HOME Funds</td>
<td>$ 490,000</td>
</tr>
<tr>
<td>Total Cost</td>
<td>$1,900,462</td>
</tr>
<tr>
<td>Affordability</td>
<td>15 Years</td>
</tr>
</tbody>
</table>

- **Crossroads Community Working Teams**
  - New Home Team to increase home ownership
  - Community Center Team
  - Youth Program Team
  - Pre-School/Parenting Education Team
  - Critical Home Repair Team
  - Study and Fellowship Team to build and strengthen community relationship

- Elizabeth Heights - A mixed income community has completed 24 homes (18 Affordable & 6 Market Rate)
- Upon completion Elizabeth Heights will have 41 new single family homes, mixed income with a substantial majority being affordable homes.
Catawba Phase II

- Units: 39
- AMI: ≤ 60% ($0 - $40,200)
- HOME Funds: $250,000
- Total Cost: $5,486,943
- Affordability: 20 Years

Committee Action

On January 11, 2017, the Housing & Neighborhood Development Committee unanimously recommended approval of funding for:

- Elizabeth Heights Phase IV
  - 8 units of new single-family in the amount of $490,000

- Catawba Phase II
  - 39 units of new multi-family rental in the amount of $250,000
Next Steps

• Approval of this request will result in 47 additional units of affordable and workforce housing toward Council’s accelerated goal of creating 5,000 affordable/workforce housing within three years.

• On February 13, 2017, City Council will consider approval for 2017 CHDO Funding Requests:
  o Catawba Phase II - $250,000
  o Elizabeth Heights Phase IV - $490,000

Conclusion

• On February 13, 2017, City Council will consider approval for both requests.

• Approval of both request will result in up to 247 additional units of affordable and workforce housing toward Council’s accelerated goal of creating 5,000 affordable/workforce housing within three years.
Agenda #: 14. File #: 15-4938 Type: Nomination

Nominations to Business Advisory Committee

Action:

Nominate citizens to serve as specified.

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

Explanation

- Two recommendations by the Charlotte Chamber of Commerce for partial terms beginning immediately and ending April 28, 2017, then followed by a full three-year term until April 28, 2020.
  - Thomas Hsiao did not meet attendance requirements.
  - Jonathan Utrup did not meet attendance requirements.

- One recommendation by the Charlotte Chamber of Commerce for a partial term beginning immediately and ending April 30, 2019.
  - Hilary Greenberg has resigned.

- One recommendation by the Hispanic Contractors Association for a partial term beginning immediately and ending April 28, 2017, then followed by a full three-year term until April 28, 2020.
  - Milagritos Aguilar did not meet attendance requirements.

- One appointment for a partial term beginning immediately and ending April 28, 2017, then followed by a full three-year term until April 27, 2020.
  - Amanda Brown did not meet attendance requirements.

- One appointment for a partial term beginning immediately and ending April 28, 2018.
  - Lee Cochran did not meet attendance requirements.

- One appointment for a partial term beginning immediately and ending April 28, 2019.
  - Gregory Wiley did not meet attendance requirement.

Attachment
Business Advisory Committee Applicants
Nominations to the Charlotte Business Inclusion Advisory Committee

Action:
Nominate citizens to serve as specified.

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

Explanation
This new committee was established January 9, 2017 by City Council action; all positions are being filled for the first time.

- One recommendation by the Hispanic Contractors Association for a term beginning March 1, 2017, and ending February 28, 2018.
  - The Hispanic Contractors Association has recommended Marvin Reyes.
  - The letter of recommendation is included with the application.

  - The Metrolina Native American Association has recommended Walter Baucom III.
  - The letter of recommendation is included with the application.

- One recommendation by the Carolinas Association of General Contractors for a term beginning March 1, 2017, and ending February 28, 2019.
  - The Carolina Association of General Contractors has recommended William Stricker.
  - The letter of recommendation is included with the application.

- One recommendation by the Latin American Chamber of Commerce for a term beginning March 1, 2017, and ending February 28, 2019.
  - The Latin American Chamber of Commerce has recommended Yeferson Ovalle Uruena.
  - The letter of recommendation is included with the application.

  - The National Association of Women Business Owners has recommended Vilma Betancourt.
  - The letter of recommendation is included with the application.

  - The Charlotte-Mecklenburg Black Chamber of Commerce has recommended Gary Young II.
  - The letter of recommendation is included with the application.

The Metrolina Minority Contractors Association has recommended Stephane Berwald.
- The letter of recommendation is included with the application.

One recommendation by the Carolinas Asian-American Chamber of Commerce for a term beginning March 1, 2017, and ending February 28, 2018.
- The Carolinas Asian-American Chamber of Commerce has recommended Parth Gandhi and Shobha Rajpal; please select one of these recommendations for this category.
- The letter of recommendation is included with the applications.

One At-large appointment representing a Prime Construction Company for a term beginning March 1, 2017, and ending February 28, 2019.


One At-Large appointment for a term beginning March 1, 2017, and ending February 28, 2018.


Attachment
Charlotte Business Inclusion Advisory Committee Applicants
Nominations to the Charlotte International Cabinet

Action:

Nominate citizens to serve as specified.

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

Explanation

- One recommendation by the Charlotte Regional Visitor’s Authority for a partial term beginning immediately and ending June 30, 2019.
  - The vacancy is from Cabinet restructuring.
  - The Charlotte Regional Visitor’s Authority has recommended William “Bill” McMillan.
  - The letter of recommendation is included with the application.

- One appointment in the International Business category for a partial term beginning immediately and ending June 30, 2018.
  - Steve Yim did not meet attendance requirements

Attachment
Charlotte International Cabinet Applicants
Nominations to the Charlotte Mecklenburg Public Access Corporation

Action:
Nominate citizens to serve as specified.

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

Explanation
- One appointment for a partial term beginning immediately and ending July 1, 2019.
  - Kerry Shipman did not meet attendance requirements.
- One appointment for a partial term beginning immediately and ending June 30, 2017, then followed by a full three-year term beginning July 1, 2017, and ending June 30, 2020.
  - Sophia Matthews did not meet attendance requirements.

Attachment
Charlotte Mecklenburg Public Access Corporation Applicants
Nomination to Community Relations Committee

Action:
   Nominate a citizen to serve as specified.

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

Explanation
   - Two appointments for partial terms beginning immediately and ending June 30, 2019.
     - Ryan Deal did not meet attendance requirements.
     - Amanda Brown has resigned.

Attachment
Community Relations Committee Applicants
Nomination to the Historic District Commission

Action:

Nominate a citizen to serve as specified.

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

Explanation

- One appointment for an At-Large position to a partial term beginning immediately and ending June 30, 2018.
  - Belinda Corbus has resigned.

Attachment
Historic District Commission Applicants
Nominations to Keep Charlotte Beautiful

Action:

Nominate citizens to serve as specified.

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

Explanation

- One appointment for a partial term beginning immediately and ending June 30, 2018.
  - Joshua Arnold has resigned.

- One appointment for a partial term beginning immediately and ending June 30, 2019.
  - Michael Zytkow has resigned.

- One appointment for a partial term beginning immediately and ending June 30, 2017, and then followed by a full three-year term from July 1, 2017 until June 30, 2020.
  - Amy Villegas-McCleave did not meet attendance requirements.

Attachment
Keep Charlotte Beautiful Applicants
Nomination to Neighborhood Matching Grants Fund

Action:

Nominate a citizen to serve as specified.

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

Explanation
- One recommendation from the School Superintendent for a partial term beginning immediately and ending April 15, 2019.
  - Patrick Doiel relocated outside Mecklenburg County; therefore, he is no longer eligible.
  - The School Superintendent has recommended Keva Womble.
  - The letter of recommendation is included with the application.

Attachment
Neighborhood Matching Grants Fund Applicants
Agenda #: 22. File #: 15-4946 Type: Nomination

Nominations to Privatization/Competition Advisory Committee

Action:

Nominate citizens to serve as specified.

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

Explanation

- Four appointments beginning March 2, 2017, and ending March 1, 2019.
  - William Turner is eligible and interested in being reappointed.
  - Antonio Briceno has served two terms; therefore, he is not eligible for reappointment.
  - Robert Diamond has served two terms; therefore, he is not eligible for reappointment.
  - Morris Mcadoo has served two terms; therefore, he is not eligible for reappointment.

- Two appointments for partial terms beginning immediately and ending March 1, 2018.
  - Felicia Fletcher did not meet attendance requirements.
  - Michele King has resigned.

Attachment
Privatization/Competition Advisory Committee Applicants
Nominations to the Transit Services Advisory Committee

Action:

Nominate citizens to serve as specified.

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

Explanation

  - Daniel MacRae is eligible and interested in being reappointed.

  - Joshua Niday is eligible and interested in being reappointed.

Attachment
Transit Services Advisory Committee Applicants
Agenda #: 24.File #: 15-4948 Type: Nomination

Nomination to the Waste Management Advisory Board

Action:

Nominate a citizen to serve as specified.

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

Explanation
- One recommendation to the Board of County Commissioners for a full term beginning February 2, 2017, and ending February 1, 2020.
  - Martin Doss is eligible and interested in being reappointed.

Attachment
Waste Management Advisory Board Applicants
Nomination to the Zoning Board of Adjustment

Action:

Nominate a citizen to serve as specified.

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

Explanation
  - Scott Browder is eligible and interested in being reappointed.

Attachment
Zoning Board of Adjustment Applicants
City of Charlotte

Agenda Date: 2/13/2017

Agenda #: 26. File #: 15-5007 Type: Business Item

Mayor and City Council Topics
The City Council members may share information and raise topics for discussion.
Agenda #: 27. File #: 15-4969 Type: Consent Item

2016 Homeland Security Grant Program

Action:

A. Authorize the Charlotte Homeland Security Director (Charlotte Fire Chief) to accept a sub-grant for $150,000 from the North Carolina Department of Public Safety, Office of the North Carolina Emergency Management received through the United States Department of Homeland Security 2016 Homeland Security Grant Program, and

B. Adopt a budget ordinance appropriating $150,000 in Homeland Security Grant Program funds.

Staff Resource(s):
Richard Granger, Fire

Explanation

- The 2016 Homeland Security Grant Program allowed eligible applicants to apply for funding through the North Carolina Department of Public Safety, Office of the North Carolina Emergency Management to aid in the prevention, protection, response, and recovery from potential terrorist and other hazardous or catastrophic events.

- The Charlotte Fire Department will use the grant funds to teach a 10-day structural collapse training course for responding agencies in the Charlotte Urban Search and Rescue (USAR) region and six other metro areas in the state of North Carolina (Asheville/Buncombe County, Greensboro, Raleigh/Durham/Chapel Hill, Fayetteville, Greenville/New Bern, and Wilmington/New Hanover County).
  - Expenses will include tuition for 81 students, compensation for 20 instructors, the purchase of meals for those attending, and the purchase of needed supplies for the training.

- The City of Charlotte has received funding sporadically for this training course since 2002 and will continue to receive this funding in the future on an as-needed basis determined by the North Carolina Department of Public Safety.

- No City matching funds are required for receipt of this grant.

Fiscal Note
Funding: 2016 Homeland Security Grant Program

Attachment
Memorandum of Agreement
Budget Ordinance
MEMORANDUM OF AGREEMENT (MOA)
Between

Recipient:
State of North Carolina
Department of Public Safety
Emergency Management

Sub-Recipient:
City of Charlotte
Tax ID/EIN #: 52-1333483
DUNS#: 074498353

MOA # 1500-9
DPS Fund Code: 1502-7A15-35H1

MOA Amount: $150,000
MOA Period of Performance to -9/01/2015 to 02/28/2018

1. **Purpose**: The purpose of this Memorandum of Agreement (MOA) is to establish responsibilities and procedures to implement the terms of the US Department of Homeland Security (USDHS) HSGP Grant Program. A copy of the complete federal grant instructions is available at www.fema.gov.

   This Agreement is to set forth terms by which the State of North Carolina, Department of Public Safety, North Carolina Emergency Management (Recipient), shall provide HSGP funding to the Sub-Recipient to fund projects related to Emergency Management Planning, Operations, Equipment Purchases, Trainings and Exercises. For more detailed description of the project approved for MOA# 1500-9 Please see Attachment 1 for detailed Scope of Work.


3. **Compensation**: Recipient agrees that it will pay the Sub-Recipient complete and total compensation for the services to be rendered by the Sub-Recipient. Payment to the Sub-Recipient for expenditures under this Agreement will be reimbursed after the Sub-Recipient's cost report is submitted and approved for eligible scope of work activity. The original signed copy of this Award and MOA must be signed by the Official(s) authorized to sign below and returned to North Carolina Emergency Management no later than 45 after award date. The grant shall be effective upon return of the executed Grant Award and Memorandum of Agreement and final approval by North Carolina Emergency Management of the grant budget and program narrative. Grant funds will be disbursed (according to the approved project budget) upon receipt of evidence that funds have been invoiced and products received and/or that funds have been expended (i.e., invoices, contracts, itemized expenses, etc.) and/or that all work activities are completed.
4. **Funding Eligibility Criteria:** Federal funds administered through the State are available to local governments to assist in the cost of developing and maintaining a "Comprehensive Emergency Management" program. Continued HSGP funding is contingent upon completion of all HSGP funding requirements. The following eligibility criteria must be adhered to during the Grant Program:

A. Every participant must:

   i. be established as a State, Local, or Non-Profit agency by appropriate resolution/ ordinance;
   ii. Complete any procurement(s) and expenditures no later than 2/28/2018.
   iii. Provide quarterly progress reports to NCEM Branch or Grants office personnel using the latest Grant Quarterly Report form by the following dates: January 15th, April 15th, July 15th and October 15th.

B. File Retention: Sub-Recipient is required to maintain records and (invoices) of this grant for five (5) years after termination of the grant, or audit if required, or longer where required by law, as outlined below, attached and incorporated by reference. However, if litigation, claim or audit has been initiated prior to the expiration of the five-year period and extends beyond the five-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved. Files must be available for review by North Carolina Emergency Management Staff for site visits, project closeout and future audits.

   i. Sub-Recipient must include appropriate documentation in the file, including but not limited to the following documents:

      1. Grant Award and Memorandum of Agreement/ Memorandum of Understanding and Supporting Appendices
      2. Completed appropriate cost report forms with invoices and proof(s) of payment
      3. Audit Findings and Corrective Action Plans
      4. Equipment Inventory records with photo documentation of labeling

C. Employees must be covered by an approved Pay Plan. However, the Director may be exempt from this requirement.

D. The political subdivision must have an acceptable local travel regulation plan or accept the state travel regulations.

5. **Conditions:** The Sub-Recipient certifies that it understands and agrees that funds will only be expended for those projects outlined in the funding amounts as individually listed in the FY 2015 HSGP Application Packet, incorporated by reference herein. The Recipient certifies that it understands and agrees to comply with the general and fiscal terms and conditions of the grant including special conditions; to comply with provisions of the applicable laws, rules and policies governing these funds; that all information is correct; that there has been appropriate coordination with affected agencies; that it is duly authorized to commit the Sub-recipient to these requirements; that costs incurred prior to grant application approval will result in the expenses being absorbed by the Sub-recipient; and that all agencies involved with this project understand that all federal funds are limited to a 36-month period.

6. **Supplantation:** Sub-recipients are required to provide assurance that grant funds will not be used to supplant or replace local or state funds or other resources that would otherwise have been available for homeland security activities. In compliance with that mandate, the Sub-Recipient certifies that the receipt of federal funds through North Carolina Emergency Management shall in no way supplant or replace state or local funds or other resources that would have been made available for homeland security activities.

7. **Compliance.** Sub-recipient shall comply with the applicable statutes, ordinances, regulations, licensing requirements, policies, guidelines and requirements, reporting requirements and certifications and other regulatory matters that are applicable to the conduct of its business and purchase requirements performed under this MOA,
including those of federal requirements and State and local agencies having appropriate jurisdiction and found in the applicable FY 2015 HSGP Notice of Funding Opportunity Announcement (NOFOA). Sub-recipient shall be wholly responsible for the purchases to be made under this MOA and for the supervision of its employees and assistants. Failure to comply with the specified conditions will result in the return of this grant award to North Carolina Emergency Management.

8. Responsibilities:
A. The Recipient shall:

   i. Provide funding to the Sub-Recipient to perform the work activities as described herein.
   ii. Conduct a review of the project to ensure that it is in accordance with HSGP requirements.
   iii. The performance period for the award to the State of North Carolina, Department of Public Safety, North Carolina Emergency Management, ends on 2/28/2017
   iv. Directly monitor the completion of this project.

B. The Sub-Recipient shall:

   i. Expend FY 2015 HSGP Grant Program funds in accordance with the applicable USDHS and HSGP NOFOA, the Grant Application Package, and the Grant Award and Special Conditions documents, incorporated by reference herein, of this MOA for the performance of the work activities.

C. Sub-Recipient must take possession of all purchased equipment, receive any grant-eligible service and/or complete work activities prior to seeking reimbursement from the Recipient.

D. Complete the procurement(s) process not later than 2/28/2018

E. Provide quarterly progress reports to the Homeland Security Grant Manager, DPR chair, and/or Branch Office by the following dates: 15th January, 15th April, 15th July and 15th October each calendar the grant is active. Attachment 2
F. Provide a list at project completion phase to the Homeland Security Grant Manager, DPR chair, and/or Branch Office listing all items purchased through the grant.

G. Comply with the applicable federal statutes, regulations, policies, guidelines and requirements, reporting requirements and certifications as outlined in the applicable HSGP NOFOA and Grant Award and Special Conditions documents.

H. Maintain a grant management filing system as required in this MOA and Attachment 4.

I. Comply with current federal suspension and debarment regulations pursuant to 2 CFR 200 Sub-part F and OMB Circular A-133 which states in pertinent part that “effective November 26, 2003, when a non-federal entity enters into a covered transaction with an entity at a lower tier, the non-federal entity must verify that the entity is not suspended or debarred or otherwise excluded. Sub-Recipient shall be responsible to ensure that it has checked the federal System for Awards Management (SAM) https://www.sam.gov/portal/public/SAM/ and the State Debarred Vendors Listing, http://www.pandc.nc.gov/actions.asp to verify that contractors or sub-Recipients have not been suspended or debarred from doing business with the federal government”.

J. Ensure that HSGP funds are not used to support the hiring of any personnel for the purposes of fulfilling traditional public safety duties or to supplant traditional public safety positions and responsibilities.

K. Non-supplanting Requirement. Federal grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose.

L. All materials publicizing or resulting from award activities shall contain this acknowledgement: “This project was supported by a Federal award from the U.S. Department of Homeland Security, Office of Grants and Training and Department of Public Safety, North Carolina Emergency Management.” Use of the federal program logo must be approved by DHS. Printed as a legend, either below or beside the logo shall be the words “Funded by U.S. Department of Homeland Security.”

M. The purchase or acquisition of any additional materials, equipment, accessories or supplies or completion of any work activities beyond those identified in this MOA shall be the sole responsibility of Sub-Recipient and shall not be reimbursed under this MOA. Sub-Recipient shall prominently mark any equipment purchased with grant funding as follows: “Purchased with funds provided by the U.S. Department of Homeland Security.”

N. Sub-Recipient shall have sole responsibility for the maintenance, insurance, upkeep, and replacement of any equipment procured pursuant to this Agreement unless hand received or transferred.

O. Sub-Recipient shall maintain an effective property management system that complies with the following requirements. Equipment is defined as tangible, non-expendable property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. Sub-Recipient may have property management guidelines that are more restrictive, requiring a unit of equipment with a value of less than $5,000 to be inventoried; if so, such equipment purchased under this award allocation shall be included on the report submitted to Recipient.

i. Recipient and Sub-Recipient shall take an initial physical inventory of any equipment. The Grant Summary, Cost Reports with backup documentation, Certificate of Title, and any other Sub-Recipient reports or inventory reports that include information regarding the grant, vendor, invoice number, cost per item, number of items, description, location, condition and identification number may be used to meet this requirement. The Sub-Recipient must provide quarterly updates until all funds are expended.

ii. Sub-Recipient must ensure a control system exists to ensure adequate safeguards to prevent loss, damage or theft. Sub-Recipient shall be responsible for replacing or repairing equipment which is willfully or negligently lost, stolen, damaged, or destroyed. Any loss, damage or theft of the property must be investigated and fully documented, and made part of the official project records.
iii. Sub-Recipient or equipment owner must ensure adequate maintenance procedures exist to keep the equipment in good condition.

iv. Disposition Procedures. Sub-Recipient may dispose of the equipment when the original or replacement equipment acquired under the grant award is no longer needed for the original project or program. Items with a fair market value of less than $5,000 may be retained, transferred or otherwise disposed of with prior approval of Recipient and in accordance with disposition requirements in 2 C.F.R. Part 200. Items with a current per unit standard federal or fair market value in excess of $5,000 may be retained, transferred or otherwise disposed of with prior Recipient approval in accordance with disposition requirements in 2 C.F.R. Part 200. Sub-Recipient must provide documentation that includes the method used to determine current fair market value.

v. Only authorized equipment listed in the Authorized Equipment List (AEL), with appropriate grant listed are eligible for purchases from this grant. For more guidance visit www.fema.gov.

P. No indirect or administrative costs will be charged to this allocation award.

Sub-Recipients must utilize equipment as intended in their project application to NCEM. Any variation from this intended use must be requested in writing and approved by NCEM.

i. Any equipment purchased under the Homeland Security Grant is subject to use as a regional asset to be utilized by the US DHS, North Carolina Emergency Management, or Domestic Preparedness Region partners and statewide as needed. Failure to adhere to this policy might result in revocation of funds allocated for the purchase of said equipment.

R. Each Sub-Recipient must have a DUNS Number, prior to any funds being released. DUNS Numbers may be obtained from either of the following web links: www.dnb.com or http://fedgov.dnb.com/webform.

S. System for Award Management (SAM) registration is required for all applicants. Each Sub-Recipient shall ensure that your organization’s name, address, DUNS number and EIN are up to date in SAM and that the DUNS number used in SAM is the same one used to apply for all FEMA awards. SAM information can be found at http://www.sam.gov. Future payments will be contingent on the information provided in SAM; therefore it is imperative that the information is correct.

T. The purchase or acquisition of any additional materials, equipment, accessories or supplies, or the provision of any training, exercise or work activities beyond that identified in this MOA shall be the sole responsibility of Sub-Recipient and shall not be reimbursed under this MOA.

U. HSGP Sub-Recipients certify that they have read and agree to abide by the Sub-Recipient instructions provided in the sub-recipient instructions document provided by NCEM.

9. Funding: All terms and conditions of this MOA are dependent upon and subject to the allocation of funds from the DHS and NCEM for the purpose set forth and the MOA shall automatically terminate if funds cease to be available.

A. All terms and conditions of this MOA are dependent upon and subject to the allocation of funds from USDHS, FEMA and Recipient for the purposes set forth and the MOA shall automatically terminate if funds cease to be available. Allowable costs shall be determined in accordance with the applicable USDHS Program Guidelines, which include, but may not be limited to, the FY 2015 HSGP NOFOA, available at: www.fema.gov, 2 CFR Parts 200 Sub-part F, 215, 220, 225, and 230, Federal Acquisition Regulations (FAR) Part 31.2, OMB Circulars A-21 and the USDHS Financial Management Guide available at www.dhs.gov. Allowable costs are also subject to the approval of the State Administrative Agent for the State of North Carolina, the Secretary of the Department of Public Safety.

10. Taxes: Sub-Recipient shall be considered to be an independent Sub-Recipient and as such shall be responsible for all taxes.
11. **Warranty.** As an independent sub-recipient, the Sub-Recipient will hold the Recipient harmless for any liability and personal injury that may occur from or in connection with the performance of this Agreement to the extent permitted by the North Carolina Tort Claims Act. Nothing in this Agreement, express or implied, is intended to confer on any other person any rights or remedies in or by reason of this Agreement. This Agreement does not give any person or entity other than the parties hereto any legal or equitable claim, right or remedy. This Agreement is intended for the sole and exclusive benefit of the parties hereto. This Agreement is not made for the benefit of any third person or persons. No third party may enforce any part of this Agreement or shall have any rights hereunder. This Agreement does not create, and shall not be construed as creating, any rights enforceable by any person not a party to this Agreement. Nothing herein shall be construed as a waiver of the sovereign immunity of the State of North Carolina.

12. **Audit Requirements:** For all homeland security grant programs, Sub-Recipient is responsible for obtaining audits in accordance with 2 CFR 200 Subpart F.

13. **State Property.** Sub-Recipient shall be responsible for the custody and care of any property purchased with HSGP funds furnished for use in connection with the performance of this Agreement and shall reimburse the Recipient for any loss or damage to said property until the property is disposed of in accordance with HSGP Program requirements. Recipient will not be held responsible for any property purchased under this MOU/MOA. Title to the property purchased with HSGP funds shall be in the Sub-Recipient unless noted in section 2 of the MOA.

14. **Points of Contact.** To provide consistent and effective communication between Sub-Recipient and the Department of Public Safety, North Carolina Emergency Management, each party shall appoint a Principal Representative(s) to serve as its central point of contact responsible for coordinating and implementing this MOA. The Department of Public Safety, North Carolina Emergency Management contact shall be, Assistant Director for Planning & Homeland Security and the Homeland Security Grants Management Staff, and NCEM Branch Staff. The Sub-Recipient point of contact shall be the HSGP Program Manager or the person designated by the Sub-Recipient. All confidential information of either party disclosed to the other party in connection with the services provided hereunder will be treated by the receiving party as confidential and restricted in its use to only those uses contemplated by the terms of this MOA. Any information to be treated as confidential must be clearly marked as confidential prior to transmittal to the other party. Neither party shall disclose to third parties, the other party’s confidential information without written authorization to do so from the other party. Specifically excluded from such confidential treatment shall be information that: (i) as of the date of disclosure and/or delivery, is already known to the party receiving such information; (ii) is or becomes part of the public domain, through no fault of the receiving party; (iii) is lawfully disclosed to the receiving party by a third party who is not obligated to retain such information in confidence; or (iv) is independently developed at the receiving party by someone not privy to the confidential information.

15. **Public Records Access:** While this information under Federal control is subject to requests made pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552 et. seq., all determinations concerning the release of information of this nature are made on a case-by-case basis by the FEMA FOIA Office. This agreement may be subject to the North Carolina Public Records Act, Chapter 132 of the North Carolina General Statutes.

16. **Subcontracting:** If Sub-Recipient subcontracts any or all purchases or services required under this Agreement, then Sub-Recipient agrees to include in the subcontract that the subcontractor is bound by the terms and conditions of this MOA. Sub-Recipient and any subcontractor agree to include in the subcontract that the subcontractor shall hold Recipient harmless against all claims of whatever nature arising out of the subcontractor’s performance of work under this MOA. If Sub-Recipient subcontracts any or all purchases or services required under this MOA, a copy of the executed subcontract Agreement must be forwarded to Recipient. A contractual arrangement shall in no way relieve Sub-Recipient of its responsibilities to ensure that all funds issued pursuant to this grant be administered in accordance with all state and federal requirements. Sub-Recipient is bound by all special conditions of this grant award as set out in the Grant Application Package and the Grant Award and
Special Conditions documents, incorporated by reference herein, as well as all terms, conditions and restrictions of the applicable HSGP NOFOA referenced herein.

17. **Situs:** This Agreement shall be governed by the laws of North Carolina and any claim for breach or enforcement shall be filed in State Court in Wake County, North Carolina.

18. **Antitrust Laws:** This Agreement is entered into in compliance with all State and Federal antitrust laws.

19. **Other Provisions/Severability:** Nothing in this Agreement is intended to conflict with current laws or regulations of the State of North Carolina, Department of Public Safety, North Carolina Emergency Management, or the Sub-Recipient. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.

20. **Compliance with the law:** Sub-Recipient shall be wholly responsible for the purchases to be made under this MOA and for the supervision of its employees and assistants. Sub-Recipient shall be responsible for compliance with all laws, ordinances, codes, rules, regulations, licensing requirements and other regulatory matters that are applicable to the conduct of its business and purchase requirements performed under this MOA, including those of federal requirements and State and local agencies having appropriate jurisdiction and found in the FY 2015 HSGP NOFOA.

21. **Entire Agreement:** This Agreement and any annexes, exhibits and amendments annexed hereto and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral and written statements or agreements.

22. **Modification:** This Agreement may be amended only by written amendments duly executed by the Recipient and the Sub-Recipient.

23. **Termination:** The terms of this agreement, as modified with the consent of all parties, will remain in effect until 2/28/2018. Either party upon thirty (30) days advance written notice to the other party may terminate this agreement. Upon approval by USDHS, FEMA and the issuance of the Grant Adjustment Notice, if this MOA is extended, the termination date for the extension will be the date listed in the applicable USDHS, FEMA Grant Adjustment Notice, incorporated by reference herein. If USDHS suspends or terminates funding in accordance with 2 CFR 200 and the FY2015 HSGP NOFOA, incorporated by reference herein, the Sub-Recipient shall reimburse North Carolina Emergency Management for said property and/or expenses.

24. **Budget and Scope of Work:**

SUB-RECIPIENT shall implement the HSGP Grant project summarized below and as described in the approved project application. That Application is hereby incorporated by reference into this Agreement. The AGENCY/Recipient shall reimburse eligible costs according to the following expenditures:

\[
\begin{array}{|l|}
\hline
\text{A. Funding Summary} \\
\hline
\text{Project Costs:} \\
\text{Federal Share:} & $150,000.00 \\
\text{State Share:} & $0.00 \\
\text{Local Share:} & $0.00 \\
\text{TOTAL:} & $150,000.00 \\
\hline
\end{array}
\]

B. **Scope of Work Summary**
   Please see Attachment 1 for a detailed Scope of Work description.

C. **Reports to be provided during Period of Performance**
SUB-RECIPIENT must also provide a semi-annual summary (progress report); no later than July 15th to the HSGP Grant Manager and/or Field Planner to ensure that the project deliverables are being met, and that each grant contract is operating within budget.

D. Reports to be Provided at the Conclusion of Work (if applicable)
   
i. Quarterly project progress reports.
   ii. Sub-Recipient involved legal action that pertains to Planning Training Exercise and Equipment purchased with HSGP;
   iii. After action report from exercise;
   iv. Training course roster and description
   v. Any other documentation that would be pertinent.
   vi. Any invoices detailing the expenses associated with the project

25. **Lobbying Prohibition:** The Sub-Recipient certifies, to the best of his or her knowledge and belief, that:
   
A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person or employee of any state or federal agency, a member of the N.C. General Assembly, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal Grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

B. In any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.

C. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representative of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

☐ Sub-Recipient agrees to comply with above requirements

26. **Assurance of Compliance with Title VI of the Civil Rights Act of 1964:** During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

A. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-Assisted Programs of the 2 C.F.R. 200 and North Carolina regulation as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

B. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, sex, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
C. Solicitation for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractors obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.

D. Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Research and Special Programs Administration (RSPA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Recipient or the Research and Special Programs Administration as appropriate, and shall set forth what efforts it has made to obtain such information.

E. Sanctions for Noncompliance: In the event of the contractors noncompliance with nondiscrimination provisions of this contract, the Recipient shall impose contract sanctions as it or the Research and Special Programs Administration may determine to be appropriate, including, but not limited to:

   i. Withholding of payments to the contractor under the contract until the contractor complies; and/or
   ii. Cancellation, termination, or suspension of the contract, in whole or in part.

F. Incorporation of Provisions: The contractor shall include the provisions of every subcontract, including procumbent of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contract shall take such action with respect to any subcontract or procurements as the Recipient or the Research and Special Programs Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provide, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontract or supplier as a result of such direction, the contractor may request the Recipient to enter into such litigation to protect the of the Recipient and, in addition the contractor may request the United States to enter such litigation to protect the interests of the United States.

☐ Sub- Recipient agrees to comply with above requirements

27. Assurance of Compliance with Title VI of the Civil Rights Act of 1964: Sub-Recipient HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the USDHS it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act) and all requirements imposed by or pursuant to 2 CFR Sub Part F, Nondiscrimination in Federally-Assisted Programs of the USDHS - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against by any program or activity for which the Sub-Recipient receives federal financial assistance from the USDHS, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations. More specifically and without limiting the above general assurance, the Sub-Recipient hereby gives the following specific assurance with respect to the project:

A. That the Sub-Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to ("facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

B. That the Sub-Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and, in adapted form in all proposals for negotiated agreements:
i. The Sub-Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and 2 CFR Sub Part F issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, minority, business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex or national origin in consideration for an award.

C. That the Sub-Recipient shall insert the clauses of this agreement in every contract subject to the Act and the Regulations.

D. That this assurance obligates the Recipient for the period during which federal financial assistance is extended to the project.

E. The Sub-Recipient shall provide for such methods of administration for the program as are found by the Secretary of USDHS or the official to whom he delegates specific authority to give reasonable guarantee that is, other recipients, sub Recipients, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.

F. The Sub-Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, and Regulations, and this assurance.

**THIS ASSURANCE** is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the USDHS and is binding on it, other recipients, sub Recipients, contractors, subcontractors, transferees, successors in interest and other participants in the Department of Transportation Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the recipients.

☐ Sub-Recipient agrees to comply with above requirements

28. ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by Sub-Recipient executed in expending these grant funds.

The [Sub-Recipient, licensee, lessee, permittee, etc., as appropriate] for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this [deed, license, lease, permit, etc.] for a purpose for which a USDHS program or activity is extended or for another purpose involving the provision of similar services or benefits, the Sub-Recipient, licensee, lessee, permittee, etc.] shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 2 CFR Sub Part F and as said Regulations may be amended.

That in the event of breach of the above nondiscrimination covenants, Sub-Recipient shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

That in the event of breach of any of the above nondiscrimination covenants, Sub-Recipient shall have the right to re-enter said lands and facilities thereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of Sub-Recipient and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Sub-Recipient.

The [Sub-Recipient, licensee, lessee, permittee, etc., as appropriate] for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in case of deeds, and leases add "as a covenant running with the land"] that (1) no person on the grounds of
race, color, sex, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the [Sub-Recipient, licensee, lessee, permittee, etc.] shall use the premises in compliance with all other requirements imposed by or pursuant 2 CFR Sub Part F Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, Sub-Recipient shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

That in the event of breach of any of the above nondiscrimination covenants, Sub-Recipient shall have the right to re-enter said land and facilities thereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of Sub-Recipient and its assigns.

* Reverted clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

☐ Sub-Recipient agrees to comply with above requirements:

29. **Assurance of Compliance with Privacy Act:** The Sub-Recipient agrees:

   A. To comply with the provisions of the Privacy Act of 1974, 5 U.S.C. §552A and regulations adopted there under, when performance under the program involves the design, development, or operation of any system or records on individuals to be operated by the Sub-recipient, its third-party contractors, subcontractors, or their employees to accomplish a USDHS function.

   B. To notify USDHS when the Sub-Recipient or any of its third-party contractors, subcontractors,, sub recipients, or their employees anticipate a system of records on behalf of USDHS in order to implement the program, if such system contains information about individuals name or other identifier assigned to the individual. A system of records subject to the Act may not be used in the performance of this Agreement until the necessary and applicable approval and publication requirements have been met.

   C. To include in every solicitation and in every third-party contract, sub-grant, and when the performance of work, under that proposed third-party contract, sub grant, or sub agreement may involve the design, development, or operation of a system of records on individuals to be operated under that third-party contract, sub grant, or to accomplish a USDHS function, a Privacy Act notification informing the third party contractor, or sub Recipient, that it will be required to design, develop, or operate a system of records on individuals to accomplish a USDHS function subject to the Privacy Act of 1974, 5 U.S.C. §552a, and applicable USDHS regulations, and that a violation of the Act may involve the imposition of criminal penalties; and

   D. To include the text of Subsections a through c in all third party contracts, and sub grants under which work for this Agreement is performed or which is award pursuant to this Agreement or which may involve the design, development, or operation of a system of records on behalf of the USDHS.

☐ Sub-Recipient agrees to comply with above requirements

30. **Certification Regarding Drug-Free Workplace Requirements (Sub Recipients Other Than Individuals):** This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 44 CFR Part 17, Sub Part F. The regulations, published in the January 31, 1989 Federal Register, require certification by sub-Recipient, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of that which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or government-wide suspension of debarment, (See 44 CFR Part 2)

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Sub-Recipients workplace and specifying the actions that will be taken against employees for violation of such prohibition.

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(b) Establishing a drug-free awareness program to inform employees about:
   (1) The dangers of drug abuse in the workplace;
   (2) The Sub-recipient’s policy of maintaining a drug-free workplace;
   (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
   (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace
(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
   (1) Abide by the terms of the statement; and
   (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
(e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2), from an employee or otherwise receiving actual notice of such conviction;
(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is convicted -
   (1) Taking appropriate personnel action against such an employee, up to and including termination, or
   (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by a Federal, State, or local health, law enforcement, or other appropriate agency;
(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (e), (d), (e), and (g).

Place(s) of Performance: The Sub-Recipient shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (street address, city, county, state, zip code)

☐ Sub-Recipient agrees to comply with above requirements:

31. Execution and Effective Date: This grant shall become effective upon return of this original Grant Award and Memorandum of Agreement, properly executed on behalf of the Sub-recipient, to North Carolina Emergency Management and will become binding upon execution of all parties to the Agreement. The terms of this Agreement will become effective 09/01/2015. The last signature shall be that of Erik A Hooks, Secretary for the North Carolina Department of Public Safety.

32. Term of this Agreement: This agreement shall be in effect from 09/01/2015 to 02/28/2018
IN WITNESS WHEREOF, the parties have each executed this Agreement and the parties agree that this Agreement will be effective as of 9/1/2015

N.C. DEPARTMENT OF PUBLIC SAFETY
DIVISION OF EMERGENCY MANAGEMENT
1636 GOLD STAR DR
RALEIGH, NC 27607

CITY OF CHARLOTTE
500 DALTON AVENUE.
CHARLOTTE, NC 28206

BY: Michael A. Sprayberry
MICHAEL A. SPRAYBERRY, DIRECTOR
NORTH CAROLINA EMERGENCY MANAGEMENT

BY: JON HANNAN, FIRE CHIEF

APPROVED AS TO PROCEDURES:

BY: JAMES J. CHEROKE, CONTROLLER
DEPARTMENT OF PUBLIC SAFETY

BY: WILLIAM POLK, ASSISTANT GENERAL COUNSEL
REVIEWED FOR THE DEPARTMENT OF PUBLIC SAFETY, BY WILLIAM POLK,
DPS ASSISTANT GENERAL COUNSEL, TO FULFILL THE PURPOSES OF THE US DEPARTMENT OF
HOMELAND SECURITY GRANT PROGRAMS

BY: ERIC A. HOOKS, SECRETARY
DEPARTMENT OF PUBLIC SAFETY

THIS MOA WAS PREVIOUSLY APPROVED AS TO FORM BY THE NORTH CAROLINA DEPARTMENT OF JUSTICE FOR THE FY 2015 HOMELAND SECURITY GRANT PROGRAM ONLY AND IS SUBJECT TO EXECUTION BY ERIK A. HOOKS, SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY. THIS MOU/MOA SHOULD NOT BE USED FOR OTHER MOUs/MOAs FOR THE HSGP FOR OTHER FISCAL YEARS.
## Training Request

<table>
<thead>
<tr>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount</td>
</tr>
<tr>
<td>Instructor's Supporting Equipment/Logistics</td>
</tr>
</tbody>
</table>

### Step 1
1. Provide final proposal to NCEM

### Step 2
2. Prepare training plan

### Step 3
3. Mail notice of training

### Step 4
4. Conduct training

### Step 5
5. Complete report of training

### Step 6
6. Send invoice to NCEM

---

### Anticipated Schedule

<table>
<thead>
<tr>
<th>Mission Area</th>
<th>Level of Training</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structural Collapse Training Course provides highly specialized rescue training to local responders. This will take place at the Chautauqua Fire Training Academy.</td>
<td></td>
</tr>
<tr>
<td>Current Status</td>
<td>Activities</td>
</tr>
<tr>
<td>----------------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>Funds Expended This Quarter:</strong></td>
<td><strong>Grant Award Amount:</strong> $150,000</td>
</tr>
<tr>
<td><strong>Funds Expended Prior Quarters:</strong></td>
<td><strong>Quarter (list dates):</strong></td>
</tr>
<tr>
<td><strong>FY 2015 HSDFP — EMV 2015-SS-00062</strong></td>
<td><strong>MOA Number:</strong> 1500-9</td>
</tr>
<tr>
<td><strong>Sub-Grantee:</strong> City of Chalmette</td>
<td><strong>Quarter Progress Report</strong></td>
</tr>
</tbody>
</table>

**Quarterly Progress Reports are due: October 15, July 15, April 15, January 15**

**Date:**

**Report submitted by:**

- Tread (1)
- Progress (2) or completed (with agenda and identified needs, training planned, in progress)
- Date, status of training, for example: List 1.

**Equipment**
- Equipment purchased, placed in service, identified needs and items in vendor lists, current status, for example: List 2.
Required Sub-Grantee File Documentation

Sub-grantee or sub-recipient must meet the financial administration requirements in 2 C.F.R Part 200 and must maintain a file for each homeland security grant award. The files must be available for review by the North Carolina Division of Emergency Management – Homeland Security Branch Staff for site visits, project closeout and future audits.

Sub-grantee or sub-recipient must include appropriate documentation in the file, including but not limited to the following documents:

1. Grant Award and Memorandum of Agreement/ Memorandum of Understanding and Supporting Appendices
2. Completed appropriate cost report forms with invoices and proof(s) of payment
3. Audit Findings and Corrective Action Plans
4. Equipment Inventory records with photo documentation of labeling
ORDINANCE NO. 

AN ORDINANCE TO AMEND ORDINANCE NUMBER 8040-X, THE 2016-2017 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF $150,000 FROM THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, FOR THE PURCHASE OF A 10-DAY STRUCTURAL COLLAPSE TRAINING COURSE

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

Section 1. That the sum of $150,000 is available from a sub grant from the North Carolina Department of Public Safety, Office of the North Carolina Emergency Management received through the United States Department of Homeland Security 2016 Homeland Security Grant Program

Section 2. That the sum of $150,000 is hereby appropriated in the 2016 Homeland Security Grant to the following project(s):

<table>
<thead>
<tr>
<th>Fund</th>
<th>Project</th>
<th>Source</th>
<th>Type</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2600</td>
<td>314031702</td>
<td>1100</td>
<td>11006800</td>
<td>2017</td>
</tr>
</tbody>
</table>

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

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

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

______________________________
City Attorney
Agenda #: 28. File #: 15-5000 Type: Consent Item

SuccessFactors Learning Management System Upgrades

Action:

Approve a contract with SAP Public Services, Inc. for implementation of new SuccessFactors software modules specific to the Charlotte-Mecklenburg Police Department.

Staff Resource(s):
Donna Sanchez, Police

Explanation

- On March 28, 2016, the City Council approved a contract with SAP America, Inc. to provide a cloud-based upgrade to the City’s SuccessFactors learning management system for the Charlotte-Mecklenburg Police Department (CMPD), including software licenses and services.

- Subsequent to City Council’s approval, the parties agreed that a subsidiary of SAP America, Inc. (SAP Public Services, Inc.) would perform the implementation services for the CMPD-specific SuccessFactors software modules; whereas, SAP America, Inc. is providing the software licenses.

- CMPD is now requesting approval of the contract with SAP Public Services, Inc. to provide the implementation services for the SuccessFactors software modules specific to CMPD.

- Total expenditures are estimated to be $286,614 for the implementation services.

Fiscal Note

Funding: Police Operating Budget
Sexual Assault Kit Testing Services

Action:

A. Approve a unit price contract with Sorenson Forensics LLC for testing of backlogged sexual assault kits for an initial term of one year, and

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

Staff Resource(s):
Bruce Bellamy, Police
Matthew Mathis, Police

Explanation

- On October 10, 2016, City Council accepted the 2016 National Sexual Assault Kit Initiative Grant to include the testing of 300 backlogged sexual assault kits (SAKs).
- On January 4, the City issued a Request for Proposals (RFP) for these services. In response to the RFP, the City received eight proposals from interested service providers.
- The Project Team, consisting of staff from Police and Management and Financial Services, evaluated the proposals and determined that Sorenson Forensics LLC best meets the City’s needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Sorenson Forensics LLC will test the SAKs under the previously approved funding from the grant.
  - The contract may also be used for future SAK testing should other funding become available through the City’s General Fund or future grant awards.
- The contract gives the City the option to renew for two additional, one year terms.
- Sorenson Forensics LLC offered the best combination of competitive pricing and comprehensive testing procedures.
- The company will be paid $610 per tested kit and $2,200 per day of expert witness testimony if required.
  - The new contract pricing represents an approximate 9.4% cost savings per kit.
  - Expert witness testimony is required in an estimated 10% of cases or less.
- Estimated contract expenditures are $249,000 for the first year term including the testing of the original 300 SAKs and potential expert witness testimony on 10% of projects. Additional services would be provided at the rates detailed above, with additional funding for those services being approved at that time.

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).
Agenda #: 29  File #: 15-4841  Type: Consent Item

Fiscal Note
Funding: U.S. Department of Justice, Bureau of Justice Assistance, National Sexual Assault Kit Initiative Grant and the Police Operating Budget (as available)
Charlotte-Mecklenburg Police Department Headquarters Exterior Wall Restoration

Action: Award a contract in the amount of $229,250 to the lowest responsive bidder Strickland Waterproofing, Inc. for the Charlotte-Mecklenburg Police Department Headquarters Exterior Wall Restoration project.

Staff Resource(s):
William Haas, Engineering & Property Management
Steve Marlowe, Engineering & Property Management
Katrina Graue, Police Department

Explanation
- The Charlotte-Mecklenburg Police Department Headquarters Exterior Wall Restoration project, located at 601 East Trade Street, involves removing deteriorated exterior wall sealant joints and replacing with new sealant.
- The existing joints, original to the building’s construction 20 years ago, are currently experiencing water leaks. Without restoration, continued leaks may deteriorate exterior walls.
- On December 7, 2016, the City issued an Invitation to Bid; six bids were received from interested service providers.
- Strickland Waterproofing, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2017.
- WxProofing, LLC did not meet the minimum experience requirements for Installer Qualifications as stated in the solicitation.
- Bird Dog Construction, LLC did not meet the minimum experience requirements for Installer Qualifications as stated in the solicitation.

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

Fiscal Note
Funding: General Community Investment Plan
Fire Station 13 HVAC Equipment Replacement

Action: Award a contract in the amount of $366,545.55 to the lowest responsive bidder Southern Comfort of Charlotte, Inc. for the Fire Station 13 HVAC Equipment Replacement project.

Staff Resource(s): William Haas, Engineering & Property Management
Steve Marlowe, Engineering & Property Management
Kevin Gordon, Charlotte Fire Department

Explanation
- The project involves the removal of a 15-year-old HVAC system and replaces it with a newly designed HVAC system at Fire Station 13 at 1917 West Sugar Creek Road.
- The existing equipment has reached the end of its useful life and must be replaced.
- The work will include:
  - Removal of existing HVAC equipment,
  - Installation of a newly designed HVAC system,
  - Introduction of new technology for humidity control, and
  - Upgrading existing electrical service original to 1963 construction.
- The new equipment will improve the energy efficiency of the facility and provide better occupant comfort.
- On December 11, 2016, 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 complete by third quarter 2017.

Charlotte Business INClusion
Southern Comfort of Charlotte, Inc. has committed 43.35% ($158,915) of the total contract amount to the following certified firms:
- Controls Service Group (SBE) ($30,020) (controls)
- Electric Systems Specialists (SBE) ($113,495) (electrical)
- JHC Construction (SBE) ($15,400) (construction)

Fiscal Note
Funding: General Facilities Community Investment Plan
Roof Repair Design Services

Action: Approve contracts with the following companies for roof repair design for a term of three years:

- Nelson Hall & Associates, Inc., and
- REI, Inc.

Staff Resource(s):
Steve Marlowe, Engineering & Property Management

Explanation
- The City’s Engineering & Property Management (E&PM) Building Maintenance staff maintains approximately 246 facilities for a total of 2.1 million square feet of roof area.
- There are ongoing needs for unspecified roofing design services, including emergency repairs across the portfolio of facilities.
- These contracts will include evaluation, roof design, and construction administration.
- On November 15, 2016, the City issued a Request for Qualifications (RFQ) for Roof Repair Design Services and Building Envelope Consulting. In response to the RFQ, the City received six qualification packages from interested service providers.
- E&PM Building Maintenance staff evaluated the qualification packages and determined that Nelson Hall & Associates, Inc. and REI, Inc. best meet the City’s needs in terms of qualifications, experience, cost, and responsiveness to RFQ requirements.
- Total expenditures for the contract with Nelson Hall & Associates, Inc. are estimated to be $150,000 over the three-year term, and the total expenditures for the contract with REI, Inc. are estimated to be $450,000 over a three-year term, for an aggregate total of all contracts of $600,000.
- Since the CBI participation goal was waived for this project, Building Maintenance intentionally focused on selecting a SBE prime firm for contract award. Nelson Hall was selected for a contract commensurate with their capacity and ability to work on multiple projects.

Charlotte Business INClusion
No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1 (a) of the Charlotte Business INClusion Policy). However, Nelson Hall & Associates, Inc. is a City SBE.

Fiscal Note
Funding: General Facilities Community Investment Plan
Nevin Road - Gibbon Road Sidewalk

Action:
Award a contract in the amount of $494,373 to the lowest responsive bidder B&N Grading, Inc. for the Nevin Road - Gibbon Road Sidewalk project.

Staff Resource(s):
Allison Brickey, Engineering & Property Management

Explanation
- The Nevin Road - Gibbon Road Sidewalk project will support the City’s Sidewalk Program to enhance connectivity, offer transportation choices, and improve pedestrian safety.
- Construction will include:
  - A sidewalk along the north side of Nevin road from Alpine Lane to Gibbon Road and along the south side of Gibbon Road from Nevin Road to West Sugar Creek Road (approximately .5 miles).
  - Filling in curb, gutter, and sidewalk gaps along the east side of West Sugar Creek Road between Hunter Avenue and Mallard Creek Road will also be included as part of the project.
- On November 17, 2016, the City issued an Invitation to Bid; six 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 July 2017.

Background
- On January 28, 2013, the City Council approved for the City to enter into a municipal agreement with the North Carolina Department of Transportation to construct a sidewalk on a portion of Nevin, Gibbon, and W Sugar Creek roads.
- The total project cost is estimated at $1,325,000.
- As part of the agreement, the City is eligible for up to a $994,000 reimbursement or 75% for real estate and construction costs through the Federal Congestion Mitigation and Air Quality Improvement Program.
- The remaining balance of $331,000 will be paid by the City.

Disadvantaged Business Enterprise (DBE)
Disadvantaged Business Enterprise (DBE) Opportunity
Established DBE Goal: 3.00%
Committed DBE Goal: 5.99%
B & N Grading, Inc. exceeded the established subcontracting goal, and has committed 5.99% ($29,596.20)
Agenda #: 33. File #: 15-4664 Type: Consent Item

of the bid amount to the following certified firm:

- R.R.C. Concrete Inc. (DBE, SBE) ($29,596.20) (concrete)

B&N Grading, Inc. is also a City SBE.

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

Attachment
Map
Location Map: Nevin Road - Gibbon Road Sidewalk (Council Districts 2 & 4)
Sardis Lane Bridge Replacement

Action: Approve a contract with KCI Associates of North Carolina, PA in the amount of $256,247 for engineering services for the Sardis Lane Bridge Replacement project.

Staff Resource(s):
Allison Brickey, Engineering & Property Management

Explanation
- In August 2015, the City Council approved a municipal agreement with the North Carolina Department of Transportation (NCDOT) for the replacement of the Sardis Lane Bridge.
- The Sardis Lane Bridge spans a tributary of McAlpine Creek and is located on Sardis Lane between Carosan Lane and Valleybrook Road.
- The bridge meets criteria for replacement based on a ranking using a combination of sufficiency ratings and current conditions. Sufficiency ratings are determined during bridge inspections and include an analysis of structure defects including cracking, spalling, and splitting.
- The contract scope includes:
  - Public engagement,
  - Permitting, and
  - Design plans.
- On April 29, 2016, the City issued a Request for Qualifications (RFQ) for Sardis Lane Bridge Replacement. In response to the RFQ, the City received 14 proposals from interested professional service providers.
- The Project Team, consisting of staff from Engineering & Property Management and the Charlotte Department of Transportation, evaluated the proposals and determined that KCI Associates of North Carolina, PA is the best qualified firm to meet the City’s needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The total budget for the Sardis Lane Bridge is estimated to be $984,000.
- The City will be reimbursed up to $787,200 of federal funding to be administered through NCDOT to pay for 80% of the costs of preliminary engineering, environmental documentation, real estate acquisition, utility relocation, and construction costs of the project.
- The remaining balance of $196,800 will be paid by the City’s Bridge Replacement Program.

Charlotte Business INClusion
This is a municipal agreement contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INClusion Policy).
Agenda #: 34. File #: 15-4861 Type: Consent Item

Fiscal Note
Funding: General Community Investment Plan

Attachment
Map
Location Map: Sardis Lane Bridge Replacement (Council District 6)
Street Marking Tape and Reflective Traffic Sign Materials

Action:

A. Approve the purchase of street marking tape and reflective traffic sign materials, as authorized by the sole source exemption of G.S. 143-129 (e)(6),

B. Approve a contract with 3M, Inc. for the purchase of street marking tape and reflective traffic sign materials for the term of three years, and

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

Staff Resource(s):
Ronnie Ashburner, 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 standardization and performance.
- The City Council must approve purchases made under the sole source exception.

Explanation

- Street marking tape is used to install center lines and edge lines on City roadways.
  - 3M street marking tape has a raised pattern that offers greater nighttime and rainfall visibility than flat pavement marking materials.
  - 3M street marking tape has a four year warranty versus competitive tapes, which only carry a 16-month warranty.

- Reflective traffic sign materials consist of reflective sheeting used to produce all new road signage in the City.
  - 3M “prismatic” reflective sheeting has been extensively weather tested, and used on transportation related projects over 10 years.
  - Use of 3M reflective sheeting allows for sign synchronization on City maintained roadways, easier field identification and compliance with Manual on Uniform Traffic Control Devices minimum retro reflective requirements.

- 3M is the only supplier that can provide CDOT with all reflective material needs. 3M provides equipment for use by the City at no additional cost.
The company will be paid the unit prices set forth in the contract, a copy of which is available upon request.

Annual expenditures under the contract are estimated to be $550,000.

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: Transportation Operating Budget
City of Charlotte

Agenda Date: 2/13/2017

Agenda #: 36. File #: 15-4552 Type: Consent Item

Road Call Repairs and Related Services

Action:

A. Approve contracts with the following companies for road call repair services for an initial term of three years:
   - Bradley’s Truck Service, Inc., and
   - Carolina Auto Truck and Coach Service Inc., and

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

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

Explanation
- Management & Financial Services currently uses multiple vendors to provide mobile road call repairs and related services for approximately 200 pieces of equipment annually including, but not restricted to, heavy duty trucks and construction equipment for multiple departments throughout the City.
- Vendors are needed to provide equipment, materials, tools, labor, and supervision for all service calls required to complete needed road call repairs on City vehicles and equipment.
- Vendors are expected to diagnose and provide roadside services for City and County vehicles and equipment at remote locations within the Charlotte metro area.
- The need for immediate response and turnaround processing is standard due to emergencies and the critical nature of the services required for certain equipment. The companies shall be required to analyze the City’s usage patterns and maintain an adequate supply of component parts, qualified personnel, and proper equipment to be readily available to complete service requests in a timely fashion.
- On November 15, 2016, the City issued a Request for Proposals (RFP) for these Services. In response to the RFP, the City received two proposals from interested service providers.
- Management & Financial Services evaluated the proposals and determined that Bradley’s Truck Service, Inc. and Carolina Auto Truck & Coach Service Inc. meet the City’s needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Combined annual expenditures are estimated to be $250,000.

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).
Agenda #: 36. File #: 15-4552 Type: Consent Item

Fiscal Note
Funding: Management & Financial Services Operating Budget
Shopton/Beam Roads Roundabout-Supplemental Municipal Agreement

Action:

A. Authorize the City Manager to execute a Supplemental Municipal Agreement with the North Carolina Department of Transportation in the amount of $855,000,

B. Adopt a resolution accepting Surface Transportation Program Direct Allocation funds allocated through the North Carolina Department of Transportation to the City of Charlotte in the amount of $684,000, and

C. Adopt a budget ordinance appropriating $684,000 in North Carolina Department of Transportation funds.

Staff Resource(s):
Felix Obregon, Transportation
Alan Morrison, Engineering & Property Management

Explanation

- The Shopton Road and Beam Road Roundabout Project will build a roundabout in place of the existing multi-way stop controlled intersection to reduce congestion and enhance traffic flow.

- On October 28, 2013, City Council approved a Municipal Agreement in the amount of $1,650,000 for the Shopton Road and Beam Road Roundabout Project. The cost allocation was as follows:
  - North Carolina Department of Transportation (NCDOT) funds: $1,125,000, and
  - City of Charlotte funds: $525,000.

- During the design phase, staff realized that additional funding would be needed over the engineer’s original estimate.
  - Instead of a field survey, staff provided the original estimate based on a functional estimate. This approach is normal business practice for purposes of meeting the grant submission timeframe.

- The actual field survey, which was completed during the planning phase, resulted in a cost estimate higher than the original estimate. As a result, staff requested NCDOT to provide additional Surface Transportation Program Direct Allocation funds.

- The supplemental agreement for $855,000 is allocated as follows:
  - NCDOT funds: $684,000, and
  - City of Charlotte funds: $171,000.

- The total project cost including this supplemental agreement is $2,505,000 and is allocated as follows:
  - NCDOT funds: $1,809,000
Agenda #: 37. File #: 15-4978 Type: Consent Item

- City of Charlotte funds: $696,000
  - The project is estimated to be complete during the second quarter of 2019.

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

Attachment
Map
Budget Ordinance
Resolution
ORDINANCE NO. ____________________________

AN ORDINANCE TO AMEND ORDINANCE NUMBER 8040-X, THE 2016-2017 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF $684,000 FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE SHOPTON/BEAMS ROAD ROUNDABOUT

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

Section 1. That the sum of $684,000 hereby estimated to be available from the North Carolina Department of Transportation Surface Transportation Program Directio Allocation

Section 2. That the sum of $684,000 is hereby appropriated in the General Capital Investment Fund (4001) into the project Shopton/Beam Rd Intersection - 4288200019

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

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

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

______________________________
City Attorney

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

WHEREAS, a Supplemental Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) will allow the City to be reimbursed for the Beam/Shopton Roundabout project; and,

WHEREAS, the Municipal Agreement provides for reimbursement of $684,000 which is a portion of the total cost of the project; and,

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

WHEREAS, NCDOT and the City of Charlotte will fund this project.

NOW, THEREFORE, BE IT RESOLVED that this resolution from the City of Charlotte authorizing the City Manager to execute a Supplemental Agreement with the NCDOT for NCDOT to reimburse the City $684,000 for the Beam/Shopton Roundabout project is hereby formally approved by the City Council of the City of Charlotte and the Director of Transportation and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the aforementioned groups.
Private Developer Funds for Traffic Signal Improvements

Action:

A. Authorize the City Manager to execute a Developer Agreement with GSLH Realty Holdings Charlotte LLC, Goode Development Corporation and Holder Construction Group, LLC and

B. Adopt a budget ordinance appropriating $159,582 in private developer funds for traffic signal improvements.

Staff Resource(s):
Scott Putnam, Transportation

Explanation

- The $159,582 in private developer funding is for traffic signals/upgrades and related work associated with developer projects. The funding is restricted to the projects noted below.

- The following developers are fully funding traffic signal installations and improvements to mitigate traffic impacts around their respective development projects:
  - GSLH Realty Holdings Charlotte LLC. contributed $141,582 for a new signal and push button pedestrian signals at the intersection of Church Street and W. Hill Street.
  - Goode Development Corporation contributed $14,000 for the relocation of fiber optic cable for the traffic signal at Idlewild Road and Monroe Road. A turn lane on Monroe Road is being constructed.
  - Holder Construction Group, LLC contributed $4,000 to relocate signal fiber optic cable from existing conduits along West Park Avenue from Camden Road to S. Tryon Street to new conduits provided by the contractor.

- The above signals meet the same criteria as other traffic signals approved by the City.

- Payments made by the developers are in response to estimates of work prepared by the Charlotte Department of Transportation (CDOT) and supplied to the developer.

- Any funding contributed by the developer for a signal project that is unused by the City will be refunded after project completion.

- CDOT will be installing and operating these signals as part of the existing signal systems in the area.

Fiscal Note
Funding: Private Developer Contributions

Attachment
Map
Budget Ordinance
ORDINANCE NO. _______________________

AN ORDINANCE TO AMEND ORDINANCE NUMBER 8040-X, THE 2016-2017 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF $159,582 FOR TRAFFIC SIGNAL MODIFICATIONS AND IMPROVEMENTS

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

Section 1. That the sum of $159,582 hereby estimated to be available from the following private developer sources:
   GSLH Realty Holdings Charlotte LLC ($141,582)
   Goode Development Corporation ($14,000)
   Holder Construction Group, LLC ($4,000)

Section 2. That the sum of $159,582 is hereby appropriated in the General Capital Investment Fund (4001) into the following projects:
   New Signal at Church and Hill - 4292000292 ($141,582)
   Idlewild and Monroe Fiber Relocate - 4292000293 ($14,000)
   West Park and Camden Fiber Relocate - 4292000294 ($4,000)

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

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

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney
Chrysler Dodge Jeep Original Equipment Manufacturer Parts

Action:

A. Award a unit price contract to the lowest responsive bidder, Lake Norman Chrysler Dodge Jeep, for the purchase of Original Equipment Manufacturer parts for the term of three years, and

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

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

Explanation
- Management & Financial Services currently maintains 310 Chrysler, Dodge, and Jeep vehicles in the City’s automotive fleet that require Original Equipment Manufacturer parts necessary for warranty and non-warranty repair services.
- On November 16, 2016, Management & Financial Services issued an Invitation to Bid; two responsive bids were received from interested service providers.
- Lake Norman Chrysler was selected as the lowest responsive, responsible bidder.
- The company will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- Annual expenditures are estimated to be $200,000.

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: Management & Financial Services Operating Budget
Airport Passenger Boarding Bridges Procurement and Installation

Action:

A. Award a unit price contract in the amount of $42,529,197 to the lowest responsive bidder ThyssenKrupp Airport Systems, Inc. for the purchase and installation of passenger boarding bridges,

B. Adopt a budget ordinance appropriating $4,808,398 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund, and

C. Adopt a budget ordinance appropriating $7,593,953 from the Passenger Facility Charge fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):
Jack Christine, Aviation

Explanation

- A passenger boarding bridge (PBB) is a complex piece of equipment that is used by the airlines to board passengers onto the aircraft.
- During airline use agreement negotiations, the airlines identified the addition PBBs and the replacement of existing older PBBs as a priority to enhance customer service by providing a stable and enclosed path from aircraft to Terminal.
- The contract with ThyssenKrupp Airport Systems, Inc. is for the purchase and installation of 57 PBBs, as well as the PBB components, including pre-conditioned air units, aircraft ground power units, and 34 gate baggage conveyors.
  - A total of 57 new PBBs will be installed: 9 on Concourse A and 24 on Concourse E. The remaining 24 PBBs are replacements for existing bridges on Concourses B, C and D.
- On October 28, 2016, Aviation issued an Invitation to Bid for passenger boarding bridges. On November 30, 2016, Aviation held the bid opening; three bids were submitted by interested service providers.
- ThyssenKrupp Airport Systems, Inc. was selected as the lowest responsive, responsible bidder.
- The company will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- Concourse A North Expansion is anticipated to be complete by spring 2018.
- Concourse E Expansion Phase 8 is anticipated to be complete by summer 2019.
- The remainder of the PBB replacements is anticipated to be complete by summer 2019.
Actions B and C

- On May 9, 2016, the City Council approved the issuance of Bond Anticipation Notes, which included $30,126,846 in funding for PBBs. The budget ordinance for Actions B & C completes the funding requirement of the contract.
- Funding from Bond Anticipation Notes and discretionary funds used to begin these projects will ultimately be replaced by a combination of Passenger Facility Charges (PFC) and General Airport Revenue Bonds.
- Non-PFC eligible costs will be reimbursed through airline rates and charges.

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

Attachment
Budget Ordinance
ORDINANCE NO. 

AN ORDINANCE TO AMEND ORDINANCE NUMBER 8040-X, THE 2016-2017 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF $4,808,398 FROM THE AVIATION DISCRETIONARY FUND AND $7,593,953 FROM THE PASSENGER FACILITY CHARGE FUND FOR THE PURCHASE AND INSTALLATION OF PASSENGER BOARDING BRIDGES

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

Section 1. That the sum of $4,808,398 is available from the Aviation Discretionary Fund and the sum of $7,593,953 is available from the Passenger Facility Charge Fund for the contract with ThyssenKrupp Airport Systems, Inc.

Section 2. That the sum of $4,808,398 is hereby appropriated from the Discretionary Fund to the Aviation Community Investment Plan Fund to the following project(s):

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
<th>Project</th>
<th>Source</th>
<th>Type</th>
<th>Year</th>
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</table>

Section 3. That the sum of $7,593,953 is hereby appropriated from the Passenger Facility Charge Fund to the Aviation Community Investment Plan Fund to the following project(s):

<table>
<thead>
<tr>
<th>Fund</th>
<th>Project</th>
<th>Source</th>
<th>Type</th>
<th>Year</th>
</tr>
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<tbody>
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<td>4020901546</td>
<td>6000</td>
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</tbody>
</table>

Section 4. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.

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

Section 6. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney
Airport Traffic Control Services

Action:

A. Approve the purchase of Traffic Control Services from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3), and

B. Approve a unit price contract with G4S for the purchase of Traffic Control Services for a term of 181 days under Federal Supply Schedule 084, Special Item No. 246-54: Guard Services, Contract #:GS-07F-0382K.

Staff Resource(s):
Jack Christine, Aviation

Cooperative Purchasing Exemption
NC S.L. 2001-328, effective January 1, 2002, authorizes competitive group purchasing.

Explanation
- The Aviation Department is responsible for maintaining safety and security in front of the main Terminal including the enforcement of federal security regulations and traffic control.
- The current Aviation staffing model does not adequately meet operational needs for traffic management. This bridge contract is necessary to provide staffing for traffic control while Aviation pursues a longer term contract for these services.
- Aviation will use G4S Traffic Control Services to enhance safety and security giving Aviation the ability to effectively patrol and direct traffic in order to prevent congestion.
- G4S will focus on curbside security and customer service while Airport resources and Charlotte-Mecklenburg Police Department staff handle other Terminal security and law enforcement responsibilities.
- G4S has a contract awarded through Federal Supply Service, Contract # GS-07F-0382K that offers competitively obtained contracts to public agencies nationwide for guard services.
- Aviation estimates expenditures to be $910,000.
- Aviation intends to undergo a competitive process for Airport traffic control services solution and anticipates returning to City Council with a contract within the next six months.

Charlotte Business INClusion
These are cooperative purchasing contracts and are exempt (Part A: Appendix 1.27 of the Charlotte Business INClusion Policy).

Fiscal Note
Funding: Aviation Operating Budget
Agenda #: 42. File #: 15-4843 Type: Consent Item

Bus Preventive Maintenance Filters

Action:

A. Award a unit price contract to the lowest responsive bidder MHC Kenworth for the purchase of bus preventive maintenance filters for a term of one year, and

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

Staff Resource(s):
Tangee Mobley, CATS
Edward Pullan, CATS

Explanation
- The contract with MHC Kenworth will provide bus preventive maintenance filters (including air, oil and fuel filters), for the on-going maintenance of CATS large bus fleet and Special Transportation Services buses.
- On December 21, 2016, CATS issued an Invitation to Bid; six bids were received from interested providers.
- MHC Kenworth was selected as the lowest responsive, responsible bidder.
- The company will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- Staff anticipates renewing the contract for up to two additional, one-year terms. Prices may be adjusted at the time of renewal to account for market conditions.
- Estimated contract expenditures are $125,000 per year.

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: CATS Operating Budget
Bus Operations Human Resources/Payroll Software and Services

Action:

Authorize the City Manager to negotiate and execute a contract with Paylocity in an amount up to $925,000 for the installation, integration, operation, and maintenance of an automated payroll system, for a term of five years.

Explanation

- CATS Bus Operations Division (BOD) is managed by an independent third-party contractor in compliance with federal law, and therefore is not part of the City's HR/payroll system.
- CATS BOD currently uses a payroll system called Ceridian HR/Payroll web version 3.8.1, which has been in place for 15 years. That system is outdated and Ceridian is now moving to a different software system.
- On September 16, 2016, CATS issued a Request for Proposals (RFP) to procure an up-to-date automated HR & Payroll system and software integration; six proposals were received from interested service providers.
- CATS BOD staff evaluated each proposal based on compliance with the criteria set forth in the RFP:
  - Qualifications and experience,
  - Project approach, and
  - Cost effectiveness.
- The proposal review committee determined that Paylocity provided the best overall solution and value for the City.
- CATS BOD will use the software for:
  - Payroll processing,
  - Applicant tracking,
  - Employee time and attendance,
  - Scheduling,
  - Leave management,
  - Labor analysis,
  - Labor cost reduction,
  - Benefits open enrollment, and
  - Employee self-service.
- The automated timekeeping will allow managers to focus on productivity and eliminate errors and inconsistencies that result from manual applications as well as to make better informed workforce assignment decisions.
- The overall cost of the contract includes maintenance fees for the extent of the contract.
• The contract amount will be paid in equal monthly installments of $15,416.66 over the term of the contract.

**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: Transit Community Investment Plan
Long Creek Wastewater Treatment Plant Preliminary Engineering Report

Action:
Approve a contract in the amount of $1,613,422 with Black and Veatch International Company for professional engineering design services for the proposed Long Creek Wastewater Treatment Plant Preliminary Engineering Report.

Staff Resource(s):
Carl Wilson, Charlotte Water

Explanation
- The proposed Long Creek Wastewater Treatment Plant (WWTP) is a planned regional facility that will be located in western Mecklenburg County at the site of the existing Long Creek Lift Station. This facility is anticipated to initially be rated at 12 million gallons per day (MGD), with eventual buildout capacity of 25 MGD.
- The goals of the overall Long Creek WWTP project are to protect water quality in Lake Wylie, eliminate extensive wastewater collection system pumping currently in use and to accommodate projected growth in western Mecklenburg County.
- The purpose of the Preliminary Engineering Report is to take the initial step in developing design concepts of the WWTP, as well as associated forcemain and lift stations for the Cities of Belmont and Mount Holly.
- The contract with Black and Veatch International Company will include engineering design services to:
  - Determine a site layout for two to three potential treatment technologies;
  - Evaluate influent pump station conversion requirements;
  - Evaluate future conveyance from the Cities of Belmont and Mount Holly;
  - Research necessary permits and proceed forward with obtaining applicable permits;
  - Conduct extensive geotechnical investigations of the WWTP site, pipelines and river crossings;
  - Survey and aerial photography and preparation of easement plats;
  - Review existing flow and nutrient loadings;
  - Support the National Pollutant Discharge Elimination System permit application; and
  - Update schedules and estimated project costs.
- On September 2, 2016, the City issued a Request for Qualifications (RFQ) for Professional Engineering Services for Long Creek WWTP Preliminary Engineering Report. In response to the RFQ, the City received four proposals from interested professional service providers.
- Charlotte Water evaluated the proposals and determined that Black and Veatch International Company is the best qualified firm to meet the City’s needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Background
- As a regional facility, this project will treat flows from the Long Creek basin in Mecklenburg County
and also accept flow from the Cities of Belmont and Mount Holly. There are existing Memorandums of Agreement (MOA) to treat the flow from Belmont and Mount Holly. The MOAs with Belmont and Mount Holly were approved by City Council and executed by the City Manager in 2011 and 2013, respectively.

- Upon completion of the Preliminary Engineering Report, interlocal agreements with the Cities of Belmont and Mount Holly will be presented to Council on a future agenda.
- An Environmental Impact Statement that will allow advancement of the permitting process was approved by the North Carolina Division of Water Resources in May 2015.

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). Black and Veatch International Company has committed to 14.78% ($238,500) of the total contract to the following certified firms:

- CES Group Engineers, LLP (SBE, WBE) ($155,500) (survey and data collection)
- AmeriDrill Corporation (SBE) ($44,000) (drilling)
- Avioimage Mapping Services, Inc. (SBE) ($29,000) (aerial photography)
- Richa Graphics (MBE, SBE) ($10,000) (printing)

Fiscal Note
Funding: Charlotte Water Community Investment Plan

Attachment
Map
Project Area is not located within a City Council District
Water Lab Equipment

Action:

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

B. Approve a contract with PerkinElmer Health Sciences Inc. for the purchase of a system for the analysis of metals in water in the amount of $138,430.43.

Staff Resource(s):
David Czerr, Charlotte Water

Sole Source Exemption

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

Explanation

- Charlotte Water conducts extensive and ongoing laboratory environmental testing to meet public health and water quality needs.
- Charlotte Water Laboratory Services utilizes an Inductively Coupled Plasma/Mass Spectrophotometry system for the analysis of 23 metals, including copper, lead, and arsenic, in water. Currently 63% of all metals analyses are performed using one instrument.
- The purchase of a second Inductively Coupled Plasma/Mass Spectrophotometry system will allow Charlotte Water Laboratory Services to meet increasing demand for metals analysis, improve sample turnaround times, and add redundancy to lab operations.
- PerkinElmer Health Sciences Inc. is the sole manufacturer and supplier of PerkinElmer equipment.
- The one-time purchase of the Inductively Coupled Plasma/Mass Spectrophotometry system includes the purchase of the system, delivery, installation, training, and one year of warranty coverage.
- Post warranty service and maintenance of the system will be added to an existing service agreement covering the laboratory’s other PerkinElmer equipment.

Charlotte Business INClusion
This is a sole source contract and is exempt (Part A: Appendix 27 of the Charlotte Business INClusion Policy).
Agenda #: 45. File #: 15-4736 Type: Consent Item

Fiscal Note
Funding: Charlotte Water Operating Budget
City of Charlotte

Agenda Date: 2/13/2017

Agenda #: 46. File #: 15-4976 Type: Consent Item

Refund of Property and Business Privilege License Taxes

Action:

A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of $15,852.89 and

B. Adopt a resolution authorizing the refund of business privilege license payments in the amount of $1,295.83

Staff Resource(s):
Scott Greer, Management & Financial Services

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

Attachment
Taxpayers and Refunds Requested
Business Privilege License Refunds Requested
Resolution Property Tax Refunds
Resolution Business Privilege License Refunds
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<th>Taxpayers and Refunds Requested</th>
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## Business Privilege License Tax Refund Requests

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<td><strong>Total</strong></td>
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</table>
A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY TAXES

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

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

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

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

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 13th day of February 2017 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.
A RESOLUTION AUTHORIZING THE REFUND OF CERTAIN BUSINESS PRIVILEGE LICENSES

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

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

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

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

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

Agenda Date: 2/13/2017

Agenda #: 47. File #: 15-4995 Type: Consent Item

Meeting Minutes

Action:

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

– January 9, 2017, Business Meeting
– January 17, 2017, Zoning Meeting

Staff Resource(s):
Stephanie Kelly, City Clerk’s Office
Agenda #: 48. File #: 15-4952 Type: Consent Item

In Rem Remedy: 308 Morningside Road

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

Public Purpose:
- Eliminate a blighting influence;
- Reduce the proportion of substandard housing;
- Increase tax value of property by making land available for potential infill housing development;
- 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: (308 Morningside Road)

Action:
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (308 Morningside Road) (Neighborhood Profile Area 330).

Attachment
In Rem Packet for (308 Morningside Road)
ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 308 MORNINGSIDE ROAD PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF JACQUELINE GUERARD 308 MORNINGSIDE ROAD CHARLOTTE, NC 28214

WHEREAS, the dwelling located at 308 Morningside Road in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 308 Morningside Road in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Senior Assistant City Attorney
<table>
<thead>
<tr>
<th>GENERAL INFORMATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Address</td>
<td>308 Morningside Road</td>
</tr>
<tr>
<td>Neighborhood</td>
<td>Neighborhood Profile Area 330</td>
</tr>
<tr>
<td>Council District</td>
<td>#2</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Jacqueline Guerard</td>
</tr>
<tr>
<td>Owner(s) Address</td>
<td>308 Morningside Road Charlotte, NC 28214</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>KEY FACTS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Focus Area</td>
<td>Housing &amp; Neighborhood Development &amp; Community Safety Plan</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CODE ENFORCEMENT INFORMATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>♦ Reason for Inspection:</td>
<td>Public Agency (Charlotte Fire Department)</td>
</tr>
<tr>
<td>♦ Date of the Inspection:</td>
<td>06/08/2016</td>
</tr>
<tr>
<td>♦ Owner notified of Complaint and Notice of Hearing by advertisement and certified mail by:</td>
<td>06/23/2016</td>
</tr>
<tr>
<td>♦ Held hearing for owner by:</td>
<td>07/07/2016</td>
</tr>
<tr>
<td>♦ Owner attend hearing:</td>
<td>No</td>
</tr>
<tr>
<td>♦ Title report received:</td>
<td>07/12/2016</td>
</tr>
<tr>
<td>♦ Owner ordered to demolish structure by:</td>
<td>10/13/2016</td>
</tr>
<tr>
<td>♦ Filed Lis Pendens:</td>
<td>10/27/2016</td>
</tr>
<tr>
<td>♦ Owner has not repaired, or complied with order to demolish.</td>
<td></td>
</tr>
<tr>
<td>♦ Structure occupied:</td>
<td>No</td>
</tr>
<tr>
<td>♦ Estimated Demolition cost:</td>
<td>$6,860</td>
</tr>
<tr>
<td>♦ Lien will be placed on the property for the cost of Demolition.</td>
<td></td>
</tr>
</tbody>
</table>


NOTIFICATION TO OWNER

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

OPTIONS

<table>
<thead>
<tr>
<th>IN-REM REPAIR</th>
<th>REHAB TO CITY STANDARD</th>
<th>REPLACEMENT HOUSING</th>
<th>DEMOLITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated In-Rem Repair Cost: $23,775</td>
<td>Acquisition &amp; Rehabilitation Cost</td>
<td>New Replacement Structure Cost</td>
<td>Estimated Demolition Cost</td>
</tr>
<tr>
<td>(Existing structure: 710 sq. ft. total)</td>
<td>(Structure: 1,000 sq. ft. total)</td>
<td>(Structure: 1,000 sq. ft. total)</td>
<td>$6,860</td>
</tr>
<tr>
<td>Economic Life: 15-20 years</td>
<td>Economic Life: 50 years</td>
<td>Economic Life: 50 years</td>
<td></td>
</tr>
<tr>
<td>Estimated cost-$84,534</td>
<td>Estimated cost-$124,894</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.

- Acquisition:
  - Tax values:
    - Structure: $19,300
    - Accessory buildings: $600
    - Land: $26,600
  - Total Acquisition: $46,500

- Estimated Rehabilitation Cost: $35,500
- Outstanding Loans: $0
- Property Taxes owed: $2,176
- Interest on Taxes owed: $358
- Total: $38,034

- Acquisition:
  - Tax values:
    - Structure: $19,300
    - Accessory buildings: $600
    - Land: $26,600
  - Total Acquisition: $46,500

- New structure: $69,000
- Estimated Demolition: $6,860
- Outstanding Loans: $0
- Property Taxes owed: $2,176
- Interest on Taxes owed: $358
- Total: $78,394

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:
- Estimated In-Rem Repair cost of: $23,775 ($33.48/sq. ft.), which is 123.186% of the structure tax value, which is $19,300.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- The building is 50 years old and consists of 710 square feet total.
- A new 1,000 sq. ft. structure can be built for $69,000.
In Rem Remedy: 1409 N. Davidson Street

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

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

Policy:
- Housing & Neighborhood Development and Community Safety

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

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

Field Observation: (1409 N. Davidson Street)

Action:
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (1409 N. Davidson Street) (Neighborhood Profile Area 22).

Attachment
In Rem Packet for (1409 N. Davidson Street)
ORDINANCE


WHEREAS, the dwelling located at 1409 North Davidson Street in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 1409 North Davidson Street in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

_________________________
Senior Assistant City Attorney
## GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>1409 North Davidson Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood</td>
<td>Neighborhood Profile Area 22</td>
</tr>
<tr>
<td>Council District #1</td>
<td>#1</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Thomas W. Jones and wife Barbara Jones</td>
</tr>
<tr>
<td>Owner(s) Address</td>
<td>1409 North Davidson Street Charlotte, NC 28206</td>
</tr>
</tbody>
</table>

## KEY FACTS

| Focus Area | Housing & Neighborhood Development & Community Safety Plan |

## CODE ENFORCEMENT INFORMATION

<table>
<thead>
<tr>
<th>Reason for Inspection:</th>
<th>Field Observation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of the Inspection:</td>
<td>06/28/2016</td>
</tr>
<tr>
<td>Received title search revealing party in interest:</td>
<td>08/15/2016</td>
</tr>
<tr>
<td>Owner(s) and party in interest notified of Complaint and Notice of Hearing by advertisement and certified mail by:</td>
<td>09/02/2016</td>
</tr>
<tr>
<td>Held hearing for owner(s) and party in interest by:</td>
<td>09/21/2016</td>
</tr>
<tr>
<td>Owner(s) and party in interest attend hearing:</td>
<td>No</td>
</tr>
<tr>
<td>Filed Lis Pendens:</td>
<td>10/06/2016</td>
</tr>
<tr>
<td>Owner(s) and party in interest ordered to demolish structure by:</td>
<td>10/21/2016</td>
</tr>
<tr>
<td>Owner(s) has not repaired, or complied with order to demolish.</td>
<td></td>
</tr>
<tr>
<td>Structure occupied:</td>
<td>No</td>
</tr>
<tr>
<td>Estimated demolition cost:</td>
<td>$9,805</td>
</tr>
<tr>
<td>Lien will be placed on the property for the cost of Demolition.</td>
<td></td>
</tr>
</tbody>
</table>
NOTIFICATION TO OWNER

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

OPTIONS

<table>
<thead>
<tr>
<th>IN-REM REPAIR</th>
<th>REHAB TO CITY STANDARD</th>
<th>REPLACEMENT HOUSING</th>
<th>DEMOLITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated In-Rem Repair Cost: $37,300</td>
<td>Acquisition &amp; Rehabilitation Cost</td>
<td>New Replacement Structure Cost</td>
<td>Estimated Demolition Cost</td>
</tr>
<tr>
<td>(Existing structure: 1,346 sq. ft. total)</td>
<td>Economic Life: 15-20 years</td>
<td>(Structure: 1,346 sq. ft. total)</td>
<td>$9,805</td>
</tr>
<tr>
<td>Estimated cost-$168,829</td>
<td>Estimated cost-$204,208</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.

- Acquisition:
  - Tax values:
    - Structure: $ 37,100
    - Accessory building: $ 1,800
    - Land: $ 28,800
  - Total Acquisition: $ 67,700

- Estimated Rehabilitation Cost: $ 67,300
- Outstanding Loans: $ 33,327
- Property Taxes owed: $ 492
- Interest on Taxes owed: $ 10
- Total: $ 101,129

Acquisition:
- Tax values:
  - Structure: $ 37,100
  - Accessory building: $ 1,800
  - Land: $ 28,800
  - Total Acquisition: $ 67,700

Rehab to City Standard:
- Estimated rehabilitation cost: $ 67,300
- Estimated demolition cost: $ 9,805
- Outstanding Loans: $ 33,327
- Property Taxes owed: $ 492
- Interest on Taxes owed: $ 10
- Total: $ 136,508

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:

- Estimated In-Rem Repair cost of: $37,300 ($27.71/sq. ft.), which is 100.53% of the structure tax value, which is $37,100.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- The building is 91 years old and consists of 1,346 square feet total.
- A new 1,346 sq. ft. structure can be built for $92,874.
In Rem Remedy: 2037 also known as 2043 B 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: (2037 also known as 2043 B Avenue)

Action:
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (2037 also known as 2043 B Avenue) (Neighborhood Profile Area 139).

Attachment
In Rem Packet for (2037 also known as 2043 B Avenue)
ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 2037 A/K/A 2043 B AVENUE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF DIANA GEENE AND JAMES GREENE 3011 N.W 117 COURT OCALA, FL 34482

WHEREAS, the dwelling located at 2037 a/k/a 2043 B Avenue in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 2037 a/k/a 2043 B Avenue in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Senior Assistant City Attorney
## GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>2037 a/k/a 2043 B Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood</td>
<td>Neighborhood Profile Area 139</td>
</tr>
<tr>
<td>Council District</td>
<td>#2</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Diana Greene</td>
</tr>
<tr>
<td></td>
<td>James Greene</td>
</tr>
<tr>
<td>Owner(s) Address</td>
<td>3011 N.W 117 Court</td>
</tr>
<tr>
<td></td>
<td>Ocala, FL 34482</td>
</tr>
</tbody>
</table>

## KEY FACTS

<table>
<thead>
<tr>
<th>Focus Area</th>
<th>Housing &amp; Neighborhood Development &amp; Community Safety Plan</th>
</tr>
</thead>
</table>

## CODE ENFORCEMENT INFORMATION

- **Reason for Inspection:** Public Agency Referral (Charlotte-Mecklenburg Police)
- **Date of the Inspection:** 12/03/2015
- **Title report received; revealing possible heirs:** 12/22/2015
- **Owner(s) and party in interest notified of Complaint and Notice of Hearing by advertisement and certified mail by:** 05/19/2016 08/20/2016
- **Held hearings for owner(s) and party in interest by:** 06/22/2016 09/21/2016
- **Owner(s) and party in interest attend hearing:** No
- **Owner(s) and party in interest ordered to demolish structure by:** 08/01/2016 10/24/2016
- **Filed Lis Pendens:** 08/02/2016
- **Owner(s) has not repaired, or complied with order to demolish.**
- **Title report updated (no change):** 10/22/2015
- **Structure occupied:** No
- **Estimated Demolition cost:** $8,215
- **Lien will be placed on the property for the cost of Demolition.**
NOTIFICATION TO OWNER

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

OPTIONS

<table>
<thead>
<tr>
<th>IN-REM REPAIR</th>
<th>REHAB TO CITY STANDARD</th>
<th>REPLACEMENT HOUSING</th>
<th>DEMOLITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated In-Rem Repair Cost: $30,510</td>
<td>Acquisition &amp; Rehabilitation Cost (Existing structure: 892 sq. ft. total) Economic Life: 15-20 years Estimated cost-$95,301</td>
<td>New Replacement Structure Cost (Structure: 1,000 sq. ft. total) Economic Life: 50 years Estimated cost-$127,916</td>
<td>Estimated Demolition Cost $8,215</td>
</tr>
<tr>
<td>In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.</td>
<td>Acquisition: Tax values: - Structure: $ 30,100 - Storage: $ 1,400 - Land: $ 18,500</td>
<td>Total Acquisition: $ 50,000</td>
<td>New structure: $ 69,000</td>
</tr>
<tr>
<td>Estimated Rehabilitation Cost: $ 44,600</td>
<td>Estimated Demolition Cost: $ 8,215</td>
<td>Outstanding Loans: $ 0</td>
<td>Property Taxes owed: $ 701</td>
</tr>
<tr>
<td>Property Taxes owed: $ 701</td>
<td>Outstanding Loans: $ 0</td>
<td>Interest on Taxes owed: $ 0</td>
<td></td>
</tr>
<tr>
<td>Total: $ 45,301</td>
<td>Total: $ 77,916</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:

- Estimated In-Rem Repair cost of: $30,510 ($34.20/sq. ft.), which is 101.362% of the structure tax value, which is $30,100.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- The building is 78 years old and consists of 892 square feet total.
- A new 1,000 sq. ft. structure can be built for $69,000.
In Rem Remedy: 3831 Plainview Road

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

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

Policy:
- Housing & Neighborhood Development and Community Safety

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

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

Field Observation: (3831 Plainview Road)

Action:
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (3831 Plainview Road) (Neighborhood Profile Area 6).

Attachment
In Rem Packet for (3831 Plainview Road)
ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 3831 PLAINVIEW ROAD PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF UNKNOWN HEIRS OF JAMES REED MOSS AND UNKNOWN HEIRS OF OLIVIA GAIL SIGMON 424 PARK AVENUE PINEVILLE, NC 28134

WHEREAS, the dwelling located at 3831 Plainview Road in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 3831 Plainview Road in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

_________________________
Senior Assistant City Attorney
## GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>3831 Plainview Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood</td>
<td>Neighborhood Profile Area 6</td>
</tr>
<tr>
<td>Council District</td>
<td>#3</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Unknown Heirs of James Reed Moss &amp; Unknown Heirs of Olivia Gail Sigmon</td>
</tr>
<tr>
<td>Owner(s) Address</td>
<td>424 Park Avenue Pineville, NC 28134</td>
</tr>
</tbody>
</table>

## KEY FACTS

<table>
<thead>
<tr>
<th>Focus Area</th>
<th>Housing &amp; Neighborhood Development &amp; Community Safety Plan</th>
</tr>
</thead>
</table>

## CODE ENFORCEMENT INFORMATION

- **Reason for Inspection:** Field Observation
- **Date of the Inspection:** 05/18/2016
- **Received title search:** 06/10/2016
- **Owner(s) notified of Complaint and Notice of Hearing by advertisement and certified mail by:** 07/22/2016
- **Held hearing for owner(s) by:** 08/10/2016
- **Owner(s) attend hearing:** Yes (brother of deceased owner)
- **Owner(s) ordered to demolish structure by:** 09/14/2016
- **Filed Lis Pendens:** 10/13/2016
- **Owner(s) has not repaired, or complied with order to demolish.**
- **Structure occupied:** No
- **Estimated demolition cost:** $7,568
- **Lien will be placed on the property for the cost of Demolition.**
NOTIFICATION TO OWNER

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

OPTIONS

<table>
<thead>
<tr>
<th>IN-REM REPAIR</th>
<th>REHAB TO CITY STANDARD</th>
<th>REPLACEMENT HOUSING</th>
<th>DEMOLITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated In-Rem Repair Cost: $36,475</td>
<td>Acquisition &amp; Rehabilitation Cost (Existing structure: 1,014 sq. ft. total) Economic Life: 15-20 years Estimated cost-$106,583</td>
<td>New Replacement Structure Cost (Structure: 1,014 sq. ft. total) Economic Life: 50 years Estimated cost-$133,417</td>
<td>Estimated Demolition Cost $7,568</td>
</tr>
<tr>
<td>In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.</td>
<td>Acquisition: Tax values: - Structure: $ 44,700 - Accessory building: $ 400 - Land: $ 10,000 Total Acquisition: $ 55,100 Estimated Rehabilitation Cost: $ 50,700 Outstanding Loans: $ 0 Property Taxes owed: $ 767 Interest on Taxes owed: $ 16 Total: $ 51,483</td>
<td>Acquisition: Tax values: - Structure: $ 44,700 - Accessory building: $ 400 - Land: $ 10,000 Total Acquisition: $ 55,100 New structure: $ 69,966 Estimated demolition cost: $ 7,568 Outstanding Loans: $ 0 Property Taxes owed: $ 767 Interest on Taxes owed: $ 16 Total: $ 78,317</td>
<td></td>
</tr>
</tbody>
</table>

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:
- Estimated In-Rem Repair cost of: $36,475 ($35.97/sq. ft.), which is 81.59% of the structure tax value, which is $44,700.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- The building is 69 years old and consists of 1,014 square feet total.
- A new 1,014 sq. ft. structure can be built for $69,966.
In Rem Remedy: 4133 Foxford Place

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

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

Policy:
- Housing & Neighborhood Development and Community Safety

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

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

Field Observation: (4133 Foxford Place)

Action:
Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (4133 Foxford Place) (Neighborhood Profile Area 168).

Attachment
In Rem Packet for (4133 Foxford Place)
ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 4133 FOXFORD PLACE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF UNKNOWN HEIRS OF ENA MAE IRBY 4133 FOXFOED PLACE CHARLOTTE, NC 28215

WHEREAS, the dwelling located at 4133 Foxford Place in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 4133 Foxford Place in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

_________________________
Senior Assistant City Attorney
### GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>4133 Foxford Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood</td>
<td>Neighborhood Profile Area 168</td>
</tr>
<tr>
<td>Council District</td>
<td>#1</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Unknown Heirs of Ena Mae Irby</td>
</tr>
<tr>
<td>Owner(s) Address</td>
<td>4133 Foxford Place Charlotte, NC 28215</td>
</tr>
</tbody>
</table>

### KEY FACTS

| Focus Area | Housing & Neighborhood Development & Community Safety Plan |

### CODE ENFORCEMENT INFORMATION

- **Reason for Inspection:** Field Observation
- **Date of the Inspection:** 03/24/2015
- **Received title search:** 05/04/2015
- **Owner notified of Complaint and Notice of Hearing by advertisement and certified mail by:** 10/09/2015
- **Held hearing for owner by:** 11/11/2015
- **Owner attend hearing:** No
- **Owner ordered to demolish structure by:** 12/11/2015
- **Filed Lis Pendens:** 02/18/2016
- **Title search updated (no change):** 08/11/2016
- **Owner has not repaired, or complied with order to demolish.**
- **Structure occupied:** No
- **Estimated demolition cost:** $9,192
- **Lien will be placed on the property for the cost of Demolition.**
NOTIFICATION TO OWNER

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

OPTIONS

<table>
<thead>
<tr>
<th>IN-REM REPAIR</th>
<th>REHAB TO CITY STANDARD</th>
<th>REPLACEMENT HOUSING</th>
<th>DEMOLITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated In-Rem Repair Cost: $21,610</td>
<td>Acquisition &amp; Rehabilitation Cost (Existing structure: 1,246 sq. ft. total) Economic Life: 15-20 years Estimated cost-$121,232</td>
<td>New Replacement Structure Cost (Structure: 1,246 sq. ft. total) Economic Life: 50 years Estimated cost-$154,098</td>
<td>Estimated Demolition Cost $9,192</td>
</tr>
<tr>
<td>In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.</td>
<td>Acquisition: Tax values: - Structure: $31,000 - Terrace: $200 - Land: $13,700 Total Acquisition: $44,900</td>
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<td></td>
</tr>
</tbody>
</table>

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:
Estimated In-Rem Repair cost of: $21,610 ($17.34/sq. ft.), which is 69.70% of the structure tax value, which is $31,000.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- The building is 57 years old and consists of 1,246 square feet total.
- A new 1,246 sq. ft. structure can be built for $85,974.
Agenda #: 53. File #: 15-4849 Type: Consent Item

**Property Transactions - Reedy Creek Stream Restoration, Parcel #17**

**Action:** Approve the following Acquisition: Reedy Creek Stream Restoration, Parcel #17

- **Project:** Reedy Creek Stream Restoration, Parcel #17
- **Program:** Stream Restoration
- **Owner(s):** Joseph W. Grier, III and Margaret Ann Brookshire
- **Property Address:** Rocky River Road
- **Total Parcel Area:** 105,822 sq. ft. (2.429 acres)
- **Property to be acquired by Fee:** 105,822.09 sq. ft. (2.429 ac.) in Fee Simple
- **Structures/Improvements to be impacted:** None
- **Landscaping to be impacted:** None
- **Zoned:** R-3
- **Use:** Rural Homesite
- **Tax Code:** 105-061-22
- **Purchase Price:** $14,300
- **Council District:** 4
Agenda #: 54. File #: 15-4848 Type: Consent Item

Property Transactions - Providence Road Sidewalk, Parcel #14

Action: Approve the following Acquisition: Providence Road Sidewalk, Parcel #14

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement.

Project: Providence Road Sidewalk, Parcel #14

Owner(s): Ron Erlich

Property Address: 5000 Providence Road

Total Parcel Area: 26,666 sq. ft. (.612 ac.)

Property to be acquired by Easements: 1,973 sq. ft. (.045 ac.) in Sidewalk and Utility Easement, plus 1,962 sq. ft. (.045 ac.) in Temporary Construction Easement, plus 6 sq. ft. (. ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 187-123-21

Purchase Price: $33,650

Council District: 6
Property Transactions - Grier Heights Sidewalk, Parcel #9

Action: Approve the following Condemnation: Grier Heights Sidewalk, Parcel #9

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Housing and Urban Development reimbursement.

Project: Grier Heights Sidewalk, Parcel #9
Owner(s): Rickey Kinard Hood, Ronnie Eugene Hood, Mildred W. Huntley, Charles Graham, Jr. and Evelyn G. Alexander
Property Address: 326 Orange Street
Total Parcel Area: 7,000 sq. ft. (.161 ac.)
Property to be acquired by Easements: 358 sq. ft. (.008 ac.) in Sidewalk and Utility Easement, plus 415 sq. ft. (.01 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Bushes
Zoned: R-5
Use: Single-family Residential
Tax Code: 157-012-41
Appraised Value: $1,300
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: 1
Property Transactions - Grier Heights Sidewalk, Parcel #26

Action: Approve the following Condemnation: Grier Heights Sidewalk, Parcel #26

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Housing and Urban Development reimbursement.

Project: Grier Heights Sidewalk, Parcel #26
Owner(s): Mildred Huntley, Paris Huntley, Jr., Ronnie E. Hood, Teresa Graham, Charles Graham, Jr., Evelyn Alexander and Francis G. White
Property Address: 317 Heflin Street
Total Parcel Area: 6,596 sq. ft. (.151 ac.)
Property to be acquired by Easements: 258 sq. ft. (.006 ac.) in Sidewalk and Utility Easement, plus 764 sq. ft. (.018 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Shrubs and various plantings
Zoned: R-5
Use: Single-family Residential
Tax Code: 157-012-34
Appraised Value: $1,975
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: 1
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.
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.
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.