City of Charlotte

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

Meeting Agenda

Monday, January 9, 2017

Council Chambers

City Council Business Meeting

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

Meeting Agenda
City Council Business Meeting

Monday, January 9, 2017  5:00 PM  Government Center

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

1. Mayor and Council Consent Item Questions ................................................................. 1
2. Discovery Place Science Facilities Master Plan ............................................................ 2
3. Passenger Vehicle for Hire Ordinance Revision ........................................................... 3
5. City Council Retreat Planning Committee Report ...................................................... 5
6. Closed Session ............................................................................................................... 6
7. Answers to Mayor and Council Consent Item Questions ............................................. 7

Call to Order

Roll Call

Introductions

Invocation

Pledge of Allegiance

7:00 P.M. AWARDS AND RECOGNITIONS

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PUBLIC FORUM FOR COUNCIL DISTRICT 5 APPLICANTS

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Adjournment

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Agenda #: 1. File #: 15-4656 Type: Dinner Briefing

Mayor and Council Consent Item Questions

Staff Resource(s):
Randy Harrington, Management & Financial Services

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.
Discovery Place Science Facilities Master Plan

Staff Resource(s):
Catherine Horne, Discovery Place
Randy Harrington, Management & Financial Services
Ron Kimble, City Manager's Office

Time: 20 minutes

Explanation
- The presentation will outline facility needs and the potential future for Discovery Place Science as an integral component of the North Tryon Vision Plan.
- Discovery Place consists of four museums: Discovery Place Science, Discovery Place Nature, and two Discovery Place Kids.
- Discovery Place Science opened in 1981 and is located on North Tryon Street. The City owns the facility.
- Last year approximately 500,000 people visited Discovery Place Science.

Future Action
Staff will ask the City Council to consider approval of funding for a Facilities Master Plan, which will take approximately 18-24 months to complete, at the Council Business Meeting on January 23, 2017.
Passenger Vehicle for Hire Ordinance Revision

Committee Chair:
Julie Eisele, Community Safety Committee

Staff Resource(s):
Thomas Powers, City Attorney’s Office
Daniel Buckley, Police

Time: 45 minutes

Explanation
- On October 6, 2015, the Passenger Vehicle for Hire (PVH) Board sent a letter requesting the City Council review the PVH Ordinance due to changes in the PVH industry and the recent state legislation authorizing Transportation Network Companies.
- The request was referred to the Community Safety Committee for further consideration. Staff presented to the Community Safety Committee throughout 2016 and met with stakeholders on eight separate occasions in 2016.
- Major revisions to the proposed PVH Ordinance include:
  - Modifying criminal background check standards and procedures;
  - Requiring PVH companies to provide driver training program and to perform drug testing upon drivers;
  - Standardizing the citation amount at $100 and $500 to illegal third parties;
  - Establishing a new standard of review for PVH appeals;
  - Shrinking the PVH Board from eleven members to five members;
  - Authorizing PVH Chair to rule on citations under a specific dollar amount;
  - Instituting a new audit and enforcement focus by the PVH office;
  - Setting forth clear expectations of duties and responsibilities; and
  - Simplifying ordinance language.
- On December 15, 2016, the Community Safety Committee voted on the proposed revised PVH Ordinance (Eisele, Phipps, and Smith voted yes; Fallon voted no; and Austin was not present).

Future Action
Staff will ask City Council to consider for approval the revised PVH Ordinance during the Council Business Meeting on January 23, 2017.
Community Action Plan Monthly Update

Staff Resource(s):
Debra Campbell, City Manager’s Office

Time: 20 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, monthly briefings will occur with City Council to update progress to date as well as outline future milestones.
- The dinner briefing presentation will provide further information on key initiatives.

Future Action
The presentation is for informational purposes only.
City Council Retreat Planning Committee Report

Committee Chair:
Kenny Smith

Staff Resource(s):
Katie McCoy, City Manager’s Office

Time: 10 minutes

Explanation
- On December 19, 2016, City Council voted to hold the Retreat in Raleigh.
- City Council’s Retreat Planning Committee has held four meetings to discuss location, agenda, speakers, and facilitators.
- The Chair of the Retreat Planning Committee will provide an update to the full City Council on the Committee’s work.

Future Action:
The presentation is for informational purposes only.
City of Charlotte

Agenda Date: 1/9/2017

Agenda #: 6. File #: 15-4724 Type: Dinner Briefing

Closed Session

Action:

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

Staff Resource(s):
Randy Harrington, City Manager’s Office

Time: 10 minutes

Synopsis
Staff responses to questions from the beginning of the dinner meeting.
Human Trafficking Awareness Month Proclamation

Action:
Mayor Roberts will read a proclamation recognizing January 2017 as Human Trafficking Awareness Month.
Cervical Cancer Awareness Month

Action:
Mayor Roberts will read a proclamation in recognition of Cervical Cancer Awareness Month.
Agenda #: 10. File #: 15-4658 Type: Consent Item

Consent agenda items 18 through 50 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

Consideration of Consent Items shall occur in the following order:

A. Items that have not been pulled, and
B. Items with citizens signed up to speak to the item.
Public Hearing on a Resolution to Close a Portion of W. Palmer Street, Penman Street, and an Alleyway off of W. Palmer Street

Action:
A. Conduct a public hearing to close a portion of W. Palmer Street, Penman Street, and an alleyway off of W. Palmer Street, and
B. Adopt a resolution to close a portion of W. Palmer Street, Penman Street, and an alleyway off of W. Palmer Street.

Staff Resource(s):
Jeff Boenisch, Transportation

Explanation
- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk’s Office.
- A portion of W. Palmer Street, Penman Street, and an alleyway off of W. Palmer Street is located in Council District 3.

Petitioners
North Carolina Department of Transportation, Rail Division - Mr. Craig Newton.

Right-of-Way to be Abandoned
The portion of W. Palmer Street, Penman Street, and an alleyway off of W. Palmer Street is located northwest of S. Mint Street.

Reason
The petitioner is vested in the abutting property and intends to reassemble this land to include W. Palmer Street, Penman Street, and an alleyway off of W. Palmer Street. The assembly of this land will accommodate the construction of the proposed Charlotte Locomotive and Railcar Maintenance Facility.

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
Agenda #: 11  File #: 15-4554  Type: Public Hearing Item

public and City Departments.

Adjoining property owner(s)
Charlotte Pipe & Foundry Company - No objections
Norfolk Southern Railroad - No objections
Mrs. & Mr. Clarence W. Wall - No objections

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 #2016-08

A portion of W. Palmer St., Penman St., and an alleyway off of W. Palmer St.
RESOLUTION CLOSING A PORTION OF W. PALMER STREET, PENMAN STREET, AND AN ALLEYWAY OFF OF W. PALMER STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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

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

WHEREAS, the 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, Duke Energy, and AT&T 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 lines, sewer lines, cable, conduit, and related equipment, as shown on the attached maps marked “Exhibit A1, A2, and A3”; and

WHEREAS, the public hearing was held on the 10th day of October 2016, and City Council determined that the closing of a portion of W. Palmer Street, Penman Street, and an alleyway off of W. Palmer Street is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of October 10, 2016, that the Council hereby orders the closing of a portion of W. Palmer Street, Penman Street, and an alleyway off of W. Palmer Street in the City of Charlotte Mecklenburg County, North Carolina as shown in the maps marked “Exhibit A1, A2, and A3”, and is more particularly described by metes and bounds in the documents marked “Exhibit B1, B2, and B3”, 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: 1/9/2017

Agenda #: 12. File #: 15-4659 Type: Policy Item

City Manager’s Report
Charlotte Business INClusion Advisory Committee

Action: Approve the Economic Development Committee’s recommendation to create an Advisory Committee to support and provide input on the work of Charlotte Business INClusion program.

Committee Chair:
James Mitchell, Economic Development Committee

Staff Resource(s):
Randy Harrington, Management & Financial Services
Nancy Rosado, Management & Financial Services

Explanation
- In April 2013 the City of Charlotte adopted the Charlotte Business INClusion (CBI) Policy to promote diversity, inclusion, and local business opportunities in the city’s contracting and procurement process for Minority, Women, Small Business Enterprises (MWSBEs) located in the Charlotte region.
- On November 14, 2016, the City Council referred to the Economic Development (ED) Committee to review the establishment of a Mayor and City Council appointed committee to advise on the Charlotte Business INClusion program.
  - The attached ED presentation outlines the proposed CBI Advisory Committee’s membership structure and responsibilities, with the following recommended ED Committee amendment:
    - Increase the proposed committee’s size to 13 members which ads two at-large appointments to be approved by City Council.
- CBI Advisory Committee responsibilities include:
  - Review MWSBE utilization and participation on City contracts.
  - Provide recommendations and advice to City Council on ways the City can enhance diversity and inclusion of MWSBEs in City contracting and procurement.
  - Provide a forum for CBI stakeholders to raise issues, and have input into CBI Policy recommendations.
  - Advise the City of business community conditions that may affect business-government relations.
  - Serve on future City Disparity Study Advisory Committees.
- The 13 member committee would consist of three members appointed by the Mayor and 10 members appointed by City Council as follows:
  - Mayor appointments will represent a prime construction company, a professional services company, and Charlotte Chamber of Commerce.
  - City Council appointments will represent: a total of two at-large appointments; and one representative from each of the following organizations: Carolinas Asian-American Chamber of Commerce; Carolinas Association of General Contractors; Charlotte Mecklenburg Black Chamber of Commerce; Hispanic Contractors Association of the Carolinas; Latin American
Chamber of Commerce; Metrolina Minority Contractors Association; Metrolina Native-American Association; and National Association of Women Business Owners

- Initial committee members’ terms will be staggered, with subsequent terms of two years. No member will serve for more than two consecutive terms.
- The City Council will designate the initial Chairperson and Vice-Chairperson; thereafter the committee will elect leadership from membership. Chairperson and Vice-Chairperson serve a two-year term.

Committee Discussion

- On November 14, 2016, the City Council referred to the ED Committee to review the establishment of a Mayor and the City Council appointed committee and to advise on the Charlotte Business INClusion program.
- On December 8, 2016, the ED Committee unanimously voted (Mitchell, Eiselt, Driggs voted yes; and Mayfield and Lyles were not present) to recommend to the full City Council establishment of a Council appointed Advisory Committee to support and provide input on the work of CBI.

Attachment
ED Committee Presentation on December 8, 2016
CBI Advisory Committee

Economic Development & Global Competitiveness Committee Meeting
December 8, 2016

Agenda

• Purpose
  • Consider establishment of a council appointed Advisory Committee to support and provide input on the work of Charlotte Business INClusion.

• Background

• CBI Advisory Committee Framework for Consideration
  • Membership
  • Responsibilities

• Next Steps
Background

- October 2014 established CBI Community Input Committee
  - Sub-committee of the City’s Business Advisory Committee
  - 12 committee members representing 9 community organizations
  - Met monthly after Business Advisory Committee meetings
  - Adjourned in July 2016 after receiving member feedback request to restructure.

- Member Feedback
  - Establish independent Council appointed committee.
  - Establish term limits and attendance requirements.
  - Members should have a basic understanding of procurement and contracting practices and supplier diversity and inclusion.

CBI Advisory Committee Framework for Consideration

Membership

- Size: 11 members
  - (3) At-large appointed by Mayor
  - (8) appointed by City Council

- At-large Mayor Appointments representing:
  - Prime Construction Company
  - Professional Services Company
  - Charlotte Chamber of Commerce

- City Council appointments* recommended by:
  - Carolinas Asian-American Chamber of Commerce
  - Carolinas Association of General Contractors
  - Charlotte Mecklenburg Black Chamber of Commerce
  - Hispanic Contractors Association of the Carolinas
  - Latin American Chamber of Commerce
  - Metrolina Minority Contractors Association
  - Metrolina Native-American Association
  - National Association of Women Business Owners

*One recommendation per organization.
CBI Advisory Committee
Framework for Consideration

Membership

- Term
  - Initial terms staggered; future terms will be for two years.
  - Each member limited to two consecutive terms.
  - City Council designate initial Chairperson and Vice-Chairperson; thereafter Committee elects from membership.
  - Chairperson and Vice-Chairperson serve for two-year term.

<table>
<thead>
<tr>
<th>Members</th>
<th>Initial Terms</th>
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<tbody>
<tr>
<td>Carolinas Asian-American Chamber of Commerce</td>
<td>1</td>
</tr>
<tr>
<td>Carolinas Association of General Contractors</td>
<td>2</td>
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<tr>
<td>Charlotte Mecklenburg Black Chamber of Commerce</td>
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<tr>
<td>Hispanic Contractors Association of the Carolinas</td>
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<tr>
<td>Latin American Chamber of Commerce</td>
<td>2</td>
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<tr>
<td>Metrolina Minority Contractors Association</td>
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</tr>
<tr>
<td>Metrolina Native-American Association</td>
<td>1</td>
</tr>
<tr>
<td>National Association of Women Business Owners</td>
<td>2</td>
</tr>
<tr>
<td>Prime Construction Company (Mayor Appointment)</td>
<td>3</td>
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<tr>
<td>Professional Services Company (Mayor Appointment)</td>
<td>1</td>
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<tr>
<td>Charlotte Chamber of Commerce (Mayor Appointment)</td>
<td>2</td>
</tr>
</tbody>
</table>

Attendance
- Subject to City Council’s Attendance and Code of Ethics policies.

Meeting Frequency
- 2nd Wednesday monthly at 8:00 AM

Oath and Statement of Economic Interest will be required.

Comparison of Membership Requirements to similar Committees

<table>
<thead>
<tr>
<th>Business Advisory Committee</th>
<th>Privatization/Competition Advisory Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size: 20 Members</td>
<td>Size: 11 Members</td>
</tr>
<tr>
<td>Term Length: 3 Years</td>
<td>Term Length: 2 Years</td>
</tr>
<tr>
<td>Term Limit: 2 Terms</td>
<td>Term Limit: 2 Terms</td>
</tr>
<tr>
<td>Meeting Frequency: 3rd Friday monthly at 8 AM</td>
<td>Meeting Frequency: 2nd Thursday monthly at 7:30 AM</td>
</tr>
<tr>
<td>Oath Required: No</td>
<td>Oath Required: No</td>
</tr>
<tr>
<td>Statement of Economic Interest Required: Yes</td>
<td>Statement of Economic Interest Required: Yes</td>
</tr>
</tbody>
</table>
CBI Advisory Committee
Framework for Consideration

Responsibilities

- Review Minority, Women, Small Business Enterprise (MWSBE) utilization and participation on City contracts.
- Provide recommendations and advice to City Council on ways the City can enhance diversity and inclusion of MWSBEs in City contracting and procurement.
- Provide a forum for CBI stakeholders to raise issues, and have input into CBI Policy recommendations.
- Advise the City of business community conditions that may affect business-government relations.
- Serve on future City Disparity Study Advisory Committees.

Next Steps

- Does the ED&GC Committee support the proposed CBI Advisory Committee structure?
- If yes, City staff will prepare council action for City Council vote during the January 9, 2017 City Council Meeting (no formal presentation planned).
Action: Approve the Housing & Neighborhood Development Committee’s recommendation for a two-year grant allocation in the amount of $146,617 to Socialserve.com.

Committee Chair: LaWana Mayfield, Housing & Neighborhood Development

Staff Resource(s): Pamela Wideman, Neighborhood & Business Services
Mary Gaertner, Neighborhood & Business Services

Explanation

- Neighborhood & Business Services (NBS) serves as the lead agency for the Charlotte-Mecklenburg Continuum of Care Program, which is designed to help individuals and families experiencing homelessness by providing resources and services to assist them in ultimately obtaining stable housing.

- In October 2016, NBS received an $111,617 grant from the U.S. Department of Housing and Urban Development to establish a Landlord Consortium, a partnership of landlords, service providers and tenants to collaborate on expanding access to additional affordable housing units.

- During this same period, NBS also received a $35,000 grant from the Charlotte-Mecklenburg Community Foundation to use in collaboration with the Landlord Consortium.

- Socialserve.com, an affordable housing locator service, will support the Landlord Consortium by serving as a shared system for accessing housing resources for the homeless.

- Socialserve.com currently provides this service and was selected as the project manager because of its current infrastructure and capacity as an affordable housing locator service.
  
  - As the project manager, Socialserve.com will work to create a unified and collaborative approach among housing providers, human service agencies, and tenants to increase housing opportunities for those who are homeless in Charlotte-Mecklenburg.
  
  - Socialserve.com also provides jobs to people who are hard-to-employ and assists homeless individuals and families to access affordable housing and supportive services in their communities.

- Funding for the Landlord Consortium will be a pass through of these grant dollars.

Committee Discussion

- On December 12, 2016, NBS staff presented the Socialserve.com funding recommendation to the Housing & Neighborhood Development Committee.
The Committee voted unanimously (Mayfield, Austin, and Driggs voted yes; Autry and Kinsey were not present) to recommend funding to the full City Council.

Charlotte Business INClusion
No subcontracting goals were established because the Charlotte Business INClusion program does not apply to the use of federal funds (Section 3.5 of the Charlotte Business INClusion Policy).

Fiscal Note
Funding: Housing and Urban Development Grant and Charlotte-Mecklenburg Community Foundation Grant

Attachment
Housing & Neighborhood Development Committee Presentation on December 12, 2016
Continuum of Care Planning Grant & Landlord Consortium

December 12, 2016
Housing & Neighborhood Development Committee

FY15 HUD Continuum of Care Planning Grant

- City of Charlotte Neighborhood & Business Services Department serves as the Lead Agency for NC Continuum of Care.

- In 2015 NBS applied for a HUD grant in the amount of $111,617 to establish a Landlord Consortium.

- The Landlord Consortium will be a new partnership of landlords, service providers, and tenants who collaborate to create additional affordable housing units.
Landlord Consortium  
Goals and Objectives  

- Develop a shared system for accessing housing/apartment resources for households experiencing homelessness.
- Adhere to and promote knowledge of landlord-tenant laws.
- Ensure tenants have the skills and resources necessary for housing stability.
- Capitalize on existing relationships with landlords.
- Track and support tenants to measure housing retention and program effectiveness.

Contract Details  

Council Action Requested:  
- Approve a Two-Year Contract with Socialserve.com in the amount $146,617.

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>HUD CoC Planning Grant</td>
<td>$111,617</td>
</tr>
<tr>
<td>Charlotte-Mecklenburg Community Foundation Grant</td>
<td>$35,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$146,617</strong></td>
</tr>
</tbody>
</table>
North Tryon Vision Plan

Action:

Approve the Transportation & Planning Committee’s recommendation to adopt the North Tryon Vision Plan.

Committee Chair:
Vi Lyles, Transportation & Planning

Staff Resource(s):
Ed McKinney, Planning
Grant Meacci, Planning

Explanation

- The 2020 Center City Vision Plan, adopted by City Council in 2011, identified the North Tryon Street area of Uptown Charlotte as a target area for further planning and development.
- The North Tryon Vision Plan (Plan) builds upon the adopted 2020 Center City Vision Plan by establishing a more detailed vision to catalyze growth and development in this unique area of Uptown Charlotte bounded by 6th Street, Church Street, Caldwell Street, and 11th Street.
- The Plan recommendations center on creating a district that will attract, retain, and strengthen creative industries, innovative arts, and cultural and educational institutions.
- Key recommendations include:
  - Creating well programmed and activated public spaces,
  - Protecting existing historic resources,
  - Providing for a diversity of affordable housing,
  - Activating streets with destination and local-serving retail, and
  - Strengthening the connections between the area’s cultural and educational institutions.
- The planning process was guided by a steering committee of over 18 civic, business, and government institutions, led by Charlotte Center City Partners and the Foundation for the Carolinas.
  - The committee included representation from the arts, science, and learning institutions on North Tryon Street, property owners, business leaders, real estate professionals, developers, community advocates, and faith-based leadership.
  - The Planning Department and the City Manager’s Office represented the City on the committee.
- The public was engaged through multiple symposiums, public workshops, focus groups, and public forums throughout 2014 and 2015.

Review and Adoption Process

- On September 20, 2016, the Mecklenburg County Board of County Commissioners reviewed and adopted the Plan.
- On October 10, 2016, the Transportation & Planning Committee reviewed the Plan and recommended it for public comment.
On October 18, 2016, the Charlotte-Mecklenburg Planning Commission Planning Committee invited public comment on the Plan at its Committee Meeting.

On November 14, 2016, the City Council held a public comment session on the Plan; three stakeholders representing Discovery Place, McColl Center for Innovation, and the Charlotte Housing Authority spoke in favor of the Plan. There were no speakers that opposed the Plan.

On November 15, 2016, the Charlotte-Mecklenburg Planning Commission Planning Committee voted unanimously (Sullivan, Fryday, Ham, McClung, McMillan, Nelson, and Ryan) to recommend the Plan to the full City Council for adoption.

On December 12, 2016, the Transportation & Planning Committee voted to recommend the Plan to the full City Council for adoption.

Attachment

The North Tryon Vision Plan can be found at <http://www.northtryon.org/north-tryon-vision-plan>
Charlotte Convention Center Improvement Project - Schematic Design

Action:
A. Approve an allocation of $1,600,000 to the Charlotte Regional Visitors Authority to fund a contract with TVS North Carolina, P.C. for schematic design and cost estimates and related Charlotte Regional Visitors Authority expenses for the proposed improvements to the Charlotte Convention Center, and

B. Adopt a budget ordinance appropriating $1,600,000 from fund balance in the Convention Center Tax Fund for the schematic design contract and related Charlotte Regional Visitors Authority expenses.

Staff Resource(s):
Ron Kimble, City Manager’s Office
Randy Harrington, Management & Financial Services
William Haas, Engineering & Property Management
Tom Murray, Charlotte Regional Visitors Authority

Explanation
- The Charlotte Regional Visitors Authority (CRVA) is responsible for managing several City-owned assets including the Charlotte Convention Center.
- In accordance with the CRVA’s strategic plan and the organization’s charter that seeks to keep these destination assets and Charlotte as a whole competitive as it relates to the visitor economy, the CRVA has been examining long-term needs and recommendations for the Convention Center and surrounding area.
- The hospitality market and convention/meeting industry have evolved in recent years. Hotels are less reliant on convention events, and convention facilities are less exhibit-focused and more meeting-focused, with a higher emphasis on attendee experience.
- The Convention Center is now 21 years old and the facility requires improvements to respond to these new industry standards in order to maximize the economic potential of the Charlotte region through visitor spending.
- Potential improvements to the Convention Center include space expansion to enhance meeting and breakout spaces, technology upgrades and the creation of pedestrian-friendly connections between the Convention Center and Center City.
- Preliminary estimates for the total cost of improvements to the Convention Center are approximately $100 million. These estimates will be refined in conjunction with the schematic design contract.
- Completing schematic design work does not commit the City to moving forward with the proposed improvements to the Convention Center.
- The source of funding for the schematic design contract will be fund balance in the Convention Center Tax Fund, which is supported by Hospitality Tax revenues, including 1% Prepared Food Tax and 3% (of 8%) Occupancy Tax. Eligible uses of these funds include the Convention Center, amateur sports and stadiums with 70,000 capacity or greater.
Subsequent contracts related to improvements will come to the City Council for consideration beginning in the fall 2017.

Background

- On September 12, 2016, CRVA briefed City Council on the need to plan for improvements to the Charlotte Convention Center and shared the conceptual design concepts.
- On November 3, 2016, CRVA issued a Request for Proposals for schematic design services; two proposals were submitted from interested service providers.
- On December 14, 2016, representatives from the City and CRVA selected TVS North Carolina, P.C. using the Council-approved selection process to develop schematic designs and cost estimates for the proposed improvements to the Convention Center.

Charlotte Business INClusion

The action is only to approve the appropriation of funds and therefore no subcontracting goals are required at this time. MWSBE subcontracting goals will be established during subsequent contract approval phases.

Fiscal Note

Funding: Convention Center Tax Fund

Attachment

Budget Ordinance
ORDINANCE NO. __________________________

AN ORDINANCE TO AMEND ORDINANCE NUMBER 8040-X, THE 2016-2017 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF $1,600,000 FOR SCHEMATIC DESIGN AND RELATED CRVA EXPENSES FOR THE IMPROVEMENTS TO THE CHARLOTTE CONVENTION CENTER

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

Section 1. That the sum of $1,600,000 hereby estimated to be available from the Convention Center Tax Fund - Fund Balance

Section 2. That the Chief Financial Officer or his designee is hereby authorized to advance the sum of $1,600,000 from the Convention Center Tax Fund fund balance until permanent financing is arranged. When permanent financing is concluded the advance to the project shall revert to its original source. If permanent financing is not arranged, the advance shall become the permanent source of revenue for the project.

Section 3. That the sum of $1,600,000 is hereby appropriated in the Convention Center Tax Fund (4021) into the following project:

 Convention Center Expansion Planning - 8010150055
 GL: 4021-80-60-8010-801015-000000-000-530500-
 FS: 4021-80-99-0000-000000-992001-000-489000-

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
Mayor and City Council Topics
The City Council members may share information and raise topics for discussion.
Dive Team Breathing System

Action:
A. Approve the purchase of new equipment, Divator DP1 Surface Supply Air Breathing System, as authorized by the sole source exemption of G.S. 143-129(e) (6), and

B. Approve a contract with Interspiro Inc. in the amount of $110,323.02 for the purchase of a Divator DP1 Surface Supply Air Breathing System.

Staff Resource(s):
Richard Granger, Fire
Kent Davis, Fire

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

- Sole sourcing is necessary for this contract because there is only one supply source.
- The City Council must approve purchases made under the sole source exception.

Explanation
- The Charlotte Fire Department (CFD) has a Dive Team that performs swift water rescues, underwater rescues, and recoveries.

- The diving equipment that is currently employed in swift water operations consists of basic scuba tanks, and is unsafe for long underwater rescues as there is a limited air supply.
  - It does not have the same capability of the proposed new equipment to serve as a safety line.

- The Divator DP1 is a patented supply hose and continuous surface air supply system which enables the rapid deployment of divers in remote locations.

- The equipment consists of a very strong, but lightweight air hose supply that reduces resistance and allows divers to move more freely and carry less weight in swift water for rescue operations.

- In addition to an air hose, the Divator DP1 is dual purpose and also serves as a safety line, improving the overall safety of divers.

- The $110,323.02 quote supplied by Interspiro Inc. includes nine air supply hoses with built in communication lines and regulators, six control boxes for air, nine storage winding posts, three splitters to allow the control boxes to control air flow to two divers each, 22 cameras, and 13 DP1 yokes.
Agenda #: 18  File #: 15-4591  Type: Consent Item

- The purchase is an approved and fully funded grant project by the North Carolina Department of Public Safety, Office of North Carolina Emergency Management through the 2015 Urban Area Security Initiative grant.

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

**Fiscal Note**
Funding: 2015 Urban Area Security Initiatives Grant
Police Bomb Squad Equipment Upgrades

Action:

A. Approve the purchase of Police Bomb Squad upgrades, as authorized by the sole source exemption of G.S. 143-129 (e)(6), and

B. Approve a contract with Remotec in the amount of $157,560 for the purchase of Police Bomb Squad robot upgrades.

Staff Resource(s):
Steven Brochu, Police
Sherie Pearsall, Police

Sole Source Exemption

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

Explanation

- CMPD Bomb Squad currently operates two render safe robots that are more than 20 years old and are no longer meeting industry standards.
  - The robots are used to remotely analyze and move suspicious or explosive devices.
  - The robots are capable of rendering these items inert and safe without putting officers or the public in harm’s way.
- The equipment upgrade enhances operational capability, providing a new technology system and hand controllers that extends the robot’s range and functionality.
- The estimated expenditure for two upgraded robots is $157,560.
- The purchase is an approved and funded project by the North Carolina Department of Public Safety, Office of the North Carolina Emergency Management through the 2016 Urban Areas Security Initiative grant.

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: 2016 Urban Areas Security Initiative Grant
Police Special Weapon and Tactics (SWAT) Protective Helmets and Communications Equipment

Action:

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

B. Approve a contract with Safariland in the amount of $146,281.71 for the purchase of Police SWAT communications and protective equipment.

Staff Resource(s):
Steven Brochu, Police
Sherie Pearsall, Police

Sole Source Exemption

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

Explanation

- The SWAT team’s communications equipment requires upgrades because it is no longer compatible with the standard issued radio.
- The proposed new communications system is designed for the standard issued radio and is integrated into a specifically designed ballistic helmet.
  - The helmet has ballistic properties to protect the officer from rifle and pistol rounds as well as fragmentation.
  - The helmet also provides noise cancelling features to improve hearing protection and significant improvement to the operator’s ability to hear and communicate on the radio.
- The estimated expenditure is $146,281.71.
- The purchase is an approved and funded project through the North Carolina Department of Public Safety, Office of the North Carolina Emergency Management 2016 Urban Areas Security Initiative grant.
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: 2016 Urban Areas Security Initiative Grant
Charlotte-Mecklenburg Government Center Security Bollards Replacement Project

Action:

A. Approve the purchase of security barrier and installation services from a federal contract as authorized by G.S. 143-129(e)(9a), and

B. Award a contract in the amount of $237,073.49 with Carolina Professionals, Inc. for the purchase and installation of an active electric wedge vehicle barrier system fabricated by Barrier 1 Systems, Inc. under U.S. General Services Administration (contract number GS-07F-0341V).

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

Federal Contract Exemption

G.S. 143-129(e)(9a) allows local governments to purchase from contracts established by the United States government, including any federal agency, if the contractor is willing to extend the same or more favorable prices, terms and conditions as those established under the federal contract.

Explanation

- The hydraulic security bollards at the Charlotte-Mecklenburg Government Center (CMGC) near the loading dock entrance are near the end of their useful life and currently require a high level of maintenance.
- These bollards are designed to prevent access to the CMGC loading dock unless authorization is granted by building security personnel.
- Security for government buildings, particularly loading dock areas, is critical.
- On November 7, 2016, the City received a proposal from Carolina Professionals, Inc. to provide and install an active electric wedge barrier, including engineering, programming, testing, training and commissioning onsite. The system will be fabricated by Barrier 1 Systems, Inc.
- Barrier 1 Systems, Inc. has extensive experience providing crash-rated barriers worldwide.
- The proposed system is an all-electric system, Department of Defense (DoD) approved and listed on the DoD’s Anti-Ram Vehicle Barriers approved list.
- The U.S. General Services Administration negotiated a contract for security systems services with Barrier 1 Systems, Inc. as manufacturer with sister company, Carolina Professionals, Inc. as Contractor (contract GS-07F-0341V).
- The project is anticipated to be complete by first quarter 2017.
Background

- On June 27, 2016, City Council approved a contract in the amount of $153,400 with Delta
  Scientific, Inc. for the purchase of a High Security Vehicle Barrier System under a U.S. General
  Services contract.
- Delta Scientific, Inc. does not provide their own installation services, so Council also approved a
  contract in the amount of $154,000 to TEC, LLC, which was the lowest responsible bidder for
  system installation.
- Delta Scientific, Inc. was not agreeable to the City’s terms and conditions; that contract was
  cancelled.
- The contract with TEC, LLC will be terminated for convenience due to the turnkey installation
  available from a single-source provider.
- Both Carolina Professionals, Inc. and Barrier 1 Systems, Inc. are located in Greensboro, N.C. By
  working with a local product with in-house construction, the need for additional supervision and
  long-term lodging was eliminated, resulting in a savings of $70,327.

Charlotte Business INClusion

Actions A and B

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

Fiscal Note

Funding: General Facility Community Investment Plan
Private Developer Funds Appropriation

Action: 
Adopt a budget ordinance appropriating $37,425 in private developer funds for relocation of Charlotte Department of Transportation fiber and traffic signal work.

Staff Resource(s):
Scott Putnam, Transportation

Explanation
- The $37,425 in private developer funding is for the projects listed below. The funding is restricted to these projects.
- The following developers are fully funding the relocation of Charlotte Department of Transportation (CDOT) fiber and traffic signal modifications for improvements to mitigate traffic impacts around the respective development projects:
  - Randolph and Son Builders Inc. contributed $21,425 for relocation of CDOT fiber cable for the developer to be able to complete work on its project at the intersection of Steele Creek Road and Westinghouse Commons Parkway.
  - Frontier Building Corporation contributed $16,000 to transfer a signal span to a pole at the corner of Providence Road and Ardrey Kell Road.
- Payments made by developers are in response to estimates of work prepared by CDOT and supplied to the developers.
- Any funding contributed by developers for signal projects that is unused by the City will be refunded after project completion.
- CDOT will be relocating the fiber and installing and operating the 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 $37,425 FOR FIBER AND TRAFFIC SIGNAL MODIFICATIONS AND IMPROVEMENTS

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

Section 1. That the sum of $37,425 hereby estimated to be available from the following private developer source:
   - Randolph and Son Builders Inc. ($21,425)
   - Frontier Building Corp ($16,000)

Section 2. That the sum of $37,425 is hereby appropriated in the General Capital Investment Fund (4001) into the following projects:
   - Steele Creek Relocate Fiber - 4292000290 ($21,425)
   - Signal Improvements Providence Rd - 4292000189 ($16,000)

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
Queen Anne Road Storm Water Improvement

Action:
Award a contract in the amount of $598,939 to the lowest responsive bidder Carolina Cajun Concrete, Inc. for the construction of the Queen Ann Road Storm Water Improvement project.

Staff Resource(s):
Stewart Edwards, Engineering & Property Management

Explanation
- The Queen Anne Storm Water Improvement Project is located in the Greenbriar Woods neighborhood with work along Shady Grove Lane, Scottie Place and Queen Anne Road.
- Improvements will include:
  - Replacement of 900 feet of failing pipe, plus drainage structures,
  - Curb and gutter,
  - Driveways, and
  - Asphalt pavement repair.
- On November 15, 2016, the City issued an Invitation to Bid; five bids were received from interested service providers.
- Carolina Cajun Concrete, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by August 2017.

Charlotte Business INClusion
Established SBE Goal: 14%
Committed SBE Goal: 14.02%
Carolina Cajun Concrete, Inc. exceeded the established subcontracting goal, and has committed 14.02% ($84,000) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INClusion Policy):
  - RE Sifford Utility Inc. (SBE, MBE) ($64,000) (sewer & storm drainage)
  - Davis & Son’s Trucking (SBE, MBE) ($20,000) (hauling)

Established MBE Goal: 5%
Committed MBE Goal: 14.02%
Carolina Cajun Concrete, Inc. exceeded the established subcontracting goal, and has committed 14.02% ($84,000) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INClusion Policy):
  - RE Sifford Utility Inc. (SBE, MBE) ($64,000) (sewer & storm drainage)
  - Davis & Son’s Trucking (SBE, MBE) ($20,000) (hauling)
Carolina Cajun Concrete, Inc. is a City SBE.

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

**Attachment**
Map
Location Map: Queen Anne Road Storm Water Improvement
(Council District 3)
Airport Camera and Security System

Action:

A. Approve the purchase and installation of security cameras, access control equipment, and fire system components, as authorized by the sole source exemption of G.S. 143-129 (e)(6),

B. Approve a contract in the amount of $3,867,011 with Johnson Controls Inc. for the purchase of security cameras and access control equipment, and

C. Adopt a budget ordinance appropriating $3,867,011 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):
Brent Cagle, Aviation

Sole Source Exemption

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

Explanation

- The Airport maintains and manages the camera systems for Customs and Border Protection Federal Inspection Station, the Transportation Security Administration, and the airlines and Airport operations.
- Johnson Controls Inc. (JCI) currently maintains the Airport’s video management services and building automation control systems.
- The project will include the installation of additional cameras throughout the terminal and the consolidated rental car facility based on recommendations from the Video Surveillance System (VSS) Master Plan.
  - The VSS Master Plan is an industry-standard document that ensures the Airport’s video surveillance meets the operational directives outlined in the Airport Security Program and all federal Aviation administration directives.
  - The VSS Master Plan calls for increased storage capacity and redundancy necessary to be compliant with recommendations to meet evolving and growing security requirements.
- Also included in the project are upgrades to the access control system and fire alert system to enhance safety and security while integrating with intelligent video management control and
analytics.
- JCI will provide all necessary hardware and installation including, servers, licenses, cabling, conduit, labor, programming, permitting, and testing and continue to provide service to this equipment through the maintenance contract.
- Johnson Controls Inc. will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- The project is estimated to be completed in approximately eight months.

Charlotte Business INClusion
This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INClusion Policy). Johnson Controls has committed 15.62% ($603,867) of the total contract amount to the following certified firm:
- Besco Electric (MBE) ($603,867) (electrical)

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 $3,867,011 FROM THE AVIATION DISCRETIONARY FUND FOR THE PURCHASE AND INSTALLATION OF A CAMERA AND SECURITY SYSTEM AT THE AIRPORT

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

Section 1. That the sum of $3,867,011 is available from the Aviation Discretionary Fund for the contract with Johnson Controls, Inc.

Section 2. That the sum of $3,867,011 is hereby appropriated in the Aviation Community Investment Plan Fund to the following project(s):

<table>
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<th>Source</th>
<th>Project</th>
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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
Airport Concrete Pavement Repairs

Action: Award a contract in the amount of $126,300 to the lowest responsive bidder, Stone Restoration of America Inc. for concrete pavement repairs.

Staff Resource(s): Jack Christine, Aviation

Explanation
- The Airport has identified multiple cracks and pits in the airfield concrete caused by heavy traffic, weather, and deicing chemicals. These areas need to be repaired to ensure the safety of the airfield and maintain the useful life of the pavement.
- On November 8, 2016, Aviation issued an Invitation to Bid; three bids were received from interested service providers.
- Stone Restoration of America, Inc. was selected as the lowest responsive, responsible bidder.
- These repairs are expected to be complete by November 30, 2017.

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
Airport Terrazzo Repairs

Action:

A. Approve unit price contract with Doyle Dickerson Terrazzo, Inc. for terrazzo repairs for an initial 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):
Jack Christine, Aviation

Explanation
- The flooring at the Airport terminal consists of terrazzo and carpet. Airport flooring needs regular repairs to be performed because of the constant foot traffic.
- On November 22, 2016, the City issued a Request for Proposal (RFP) for Terrazzo Repair, and Installation Services. In response to the RFP, the City received two proposals from interested service providers.
- Aviation Department staff evaluated the proposals and determined that Doyle Dickerson Terrazzo, Inc. best met the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The company will be paid the unit prices set forth in the contract, which are available upon request.
- Estimated contract expenditures are $75,000 annually.

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

Fiscal Note
Funding: Aviation Operating Budget
Airport Long Term 2 Expansion

Action:

A. Award a contract in the amount of $4,339,632.99 to the lowest responsive bidder, Blythe Development Co., for Long Term 2 Expansion, and

B. Approve a contract not to exceed $150,000 with Duke Energy Carolinas, LLC to install LED street lights in the parking lots.

Staff Resource(s):
Jack Christine, Aviation

Explanation

Action A
- The Long Term 2 Expansion Paving project will include completion of mass grading and installation of approximately 1,700 paved spaces.
- The project’s scope includes grading, retaining wall installation, curb and gutter, asphalt pavement, bus shelters, and infrastructure for light pole electricity and future Airport camera and emergency phone system.
- On October 24, 2016, Aviation issued an Invitation to Bid for construction services. On November 22, 2016, the bid opening was held and four bids were submitted by interested service providers.
- Blythe Development Co. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by mid to late September 2017.

Action B
- The contract with Duke Energy Carolinas, LLC will provide for new parking lot lighting.
- The cost for the lighting installation includes supplying new underground conduits materials, electrical circuits, concrete foundations, metal poles, and new light fixtures.
- Aviation has chosen LED lights for their superior energy efficiency and brightness, as well as anticipated long-term cost savings.

Charlotte Business INClusion

Action A:
Established MSBE Goal: 11.00%
Committed MSBE Goal: 12.03%

Blythe Development Company exceeded the established subcontracting goal, and has committed 12.03% ($521,970) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INClusion Policy):
Agenda #: 27 File #: 15-4534 Type: Consent Item

- Forde Trucking (SBE, MBE) ($291,360) (on site hauling)
- Maybury Fencing (SBE, WBE) ($77,700) (fencing)
- R&N Construction Group (SBE, WBE) ($76,140) (retaining wall)
- Express Logistics (SBE, MBE) ($51,000) (hauling)
- Ground Effects (SBE, WBE) ($25,770) (pavement markings)

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

Fiscal Note
Funding: Aviation Community Investment Plan
Watershed Preservation Study

Action:

A. Approve a co-funding agreement with the Water Research Foundation for $298,551 to conduct a study of the Benefits of Land Conservation on Water Supply, which includes payment to the Water Research Foundation for $298,551, and

B. Adopt a budget ordinance appropriating $298,551 from Catawba-Wateree Water Management Group.

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

Explanation

- Charlotte Water is a member of the Water Research Foundation (WRF) headquartered in Denver, Colorado, an internationally recognized leader in water research.
- Charlotte Water is also a member of the Catawba-Wateree Water Management Group (CWWMG), a non-profit corporation made up of the 18 public water suppliers who withdraw water from the Catawba River along with Duke Energy.
- The mission of the CWWMG is to identify, fund, and manage projects that help extend and enhance the capacity of the Catawba-Wateree River to meet human water needs (water supply, power production, industry, agriculture, and commerce) while maintaining the ecological health of the waterway.
- The CWWMG applied to the Water Research Foundation for funding assistance to conduct a study of how land conservation impacts water supply and how to determine which parcels could have the most benefits if conserved.
- The Water Research Foundation has accepted this project and will be providing funding assistance and project management.
- RTI International, an independent, nonprofit research institute based in Research Triangle Park, will conduct the study for and with the WRF and the CWWMG.
- Charlotte Water, as a member of the WRF, will be a co-sponsor of the project using funding received from the CWWMG.
  - WRF cannot contract directly with the CWWMG because CWWMG is not a member of WRF and is not eligible to become a member.
  - No Charlotte Water funding is necessary other than in-kind service to support the project.
- The total cost of the project is $498,551, with funding sources to include:
Agenda #: 28. File #: 15-4550  Type: Consent Item

- $298,551 from Charlotte Water (received from the CWWMG)
- $100,000 from Foothills Conservancy through a grant from the Duke Energy Water Resources Fund
- $50,000 from the Water Research Foundation
- $50,000 from the U.S. Endowment for Forestry and Communities

Fiscal Note
Funding: Charlotte Water Operating Budget

Attachment
Budget Ordinance
AN ORDINANCE TO AMEND ORDINANCE NUMBER 8040-X, THE 2016-2017 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF $298,551 FROM THE CATAWBA WATeree WATER MANAGEMENT GROUP FOR THE CO-FUNDING AGREEMENT WITH THE WATER RESEARCH FOUNDATION

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

Section 1. That the sum of $298,551 hereby estimated to be available from the following private developer sources:
        Catawba Wateree Water Management Group

Section 2. That the sum of $298,551 is hereby appropriated to 6200-70-00-7010-701010-000000-000-529050

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
Charlotte Water Fire Hydrants and Hydrant Parts

Action:
A. Approve a unit price contract to Ferguson Enterprises, Inc. for the purchase of fire hydrants for the initial term of one year,

B. Approve a unit price contract to the following companies for fire hydrant parts for the initial term of one year:
   - Ferguson Enterprises, Inc.,
   - Fortiline Inc., and
   - HD Supply Waterworks, LTD, and

C. Authorize the City Manager to renew the contract for two additional, one-year terms with possible price adjustments as stipulated in the contract.

Staff Resource(s):
Angela Lee, Charlotte Water

Explanation
- Fire hydrants and associated parts are stock items that Charlotte Water maintains in inventory for both replacement and new hydrant locations.
- On November 2, 2016, Charlotte Water issued an Invitation to Bid for fire hydrants and fire hydrant parts; three bids were received from interested service providers for both.
- Ferguson Enterprises, Inc. was selected as the lowest responsive, responsible bidder for the new fire hydrants.
- Currently, there are four brands of hydrants in the system which requires parts from multiple vendors.
- Ferguson Enterprises, Inc., Fortiline Inc., and HD Supply Waterworks, LTD were selected as the lowest responsive, responsible bidders for the various fire hydrant parts needed for the upcoming year.
- The contract provides the City the option to renew for two additional, one-year terms with price adjustments that are stipulated in the contract.
- Estimated annual expenditures are $720,000.

Charlotte Business INClusion
No subcontracting goals were set because there are no subcontracting opportunities (Part C: Section 2.1 (a) of the Charlotte Business INClusion Policy).
Agenda #: 29  File #: 15-4523  Type: Consent Item

Fiscal Note
Funding: Charlotte Water Operating Budget
Amendment to Interlocal Agreement between the City of Charlotte and Lancaster County Water and Sewer District

Action:
A. Adopt a resolution approving and authorizing the Director of Charlotte Water to execute a modification of agreements for treatment of wastewater by and between the City of Charlotte and Lancaster County Water and Sewer District, and

B. Adopt a resolution approving and authorizing the Director of Charlotte Water to execute a modification of agreements for sale of water by and between the City of Charlotte and Lancaster County Water and Sewer District.

Staff Resource(s):
Ron Hargrove, Charlotte Water

Explanation
- The City of Charlotte, through Charlotte Water, periodically enters into regional agreements to provide water or collect and treat wastewater with neighboring municipalities.
- In 1998 Charlotte City Council approved a Water Sale Agreement and an Agreement for Treatment of Wastewater between the City of Charlotte and Lancaster County Water and Sewer District (LCW&SD) where the LCW&SD purchased water from the City’s water distribution system.
- In 2006 Charlotte City Council approved an Agreement for Charlotte to sell water to LCW&SD at Dorman Road under which LCW&SD purchased a specified quantity of treated water through a meter located at the State line between Lancaster and Mecklenburg Counties.
- By way of these resolutions, LCW&SD has requested to purchase additional water and an increase in the quantity of wastewater services to be purchased from the City.
- The increased water consumption in this area of the system will have no impact on system capacity and likely improve water quality in the area due to the increase flows.
- The increase in wastewater services is an insignificant increase in flow which will be treated at the McAlpine Wastewater Treatment Plant. By providing an increase in wastewater service, Charlotte Water will be provided an improved access to the Clems Branch pumping station via a developer agreement.

Attachment
Resolutions
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
APPROVING AND AUTHORIZING THE DIRECTOR OF CHARLOTTE WATER TO
EXECUTE A MODIFICATION OF AGREEMENTS FOR TREATMENT OF
WASTEWATER BY AND BETWEEN THE CITY OF CHARLOTTE AND
LANCASTER COUNTY WATER AND SEWER DISTRICT FOR THE SPECIFIC
PURPOSE OF INCREASING THE QUANTITY OF WASTEWATER SERVICES
PROVIDED BY THE CITY.

WHEREAS, in 1998 Charlotte City Council approved an Agreement for
Treatment of Wastewater between the City of Charlotte (the “City”) and Lancaster
County Water and Sewer District (the “District”), and a subsequent amendment thereto,
(collectively referred to as the “Agreements”) under which the City provided and District
purchased a specified quantity of wastewater services within a designated treatment area;

WHEREAS, terms of the said agreements provided that District could request an
increase in the quantity of wastewater services purchased from City.

WHEREAS, District has requested an increase in the quantity of wastewater
services to be purchased from City and it has been determined that Charlotte Water has
the ability to provide increased wastewater services to District under the existing capacity
at the Clem Branch Pump Station located near the treatment area and with future
improvements planned for the Pump Station.

WHEREAS, the City and District desire to enter into a Modification of
Agreements for Treatment of Wastewater in the form attached to this Resolution setting
out their respective rights and responsibilities in connection with the provision and
purchase of increased wastewater services.

NOW, THEREFORE, be it resolved by the City Council of the City of Charlotte,
in regular session duly assembled that the attached Modification of Agreements for
Treatment of Wastewater between the City of Charlotte and Lancaster County Water and
Sewer District is hereby approved and ratified and the Director of Charlotte Water is
authorized to execute same.

Approved as to form:

_______________________
City Attorney

CERTIFICATION

I, /Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that
the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte,
North Carolina, in regular session convened on the ______ day of ______, 2017, the reference
having been made in Minute Book __________, and recorded in full in Resolution Book _____, Page(s)
_________.

City Clerk
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the ___ day of _____________, 2017.

________________________________
Stephanie C. Kelly, City Clerk
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING AND AUTHORIZING THE DIRECTOR OF CHARLOTTE WATER TO EXECUTE A MODIFICATION TO AGREEMENTS FOR SALE OF WATER BY AND BETWEEN THE CITY OF CHARLOTTE AND LANCASTER COUNTY WATER AND SEWER DISTRICT FOR THE SPECIFIC PURPOSE OF INCREASING THE QUANTITY OF TREATED WATER PROVIDED BY THE CITY.

WHEREAS, in 1998 Charlotte City Council approved a Water Sale Agreement between the City of Charlotte (the “City”) and Lancaster County Water and Sewer District (the “District” or “LCW&SD”) under which the City furnished and District purchased a specified quantity of treated water from the City’s water supply distribution system.

WHEREAS, in 2006 Charlotte City Council approved an Agreement for Charlotte to Sell Water to LCW&SD at Dorman Road under which City furnished and District purchased a specified quantity of treated water through a meter located at the State line between Lancaster and Mecklenburg Counties.

WHEREAS, District has requested an increase in the quantity of treated water to be purchased from the City and it has been determined that Charlotte Water has the ability to furnish the increased treated water to District.

WHEREAS, the City and District desire to enter into a Modification to Agreements for Sale of Water in the form attached to this Resolution setting out their respective rights and responsibilities in connection with the provision and purchase of an increased quantity of treated water.

NOW, THEREFORE, be it resolved by the City Council of the City of Charlotte, in regular session duly assembled that the attached Modification to Agreements for Sale of Water between the City of Charlotte and Lancaster County Water and Sewer District is hereby approved and ratified and the Director of Charlotte Water is authorized to execute same.

Approved as to form:

_______________________
City Attorney

CERTIFICATION

I, /Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of ______________, 2017, the reference having been made in Minute Book __________, and recorded in full in Resolution Book _____, Page(s) ____________.
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the ___ day of ____________, 2017.

________________________________
Stephanie C. Kelly, City Clerk
Agenda Date: 1/9/2017

Agenda #: 31. File #: 15-4586 Type: Consent Item

CATS and Centralina Council of Governments Agreement

Action: Approve an Agreement with Centralina Council of Governments in the amount $165,000 to partner with and provide services for the Charlotte Area Transit System to conduct a regional transit public engagement process.

Staff Resource(s):
John Muth, CATS

Explanation
- The Centralina Council of Governments (CCOG) conducted the CONNECT Our Future effort that occurred from 2012 to 2015. That work encompassed the 14-county, bi-state region area surrounding Mecklenburg County.
- An extensive public engagement process, with over 8,400 participants, led to a regional growth framework that was endorsed by the CONNECT Our Future Consortium, representing elected officials, private sector leaders, and non-profit and institutional stakeholders across 14 counties.
- Regional transit was a topic that emerged in urban, suburban, and even rural areas of the region. The top priorities identified for the CONNECT Region were:
  - Park and Open Space
  - More Transportation Choices
  - Support our Communities
  - Support Local Farms
  - Cost of Providing Services
  - Improved Water Quality
  - Work Closer to Home
  - More Housing Choices
  - Cost of My Commute
- Recently, there has been renewed discussion of the need to expand the regional transit conversation beyond the boundaries of Mecklenburg County.
- Over the past several months, CATS staff have been involved in discussions with the Centralina Council of Governments and others on a process to build upon the CONNECT Our Future work.
- The primary work efforts are envisioned as follows:
  - Focus groups and thought leader engagement (local, state, and federal levels), and
  - A public opinion survey.
- The work will be conducted from January 2017 to April 2018.
- On November 16, 2016, the Metropolitan Transit Commission approved the expenditure of $165,000 in local transit funds for this joint CATS/CCOG effort. The presentation information from
Agenda #: 31  File #: 15-4586  Type: Consent Item

that meeting is attached for additional background information.

Fiscal Note
Funding: CATS Community Investment Plan

Attachment
Metropolitan Transit Commission Action Item
Regional Transit Engagement Outline
Regional Transit Public Engagement Series

November 16, 2016
Benefits of a Regional Transit Discussion

• Raises awareness of Public & Elected Officials
  • Success to date
  • Financial constraints
  • Need for additional funding

• Requires Regional Participation/Collaboration
  • Reengages MTC Ex-Officio members
  • Facilitates collaboration of Regional MPO’s

• Builds on several key initiatives
  • 2025 Transit/Land Use Plan
  • 2030 Corridor System Plan
  • Mecklenburg Livable Communities Plan
  • CONNECT Our Future
1. Continue the Regional Transit Discussion
   Goal: Build support for regional transit through focus groups with elected and economic development officials in each county.

2. Take the Public Pulse
   Goal: Gather public opinion on transit, transit type, potential use, funding mechanisms supported, etc., through statistically significant public opinion survey.
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<thead>
<tr>
<th>Parks &amp; Open Space</th>
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<tr>
<td>More Transportation Choices</td>
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<td>Support Our Communities</td>
<td>Work Closer to Home</td>
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<tr>
<td>Support Local Farms</td>
<td>More Housing Choices</td>
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<td>Cost of Providing Services</td>
<td>Cost of My Commute</td>
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Tasks and Timeline

Phase I
January – May 2017

Communications and Core Stakeholder Meetings

Phase II
June – January 2018

Regional Transit Engagement
"Taking the Pulse"

Elected Officials
(Federal, State, Local)

Private Sector

Local, State, Federal + Institutional Staff

Regional Transit Plan and Implementation

Regional Transit Planning Effort

Managers

Transit Directors

MPO Staff/Planners

2018
## Starting the Transit Discussion

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<td>Align Land Uses</td>
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<tr>
<td>Assess Potential Revenue Sources</td>
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Regional Transit Public Engagement Series

Background
As one of the fastest growing regions in the country, there is recognition that long-term transit planning efforts should be accelerated if we are to remain a leading, competitive region nationally and globally. The three-year HUD Sustainable Communities Regional Planning Initiative, known locally as CONNECT Our Future, engaged over 8,400 stakeholders across 14 counties on a variety of growth related topics. Transportation choice emerged as a top priority in the first ever bi-state regional growth framework. The extensive discussion revealed that regional transit held interest in urban, suburban, and rural communities, for a variety of reasons including transportation, access, economic development, and place making. In general, stakeholders and local leaders are increasingly concluding that regional transit planning:

- Is not just about moving people, but also supports economic accessibility, mobility, housing choice, innovation, workforce development, and broadband opportunities;
- Results in economic activity, growth, and private sector investment;
- Demonstrates to federal agencies that a regional, multi-functional approach is worthy of their attention, participation, and funding;
- Clarifies and identifies our competitive advantage;
- Is necessary to achieve a multi-county, coordinated transit system on an expedited timetable.

Scope
The foundation for successful transit planning is public understanding and an early determination of community values and interests surrounding transit. A comprehensive approach to public participation is a key determinant of the ultimate success of these investments, and increases the likelihood that investments achieve the maximum possible benefit for the widest variety of constituents.

Centralina, in collaboration with CATS, would like to engage regional partners in a transit discussion that will provide important information to guide future transit planning efforts. Engagement will include a public opinion survey, county-level meetings with elected officials and local government staff, economic development organizations, institutions, transportation and transit organizations, Federal and State elected officials and staff. This work will be instrumental to the update of the 2030 Transit System Corridor Plan, future transit planning in communities outside of Mecklenburg, and the identification of future transit corridors, regional transit hubs, transit modes, and station locations. This work stems from the CONNECT Our Future outcomes and cooperation with CATS staff around the exploration of a regional transit planning initiative, with the first step being region-wide engagement focused on gathering feedback on interest and values related to a regional transit plan.

Study Area
As a starting place, the study area for the engagement will include community stakeholders from Cabarrus, Gaston, Iredell, Lincoln, Mecklenburg, and Union counties in North Carolina and the urbanized areas of Lancaster and York counties in South Carolina. This study area represents MTC counties, plus Lincoln and Lancaster counties. This project area may be adjusted through mutual agreement between CATS and CCOG based on project timeline and resources. Urbanized areas are defined as those areas that are part of the Rock Hill-Fort Mill Transportation Study Metropolitan Planning Organization at the time the contract is initiated. See attached map.
<table>
<thead>
<tr>
<th><strong>Phase 1: Communications and Core Stakeholder Meetings</strong></th>
<th><strong>Phase II: Regional Transit Engagement – Taking the Pulse</strong></th>
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<tr>
<td><strong>Purpose</strong></td>
<td>To create an engagement summary document that includes county specific feedback regarding the level of interest in transit, concerns, opportunities, and new partners, preferred transit destinations, transit modes, potential transit utilization, funding mechanisms supported, and the regional appetite for financially supporting a regional transit plan.</td>
</tr>
</tbody>
</table>
| **Goals**                                               | • Obtain information that will guide the development of a regional transit work plan  
• Examine support for regional transit planning in each county  
• Outline proposed next steps, costs associated with a regional transit plan, and participation levels  
• Build interest and increase participation of Metropolitan Transit Commission (MTC) Ex-Officio members  
• Gather opinions on transit type, potential use, funding mechanisms, etc.  
• Continue discussion towards defining key corridors  
• Lay the groundwork for a regional transit planning effort  
**In addition to Phase I Engagement Goals:**  
• Provide context/background for regional transit discussion  
• Assess local benefit/value proposition  
• Introduce concept of innovation hubs and economic growth along corridors  
• Outline proposed next steps, time frame  
• Determine interest level, missing stakeholders, etc.  
• Forecast phase II engagement and next steps |
| **Who?**                                                | County and municipal managers; transit directors; MPO staff  
Local, State, and Federal elected officials; County and municipal managers; transit directors, MPO staff; economic development organizations; private sector interests; institutional leaders; key Local, State, and Federal government staff |
| **Products**                                            | Task 1A: Develop a Public Engagement Plan  
Task 1B: Create Communication Materials  
Task 1C: Create/maintain Project Website  
Task 1D: Implement Phase I Engagement  
Task 1E: Summarize Engagement  
Task 1F: Presentation to MTC |
| **Outcome**                                             | Task 2A: Design Phase II Engagement Series  
Task 2B: Refine Communication Materials  
Task 2C: Implement Phase II Engagement  
Task 2D: Conduct Public Opinion Survey  
Task 2E: Summarize Engagement  
Task 2F: Presentation to MTC  
Task 2G: Regional Transit Summit |
| **Time Frame**                                          | Regional clarity on purpose, timeline, and goals of regional transit engagement.  
January 2017 - May 2017  
June 2017 – March 2018  
Regional Summit in First Quarter 2018 |

**Diagram: Communications and Core Stakeholder Meetings**

Communications and Core Stakeholder Meetings

- Managers
- Transit Directors
- MPO Staff/Planners

**Regional Transit Engagement "Taking the Pulse"**

- Elected Officials (Federal, State, Local)
- Private Sector
- Local, State, Federal + Institutional Staff

**Regional Transit Plan and Implementation**

Examine / Build Support for Regional Transit Plan
Agenda #: 32. File #: 15-4539 Type: Consent Item

CATS Bus Parts

Action:

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

B. Approve a contract with Gillig Corporation for the purchase of bus parts for the term of five years, and

C. Authorize the City Manager 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

Sole Source Exemption

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

Explanation

- CATS Bus Operations Division uses proprietary original equipment manufacturer (OEM) bus parts in the daily maintenance and repair of the bus fleet.
- The proprietary OEM parts meet the required specifications and standards to keep the buses in the proper operating condition and to maintain the bus warranty.
- Bus parts will be ordered on an “as needed” basis. The contract amount is based on prior usage and required inventory stock levels.
- The contract with Gillig Corporation includes discounted pricing below the published manufacturer’s listed pricing.
- Annual expenditures under the contract are estimated to be $1,000,000.

Disadvantaged Business Enterprise
Pursuant to the United States Department of Transportation Program, Subpart C, no DBE utilization goal was set for this contract because no subcontracting opportunities are available.
Agenda #: 32. File #: 15-4539 Type: Consent Item

Fiscal Note
Funding: CATS Operating Budget
Resolution of Intent to Abandon a Portion of Auten Avenue

Action:
   A. Adopt a Resolution of Intent to abandon a portion of Auten Avenue, and
   B. Set a public hearing for February 13, 2017.

Staff Resource(s):
Jeff Boenisch, Transportation

Explanation
- A portion of Auten Avenue is located in Council District 2.

Attachment
Map
Resolution
Abandonment petition #2016-14
A portion of Auten Avenue
RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE a portion of Auten Avenue in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, JDSI, LLC has filed a petition to close a portion of Auten Avenue in the City of Charlotte; and

Whereas, a portion of Auten Avenue is a 60-foot wide right-of-way that begins approximately 1,000 feet southwest from its intersecting point with Statesville Road, continuing 200 +/- feet to its terminus at a property currently or formerly owned by Prologics North Carolina, LP C/O Deloitte and Touche, LLP (DB 07724, PG 035), and consists of 0.2429 Acres, as shown in the maps marked “Exhibit A” and is more particularly described by metes and bounds in the document marked “Exhibit B” all of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina; and

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

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of January 9, 2017, that it intends to close a portion of Auten Avenue and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 13th day of February 2017, in CMGC meeting chamber, 600 East 4th Street, Charlotte, North Carolina.

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.
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 $71,060.97, and

B. Adopt a resolution authorizing the refund of business privilege license payments in the amount of $980.50.

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

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

Attachment
Taxpayers and Refunds Requested
Business Privilege License Refunds Requested
Resolution Property Tax Refunds
Resolution Business Privilege License Refunds
## Taxpayers and Refunds Requested

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### Business Privilege License Tax Refund Requests

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**Total:** $ 980.50
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 9th day of January 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 9th day of January 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.
Meeting Minutes

Action:

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

- November 14, 2016, Business Meeting
- November 21, 2016, Zoning Meeting
- November 28, 2016, Business Meeting
- December 05, 2016, Workshop
- December 19, 2016, Legislative Breakfast
- December 21, 2016, Emergency Meeting

Staff Resource(s):
Stephanie Kelly, City Clerk’s Office
Independence Square Plaza Property Lease

Action:

A. Adopt a resolution approving a lease agreement for the use a portion of Independence Square Plaza (parcel identification number 125-012-01) for outdoor dining areas with Eddie V’s Holdings, LLC for a five-year term with four additional, five-year options consisting of approximately 720 square feet at a lease rate of $12 per square foot, totaling $8,640 per year, with 2% annual rate increases, and

B. Authorize the City Manager to execute all necessary documents to complete the Agreement between the City of Charlotte and the tenant.

Explanation

- Independence Square Plaza, located on the southeast corner of South Tryon Street and East Trade Streets, has been owned by the City since 1972 and contains the Arnaldo Pomodoro sculpture, “Il Grande Disco.”
- Eddie V’s Holdings, LLC is remodeling the ground floor of the Bank of America Plaza building located at 101 South Tryon Street for a new restaurant.
  - The restaurant owners would like to offer outdoor dining on the Independence Square Plaza behind the “Il Grande Disco” sculpture, maintaining a minimum six-foot clearance.
- The lease terms with Eddie V’s are:
  - Term: Five years with four, five-year renewal periods
  - Rate: $12 per square foot with 2% annual rate increases
  - Payment: $720 per month ($8,640 per year)
- Outdoor activity in the Central Business District is encouraged by both the City’s Planning Department and Charlotte Center City Partners. This long-term lease will activate and enliven the corner of Trade and Tryon streets while having negligible impact on the use of public space.
- Another lease request for dining space on Independence Plaza is being discussed and may be presented to the City Council at a Business Meeting within first quarter 2017.
- Revenues from the lease will be deposited in the City’s General Fund.

Background

- In 1976, the City and Independence Square Associates (ISA) entered into a Property Sale and Development Agreement designating the City parcel as “Independence Square.”
- ISA agreed to purchase and develop the property around Independence Square, and the City agreed the City parcel would remain open area and be dedicated for the “use and enjoyment of the public.”
- The Agreement allows for revision or modification with consent of the City and ISA, or its successors.
Tier Reit, the successor to ISA, has approved the Plaza area modifications necessary to allow the restaurant’s outdoor dining.

Attachment
Map
Resolution
Lease of Property within Independence Square Plaza
Council District 1

OVERALL SITE PLAN OF TRADE & TRYON FOR PROPOSED EDDIE V’S OUTDOOR DINING AREA

2016/01/3

Agenda Packet Page 90 of 112
RESOLUTION AUTHORIZING THE LEASE OF 720 SQUARE FEET OF PROPERTY AT 101 SOUTH TRYON STREET TO EDDIE V’S HOLDINGS, LLC

WHEREAS, the City of Charlotte owns property more particularly identified as tax parcel number 125-012-01 at the corner of South Tryon Street and East Trade Street in Charlotte and being the site of Independence Square Plaza (the “Property”); and

WHEREAS, the Property contains approximately 0.129 acres, and a portion of approximately 720 square feet on the Property’s northeast border (the “Premises”) has been leased to Eddie V’s Holdings, LLC, a Florida Limited Liability Company since 2016; and

WHEREAS, North Carolina General Statute §160A-272 and Charlotte City Charter §8.131 give the City the right and option to lease the Premises for its own benefit upon such market terms and conditions as it determines; and

WHEREAS, the proposed lease would be for a five year term with four additional five-year options, to extend through January 9, 2042, at a rental rate of $8,460 per year with two percent annual rental rate increases; and

WHEREAS, the required notice has been published and Council is convened in a regular meeting;

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, pursuant to §8.131 of the City of Charlotte Charter, that it hereby authorizes the lease of the above referenced Premises as follows:

The City Council hereby approves the lease of the city property described above to Eddie V’s Holdings, LLC upon the terms and conditions set forth herein, and authorizes the City Manager or his Designee to execute all instruments necessary to the lease.

Land Purchase for Tree Canopy Preservation Program

Action:

A. Approve the purchase of $74,875 for an approximately 13.87 acre parcel located near Bellhaven Boulevard and Lakehill Road in Charlotte (parcel identification number 035-231-01),

B. Authorize the City Manager to negotiate and execute all necessary documents to complete the purchase, and

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

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

Explanation

- City staff researched many properties located primarily within Charlotte’s city limits or within the City’s extraterritorial jurisdiction and identified several properties for a partnership opportunity with the Catawba Lands Conservancy, meeting the Tree Canopy Preservation Program criteria.
- The City has purchased approximately 45 acres of adjoining property and donated a Conservation Easement to the Catawba Lands Conservancy.
- The purchase of this 13.87 acre property will add approximately 13 wooded acres to the protected property and Conservation Easement area.
- Staff negotiated the purchase price with the property owners based on appraised value.
- The Charlotte-Mecklenburg Planning Commission recommended approval for the City to purchase the land.
- Contingent upon City Council approval and purchase of this property, the City will donate a Conservation Easement to the Catawba Lands Conservancy to ensure stewardship and maintenance of the property in perpetuity. A stewardship fee of $5,000 will be paid to the Catawba Lands Conservancy to fund continued protection and monitoring.

Background

- Effective January 1, 2011, the City Council approved revisions to the City’s Tree Ordinance. The revised Ordinance changed tree save and tree planting requirements for commercial development and offered mitigation options at certain development locations.
- One mitigation option allows developers to pay into the Tree Ordinance Mitigation Fund (Fund), administered by the City, in lieu of saving trees on site.
- The City uses the Fund for property acquisition and expenditures associated with ongoing tree preservation and maintenance.
- City staff has established the Tree Canopy Preservation Program to set criteria for future acquisitions, including location, acreage, tree quality, and rate of development in the area, connectivity to other open space or greenways, and opportunities for stewardship partner...
Contingent upon City Council approval and acquisition of this property, anticipated by March 2017, the Tree Ordinance Mitigation Fund will have a projected remaining balance of approximately $1,523,000.

- Staff has developed a working priority list of five additional property acquisitions using approximately $1,090,000 of the remaining balance of the funds.
- With this purchase, the City will have acquired 11 properties of approximately 145 cumulative acres through the Tree Canopy Preservation Program and expended a total of $1,840,000 from the Tree Ordinance Mitigation Fund.

**Fiscal Note**

Funding: Tree Ordinance Mitigation Fund

**Attachment**

Map
Agenda #: 38. File #: 15-4580 Type: Consent Item

Property Transactions - Arrowood/Nations Ford Road Intersection Improvements, Parcel #4.1

Action: Approve the following Condemnation: Arrowood/Nations Ford Road Intersection Improvements, Parcel #4.1

Project: Arrowood/Nations Ford Road Intersection Improvements, Parcel #4.1
Owner(s): Shreeji Group LLC, Jss Holdings LLC, DEV Mohan LLC and Maruti Construction Co. LLC
Property Address: 115 West Arrowood Road
Total Parcel Area: 54,481 sq. ft. (1.251 acres)
Property to be acquired by Easements: 2,507 sq. ft. (.058 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: B-1
Use: Commercial
Tax Code: 203-189-09
Appraised Value: $6,850
Property Owner Counteroffer: $8,131
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: 3
Property Transactions - Providence Road Sidewalk, Parcel #2

Action: Approve the following Condemnation: Providence Road Sidewalk, Parcel #2

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 #2
Owner(s): Joseph R. Rotunda and Christine S. Rotunda
Property Address: 4548 Providence Road
Total Parcel Area: 88,951 sq. ft. (2.042 acres)
Property to be acquired by Fee: 5,879 sq. ft. (.135 ac.) in Fee Simple within Existing Right-of-Way
Property to be acquired by Easements: 1,537 sq. ft. (.035 ac.) in Sidewalk and Utility Easement, plus 5,542 sq. ft. (.127 ac.) in Temporary Construction Easement, plus 27 sq. ft. (.001 ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees, shrubs and various landscaping
Zoned: R-3
Use: Single-family residential
Tax Code: 187-061-35
Appraised Value: $14,350
Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation for clear title to acquire necessary property rights.
Council District: 6
Property Transactions - Providence Road Sidewalk, Parcel #9

Action: Approve the following Condemnation: Providence Road 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 North Carolina Department of Transportation reimbursement.

Project: Providence Road Sidewalk, Parcel #9
Owner(s): Trustees of the Church of Christ on the Plaza
Property Address: 4900 Providence Road
Total Parcel Area: 348,186 sq. ft. (7.993 acres)
Property to be acquired by Fee: 14,094 sq. ft. (.324 ac.) in Fee Simple within Existing Right-of-Way
Property to be acquired by Easements: 7,365 sq. ft. (.169 ac.) in Sidewalk and Utility Easement, plus 12,852 sq. ft. (.295 ac.) in Temporary Construction Easement, plus 16 sq. ft. (. ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: R-3
Use: Single-family residential
Tax Code: 187-062-01
Appraised Value: $18,175
Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation for clear title to acquire necessary property rights.
Council District: 6
Property Transactions - Providence Road Sidewalk, Parcel #10

Action: Approve the following Condemnation: Providence Road Sidewalk, Parcel #10

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 #10
Owner(s): Temple Israel, Inc.
Property Address: 4901 Providence Road
Total Parcel Area: 350,503 sq. ft. (8.046 acres)
Property to be acquired by Easements: 1,190 sq. ft. (.027 ac.) in Sidewalk and Utility Easement, plus 968 sq. ft. (.022 ac.) in Temporary Construction Easement, plus 41 sq. ft. (.001 ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R-1
Use: Church
Tax Code: 187-072-17
Appraised Value: $2,025
Property Owner Concerns: Property owner does not agree with the compensation amount being offered.
City Response to Property Owner Concerns: Staff suggested for the owner to submit a counter offer, with justification for review.
Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation for clear title to acquire necessary property rights.
Council District: 6
Agenda #: 42. File #: 15-4570 Type: Consent Item

Property Transactions - Providence Road Sidewalk, Parcel #11

Action: Approve the following Condemnation: Providence Road Sidewalk, Parcel #11

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 #11
Owner(s): Providence Road Church of Christ
Property Address: 4924 Providence Road
Total Parcel Area: 57,583 sq. ft. (1.322 acres)
Property to be acquired by Fee: 4,270 sq. ft. (.098 ac.) in Fee Simple within Existing Right-of-Way
Property to be acquired by Easements: 2,174 sq. ft. (.05 ac.) in Sidewalk and Utility Easement, plus 3,510 sq. ft. (.081 ac.) in Temporary Construction Easement, plus 43 sq. ft. (.001 ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: R-3
Use: Single-family residential
Tax Code: 187-123-23
Appraised Value: $11,475
Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation for clear title to acquire necessary property rights.
Council District: 6
Property Transactions - Providence Road Sidewalk, Parcel #12

Action: Approve the following Condemnation: Providence Road Sidewalk, Parcel #12

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 #12
- **Owner(s):** Mariam A. Ghazi
- **Property Address:** 4934 Providence Road
- **Total Parcel Area:** 85,121 sq. ft. (1.954 acres)
- **Property to be acquired by Fee:** 6,009 sq. ft. (.138 ac.) in Fee Simple within Existing Right-of-Way
- **Property to be acquired by Easements:** 3,124 sq. ft. (.072 ac.) in Sidewalk and Utility Easement, plus 6,544 sq. ft. (.15 ac.) in Temporary Construction Easement
- **Structures/Improvements to be impacted:** None
- **Landscaping to be impacted:** Trees
- **Zoned:** R-3
- **Use:** Single-family residential
- **Tax Code:** 187-123-22
- **Appraised Value:** $13,100
- **Property Owner Concerns:** The property owner is concerned about the grade of the land after construction is completed; due to the slope has requested for a retaining wall to be constructed on the property.
- **City Response to Property Owner Concerns:** Staff informed the owner that the current slope will be maintained after project construction.
- **Recommendation:** To avoid delay in the project schedule, staff recommends proceeding to condemnation for clear title to acquire necessary property rights.
- **Council District:** 6
Property Transactions - Providence Road Sidewalk, Parcel #13

Action: Approve the following Condemnation: Providence Road Sidewalk, Parcel #13

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 #13
Owner(s): The Foundation of Shalom Park Inc.
Property Address: 5007 Providence Road
Total Parcel Area: 385,536 sq. ft. (8.851 acres)
Property to be acquired by Easements: 3,716 sq. ft. (.085 ac.) in Sidewalk and Utility Easement, plus 1,342 sq. ft. (.031 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees and various plantings
Zoned: R-3
Use: Single-family residential
Tax Code: 187-072-15
Appraised Value: $4,025
Recommendation: We are currently waiting on signed documents but 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: 6
Property Transactions - Providence Road Sidewalk, Parcel #15

Action: Approve the following Condemnation: Providence Road Sidewalk, Parcel #15

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 #15
Owner(s): William T. Sellers, IV and Sylvia Diann Sellers
Property Address: 5014 Providence Road
Total Parcel Area: 26,025 sq. ft. (.597 ac.)
Property to be acquired by Easements: 2,055 sq. ft. (.047 ac.) in Sidewalk and Utility Easement, plus 3,114 sq. ft. (.071 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees, shrubs and various plantings
Zoned: R-3
Use: Single-family residential
Tax Code: 187-123-20
Appraised Value: $15,250
Property Owner Counteroffer: $51,000
Property Owner Concerns: Property owner does not agree with the compensation amount being offered.
City Response to Property Owner Concerns: Staff suggested for the owner to obtain their own appraisal in order to justify their counter offer.
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: 6
Property Transactions - Providence Road Sidewalk, Parcel #16

Action: Approve the following Condemnation: Providence Road Sidewalk, Parcel #16

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 #16
Owner(s): 2014-2 IH Borrower L.P.
Property Address: 5024 Providence Road
Total Parcel Area: 25,862 sq. ft. (.594 ac.)
Property to be acquired by Easements: 2,100 sq. ft. (.048 ac.) in Sidewalk and Utility Easement, plus 3,331 sq. ft. (.076 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Tree
Zoned: R-3
Use: Single-family residential
Tax Code: 187-123-19
Appraised Value: $8,400
Recommendation: To obtain clear title and avoid delay in the project schedule, staff recommends proceeding to condemnation.
Council District: 6
Property Transactions - Providence Road Sidewalk, Parcel #17

Action: Approve the following Condemnation: Providence Road Sidewalk, Parcel #17

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 #17
Owner(s): Paul R. Holmes and Janet S. Holmes
Property Address: 5034 Providence Road
Total Parcel Area: 26,830 sq. ft. (.616 ac.)
Property to be acquired by Easements: 2,249 sq. ft. (.052 ac.) in Sidewalk and Utility Easement, plus 3,093 sq. ft. (.071 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: Irrigation system
Landscaping to be impacted: Trees, shrubs and various plantings
Zoned: R-3
Use: Single-family residential
Tax Code: 187-123-18
Appraised Value: $11,875
Property Owner Concerns: The property owner requested for all trees to be removed within the areas disturbed during construction activities.
City Response to Property Owner Concerns: Staff was not able to agree to the owners request.
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: 6
Agenda #: 48. File #: 15-4564  Type: Consent Item

Property Transactions - Arrowood/Nations Ford Road Intersection Improvements, Parcel #5.1

Action: Approve the following Acquisition: Arrowood/Nations Ford Road Intersection Improvements, Parcel #5.1

Project: Arrowood/Nations Ford Road Intersection Improvements, Parcel #5.1
Owner(s): OSEI Enterprises, LLC
Property Address: 9001 Nations Ford Road
Total Parcel Area: 72,284 sq. ft. (1.659 acres)
Property to be acquired by Easements: 189 sq. ft. (.004 ac.) in Storm Drainage Easement, plus 3,166 sq. ft. (.073 ac.) in Sidewalk and Utility Easement, plus 8,890 sq. ft. (.204 ac.) in Temporary Construction Easement, plus 10 sq. ft. ( ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: B-1
Use: Commercial
Tax Code: 205-171-17
Purchase Price: $23,400
Council District: 3
Agenda #: 49. File #: 15-4565 Type: Consent Item

Property Transactions - Michael Baker Bridge Replacement, Parcel #5

Action: Approve the following Acquisition: Michael Baker Bridge Replacement, Parcel #5

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: Michael Baker Bridge Replacement, Parcel #5
Owner(s): Jo Ellen Bray
Property Address: 3118 Michael Baker Place
Total Parcel Area: 27,579 sq. ft. (.633 ac.)
Property to be acquired by Easements: 1,736 sq. ft. (.04 ac.) in Storm Drainage Easement, plus 1,331 sq. ft. (.031 ac.) in Miscellaneous Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: R-3
Use: Single-family residential
Tax Code: 175-102-01
Purchase Price: $21,500
Council District: 6
Agenda #: 50. File #: 15-4566 Type: Consent Item

Property Transactions - Providence Road Sidewalk, Parcel #7

Action: Approve the following Acquisition: Providence Road Sidewalk, Parcel #7

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 #7
Owner(s): Anne English Walker
Property Address: 1200 Greylyn Drive
Total Parcel Area: 73,638 sq. ft. (1.690 acres)
Property to be acquired by Easements: 3,987 sq. ft. (.092 ac.) in Sidewalk and Utility Easement, plus 4,349 sq. ft. (.1 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees and shrubs
Zoned: R-3
Use: Single-family residential
Tax Code: 187-062-18
Purchase Price: $12,275
Council District: 6
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.