

**Mayor Dan Clodfelter**

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

**Mayor Pro Tem Michael D. Barnes**

Patsy Kinsey  
Vi Lyles  
LaWana Mayfield  
Greg Phipps  
Kenny Smith

**CITY COUNCIL MEETING  
Monday, December 8, 2014**

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

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35	35	Light Pick-Up Trucks and Sport Utility Vehicles

**CITY COUNCIL AGENDA**  
**Monday, December 8, 2014**

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

### 1. Mayor and Council Consent Item Questions

**Resource(s):** Randy Harrington, Management and 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.

### 2. Civil Rights Proposal

**Resource(s):** Willie Ratchford, Community Relations Committee  
Chief Rodney Monroe, Police  
Deputy Chief Kerr Putney, Police

**Time:** 20 minutes

**Synopsis**

- On Monday, September 22, 2014, North Carolina Representative Rodney Moore spoke before the City Council and asked that they consider enactment of a local Civil Liberties (Civil Rights) Ordinance, which would provide protections to African Americans, Latinos, Muslims, and the Lesbian, Gay, Bi-Sexual, Transgender, Queer community and others.
- Mr. Moore plans to introduce an Anti-Racial Profiling Bill to the North Carolina Legislature this fall, and is also requesting the City Council consider making the Bill part of the City's 2015 Legislative Agenda packet.
- The "Model Ordinance: Local Civil Rights Restoration Act" submitted to the City for consideration would establish limitations and prohibitions in a variety of areas including surveillance, profiling, free speech protection, and immigration enforcement.
- The Charlotte-Mecklenburg Police Department, the City Attorney's Office, and the Community Relations Committee have held several meetings to consider the proposed ordinance.
- Staff will outline the current CMPD policies and procedures in these areas and will seek guidance from City Council toward preparing recommendations.



### 3. Storm Water Services Program and Community Investment Plan

**Resource(s):** Jennifer Smith, Engineering & Property Management  
Keith Readling, Raftelis Financial Consultants, Inc.

**Time:** 60 minutes

#### Synopsis

- Sustaining the storm drainage system is crucial to community safety, the environment, protection of property, and quality of life.
- Storm drainage infrastructure is capital intensive to build and maintain on both public and private property. Capital investment decisions impact future storm water rates.
- In order to manage the storm drainage system, Storm Water Services has several programs providing infrastructure maintenance, repairs, replacement and new installations and water quality enhancements.
- A large, aging infrastructure combined with high service level targets, places great pressure on current funding and debt models.
- During the Fiscal Year 2015 budget development process, the City Manager proposed to conduct a thorough review of Storm Water program finances and best practices in Storm Water fee structures in advance of the Fiscal Year 2016 budget process.
- Staff will share information on the current level of services, types of projects, fee structure and financial model with options on how to move the program forward in step with community values.

#### Future Action

This presentation is for information only.

## 4. Transit-Oriented Development Policy

**Resource(s):** Ed McKinney, Planning  
Laura Harmon, Planning

**Time:** 30 minutes

### Synopsis

- On November 26, 2001, the City Council adopted the Transit Station Area Principles into the General Development Policies, which defined “transit-supportive development” and articulated expectations for mix of use, land use intensity, and urban design within future station areas.
- Since 2001, the City Council has adopted new Transit-Oriented Development (TOD) Zoning Districts into the Zoning Ordinance as well as numerous area plans.
- At the November 16, 2014, Zoning hearing, the City Council expressed concern about the practice of having staff “sponsored” rezonings without conditional plans for property owners or other interested parties.
- The presentation will provide the rationale for staff initiated/sponsored petitions; and to identify key issues and next steps.

### Future Action

The presentation is for information only.

## 5. Answers to Mayor and Council Consent Item Questions

**Resource(s):** Randy Harrington, Management and Financial Services

**Time:** 10 minutes

### Synopsis

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

**Introductions**

**Invocation**

**Pledge of Allegiance**

**7:00 P.M. AWARDS AND RECOGNITION**

**6. Recognition of Kyle J. White**

<b>Action:</b>	<b>Mayor Clodfelter will recognize former Army Sergeant Kyle J. White for his bravery shown in Afghanistan and the recipient of the Congressional Medal of Honor. Mayor Clodfelter will issue Kyle White with a key to the City.</b>
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**CONSENT**

**7. Consent agenda items 16 through 43 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

- A. Consideration of Consent Items that have not been pulled, and
- B. Consideration of Consent Items with citizens signed up to speak to the item.

## POLICY

### 8. City Manager's Report

### 9. City Manager and City Attorney Evaluation

**Action: Approve the Governance & Accountability Committee recommendations related to the annual evaluations of the City Manager and City Attorney**

- **The Fiscal Year 2015 evaluation criteria for the City Manager and City Attorney,**
- **The Fiscal Year 2015 evaluation schedules for the City Manager and City Attorney.**

**Committee Chair:** David Howard

**Staff Resource(s):** Carol Jennings, City Manager's Office  
Cheryl Brown, Human Resources

#### Explanation

- At its recent meetings on September 22, October 27, and November 24, 2014, the Governance & Accountability Committee (Committee) met to review the evaluation criteria for the City Manager and the City Attorney for Fiscal Year 2015.
- The Committee also reviewed the evaluation process of the City Manager and City Attorney used in Fiscal Year 2014 and made recommendations for the process going forward.
- On November 24, 2014, the Committee voted unanimously (Howard, Mayfield, Autry, Kinsey, and Phipps) to approve the following items:
  - City Manager's Fiscal Year 2015 evaluation criteria,
  - City Attorney's Fiscal Year 2015 evaluation criteria,
  - Timeline for completing the City Manager's Fiscal Year 2015 evaluation, and
  - Timeline for completing the City Attorney's Fiscal Year 2015 evaluation.
- The City Manager's evaluation criteria include:
  - Build Community- Strategic Leadership,
  - Operational Leadership,
  - Council Relations,
  - City Workforce,
  - Professional Development, and
  - Special Projects.
- The City Attorney's evaluation criteria include:
  - Advise the Mayor and the City Council,
  - Represent the City's Interests,
  - Assist the City Manager and Staff,
  - Manage the City Attorney's Office,
  - Professional Development, and
  - Manage special projects and/or anticipated high-priority issues
- The City Manager and the City Attorney's full evaluation criteria and the Fiscal Year 2015 evaluation schedules are included as an attachment.

#### Attachment 1

[City Manager's Evaluation Criteria](#)

[City Attorney's Evaluation Criteria](#)

[Fiscal Year 2015 Evaluation Schedules](#)

## 10. State and Federal Legislative Agendas

**Action: Approve the Intergovernmental Relations Committee recommendation to approve the 2015 Federal Legislative Agenda and 2015-2016 State Legislative Agenda.**

**Committee Chair:** Ed Driggs

**Staff Resource(s):** Ron Kimble, City Manager's Office  
Dana Fenton, City Manager's Office

### Explanation

- On November 24, 2014, staff briefed the City Council on the proposed 2015 Federal Legislative and 2015-2016 State Legislative Agendas. Afterwards, the City Council referred two federal issues to the Intergovernmental Relations Committee for possible inclusion in the 2015 Federal Legislative Agenda. The two issues pertained to City support for federal initiatives to end veteran homelessness and transform communities.
- In a separate action, the City Manager referred proposed technical amendments to the Charlotte Firefighters' Retirement System Act to the Intergovernmental Relations Committee for inclusion in the 2015-2016 State Legislative Agenda.

### 2015 Federal Legislative Agenda

- The proposed 2015 Federal Legislative Agenda addresses proposals to:
  - Commission the new airport control tower by 2019,
  - Support a designation for the Charlotte region as a Manufacturing Community under Phase 2 of the Investing in Manufacturing Communities Partnership,
  - Reauthorize the surface transportation program, and
  - Secure federal support for the 2030 Transit Corridor System Plan.

### 2015 State Legislative Agenda

- The proposed 2015-2016 State Legislative Agenda addresses proposals to:
  - Secure a replacement source of revenue for the business privilege license tax,
  - Authorize the City to undertake cost-effective flood control solutions on private property,
  - Authorize the courts to extend temporary injunctions against criminal street gang activity,
  - Increase the membership of the Civil Service Board from seven to nine members, and
  - Request technical amendments to the Charlotte Firefighters' Retirement System Act in order to maintain conformance with the Internal Revenue Code

### **Intergovernmental Relations Committee Discussion**

- On November 10, 2014, the Intergovernmental Relations Committee voted unanimously (Driggs, Fallon, Howard, Mayfield, and Smith) to approve the 2015 Federal Legislative Agenda and 2015-2016 State Legislative Agenda.
- On December 1, 2014, the Intergovernmental Relations Committee voted unanimously (Driggs, Fallon, Mayfield and Smith, Howard absent) to approve and add the proposed technical amendments to the Charlotte Firefighters' Retirement System Act to the proposed 2015-2016 State Legislative Agenda.
- The Committee did not make any recommended changes to the 2015 Federal Legislative Agenda. The referred federal issues were not added as the City is examining the possibility of seeking grants in 2016. Thus, these issues will be

considered in the context of the 2016 Federal Legislative Agenda.

**Next Steps**

- The Mayor and the City Council will hold a Joint Meeting with the State Delegation to review the 2015-2016 State Legislative Agenda on December 15, 2014, at 8:30 a.m., in Room 267 of the Charlotte-Mecklenburg Government Center.
- The United States Congress convenes the 1st session of the 114th Congress on January 6, 2015.
- The North Carolina General Assembly convenes the 2015 Regular Session on January 14, 2015.
- The 2015 Federal Legislative Agenda will be reviewed with the Federal Delegation during the National League of Cities Congressional City Conference scheduled for March 9-11, 2015.

**Attachment 2**

[2015 Federal Legislative Agenda](#)

[2015-2016 State Legislative Agenda](#)

## BUSINESS

### 11. Single-Family Residential Recycling Collection Services

- Action:**
- A. Approve a unit price contract with Waste Management of Carolinas, Inc. for residential recycling collection services for an initial term of five years, and**
  - B. Authorize the City Manager to extend the contract for two, additional one-year terms with possible price adjustments as authorized by the contract and contingent upon the company's satisfactory performance.**

**Staff Resource(s):** Victoria Johnson, Solid Waste Services

#### Explanation

- Since 2010, the City has provided citywide, single-family residential recycling collection services through an outside service provider.
- The previous contract was scheduled to terminate on June 30, 2015, but was terminated earlier in August 2014.
- Solid Waste Services staff has assumed recycling collection services in-house on a temporary, contingency basis until a new contract is in place.
- The new contract will provide single-family residential recycling collection services, including:
  - Collection of recycling for over 212,000 single-family residential households; and
  - Proper disposal of all recyclables and contaminants.
- Estimated contract expenditures are \$6,000,000 annually compared to the current Fiscal Year 2015 budget of \$4,558,770 for the previous recycling contract.
- The new contract with Waste Management of Carolinas, Inc. will begin on July 1, 2015. The budget difference from Fiscal Year 2015 to Fiscal Year 2016 will be reflected in the City Manager's recommended budget in May 2015.

#### Selection Process

- On July 28, 2014, City staff issued a Request for Proposals for single-family residential recycling services; seven proposals were received from interested service providers.
- The evaluation team, consisting of staff from Solid Waste Services, Budget & Evaluation as well as the City's Privatization and Competition Advisory Committee evaluated the proposals based on the following criteria:
  - Qualifications,
  - Experience,
  - Method of service delivery (staffing, equipment, and routing), and
  - Cost effectiveness.
- The evaluation team reviewed all proposals, selected four proposals for further evaluation and onsite presentations, and recommends a contract with Waste Management of Carolinas, Inc., as the service provider that offers the best value for the City for citywide single-stream residential recycling collection services.
- Waste Management of Carolinas, Inc. excelled in the following areas:
  - The breadth and depth of their local market presence;
  - Ability to provide emergency services as needed;

- Use of a fleet comprised entirely of Compressed Natural Gas vehicles;
- The replacement of the City's 12,000 red bins with carts as part of the contract price; and
- The donation of ten solar powered recycling receptacles to be located in public areas with high pedestrian traffic.

### **Charlotte Business INclusion**

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

### **Funding**

Solid Waste Services Operating Budget

## **12. Bojangles Coliseum Renovations**

- Action:**
- A. Approve total funding of \$15,953,375 in capital repairs and improvements to the Bojangles Coliseum over the next two years,**
  - B. Adopt a budget ordinance appropriating \$15,453,375 in existing debt capacity in the Convention Center Operating Fund, and**
  - C. Adopt a budget ordinance appropriating \$500,000 from fund balance in the Tourism Operating Fund.**

**Staff Resource(s):** Ron Kimble, City Manager's Office  
Tom Murray, Charlotte Regional Visitors Authority

### **Explanation**

- Bojangles Coliseum (Coliseum) opened as the Charlotte Coliseum in 1955 and is currently in its 59th year of operations.
- It was the first free-span dome in the United States and the Coliseum's exterior has been designated as a historic landmark.
- The Coliseum is owned by the City of Charlotte and operated by the Charlotte Regional Visitors Authority (CRVA).
- The Coliseum averages 85 annual events that include graduations, consumer shows, civic events, concerts and performances with average annual attendance of 183,232.
- The Coliseum and the adjacent Ovens Auditorium hosts the majority of commencement exercises annually for Charlotte-Mecklenburg Schools as well as many area colleges and private schools
- The move of the Checkers to the Coliseum will benefit all parties.
  - It frees up coveted dates in the Arena, a move that is supported by the Charlotte Hornets.
  - It improves and solidifies the business model for the Coliseum.
  - The Checkers can go back home to where they started in Charlotte.
  - It creates economic vitality in the Independence Boulevard corridor.
- The agreement between CRVA and the Checkers includes:
  - A 10-year term with two additional options for five-year extensions;
  - The team will begin play in the Coliseum in October 2015;
  - The Checkers will pay market rent;



- The team and CRVA will share concessions and advertising revenue; CRVA will keep all parking revenue; and
- Clawback provisions are in place if the Checkers leave in the early years of the agreement.

### **Capital Improvement Funding**

- The City and CRVA staff recommends a two-year plan for approximately \$16 million in renovations.
  - The First year of improvements will total approximately \$8.6 million and the work will be completed by mid-October 2015 in time for the beginning of the Charlotte Checkers season.
  - The second year of improvements will total approximately \$7.4 million and will be completed by mid-October 2016.
  - The \$16 million is comprised of \$12 million previously proposed for college basketball, amateur sports, and civic events, plus \$4 million proposed for hockey.
- The improvements to the Coliseum include scoreboard replacement, new bowl seating, food and beverage upgrades, and major mechanical and electrical repairs and improvements.
- The Checkers are expected to invest over \$1.1 million in Coliseum improvements, which is listed as an attachment.
- Sources of funding for the proposed improvements:
  - There is sufficient hospitality tax capacity to fund the \$12 million of improvements already planned for the collegiate and amateur sports and the additional approximately \$4 million needed for the Checkers relocation.
  - The payback on the \$4 million for additional improvements is estimated to be after the seventh year because of the positive operating impact to the Coliseum.

### **Funding**

Convention Center Operating Fund and Tourism Operating Fund

### **Attachment 3**

[Dinner Briefing Presentation to the City Council on November 24, 2014](#)

[Coliseum Capital Budget Schedule \(CRVA\)](#)

[Coliseum List of Improvements Funded by the Checkers](#)

[Coliseum Renovation Community Investment Plan Request – February 19, 2014](#)

[Memorandum of Understanding between CRVA/Checkers – November 12, 2014](#)

[Coliseum Renovation and Upgrades: Frequently Asked Questions](#)

[Budget Ordinance](#)

### **13. Nominations to Boards and Commissions**

**Action: Nominate citizens to serve as specified. Incumbents may be reappointed at this meeting.**

#### **A. BUSINESS ADVISORY COMMITTEE**

- One certified Small Business Enterprise recommendation by the Metrolina Minority Contractors Association for appointment by the City Council for an unexpired term beginning immediately and ending April 28, 2017.
  - Edward Bryant has resigned.

**Attachment 4**  
[Applications](#)

### **14. Conclusion of Consent Agenda**

### **15. Mayor and City Council Topics**

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

## CONSENT

### Introduction to CONSENT

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



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

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

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

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

#### Disadvantaged Business Enterprise

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

#### Contractors and Consultants

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

The property transaction process following the City Council approval for condemnation is referenced at the end of Consent.

## 16. Police Digital Media Content Management System Maintenance and Support

**Action:**

**A. Authorize the City Manager to approve five additional years of maintenance and support for the Enterprise Digital Media Management System with Advanced Digital Solutions, with possible price adjustments as authorized by the contract and contingent upon the company’s satisfactory performance, and**

**B. Authorize the City Manager to approve the purchase of additional interview room video equipment and services, in an estimated amount of \$110,000, as authorized by the contract and contingent upon the company’s satisfactory performance.**

**Staff Resource(s):** Katrina Graue, Police  
Crystal Cody, Police

### Explanation

- On February 13, 2012, the City Council awarded a contract to Advanced Digital Solutions for the implementation of an Enterprise Digital Media Content Management System for use by various City departments including Police, CATS, the Charlotte-Mecklenburg Utility Department, and Solid Waste Services.
- The City uses the system for storage, recording and management of digital video content from cameras deployed throughout the City for surveillance of public areas and for other activities to include:
  - Video recording in Police Department interview rooms during criminal investigations;
  - Monitoring of vehicular and pedestrian traffic and special events; and
  - Ongoing analysis, investigations, and court proceedings.
- The first phase of the system provided recording, storage, and content management for digital video from fixed cameras across the City and for replacement of the Police Department’s Digital Video Interview System.
- Subsequent phases expanded the system’s capacity to manage video from additional cameras and departments including surveillance of park and ride lots, transit centers outside of the Center City and video feeds in interview rooms.
- The Police Department is requesting the purchase of additional equipment and system enhancements to install Interview Room video equipment into four police divisions. This will complete the upgrades to interview rooms in all 13 patrol divisions and further reduce the need to interview victims, suspects and witnesses at Police Headquarters.
- On July 28, 2014, the City Council approved the use of assets forfeiture funds for this project.
- Estimated annual expenditures for system maintenance and support are \$180,000.
- Additional expenditures for the remaining four Division Office Interview Room systems are estimated at \$110,000 to be funded from the operating budget.
- Additional equipment purchases will include cameras, desktop monitors, digital video encoders and storage nodes for video.

**Funding**

Police Assets Forfeiture Funds (equipment and services) and Police Operating Budget (ongoing maintenance and support)

**17. Democratic National Convention Equipment Donation**

**Action: Adopt a resolution authorizing the donation of equipment, purchased for the Democratic National Convention, to participating police agencies.**

**Staff Resource(s):** Mike Adams, Police

**Explanation**

- North Carolina General Statute 160A-280 authorizes the donation of personal property from a city to a non-profit organization, or another governmental unit upon adoption of a resolution by the City Council.
- On February 25, 2013, and November 25, 2013, the City Council adopted resolutions authorizing the donation of equipment purchased for the Democratic National Convention to 112 police agencies that assisted the City with security for the event.
  - The equipment was purchased by a U.S. Department of Justice Democratic National Convention Security grant.
  - The estimated value of that donated equipment is approximately \$1,600,000.
- The Charlotte-Mecklenburg Police Department has recently received requests for additional equipment from the Iredell County Sheriff's Office, the Union County Sheriff's Office, and the Cabarrus County Sheriff's Office.
  - The requested equipment includes non-ballistic helmets, wooden batons, and flashlight holders.
  - The value of the requested equipment is approximately \$26,725.
- The Charlotte-Mecklenburg Police Department does not anticipate a need for the equipment prior to the equipment reaching the end of its useful life.

**Attachment 5**

[Resolution](#)

## 18. Ready Mix Concrete Contracts

- Action**
- A. Award low-bid, unit price contracts for the purchase of Portland Cement Concrete, a brand of ready mix concrete, for the term of one year to the following vendors:**
- Southern Concrete Materials,
  - Concrete Supply Company, LLC, and
- B. Authorize the City Manager to extend the contracts for up to three additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract and contingent on the company's satisfactory performance.**

**Staff Resource(s):** Charles Jones, Transportation

### Explanation

- These contracts will provide Portland Cement Concrete, a brand of ready mix concrete, to the Street Maintenance Division of the Charlotte Department of Transportation.
- Ready mix concrete is used by Street Maintenance crews performing the maintenance, repair, and installation of sidewalks, curb and gutter, driveways, and accessible ramps found within the street rights of way. These contracts provide for the delivery and/or pick-up of concrete products.
- The increased demand for concrete building products within the region has led to difficulties in securing Ready Mix concrete from a single-vendor in a timely and reliable manner.
- Multiple vendors are necessary to meet scheduling and customer service needs.
- On November 14, 2014, an Invitation to Bid was advertised; three bids were received from interested service providers.
- Southern Concrete Materials and Concrete Supply Company, LLC were the lowest responsive, responsible bidders.
- Total annual combined expenditures, for the two contracts, are estimated to be \$700,000.

### Charlotte Business INclusion

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

### Funding

Street Maintenance Powell Bill Fund

## 19. Northeast Corridor Infrastructure Program Projects

**Action:**   **A. Approve a contract in the amount of \$158,000 with Stantec Consulting Services, Inc. for engineering services for the Tom Hunter Road Streetscape project, and**

**B. Approve a contract with DRMP, Inc. in the amount of \$345,000 for engineering services for the JW Clay Boulevard Streetscape project.**

**Staff Resource(s):**           Jim Keenan, Engineering & Property Management

### Explanation

- These projects are part of the Northeast Corridor Infrastructure Program (NECI).
  - The Tom Hunter Road Streetscape project will improve Tom Hunter Road between the Hidden Valley neighborhood and the future Tom Hunter light rail station.
  - The JW Clay Boulevard Streetscape project will improve this road within the University City area and its connection to a proposed north bridge over Interstate-85.
- Planned improvements include modified vehicle lanes, new sidewalks, bike lanes, curb and gutter, street tree plantings, on-street parking, and pedestrian lighting.
- Contract tasks will include:
  - Community engagement,
  - Environmental study,
  - Development coordination,
  - Property owner coordination, and
  - Project concept development.
- On November 4, 2014, voters approved a bond referendum to provide \$16,640,000 for NECI. An additional \$89,960,000 is proposed to be included in 2016, 2018, and 2020 bond referenda.
- Stantec Consulting Services, Inc. and DRMP, Inc. were selected using the Council approved, qualifications-based selection process.
- These contracts are only for planning services. After completion of the planning phase, engineering design services will be secured through amendments to these contracts, new contracts, or through a new selection process.

### Charlotte Business INclusion

#### Action A

The City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). For this contract, Stantec Consulting Services, Inc. has committed 14.58% (\$ 23,040) of the total contract amount to the following SBE firms: The Dodd Studio, LLC (community engagement) and RM Rutherford & Assoc., Inc. (cost estimation).

#### Action B

The City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). For this contract, DRMP, Inc. has committed 10.31% (\$35,561) of the total contract amount to the following SBE firms: Carolina Wetlands Services, Inc. (environmental), Hinde Engineering, Inc. (utilities), Joel E. Wood & Associates, LLC (geotechnical) and Richa

Graphics (printing/reprographics).

Carolina Wetlands is also a City WBE; and Richa Graphics is also a City MBE.

### **Funding**

Transportation Community Investment Plan

### **Attachment 6**

[Map](#)

## **20. Charlotte-Mecklenburg Police Department Westover Division Station Construction**

**Action: Award the low-bid of \$5,744,413.83 to Randolph & Son Builders, Inc. for construction of the Charlotte-Mecklenburg Police Department Westover Division Station.**

### **Staff Resource(s):**

William Haas, Engineering & Property Management  
 Katrina Graue, Police Department  
 Patrick Mumford, Neighborhood & Business Services

### **Explanation**

- The Westover Division Police Station project will include the construction of a 16,250 square-foot facility located at 2550 West Boulevard.
- The Charlotte-Mecklenburg Police Department Westover Division and the Neighborhood & Business Services Southwest Service Area Team will be located at this facility.
  - The Westover Division Police Station will be relocated from leased space in the Westover Commons Shopping Center.
  - The Southwest Service Area Team will be relocated from the Westside Services Center.
- On October 3, 2014, an Invitation to Bid was advertised for construction services; nine bids were received from interested service providers. Randolph & Son Builders, Inc. was the lowest responsive, responsible bidder.
- Funding for this project was included in the 2014 investment cycle of the Community Investment Plan.
- Construction is expected to be complete by second quarter 2016.

### **Sustainability Facilities Design Goals**

- Construction will comply with sustainability priorities defined in the Policy for Sustainable City Facilities.
- The project has been designed so that it can earn at least 40 of 100 LEED points. Forty points are required to achieve basic LEED certification, and 50 points are required to achieve LEED Silver certification.
- Staff's intention is to pursue LEED, version 4 certification; therefore this project has been registered with the U.S. Green Building Council.
- As required by the Policy for Sustainable City Facilities, a commissioning agent will be used to help ensure mechanical and electrical systems operate at optimum efficiency.



**Charlotte Business INClusion**

Established SBE Goal: 15%

Committed SBE Goal at time of Bid: 19.54%

Randolph & Son Builders, Inc. exceeded the established SBE subcontracting goal, and has committed 19.54% (\$1,122,737) of the total contract amount to the following SBE firms: Clean Bean (cleaning), R.D. Franklin Electric, Inc. (electrical), and Moore and Seagle Construction, Inc. (grading). (Part B: Section 3 of the Charlotte Business INClusion Policy). Clean Bean is also a City MBE.

Established MBE Goal: 5%

Committed MBE Goal at time of Bid: 2.65%

Committed MBE Utilization to date: 4.95%

Randolph & Son Builders, Inc. failed to meet the established MBE subcontracting goal, but earned the minimum Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INClusion Policy). Randolph & Son Builders, Inc. has committed 2.65% (\$152,249) of the total contract amount to the following MBE firms: Clean Bean (cleaning), Hayden Tile Company (tile), and Jiron's Construction, Inc. (drywall). Subsequent to Bid Opening, Randolph & Son Builders, Inc. has committed an additional 2.30% (\$132,128) to the following MBE firms: Green Touch Tree & Turf, Inc. (landscaping) and Mekki Modular Systems Inc. (flooring) for a total of 4.95%. A further detailed write-up of Randolph & Son's Good Faith Efforts is included as an attachment.

**Funding**

Facilities Community Investment Plan

**Attachment 7**

[Charlotte Business INClusion Good Faith Effort  
Map  
Rendering](#)

## 21. Storm Water Maintenance Contract

- Action:**
- A. Reject the non-responsive bid from Onsite Development, LLC for failure to comply with the bid requirements,**
  - B. Award the lowest responsive, responsible bid of \$1,530,913.76 to D.E. Walker Construction Co. for Storm Water Maintenance Contract – Fiscal Year 2015, Contract B, and**
  - C. Authorize the City Manager to approve up to two renewals, each in an amount not to exceed the original contract amount.**

**Staff Resource(s):** Susan Tolan, Engineering & Property Management

### Explanation

- The Storm Water Maintenance contract is part of an ongoing program to provide maintenance and/or repairs to existing storm drainage systems and construction of new storm drainage systems.
  - Each request is investigated and prioritized based on the severity of potential public/private property flooding.
  - The necessary repairs for each project are designed and a work order is prepared including an estimated list of quantities.
- A 12-month retainer contract is used to provide timely repairs. The contract amount is based on the unit prices competitively bid for items typically used during construction of storm drainage repairs.
- Approximately 60-75 projects may be constructed; the number may vary depending on the nature and extent of the repairs actually constructed.
- On September 30, 2014, an Invitation to Bid was advertised for storm water maintenance services; three bids were received from interested service providers.
- The City may renew this contract up to two times as an incentive to the contractor for good performance and quality work.

### Award to Lowest Responsive, Responsible Bidder

- Staff recommends the contract be awarded to the lowest responsive, responsible bidder, D.E. Walker Construction Co.
- The apparent low bidder, Onsite Development, LLC provided a signed bid, a bid bond with the bid amount, and met the Charlotte Business INCLUSION subcontracting goals. However, during bid evaluation it was discovered that through clerical error Onsite Development, LLC failed to submit a completed contract proposal form. Without unit prices or a total amount bid on the proposal form, staff recommends the bid from Onsite Development, LLC be rejected as non-responsive.

### **Charlotte Business INCLUSION**

Established SBE Goal: 14%

Committed SBE Goal at time of Bid: 17.21%

D.E. Walker Construction Co. exceeded the established SBE subcontracting goal, and has committed 17.21% (\$263,446) of the total contract amount to the following SBE firms: RRC Concrete Inc. (concrete), Maybury Fencing, Inc. (fencing), RJJ Construction, LLC (storm drainage) and Express Logistics (hauling). (Part B: Section 3 of the Charlotte Business INCLUSION Policy).

Established MBE Goal: 3%

Committed MBE Goal at time of Bid: 5.00%

D.E. Walker Construction Co. exceeded the established MBE subcontracting goal, and has committed 5.00% (\$76,546) of the total contract amount to the following MBE firm: Express Logistics (hauling). (Part B: Section 3 of the Charlotte Business INclusion Policy).

D.E. Walker Construction is also a City SBE; and Maybury Fencing is a City WBE.

### **Funding**

Storm Water Community Investment Plan

## **22. Airport Real Estate Demolition Services**

**Action: Approve contracts for demolition services for a term of three years with the following firms:**

- **Double “D” Trucking, Inc.**
- **W.C. Black & Sons, and**
- **D.H. Griffin Wrecking Company, Inc.**

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

### **Explanation**

- The Aviation Department is frequently required to demolish residential or commercial structures located on property acquired under the Airport’s Master Plan or Noise Compatibility Land Acquisition programs.
- On October 22, 2014, the Aviation Department issued a Request for Proposals for demolition services; six proposals were received from interested service providers.
  - The Aviation Department sought to award three demolition contracts to meet the anticipated workload demand.
- A selection committee, comprised of Aviation and Engineering & Property Management staff, reviewed the proposals and recommends Double “D” Trucking, Inc., W.C. Black & Sons, and D.H. Griffin Wrecking Company, Inc. as the service providers’ best meeting the City’s needs in terms of qualifications, experience, and price competitiveness.
- The firms will provide complete demolition services, including removal and hauling of all waste, grading of the property, and environmental remediation if necessary.
- The estimated annual combined expenditures for the three contracts are \$1,000,000.

### **Disadvantaged Business Enterprise (DBE)**

No DBE goal was set for this service contract because there are no subcontracting opportunities; however Double “D” Trucking, Inc. is a certified DBE.

### **Funding**

Aviation Community Investment Plan

## 23. Airport Real Estate Environmental Assessment Services

**Action:** Approve contracts for environmental assessment services for the term of three years with the following firms:

- Roy Consulting Group Corporation,
- JWJ Consulting, LLC, and
- S&Me, Inc.

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

### Explanation

- The Aviation Department is frequently required to demolish residential or commercial structures located on property acquired under the Airport's Master Plan or Noise Compatibility Land Acquisition programs.
  - As part of this process, the Aviation Department is required to assess each property for the presence of asbestos or other environmental conditions that may need to be addressed.
- On October 22, 2014, the Aviation Department issued a Request for Proposals to environmental consulting firms for environmental assessment services. Nine proposals were received from interested service providers.
  - The Aviation Department sought to award three environmental assessment contracts to meet the anticipated workload demand.
- A selection committee, comprised of Aviation and Engineering & Property Management staff, reviewed the proposals and recommend Roy Consulting Group Corporation, JWJ Consulting, LLC, and S&Me, Inc. as the service providers' best meeting the City's needs in terms of qualifications, experience, and price competitiveness.
- The firms will provide asbestos surveys, supervise remediation work, and verify the property is clear of environmental contamination after the remediation work is complete.
- The estimated annual, combined expenditures for the three contracts are \$200,000.

### Disadvantaged Business Enterprise (DBE)

No DBE goal was set for this service contract because there are no subcontracting opportunities.

### Funding

Aviation Community Investment Plan

## 24. Airport Merchandise Concession Contract Amendment

- Action:**
- A. Approve contract amendment #1 to extend for a term of five years the Concession and Lease Agreement with The Paradies Shops, LLC to provide for the build-out and operation of additional stores in the Passenger Terminal including the East and West Terminal expansions, and**
  - B. Authorize the City Manager to approve additional one-year extensions.**

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

### Explanation

- On September 13, 2010, the City Council awarded a contract to The Paradies Shops, LLC (Paradies) that permits them to develop and operate merchandise stores at the Airport. The current agreement is set to expire on September 13, 2017.
- The Aviation Department has two terminal expansions in progress that will provide additional food and beverage and retail concessions to meet passenger growth and demand.
  - The West Terminal expansion will include two additional merchandise venues totaling 2,647 square feet.
  - The East Terminal expansion will include five additional merchandise venues totaling 2,709 square feet.
- The contract amendment requires a significant investment by Paradies Shops, LLC to build-out and operate the new merchandise venues. The amendment extends the original term for an additional five years, through September 13, 2022. Thereafter, the agreement will renew annually unless either the City or Paradies gives notice of non-renewal.
- The current agreement and this requested extension includes an established Airport Concession Disadvantaged Business Enterprise (ACDBE) goal of 26% of total gross revenues generated from an ACDBE.
  - Paradies Shops, LLC has consistently met the ACDBE goal with 26% of gross revenues coming from 17 ACDBE-operated stores, resulting in \$1.00 in every \$4.00 being generated by an ACDBE.
  - Paradies Shops, LLC remains committed to making efforts to meet their ACDBE goal throughout the term of the agreement.

### Airport Concession Disadvantaged Business Opportunity (ACDBE)

Established ACDBE Goal: 26%

Committed ACDBE Goal: 26%

The amended contract maintains the 26% ACDBE goal.

## 25. Airport East Terminal Expansion Design Services

**Action: Approve a contract in the amount of \$704,800 with DAS Architecture, Inc. for design services to the East Terminal Expansion.**

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

### Explanation

- In 2009, the Airport initiated the design of the East Terminal Expansion. This expansion was developed in two phases:
  - The first phase was an expansion to the ticketing lobby and the addition of Checkpoint E, which opened in August 2012.
  - The second phase was designed to include a new food court and additional circulation space for customers accessing Concourse E. The design for this phase is complete and construction is scheduled to begin in late spring 2015.
- Multiple tenants have recently requested additional support space in the terminal.
- The contract will design a third floor addition to the East Terminal expansion to accommodate requested office space needs. The third floor will be added to the second phase design documents that are ready to bid.
- On February 3, 2014, the Aviation Department issued a Request for Qualifications for architectural and engineering design services; 29 firms responded and 22 firms were selected for future architectural and engineering design services.
- DAS Architecture, Inc. was chosen due to their past experience on East Terminal Phase One.

### Charlotte Business INclusion

The City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). For this contract, DAS Architecture, Inc. has committed 10.00% (\$70,480) of the total contract amount to the following SBE firms: Laurene, Rickher & Sorrell, PC (structural engineering) and Richa Graphics (printing).

DAS Architecture, Inc. is also a City SBE; and Richa Graphics is also a City MBE.

### Funding

Aviation Operating Budget

## 26. LYNX Blue Line Extension – Ticket Vending Machines

- Action:**
- A. Authorize the City Manager to negotiate and execute a contract with SPX-Genfare for the purchase of 37 ticket vending machines in an amount up to \$3,700,000, and**
  - B. Authorize the City Manager to exercise an option within five years to replace 39 existing LYNX Blue Line ticket vending machines in an amount up to \$3,400,000.**

**Staff Resource(s):** Olaf Kinard, CATS  
Danny Rogers, CATS

### Explanation

- The LYNX Blue Line Extension (BLE) project is designed as a Proof-of-Payment service similar to the existing LYNX Blue Line.
- Ticket vending machines are one of the primary sales channels for customers to purchase tickets to ride the light rail line and transfer to bus routes from the light rail line.
- The BLE project will install 35 ticket vending machines on or near platform stations; two ticket vending machines will be used as test machines.
- All BLE stations will have at least two ticket vending machines per station, one on the inbound and one on the outbound platform. Stations anticipated to experience heavier customer demand are designated to have more than two ticket vending machines per station installed.
- The ticket vending machine accepts cash and credit/debit cards as well as offers new Europay/MasterCard/Visa fraud protection architecture, smartcard, and mobile app technologies. The smartcard/contactless and mobile app technologies will be the foundation for collection systems on CATS services.
- On June 24, 2014, CATS advertised a Request for Proposal for new ticket vending machines and future replacement of existing ticket vending machines on the LYNX Blue Line; four proposals were received from transit industry firms engaged in fare collection systems.
- An evaluation team, comprised of CATS staff from several divisions, reviewed the proposals. Three vendors were invited for product presentation and demonstration, and staff contacted transit agency references for two vendors.
- The evaluation team recommends SPX-Genfare as the service provider that best meets the City's needs in terms of providing the most effective solution for both the BLE and CATS' long-term fare collection strategy.
- The Request for Proposal includes an option to purchase an additional 39 BLE ticket vending machines to replace the existing ticket vending machines within five years in an amount up to \$3,400,000.
- The difference in cost between the initial purchase of 37 ticket vending machines and subsequent purchases includes upfront expenses, such as one-time software and training.

### Disadvantaged Business Enterprise (DBE)

DBE Goal: 4.3%

Committed DBE Goal: 9.8%

SPX-Genfare committed to assign approximately \$361,638 of the total base bid contract amount to the following firms: EPS Services, Inc. (installation services), Kormex Metalcraft (sheet metal fabrication), and KSO Metalgab, Inc. (sheet metal fabrication).

**Funding**

Transit Community Investment Plan

**27. CATS Special Transportation Eligibility Services**

- Action:**
- A. Approve a five-year Interlocal Agreement with Charlotte-Mecklenburg Hospital Authority dba Carolinas Rehabilitation for American with Disabilities Act Assessment Services for eligibility determination in an amount not to exceed \$495,000, and**
  - B. Approve a resolution ratifying the Interlocal Agreement.**

**Staff Resource(s):** Carolyn Flowers, CATS  
Pete Wallace, CATS

**Explanation**CATS Special Transportation Services Passenger Eligibility Certification Process

- In September 2002, the Metropolitan Transit Commission adopted an Americans with Disabilities Act Paratransit Improvement Plan (Plan) for the CATS Special Transportation Services (STS).
- CATS operate a Paratransit STS fleet of 85 specially-equipped vehicles providing full- demand, responsive door-to-door transport for customers with a disability.
  - These services include 240,000 rides and 2.7 million miles traveled annually.
- The Plan included a recommendation to tailor the STS eligibility process in order to better align with federal requirements and to ensure CATS would only certify those customers most in need of services.
- Customers who are determined able to use fixed-route bus services unconditionally are not certified for STS and receive instructions on how to use fixed-route services.
- In August 2006 CATS contracted with an independent and clinically-professional third party, Carolina Rehabilitation (formerly Carolinas HealthCare System's Charlotte Institute of Rehabilitation), to develop the eligibility program.
  - The program consists of three steps: application, interview, and physical functional assessment and reduced the rate of customer growth from a five-year average of 7.8% per year to a yearly average of 2.7%. As a result, it dramatically reduced the need to expand the STS fleet and to hire additional staff to meet demand.
- On October 3, 2014, the City advertised a Request for Proposal for special transportation eligibility services. Charlotte Rehabilitation was the only firm to submit a proposal.
- Carolina Rehabilitation has considerable experience working with persons with disabilities. Their clinical assessment expertise and local footprint has been positive for the work they have performed for CATS.
- Carolina Rehabilitation has maintained the original pricing structure since 2006, without any inflationary increases.
  - A 10% price increase to \$103.00 per hour is proposed for the term of the new contract.



Terms of the Assessment Process

- Assessments average one hour.
- Interpreting services and additional specialists' services are not included in hourly rate.
- Carolina Rehabilitation will conduct recertification of current CATS Paratransit customers at the expiration of their current certification period.
- The recertification consists of an interview and a physical function test for individuals with physical disabilities and a cognitive testing for individuals with cognitive disabilities.

**Charlotte Business INClusion**

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

**Funding**

Transit Operating Budget

**Attachment 8**

[Resolution](#)

## 28. CATS Bus Parts

- Action:**
- A. Approve the purchase of bus parts as authorized by the sole source purchasing exemption of G.S. 143-29 (e)(6),**
  - B. Approve a contract for bus parts for a term of three years with the following vendors in the estimated annual amounts of:**
    - **MCI (\$65,000),**
    - **Prevost Car (US) Inc. (\$75,000),**
  - C. Authorize the City Manager to extend the contract for up to two additional, one-year terms.**

**Staff Resource(s):** Carolyn Flowers, CATS  
Larry Kopf, 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 CATS bus parts must be interchangeable and compatible; there is only one bus manufacturer for the bus parts.
- The City Council must approve purchases made under the sole source exception.

### Explanation

- CATS Bus Operations division uses proprietary Original Equipment Manufacturer bus parts in the daily maintenance and repair of the CATS bus fleet.
- The proprietary 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 estimated contract expenditures are based on prior usage and required inventory stock levels.
- These contracts include discounted pricing below the manufacturer's published listed pricing.

### Charlotte Business INclusion

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

### Funding

Transit Operating Budget

## 29. Heavy-Duty Cab Chassis

**Action:**

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

**B. Approve a contract in the total amount of \$423,140 with Santex Truck Centers, Ltd for the purchase of five 2015 International 4400 Cab Chassis off the Houston-Galveston Area Council Cooperative, contract HT06-14.**

**Staff Resource(s):** Barry Shearin, Utility

### **Cooperative Purchasing Exemption**

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

### **Explanation**

- The cab chassis will be used for large construction crew trucks. They will be combined with large utility bodies already under contract with the City.
- The existing trucks were evaluated and approved as part of the City's Fiscal Year 2015 Capital Equipment Replacement List.
- Santex Truck Centers, Ltd has a contract awarded through Houston-Galveston Area Council that offers competitively obtained contracts to public agencies nationwide.
- The unit prices, set forth in the contract, are available upon request.
- Total expenditures will be \$423,140, or \$84,628 each.

### **Charlotte Business INClusion**

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

### **Funding**

Utility Capital Equipment Fund

### 30. Idlewild Booster Pumping Station Improvements

- Action:**
- A. Award the low-bid of \$1,084,718.44 to HD Supply Waterworks for the purchase of a ductile iron pipe and fittings for improvements to the Idlewild Booster Pump Station,**
  - B. Award the low-bid of \$76,858.49 to Val-Matic Valve and Manufacturing Corporation for butterfly valves for improvements to the Idlewild Booster Pumping Station, and**
  - C. Award the low-bid of \$84,820 to Ferguson Waterworks for Gate Valves for improvements to the Idlewild Booster Pumping Station.**

**Staff Resource(s):** Barry Shearin, Utility

#### **Explanation**

- The Charlotte-Mecklenburg Utility Department has a potable water booster pump station at the intersection of Monroe Road and Idlewild Road, which serves the east side of Charlotte, Matthews, Mint Hill, and eastern Mecklenburg County.
  - The Idlewild Booster Pumping Station was constructed in 1990 and is used to increase the water pressure in the area.
- The North Carolina Department of Transportation has closed Idlewild Road between Monroe and Independence to build an approach to a bridge for Idlewild to cross over Independence as part of the Independence Widening project. It is anticipated that Idlewild Road will be closed for the next 15 months.
- In order to be able to pump more water from the Idlewild Booster Pump Station to meet future demands in the east side of Mecklenburg County, the sizes of the pipes entering and exiting the pump station need to be increased.
- The piping improvements lie primarily on Idlewild Road and with the road closed provides an opportunity to complete these improvements.
- In order to meet the road closure timeframe, most of the materials for the project will need to be procured before having a contractor hired. The lead time for the large diameter pipes, fittings, and valves is 12 to 16 weeks.
- On October 28, 2014, the City issued an Invitation to Bid for ductile iron pipe and fittings, butterfly valves, and gate valves; three bids were received for the pipe and fittings, one bid received for the butterfly valves, and five bids were received for the gate valves.
- HD Supply Waterworks was the lowest responsive, responsible bidder for ductile iron pipe and fittings; Valmatic Valve and Manufacturing Corporation was the lowest responsive, responsible bidder for butterfly valves, and Ferguson Waterworks was the lowest responsive, responsible bidder for gate valves
- A construction contract will be forthcoming to the City Council for consideration in February 2015.

#### **Charlotte Business INclusion**

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

#### **Funding**

Utility Community Investment Plan

**Attachment 9**[Map](#)**31. Steele Creek Pumping Station Replacement Engineering Services**

**Action: Approve a professional services contract not to exceed \$3,816,533 with Brown and Caldwell to provide engineering services for the Steele Creek Pumping Station Replacement project.**

**Staff Resource(s):** Barry Shearin, Utility

**Explanation**

- The contract will provide engineering services that include assistance during the bid phase, construction administration, construction inspection, survey, wetlands consulting, geotechnical/materials testing, and special inspections for building code compliance.
- Located in southwestern Mecklenburg County, the Steele Creek Pumping Station is one of the largest wastewater pump stations in the sewer system. It has been in operation since 1981 and conveys wastewater to the McAlpine Creek treatment plant in Pineville.
- The replacement project is needed to accommodate growth in the region.
- The project will include building a new pumping station and more than six miles of large diameter pipe.
- In 2006, Brown and Caldwell was selected using the Council-approved, qualifications-based selection process. This selection was for all phases of the work (evaluation of alternatives, design, and construction).
- To date, Brown and Caldwell has completed the feasibility study and detailed design for the project. This contract will allow Brown and Caldwell to complete engineering services associated with construction of the project.
- The construction project is scheduled to take approximately two years, beginning in spring 2015 with an estimated cost of \$45,000,000.

**Charlotte Business INclusion**

The City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). For this contract, Brown and Caldwell has committed 9.70% (\$370,386) of the total contract amount to the following SBE firms: HARP (wetlands consulting), JB Long Photography (construction photography), LDSI (surveying services), and Southeastern Consulting Engineers (arc flash hazard analysis study).

**Funding**

Utility Community Investment Plan

**Attachment 10**[Map](#)

## 32. Water Treatment Chlorination Equipment

- Action:**
- A. Approve the purchase of chlorination equipment, as authorized by the sole source exemption of G.S. 143-129 (e)(6),**
  - B. Approve a unit price contract with Piedmont Chlorinator Sales for the purchase of Regal smartvalves, vacuum regulators, other related chemical feed equipment, and training for the term of three years and,**
  - C. Authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments as deemed reasonable and appropriate by the City Manager.**

**Staff Resource(s):** Barry Shearin, Utility

### **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 price competition is not available and the parts must be compatible with the existing equipment.
- The City Council must approve purchases made under the sole source exception.

### **Explanation**

- The Charlotte-Mecklenburg Utility Department uses the Regal vacuum regulator and the Regal smartvalves for chlorine handling and feeding at the water treatment plants. This equipment is the only approved type in the Risk Management Plan.
- The unit prices, set forth in the proposed contract, are available upon request.
- Annual expenditures under the contract are estimated to be \$85,000.

### **Charlotte Business INclusion**

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

### **Funding**

Utility Operating Budget

### 33. Water and Sewer Extensions/Replacements Contract

**Action:** Award the low-bid of \$2,194,620.80 to RH Price, Inc. for the new construction or replacement of water and sewer mains for Fiscal Year 2015, Contract Two throughout the Charlotte-Mecklenburg Utility Department service area.

**Staff Resource(s):** Barry Shearin, Utility

#### Explanation

- The Street Main Extension Program provides service to residential customers within 1,000 feet of an existing water or sewer main. Each extension is provided at the request of the property owner with the only cost to the property owner being the cost of the water or sewer connection.
- The Water & Sewer Replacement Program replaces water distribution and sewer collection infrastructure based on a prioritized scale.
- The contract to RH Price, Inc. is the first of multiple water and sewer extension/replacement contracts scheduled to occur during this fiscal year. Bids are unit price and based on estimated quantities for items needed for this type of work.
- On October 8, 2014, the Charlotte-Mecklenburg Utility Department issued an Invitation to Bid for water and sewer extension construction; four bids were received from interested service providers.
- RH Price, Inc. was selected as the lowest responsive, responsible bidder.

#### Charlotte Business INclusion

Established SBE Goal: 6%

Committed SBE Goal: 6.83%

RH Price, Inc. exceeded the established subcontracting goal, and has committed 6.83% (\$150,000) of the total contract amount to the following SBE firms: C and D Utility (pipeline installation) and Jim Bob's Grading & Paving, Inc. (paving). (Part B: Section 3 of the Charlotte Business INclusion Policy).

#### Funding

Utility Community Investment Plan

### 34. Utility Water and Wastewater Engineering Services

**Action:** Approve nine professional services contracts to the following firms for unspecified engineering services on an as-needed basis. These contracts will be for the combined amount of \$3,200,000:

- Black and Veatch International Company (\$700,000),
- Hazen and Sawyer, P.C. (\$700,000),
- HDR Engineering, Inc. of the Carolinas (\$700,000),
- CDM Smith, Inc. (\$350,000),
- Brown and Caldwell (\$250,000),
- Southeastern Consulting Engineers, Inc. (\$200,000),
- McKim & Creed, Inc. (\$100,000),
- GHD Consulting Services, Inc. (\$100,000), and
- Willis Engineers (\$100,000).

**Staff Resource(s):** Barry Shearin, Utility

#### Explanation

- The Charlotte-Mecklenburg Utility Department staff requires specialized technical assistance from outside engineering firms to support maintenance and upgrades at water treatment and wastewater treatment plants.
- These professional services contracts are for engineering services related to the following categories:
  - Water treatment,
  - Wastewater treatment, and/or
  - Electrical and structural engineering as required.
- The amounts awarded to each firm are based on the categories for which they were selected.
- The firms would be paid based on an hourly rate.
- It is anticipated the contracts will cover work to be completed through second quarter 2016.
- On September 15, 2014, a Request for Qualifications was advertised; 14 proposals were received from interested service providers.
- The evaluation committee, comprised of Utility Department staff, selected the firms based on a combination of technical expertise, relevant project experience, geographic location of staff, the firm's availability, quality, and timeliness on previous City projects.



### Charlotte Business INclusion

The City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). For this contract, the Prime consultants have identified the following SBEs listed in the table below to be used as the project evolves:

<b>Firm</b>	<b>Name of SBE and Scope of Work</b>
Black and Veatch International Company	<ul style="list-style-type: none"> <li>- Joel E. Wood &amp; Associates (geotechnical)</li> <li>- The Survey Company (surveying)</li> </ul>
Brown and Caldwell	<ul style="list-style-type: none"> <li>- C Design Inc. (architectural)</li> <li>- Capstone Civil Group, P.A. (geotechnical)</li> <li>- LDSI, Inc. (surveying)</li> <li>- On Target Utility Locate (subsurface utility location)</li> </ul>
CDM Smith, Inc.	<ul style="list-style-type: none"> <li>- Barry D. Davis Surveying (surveying)</li> </ul>
GHD Consulting Services, Inc.	<ul style="list-style-type: none"> <li>- Avioimage Mapping Services (aerial imagery)</li> <li>- Barry D. Davis Surveying (ground surveying)</li> <li>- Joel E. Wood &amp; Associates (geotechnical)</li> <li>- On Target Utility Locate (utility locating)</li> <li>- Gavel &amp; Dorn Engineering (observation support)</li> </ul>
Hazen and Sawyer, P.C.	<ul style="list-style-type: none"> <li>- Hinde Engineering, Inc. (site civil design)</li> <li>- Barry D. Davis Surveying (field surveying)</li> <li>- On-Target Utility Locate (utility locating services)</li> <li>- Southeastern Consulting (electrical engineering services)</li> <li>- Avioimage Mapping Services (aerial mapping)</li> <li>- Carolina Wetland Services (wetland services)</li> <li>- Mid-Carolina Reprographics (document reproduction)</li> </ul>
HDR Engineering, Inc. of the Carolinas	<ul style="list-style-type: none"> <li>- Gavel &amp; Dorn Engineering (inspections)</li> <li>- Joel E. Wood &amp; Associates (geotechnical)</li> <li>- R. Joe Harris &amp; Associates (surveying)</li> <li>- Richa Graphics (printing)</li> </ul>
McKim & Creed, Inc.	<ul style="list-style-type: none"> <li>- Capstone Civil Group, P.A. (geotechnical)</li> </ul>
Southeastern Consulting Engineers, Inc.	<ul style="list-style-type: none"> <li>- Southeastern Consulting Engineers (engineering consulting services)</li> </ul>
Willis Engineers	<ul style="list-style-type: none"> <li>- On Target Utility Locate (utility locating services)</li> <li>- Surveying &amp; Mapping Control, Inc. (surveying)</li> </ul>

Southeastern Consulting Engineers, Inc. & Willis Engineers, Inc. are also City SBEs; Capstone Civil Group & Richa Graphics are also City MBEs; and Carolina Wetland Services & Mid-Carolina Reprographics are also City WBEs.

### Funding

Utility Community Investment Plan

### 35. Light Pick-Up Trucks and Sport Utility Vehicles

- Action:**
- A. Award the low-bid, unit price contract to the following vendors for the purchase of light pick-up trucks and sport utility vehicles for the term of one year:**
- Parks Chevrolet,
  - Benson Ford, and
  - Piedmont Truck Center, and
- B. Authorize the City Manager to extend the contract for up to two additional, one-year terms with possible model year price adjustments as authorized by the contract.**

**Staff Resource(s):** Marie Harris, Shared Services

#### Explanation

- The Fleet Management Division of Shared Services collaborates with other City departments on an annual basis to identify vehicles that are suitable for replacement based on a rating assessment of vehicle condition and maintenance history.
- Fleet Management has an immediate need for ordering light-duty vehicles in order to meet manufacturer production order due dates. These vehicles were approved as part of the Fiscal Year 2015 General and Enterprise Capital Equipment Lists.
- On August 26, 2014, Shared Services issued an Invitation to Bid for model year 2015 light pick-up trucks and sport utility vehicles; eight bids were received with two bids being deemed as non-responsive.
- Parks Chevrolet, Benson Ford, and Piedmont Truck Center were the lowest responsive, responsible bidders.
- The unit prices, set forth in the proposed contract, are available upon request.
- The table below provides the vendor, item, and prices for the first year:

<b>Parks Chevrolet</b>	
Chevrolet Equinox	\$21,195
Chevrolet Traverse	\$25,816
Chevrolet Silverado	\$35,328
Chevrolet Impala	\$24,807
<b>Benson Ford</b>	
Ford F-150	\$18,774
Ford Expedition	\$35,467
<b>Piedmont Truck Center</b>	
Ford F-250	\$20,434
Ford F-350	\$25,673

- Annual expenditures under the contract are estimated to be \$1,184,542.
- Shared Services will continue to evaluate other opportunities through, but not limited to, state contracts and cooperative purchases.

#### Charlotte Business INclusion

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

**Funding**

General and Enterprise Capital Equipment Replacement Funds

**36. 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 \$1,744.54, and**
  - B. Adopt a resolution authorizing the refund of business privilege license payments in the amount of \$952.10.**

**Staff Resource(s):** Susan Walker, Finance**Explanation**

- Notification of Property Tax and Business Privilege License Tax refunds resulting from clerical or assessor error are provided to the City by Mecklenburg County.
- In accordance with the ordinance approved by the City Council on August 25, 2014, and the North Carolina law, a list of refunds, which has been paid since the last City Council Business Meeting as a result of the Pearson Review, is available at the City Clerk's Office.

**Attachment 11**[List of Property Tax Refunds and Resolution](#)[List of Business Privilege License Tax Refunds and Resolution](#)**37. Resolution of Intent to Abandon an Unopened Portion of Maderia Avenue**

- Action:**
- A. Adopt a Resolution of Intent to abandon an unopened portion of Maderia Avenue, and**
  - B. Set a public hearing for January 12, 2015.**

**Staff Resource(s):** Jeff Boenisch, Transportation**Attachment 12**[Map](#)[Resolution](#)**38. Meeting Minutes**

- Action:** Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of:
- **October 27, 2014**                      **Citizens' Forum/Business Meeting**
  - **November 3, 2014**                    **Workshop**
  - **November 10, 2014**                 **Business Meeting**

## 39. In Rem Remedy

**For In Rem Remedy A-B, the public purpose and policy are outlined here.**

**Public Purpose:**

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

**Policy:**

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety – Police and/or Fire Dept.
2. Complaint – petition by citizens, tenant complaint or public agency referral
3. Field Observation – concentrated code enforcement program

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

**Public Safety**

- A. 3007 West Blvd (Neighborhood Profile Area 306)

**Field Observation:**

- B. 316 Campus Street (Neighborhood Profile Area 385)

**Public Safety:**

**A. 3007 West Blvd.**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3007 West Blvd (Neighborhood Profile Area 306).**

**[Attachment 13](#)**

**Field Observation:**

**B. 316 Campus Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 316 Campus Street (Neighborhood Profile Area 385).**

**[Attachment 14](#)**

## PROPERTY TRANSACTIONS

### 40. Charlotte Department of Transportation Warehouse Lease

**Action:** Approve a four-year lease with two, one-year extensions at 4414 Monroe Road (PID #161-071-19) with Monroe BP, LLC for \$51,800 per year with 2% annual rent escalations.

**Staff Resource(s):** Timothy O'Brien, Engineering & Property Management  
Scott Putnam, Charlotte Department of Transportation

#### Explanation

- For the past 12 years, the Charlotte Department of Transportation has leased 7,000-square-feet of warehouse space at 4414 Monroe Road in proximity to its operations facility located at 3701 Craig Avenue.
- Items stored at the warehouse include:
  - Palettes of traffic signals and related hardware,
  - Spools of wire and cable,
  - Pavement marking devices,
  - Roadway signs, and
  - Other bulky items requiring indoor storage.
- A space planning study to determine alternatives for this facility will be conducted during the terms of the lease.

#### Attachment 15

[Map](#)

## 41. Airport Warehouse Lease

**Action:** Approve a one-year lease including a month-to-month renewal option with DirectLink Logistics, Inc. for a warehouse space at a monthly rental rate of \$15,173.33

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

### Explanation

- DirectLink Logistics, Inc. is a medical supply distributor.
- The company will lease a 20,340 square foot warehouse from the Airport, located at 4824 West Boulevard, for storing and distributing medical supplies while they identify a new permanent facility location.
- The lease is for a one-year term at an annualized amount of \$182,079.96, and includes a month-to-month renewal option after the initial term to provide flexibility for DirectLink.
- The property has been appraised and the rental rates represent fair market value.

## 42. Aircraft Maintenance Hangar Lease and Warehouse Lease

**Action:** A. Approve a 10-year lease with American Airlines, Inc. for an aircraft maintenance hangar in the amount of \$4,299,765,  
 B. Approve a five-year lease with American Airlines, Inc. for a warehouse in the amount of \$125,118.75, and  
 C. Authorize the City Manager to approve additional one-year extensions.

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

### Explanation

- American Airlines, Inc. will lease the aircraft maintenance hangar previously occupied by Mesa Airlines.
- The lease is for a 10-year term with one-year options to renew by mutual consent of the parties.
- The total value of the 10-year lease term is \$4,299,765.
- American Airlines, Inc. will also lease a 6,169 square foot warehouse on Express Drive for storage purposes. The lease value is \$125,118.75 for a five-year term.
- Both properties have been appraised, and the rental rates represent fair market values.

### 43. Property Transactions – Condemnations and Acquisitions

**Action: Approve the following property transaction(s) (A-C) and adopt the condemnation resolution(s) (D-K).**

For property transactions A and B 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 and Federal Transit Administration reimbursement.

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

## Acquisitions

- A. Project:** Arrowood / Nations Ford Road Intersection Improvements, Parcel #5  
**Owner(s):** OSEI Enterprises, LLC  
**Property Address:** 9001 Nations Ford Road  
**Total Parcel Area:** 72,284 sq. ft. (1.659 ac.)  
**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. (.0002 ac.) in Utility Easement  
**Structures/Improvements to be impacted:** Driveways and parking spaces  
**Landscaping to be impacted:** Trees  
**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 205-171-17  
**Purchase Price:** \$53,000  
**Council District:** 3
- B. Project:** Lyon Court Storm Drainage Improvement, Parcel #132  
**Owner(s):** James Phillips Thomas, Jr. and Kathleen E. Hathaway, and James Phillips Thomas, Sr., and Mary Lou St. Clair Thomas  
**Property Address:** 1635 Tippah Avenue  
**Total Parcel Area:** 14,756 sq. ft. (0.339 ac.)  
**Property to be acquired by Easements:** 6,126 sq. ft. (.141 ac.) in Storm Drainage Easement, plus 1,830 sq. ft. (.042 ac.) in Temporary Construction Easement  
**Structures/Improvements to be impacted:** None  
**Landscaping to be impacted:** Trees and various plantings  
**Zoned:** R-5  
**Use:** Single-family Residential  
**Tax Code:** 095-074-22  
**Purchase Price:** \$20,850  
**Council District:** 1
- C. Project:** Lyon Court Storm Drainage Improvement, Parcel #146  
**Owner(s):** Hunter Jackson and Brittany Jackson  
**Property Address:** 1727 Tippah Avenue  
**Total Parcel Area:** 12,571 sq. ft. (0.289 ac.)  
**Property to be acquired by Easements:** 2,835 sq. ft. (.065 ac.) in Storm Drainage Easement, plus 2,534 sq. ft. (.058 ac.) in Temporary Construction Easement  
**Structures/Improvements to be impacted:** Pedestrian bridge and stone patio  
**Landscaping to be impacted:** Trees and various landscaping material  
**Zoned:** R-5  
**Use:** Single-family Residential  
**Tax Code:** 095-063-09  
**Purchase Price:** \$17,325  
**Council District:** 1



## Condemnations

- D. Project:** Arrowood / Nations Ford Road Intersection Improvements, Parcel #3  
**Owner(s):** 557 Realty, LLC and any other parties of interest  
**Property Address:** 201 West Arrowood Road  
**Total Parcel Area:** 431,249 sf. (9.900 ac.)  
**Property to be acquired by Easements:** 541 sq. ft. (.012 ac.) in Sidewalk and Utility Easement, plus 1,502 sq. ft. (.034 ac.) in Temporary Construction Easement  
**Property to be acquired in Fee:** 7,325 sq. ft. (.168 ac.) in Fee Simple within Existing Right-of-Way  
**Structures/Improvements to be impacted:** Temporary driveway closure  
**Landscaping to be impacted:** Various landscaping  
**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 203-189-07  
**Appraised Value:** \$5,150  
**Property Owner's Counteroffer:** None  
**Property Owner's Concerns:** Property owner's tenant is concerned about the construction impacts to the property, the temporary closure of the driveway(s), and how their business will be affected.  
**City's Response to Property Owner's Concerns:** Staff has agreed to construct one driveway at a time, in order to maintain access to the business.  
**Recommendation:** To avoid delay in the project schedule staff recommends proceeding to condemnation during which negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.  
**Council District:** 3
- E. Project:** Arrowood / Nations Ford Road Intersection Improvements, Parcel #9  
**Owner(s):** Arrowood Nations Ford Property, LLC and any other parties of interest  
**Property Address:** 9101 Nations Ford Road  
**Total Parcel Area:** 339,593 sq. ft. (7.796 acres)  
**Property to be acquired by Easements:** 475 sq. ft. (.011 ac.) in Sidewalk and Utility Easement, plus 6,445 sq. ft. (.148 ac.) in Temporary Construction Easement, plus 64 sq. ft. (.001 ac.) in Utility Easement  
**Structures/Improvements to be impacted:** None  
**Landscaping to be impacted:** Trees  
**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 205-171-20  
**Appraised Value:** \$11,075  
**Property Owner's Counteroffer:** None  
**Property Owner's Concerns:** The property owner was concerned about the location of the utility easement, the duration of the temporary construction easement and how this will affect future development of the property

**City's Response to Property Owner's Concerns:** Staff responded that without an approved site plan alternate decisions on placement of the utility easement could not be made.

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

**Council District:** 3

- F. Project:** Charlotte-Mecklenburg Police Department Westover Police Division, Parcel #8  
**Owner(s):** A Positive Force Ministry, Inc. and any other parties of interest  
**Property Address:** 2675 Elmin Street  
**Total Parcel Area:** 6,634 sq. ft. (0.152 ac.)  
**Property to be acquired by Easements:** 1,934 sq. ft. (.044 ac.) in Slope Easement  
**Structures/Improvements to be impacted:** None  
**Landscaping to be impacted:** None  
**Zoned:** R-5  
**Use:** Single-family Residential  
**Tax Code:** 117-076-15  
**Appraised Value:** \$1,050  
**Property Owner's Counteroffer:** None  
**Recommendation:** The property owner was unable to be located. To avoid delay in the project schedule, staff recommends proceeding to condemnation for clear title to acquire the necessary property rights.  
**Council District:** 3
- G. Project:** Charlotte-Mecklenburg Utilities - Town of Pineville 8" Sanitary Sewer, Parcel #2  
**Owner(s):** James K. Polk Lodge #759 AF AM Trustees and any other parties of interest  
**Property Address:** 900 Hill Street  
**Total Parcel Area:** 425,325 sq. ft. (9.7641 acres)  
**Property to be acquired by Easements:** 5,536 sq. ft. (.127 ac.) in Sanitary Sewer Easement, plus 19,908 sq. ft. (.457 ac.) in Temporary Construction Easement  
**Structures/Improvements to be impacted:** None  
**Landscaping to be impacted:** Trees and shrubs  
**Zoned:** Downtown Neighborhood  
**Use:** Single-family Residential  
**Tax Code:** 221-051-19  
**Appraised Value:** \$19,075  
**Property Owner's Counteroffer:** None  
**Property Owner's Concerns:** The property owner's attorney is concerned about the existing sanitary sewer line and whether there has ever been a recorded easement for this infrastructure. They also wanted the City to save some trees in one area of the line.  
**City's Response to Property Owner's Concerns:** Staff obtained a title abstract which included a recorded right of way map depicting the sanitary sewer lines for Town of Pineville for the property. The title was provided to the property owner's attorney for review.

**Outstanding Concerns:** The property owner's attorney does not agree with the title report.

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

**Council District:** Town of Pineville

- H. Project:** Coliseum Creek Stream Restoration, Parcel #1 and #2  
**Owner(s):** Rodrick J. McAllister and any other parties of interest  
**Property Address:** 4842 Price Lane  
**Total Parcel Area:** 401,779 sq. ft. (9.224 acres)  
**Property to be acquired by Easements:** 77,546 sq. ft. (1.78 acres) in Conservation Easement  
**Structures/Improvements to be impacted:** None  
**Landscaping to be impacted:** None  
**Zoned:** R-4  
**Use:** Single-family Residential, Rural Acreage  
**Tax Code:** 143-141-02 and 143-141-03  
**Appraised Value:** \$86,850  
**Property Owner's Counteroffer:** \$271,366  
**Property Owner's Concerns:** Property owner's attorney objected to the access easement. Attorney also questioned the right to take private property for mitigation credits.  
**City's Response to Property Owner's Concerns:**  
 The City removed the permanent access easement and reduced the conservation easement. The City Attorney's Office provided statutory justification for mitigation credits to property owner's attorney.  
**Recommendation:** The property owner's attorney requested to proceed with condemnation. In addition, to avoid delay in the project schedule staff recommends proceeding to condemnation during which negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.  
**Council District:** 3
- I. Project:** North Tryon Business Corridor, Parcel #19  
**Owner(s):** Henok Mihtsentu and any other parties of interest  
**Property Address:** 100 Sylvania Avenue  
**Total Parcel Area:** 6,346 sq. ft.  
**Property to be acquired in Fee:** 6,346 sq. ft. (.146 ac.) in Fee Simple (total take)  
**Structures/Improvements to be impacted:** Single-family residential dwelling  
**Landscaping to be impacted:** None  
**Zoned:** I-2  
**Use:** Commercial  
**Tax Code:** 079-106-06  
**Appraised Value:** \$69,800  
**Property Owner's Counteroffer:** None  
**Property Owner's Concerns:** The property owner is concerned with the compensation amount.  
**City's Response to Property Owner's Concerns:** Staff has advised the property owner to submit a counteroffer. The compensation was established by an independent certified appraisal.

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

**Council District:** 1

- J. Project:** Pickway Pond, Parcel #3  
**Owner(s):** James Terry Yandle and any other parties of interest  
**Property Address:** Pickway Drive  
**Total Parcel Area:** 181,573 sq. ft. (4.168 acres)  
**Property to be acquired by Easements:** 4,297 sq. ft. (.099 ac.) in Access, plus 26,273 sq. ft. (.603 ac.) in Storm Drainage, plus 5,199 sq. ft. (.119 ac.) Temporary Construction Easement  
**Structures/Improvements to be impacted:** None  
**Landscaping to be impacted:** Trees  
**Zoned:** R-3  
**Use:** Single-family Residential  
**Tax Code:** 045-171-10  
**Appraised Value:** \$5,300  
**Property Owner's Counteroffer:** None  
**Property Owner's Concerns:** Property owner wishes to have their attorney review all documents prior to signing.  
**Recommendation:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.  
**Council District:** 1
- K. Project:** Scaleybark Road Traffic Calming, Parcel #15  
**Owner(s):** Richard W. Hough and any other parties of interest  
**Property Address:** 945 Scaleybark Road  
**Total Parcel Area:** 40,000 sq. ft. (0.918 ac.)  
**Property to be acquired by Easements:** 991 sq. ft. (.023 ac.) in Sidewalk and Utility Easement, plus 2,057 sq. ft. (.047 ac.) in Temporary Construction Easement  
**Structures/Improvements to be impacted:** None  
**Landscaping to be impacted:** None  
**Zoned:** R-4  
**Use:** Single-family Residential  
**Tax Code:** 149-181-11  
**Appraised Value:** \$8,175  
**Property Owner's Counteroffer:** None  
**Property Owner's Concerns:** Property owner was concerned with the impacts to his property. The property owner requested that the sidewalk be relocated within the existing right-of-way.  
**City's Response to Property Owner's Concerns:** Staff looked into relocating the sidewalk but was unable to accommodate the property owner's request.  
**Recommendation:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.  
**Council District:** 1

## 44. Reference – Charlotte Business INClusion Policy



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

### Part A: Administration & Enforcement

**Appendix Section 18: Contract:** For the purposes of establishing an SBE subcontracting goal on a Contract, the following are examples of contract types:

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

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

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

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

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

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

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

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

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

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

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

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

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

**Appendix Section 29: Informal Contracts:** Contracts and purchase orders through which the City procures services from a Business Enterprise that fall within one of the following two categories:

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

**29.2. Service Contracts That Are Less Than or Equal To \$100,000:** Service Contracts that are estimated to require a total expenditure of City funds less than or equal to \$100,000.

## **Part B: Formal Construction Bidding**

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

**Part B: Section 2.4: No SBE Goal When There Are No SBE Subcontracting Opportunities.**

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

**Part C: Services Procurement**

**Part C: Section 2.2:** When the City Solicitation Documents for a Service Contract do not contain an SBE Goal, each Proposer must negotiate in good faith with each SBE that responds to the Proposer's solicitations and each SBE that contacts the Proposer on its own accord. Additionally, the City may negotiate a Committed SBE Goal with the successful Proposer after the Proposal Opening.

**Part C: Section 2.4: No SBE Goal When There Are No SBE Subcontracting Opportunities.**

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

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

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

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

## 45. Reference – Property Transaction Process

### Property Transaction Process Following Council Approval for Condemnation

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

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

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



## **City Manager's FY2015 Evaluation Criteria The Short Version**

### **1. Build Community – Strategic Leadership**

1.1 Vision & Strategy: Work with the Mayor/Council to adopt/adapt the Mecklenburg Livable Communities Plan as a strategic framework for Charlotte Community.

- Community Strategic Plan. Connect the framework with the Focus Area Plans and Balanced Scorecard and develop a plan to align the city's various plans with the framework through the production of a clear and concise strategic plan.
- Community Indicators. Adapt/develop a recommended a set of metrics, based on the Quality of Life Indicators and leading practices by providing a web-based dashboard on key overall community measures that reflect the city's progress and, to the extent possible, benchmarks Charlotte with our own goals and/or with competitive cities.
- Evaluate the Economic Mobility study and identify specific areas that affect mobility where the City has lead responsibility. Work with the County, Foundation for the Carolinas and others to help develop a community strategy for economic opportunity.

1.2 Re-orient city government to a neighborhood focus

- Develop a community-oriented problem-solving model building on work by the Police Department and Code Enforcement; identify staff in each operational agency who are accountable for working individually and as a team to address neighborhood issues, concerns, and opportunities.
- Determine best methods to connect neighborhood leaders with each other and with city leadership; help grow the next generation of neighborhood leaders and present a plan for Council review and/or adoption.

1.3 Enhance economic development activities

- Bring more clarity through a recommended strategy statement that gives meaning to global competitiveness, coordinating with the County, Chamber, Regional Partnership, and State.
- Develop a neighborhood economic development focus consistent with item 1.2 above and recommend to Council neighborhoods that would be good candidates to target intense focus through and integrated operational and capital investment strategy.
- Work with the Chamber, CRVA, County and others to assess Charlotte's brand and brand image.

## **2. Operational Leadership**

2.1 Recommend a sustainable operating budget within existing property tax rates, addressing the priorities of the Mayor & Council; provide an easily understood dashboard of the City's fiscal health with future scenarios; preserve the City's financial reputation and triple-A status.

2.2 Recommend a sustainable water-sewer program and a rate management plan that provides affordability, predictability, and adequate investment to sustain the system and support projected economic growth.

2.3 Provide alternatives for the storm water program that realistically enables the City to resident request – within whatever parameters are set -- within credible timeframes and with a sustainable funding structure.

2.4 Implement the Community Improvement Program on time and within budget. Provide extensive community messaging on project development, construction progress, and disruptions. Proactively ensure coordination among agencies to minimize disruption to businesses and excessive traffic congestion.

## **3. Council Relations**

3.1 Don't get in front of Council. Explicitly work with Council to clarify its policy positions when there is ambiguity.

3.2 Keep Council informed; avoid surprises.

3.3 Ensure timely and appropriate staff responses to Mayor-Council inquiries and constituent requests.

3.4 Provide staffing for Council's committees that enables the Committees to set their own agendas and receive creative alternatives so that Committees have a range of policy options to consider rather than just a staff recommendation.

## **4. City Workforce**

4.1 Develop organizational and departmental plans based on the results from the employee survey in order to ensure an organizational climate and culture that attracts and retains a highly qualified workforce.

4.2 Update policies to ensure fairness and consistency.

**5. Professional Development** – Meet criteria for an ICMA Credentialed Manager.

**6. Special Projects** – effectively manage whatever life throws at us.

**City Manager FY2015 Evaluation Criteria**  
**Proposed Performance Objectives**  
**Developed June 22, 2014**  
**Revised September 18, 2014**  
**Revised November 6, 2014**

1. ***Build Community*** consistent with the Mayor and Council's articulated vision, values, and focus area strategies. Ensure that Charlotte is greater than the sum of its parts, a "community of intent" – where people choose to live, work, or visit. A globally recognized and respected community where people are connected, engaged, and informed. Build collaborative relationships with other governmental units, the business community, and other institutions. Develop strategic alignments among the City's various plans (land use, small area, transportation, etc.), investments, and service delivery.
  - a) Work with Mayor/Council to take visioning work to the next level.
  - b) Re-evaluate the structure and programs of Neighborhood and Business Services to ensure that there truly is a focus on neighborhoods. Develop best method to bring neighborhood leaders together to network, to develop relationships with City staff, and to grow the next generation of neighborhood leadership.
  - c) Agree on a data dashboard for measuring the City's progress.
  - d) Present concrete plans for targeted neighborhood development in ways that support and nurture the neighborhoods.
  - e) Develop recommendations for defining and acting on the goal of "global competitiveness."
  
2. ***Provide Operational Leadership*** ensuring that City services are provided consistent with the policy direction of the Mayor and Council as expressed through the adopted annual operating and capital budgets and other plans. Engage and respond to the public with strong customer relations. Demonstrate efficiency and effectiveness. Provide stewardship in financial management, protecting the City's triple-A bond rating and financial resilience. Promote innovation and leading practices.
  - a) Demonstrate the sustainability of the capital program; develop recommendations for contingent capacity; secure triple-A bond rating for any general obligation issuances.
  - b) Provide a sustainable operating budget adjusting for impacts of legislative action or inaction related to the Business Privilege License Tax.
  - c) Develop recommendations for stable and sustainable maintenance of the water/sewer system.
  - d) Develop recommendations for a credible and sustainable storm water program.
  - e) Ensure the continued success of the aviation department during its transition.
  - f) Implement a revised Balanced Scorecard program.
  - g) Adopt new guidelines on procuring professional services and on contract change orders and extensions.
  - h) Integrate financial and planning services based on leading practices to ensure coordination with appropriate check and balances.

**3. *Promote Effective Relationships with the Mayor & Council*** providing non-partisan, fair, equitable, and constructive support to each elected official, positioning the governing body to succeed as a whole. Foster trust, respect, honesty, collaboration and openness. Work with the Mayor and Council to define problems and focus desired outcomes. Provide timely communication on major projects, initiatives and critical incidents.

- a) Be more communicative with Council. Meet individually with each Council member at least once a month. Stay in on-going communications with Council on an equitable basis, ensuring that all Council Members have access and the same information.
- b) Clarify policy issues with Council when the Council position is ambiguous or the Council is split. Do not get ahead of Council in public discussions. Ensure consistency in public comments with Council policy.
- c) Review staffing for Council Committees to clarify the staff's role and to ensure that Council Members are setting their own agendas and driving their work plans. Work with staff as needed to be more open to creative and alternative ways for approaching policy issues rather than starting with why something cannot be done. Help the Council get to "yes" where the Council so chooses, exploring leading practices and creativity.
- d) Keep Council informed of emerging issues.
- e) Work with Council to ensure meaningful retreats and workshops.
- f) Ensure measurable progress on the Council's Focus Area Plans.
- g) Ensure that all Council Members understand the role of Council's staff members. Make adjustments as needed to meet the needs of Council.
- h) Work with the Council Budget Committee to evaluate last year's budget process so that the Committee can make recommendations to Council with regard to any process changes, including the role of the Budget Committee.

**4. *Develop the City government's Workforce*** such that Charlotte is an employer of intent, where people feel valued and appreciated. Recommend and implement a compensation system that is internally fair and externally competitive. Promote internal values that create a positive work climate and culture. Recruit and retain high performing workforce that is reflective of the community. Ensure development at all levels of the organization.

- a) Implement revised policy on ethics (including gifts and gratuities) and enhanced disclosure.
- b) Recommend a fair and sustainable compensation plan appropriate for field workers.
- c) Assess turnover and employee morale. Explore improvements to ensure smooth succession as people retire and leave.
- d) Review the City's EEO/AA goals and accomplishments.
- e) Review the safety record of the City and take actions to reduce preventable accidents and worker injury.
- f) Expand the use of multi-rater reviews for managers and executives.
- g) Update the policies for disciplinary action including dismissal to ensure organizational consistency and compliance with all local and federal laws related to fair treatment and non-discrimination.

- 5. Engage in professional development, participating in at least 40 hours of professional, technical, and/or managerial training and education. Participate in and provide leadership in regional, state, and national professional organizations in order to (a) keep current on emerging trends and leading practices; (b) build intergovernmental partnerships; and (c) showcase Charlotte as a local government leaders and globally competitive city.**

**Professional Development Plan for 2014 as Submitted to ICMA's Credentialing Program**

- a) Personal Development. Model leadership by asserting more self-discipline through time management, diet, and exercise. Participate in group wellness activities, attend relevant sessions at conferences, use wellness tools available on-line and promote the same with immediate staff and across the organization.
- b) Strategic Planning. Develop clearer approach to strategic planning and implementation through a deeper understanding on the theory and practice of the balanced scorecard in the public environment and its integration with vision, values, and operational planning. Attend relevant sessions at conferences, engage in self and group study, and use third party consultation.
- c) Staff Effectiveness & Personal Development. Continue the exploration of self/group awareness tools to build a highly performing team, including the Work Place Big 5 and EQi. Participate in group learning, independent reading, training sessions, and third party consultation.
- d) Staff Effectiveness & Personal Development. Use a multi-rater assessment consistent with guidelines for a Credentialed Manager.
- e) Other Professional Activities Planned: ICMA Annual Conference; North Carolina City/County Management Association summer & winter conferences; Large City Executive Forum summer & winter conferences; NC League of Municipalities annual meeting; NLC spring conference; Chamber Inter-City Visit and/or annual retreat.

**6. *Manage special projects and/or high - priority issues anticipated.***

- a) Neighborhood Redevelopment -- assuming voter approval of bonds, implement community investment program in ways that have transformational neighborhood impact, promoting private investment.
- b) Charlotte Business Inclusion Program – provide an assessment and recommendations as may be appropriate to enhance effectiveness of inclusion program, including the appropriate organizational placement of the program.
- c) Façade and Security Improvements Program – develop recommendations for expansion of use as part of neighborhood redevelopment
- d) Arena Negotiations – complete negotiations consistent with the City’s contractual commitments and in a manner that is fiscally responsible.
- e) Immigrant Integration Task Force – monitor work of task force and its recommendations in order to ensure a community that is welcoming and accepting of people with diverse backgrounds.
- f) Mecklenburg Livable Communities Plan – ensure City participation in the plan, make policy recommendations, and take administrative actions to integrate the plan into the City’s strategic structures.
- g) Joint Communications Center – implement construction of the facility in a manner that responsibly meets the City’s emergency management needs and in a manner that contributes to redevelopment.
- h) Solid Waste Long-Term Plan – develop a long-range plan that provides dependable service and advances conservation and recycling.
- i) Corporate Communications – develop more effective use of mobile and social media to effectively tell the City’s story and interact with our different publics; ensure that departments have community engagement strategies.
- j) Permitting and inspections—coordinate with the County to facilitate development consistent with plans and policies.
- k) Historic Districts—implement policies and procedures for more effectively ensuring the protection of historic properties.
- l) Coal Ash—implement Council action and ensure protection of the City’s water and air quality.
- m) Airport Taxi Contract – work with the Aviation Director and others to ensure a fair and competitive process that provides opportunity to as many taxis as the level of business can support and as can be effectively managed to ensure strong customer relations.

## **FY2015 City Attorney Evaluation Criteria**

- 1. Advise the Mayor and City Council** – Provide high quality legal advice and services. When, as is often the case, the law is uncertain, advise as such and identify and develop options and solutions that will assist rather than frustrate the Council in achieving its objectives. Understand that legal risk is but one of many factors for the Council to consider in making its policy decisions.
  - Provide written legal opinions and memoranda that are thoroughly researched, well-reasoned, clear, and concise
  - Answer questions and provide procedural advice at official meetings in a manner that facilitates the work of the Mayor and Council
  - Respond to requests for advice or assistance from the Mayor and Councilmembers in a timely, understandable, unbiased, and non-partisan manner
  - Be accessible to and meet with elected officials as needed
  - Treat the Mayor and each Councilmember in a fair and equitable manner
  
- 2. Represent the City's Interests** – Professionally and aggressively defend legal challenges to Council decisions and actions of the City and its employees. If the City has legally wronged a citizen, seek a resolution that is both fair to the citizen and protective of the taxpayer.
  - Oversee the handling, trial, and settlement of lawsuits
  - Treat the court, members of the bar, and citizens with courtesy and respect
  - Clearly and courteously explain the City's legal position to citizens and the media
  
- 3. Assist the City Manager and Staff** – Advise the City Manager and his staff.
  - Provide timely day-to-day legal advice and services
  - Work with the administration as a member of the team while maintaining an appropriate level of independence
  
- 4. Manage the City Attorney's Office** – Develop an effective and efficient organization.
  - Recruit and retain a competent and diverse staff
  - Provide an appropriate level of managerial oversight and direction
  - Address personnel issues in a direct and timely manner
  - Responsibly manage the department's budget
  
- 5. Professional Development** – Continue to learn and grow.
  - Stay abreast of changes and developments in state and federal law
  - Attend relevant Continuing Legal Education programs
  - Engage with the bar and professional organizations
  
- 6. Manage special projects and/or anticipated high-priority issues.**
  - Airport
  - Ethics policy

## Timeline for Completing the City Manager's FY15 Evaluation

Evaluation Date: Monday, July 27 meeting, 12:00 noon, CH14

### Leading up to the evaluation date:

- \*Tue, May 26 The City Manager provides the Governance & Accountability Committee with recommendations on the dimensions on which he will be evaluated in the coming year, including the work plan. He also provides the Committee with a recommendation on a multi-rater evaluation, which may include subordinates, peers, or people external to the City with whom the City Manager may work closely.
- Fri, June 26 The City Manager submits to the Mayor/Council via the Mayor/Council packets a self-assessment of his performance based on the dimensions previously set, the results of the multi-rater evaluation and other information he considers important in assessing his performance.
- Mon, June 29 HR sends website link for Mayor/Council to individually complete an online survey of the City Manager on the agreed dimensions. Stated deadline of Sunday, July 12, extend to Wednesday, July 15, if needed.
- Fri, July 17 Results of online survey go to the Mayor/Council and City Manager in confidential envelopes within the Mayor/Council packets.
- \*\*Mon, July 20 One week prior to the evaluation, the Governance & Accountability Committee reviews all of the evaluation material received by and about the Manager and proposes specific areas to be reviewed with him during the evaluation meeting.
- MON, JULY 27** **EVALUATION MEETING** The Mayor/Council meets alone to consider the recommended areas of discussion from the Governance and Accountability Committee and may add other items for discussion if agreed to by six members of the Council.
- a. The City Manager joins the Mayor/Council at an appropriate time and provides a self-assessment, addressing the items identified by the Governance & Accountability Committee and any additional items identified by the Council. The Mayor/Council then provides its feedback to the City Manager, as well as holds a general discussion around the City Manager's future work plan.
  - b. Mayor/Council meets alone to discuss the interaction of the City Manager, their overall evaluation of performance, and, as appropriate, changes to his employment agreement.



## Timeline for Completing the City Attorney's FY15 Evaluation

Evaluation Date: Monday, August 24 meeting, 12:00 noon, CH 14

### Leading up to the evaluation date:

- \*Tue, May 26 The City Attorney provides the Governance & Accountability Committee with, with recommendations on the dimensions on which he will be evaluated in the coming year, including the work plan. He also provides a recommendation on a multi-rater evaluation, which may include subordinates, peers, or people external to the City with whom the City Attorney may work closely.
- Fri, July 24 The City Attorney submits to the Mayor/Council via the Mayor/Council packets self-assessment of his performance based on the dimensions previously set and provides other information he considers important in assessing his performance, including the results of multi-rates evaluation.
- Mon, July 27 HR sends website link for Mayor/Council to individually complete an online survey of the City Attorney on the agreed dimensions. Stated deadline of Sunday, August 9, extend to Wednesday, August 12, if needed.
- Fri, Aug 14 Results of online survey go to the Mayor/Council and City Attorney in confidential envelopes within the Mayor/Council packets.
- \*\*Mon, Aug 17 One week prior to the evaluation, the Governance & Accountability Committee reviews all of the evaluation material received by and about the Attorney and proposes specific areas to be reviewed with him during the evaluation meeting.

### MON, AUGUST 24

#### EVALUATION MEETING

- a. The Mayor/Council reviews compensation information with the Human Resources Director and then meets alone to consider the recommended areas of discussion from the Governance and Accountability Committee and may add other items for discussion if agreed to by six members of the Council.
- b. The City Attorney joins the Mayor/Council at an appropriate time and provides a self-assessment, addressing the items identified by the Governance & Accountability Committee and any additional items identified by the Council. The Mayor/Council then provides its feedback to the City Attorney as well as holds a general discussion around the City Attorney's future work plan.
- c. Mayor/Council meets alone to discuss the interaction of the City Attorney, their overall evaluation of performance, and, as appropriate, changes to compensation or employment agreement.
- d. Mayor/Council take a public vote on any change to compensation at the evening meeting.



## **2015 FEDERAL LEGISLATIVE AGENDA**

### **Airport Control Tower**

- Continue working with the Congress and the Administration to commission the new airport control tower by 2019

### **Investing in Manufacturing Communities Partnership**

- Support a designation for the Charlotte region as a Manufacturing Community under Phase 2 of the Investing in Manufacturing Communities Partnership

### **Surface Transportation Program**

- Support reauthorization of the surface transportation program

### **2030 Transit System Plan**

- Continue working with the Congress and the Administration to secure federal resources for the build-out of the 2030 Transit System Plan



## 2015 Federal Legislative Agenda

<b>Issue:</b>	Airport Control Tower
<b>Position:</b>	Continue working with the Congress and the Administration to commission the new airport control tower by 2019
<b>Staff Resources:</b>	Brent Cagle, Aviation, 704.359.4035 Jack Christine, Aviation, 704.359.4932

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**Background and History:** The City of Charlotte and the Federal Aviation Administration funded a new \$325 million runway at Charlotte Douglas International Airport which officially opened on February 11, 2010. The federal share of this project totaled over \$200 million including land acquisition and construction. Due to funding challenges, the federal portion of the cost of the new runway was far less than is authorized by statute for large hub airports and did not include funding for a new air traffic control tower. The new runway is an extremely important asset to Charlotte and the region, and was in the developmental stages for fifteen years. It immediately enhanced airport capacity and has the potential to sharply reduce flight delays if used to its maximum potential. Achieving the full benefits of the new runway depends upon the Federal Aviation Administration being able to operate the expanded airfield to its maximum capacity. Unfortunately, the existing air traffic control tower at the airport, which is too short, is no longer adequate for this purpose.

**Current Need/Problem (including potential allies or detractors):** The existing tower was constructed in 1979 and stands 155 feet above ground level. The Tower has a 525 square foot controller cab, which accommodates a maximum seven controllers at a time. From this tower, the Federal Aviation Administration controlled 224,324 aircraft operations in 1979. Entering 2014, the airport has grown into the sixth busiest airport in the nation, controlling 557,948 aircraft operations for 2013. That number is forecasted to grow to 772,149 by 2020 and 990,360 by 2030. The existing volume of activity alone renders the tower inadequate and unable to handle the level of operations projected for the future. Moreover, the existing tower is too low and in the wrong position to permit adequate visual contact between the controllers and the aircraft operating from the existing runways and the new runway (*Please see attached exhibit: Shadow Study*). This was communicated in a letter from the Federal Aviation Administration in May of 2007 which reads in pertinent part:

*“The original study used the Boeing 747 as the critical aircraft utilizing the new runway. The results depicted fuselage and wing shadowing caused by aircraft taxiing on the parallel and adjoining runways. The impact of this shadowing would be the intermittent obscuration of the runway approach ends. The second shadow study submitted used aircraft more common to Charlotte’s operations, the CRJ900 and A321-100 series aircraft. The results of this study also contained similar impacts to the operations of the proposed runway. Due to these impacts, there will be operational restrictions associated with the new runway. Air Traffic will design procedures to utilize the runway to the maximum extent possible given the described impacts.”*

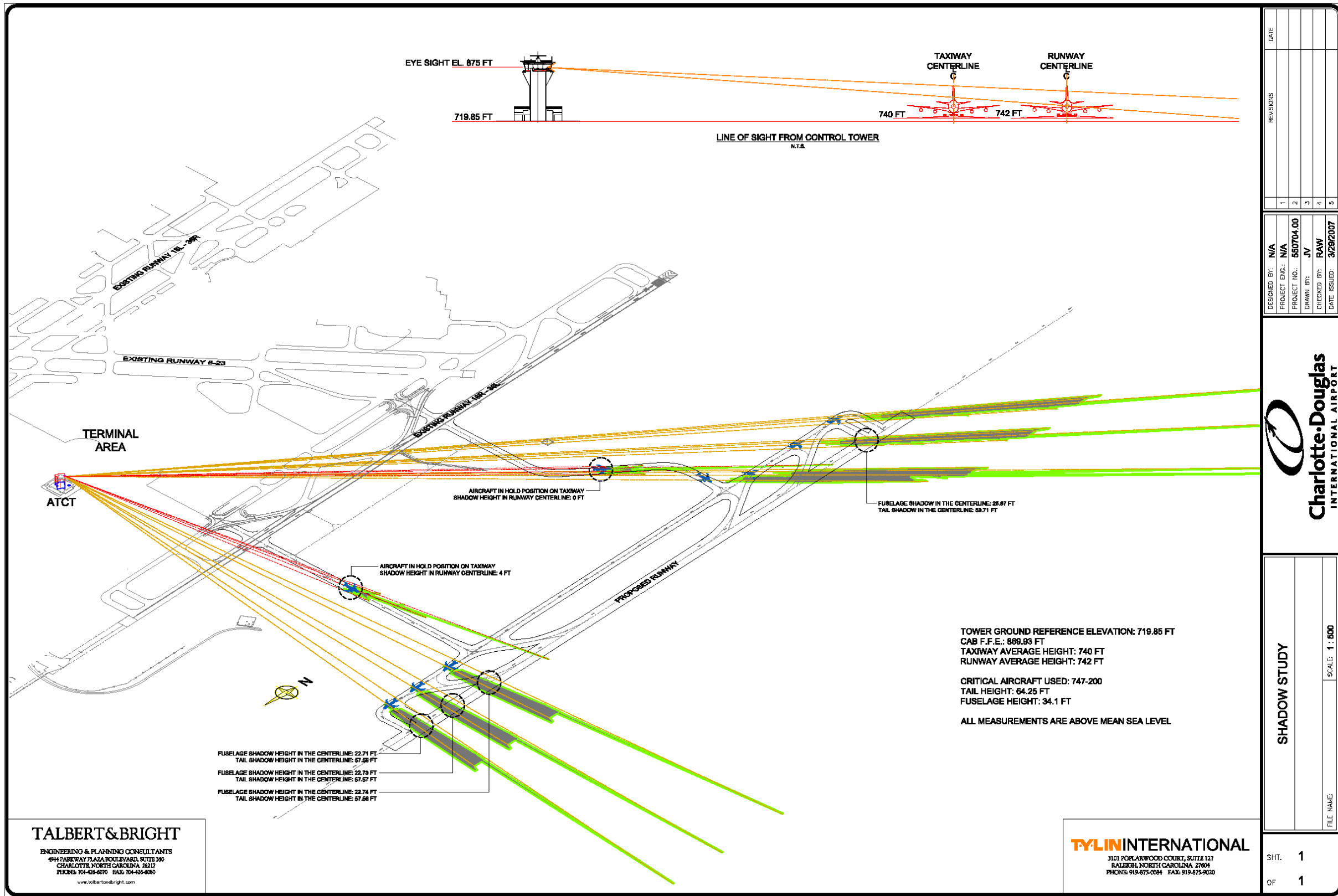
The Federal Aviation Administration recognizes that a business case has been made for construction of a new Tower. The Federal Aviation Administration has chosen a site for the new tower south of the American Airlines Hangar. (*Please see attached exhibit: CLT Airfield Layout*). Design of the new tower, which was authorized to begin in September 2013, is at the 70% level. Tower construction and outfitting is projected to cost \$66 million with commissioning taking place in 2019. The Tower will stand 370 feet above ground level.

In early 2014, the City learned that the Federal Aviation Administration had allocated \$37 million to construction and outfitting of the new Tower. An additional \$29 million allocation to the project by the Federal Aviation Administration is needed to completely fund the construction and outfitting, which is necessary prior to the start of construction of the new Tower.

The local business community, including the Charlotte Chamber of Commerce and American Airlines, is supportive of a new Airport Control Tower.

**Impact if Adopted:** If the new airport control tower is constructed and commissioned, then the airfield will be used to its fullest extent thereby improving the provision of air service to the Charlotte region.

EXHIBIT – SHADOW STUDY



REVISIONS	DATE
1	
2	
3	
4	
5	

DESIGNED BY: N/A	PROJECT E.I.C.: N/A	PROJECT NO.: 560704.00
DRAWN BY: JV	CHECKED BY: RAW	DATE ISSUED: 3/29/2007



SHADOW STUDY	SCALE: 1 : 500
FILE NAME:	

TOWER GROUND REFERENCE ELEVATION: 719.85 FT  
 CAB F.F.E.: 888.93 FT  
 TAXIWAY AVERAGE HEIGHT: 740 FT  
 RUNWAY AVERAGE HEIGHT: 742 FT  
 CRITICAL AIRCRAFT USED: 747-200  
 TAIL HEIGHT: 64.25 FT  
 FUSELAGE HEIGHT: 34.1 FT  
 ALL MEASUREMENTS ARE ABOVE MEAN SEA LEVEL

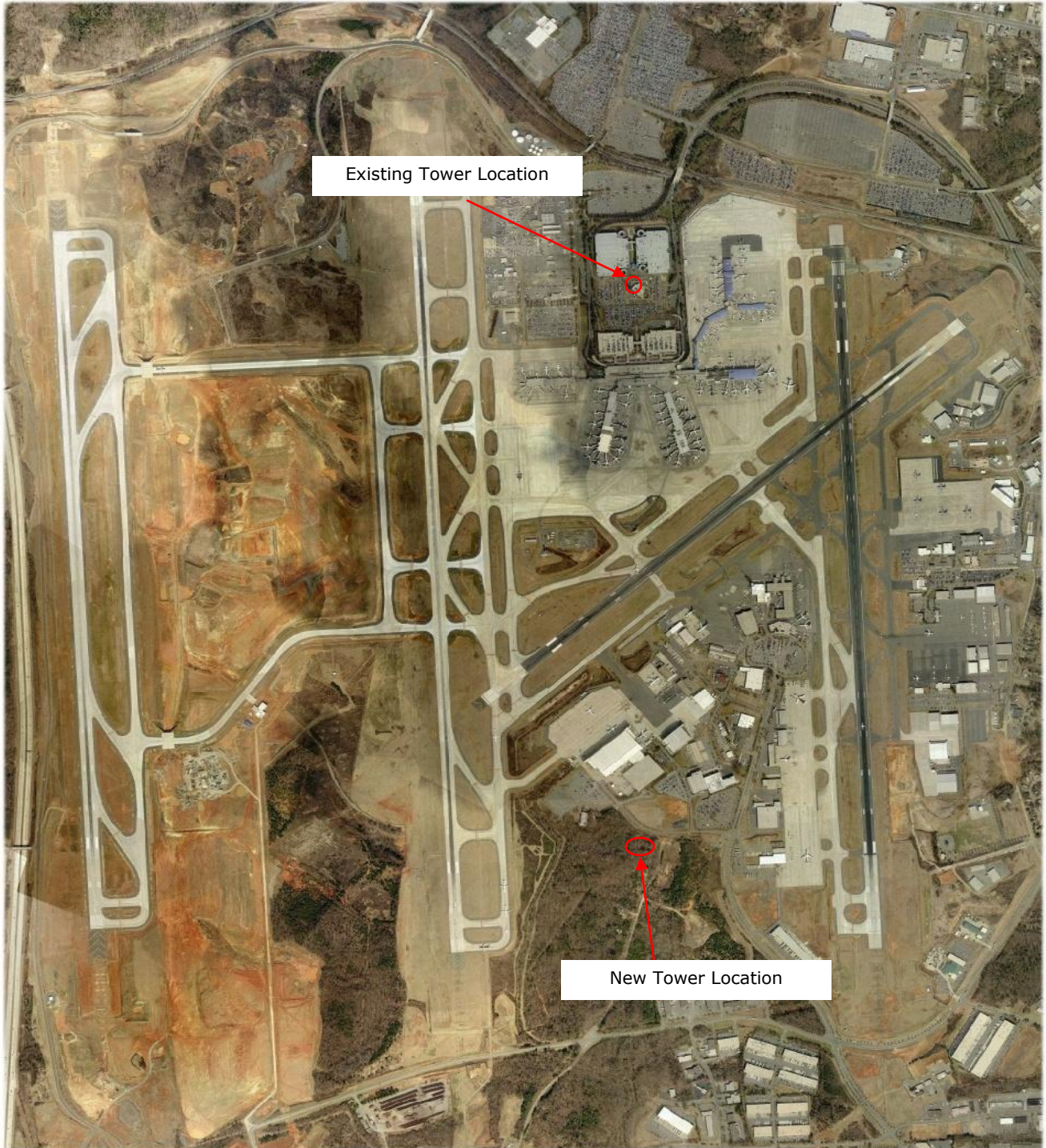
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SHT. 1  
 OF 1



# EXHIBIT – CLT AIRFIELD LAYOUT





## 2015 Federal Legislative Agenda

<b>Issue:</b>	Investing in Manufacturing Communities Partnership
<b>Position:</b>	Support a designation for the Charlotte region as a Manufacturing Community under Phase 2 of the Investing in Manufacturing Communities Partnership
<b>Staff Resources:</b>	Patrick Mumford, Neighborhood & Business Services, 704.336.5612

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**Background and History:** The Investing in Manufacturing Communities Partnership is a Federal government initiative to accelerate the resurgence of manufacturing and create well-paying jobs in the United States. This is an interagency initiative led by the Economic Development Administration of the US Department of Commerce and includes participation from the Departments of Agriculture, Housing and Urban Development, Labor, and Transportation, Environmental Protection Agency, National Science Foundation, and Small Business Administration. The initiative is designed to reward regions that demonstrate best practices in attracting and expanding manufacturing by bringing together key local stakeholders and using long-term planning that integrates targeted investments across a community's industrial ecosystem to create broad-based prosperity. Regions that receive a designation as a Manufacturing Community will receive preference for a range of future Federal economic development funding and technical assistance offered by the participating departments and agencies, a Point of Contact to help access federal economic development funding and other assistance, branding and promotion as a Manufacturing Community that may help attract investors and other partners, and possible consideration for federal financial assistance through Challenge Grant Awards made by the Economic Development Administration. In order to be awarded the designation, regions must present strategies that identify technologies or industries in which they would be competitive in the future and would make investments in workforce and training, advanced research, infrastructure and site development, supply chain support, export promotion and capital access.

**Current Need/Problem (including potential allies or detractors):** The Charlotte region was the recipient of a planning grant under Phase 1 of the Investing in Manufacturing Communities Partnership to develop the Charlotte Advanced Manufacturing Partnership and Innovation Outreach Network. The goal of the Network is to bring together manufacturers, suppliers, educators, workforce boards, and economic developers to collaboratively implement the advanced manufacturing strategies developed by the Global Charlotte Manufacturing Community Region. The Region has developed advanced manufacturing strategies in support of a Manufacturing Super-cluster of six industry sectors: logistics and transportation commerce; aerospace and defense; automotive; biomedical; healthcare; and energy. In Phase 2 of the Investing in Manufacturing Communities Partnership, the region will be emphasizing in its application for designation as a Manufacturing Community the Energy sector.

**Impact if Adopted:** If the Charlotte region were to receive designation as a Manufacturing Community under Phase 2 of the Investing in Manufacturing Communities Partnership, then it will enable the region to begin implementing the advanced manufacturing strategies for the Energy sector.





## 2015 Federal Legislative Agenda

<b>Issue:</b>	Surface Transportation Program
<b>Position:</b>	Support long-term extension of Federal surface transportation program
<b>Staff Resources:</b>	Carolyn Flowers, Transit, 704.336.3855 Danny Pleasant, Transportation, 704.336.3879

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**Background and History:** The federal surface transportation program, known as Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21), was enacted on July 9, 2012. The program authorizes federal participation in and funding for numerous surface transportation initiatives taking place in the Charlotte-Mecklenburg region today. The region is a major transportation logistics center in the southeastern United States that is served by the sixth busiest airport in the nation, two major freight intermodal facilities, and inter-city passenger rail in addition to the highway and public transportation initiatives authorized through the surface transportation program. The region's economic and social interests are well served by the federal government's substantial role in transportation policy and funding.

The transportation initiatives that are taking place in the region today include:

- The Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville, City of Charlotte, Mecklenburg County and the Metropolitan Transit Commission are working with Iredell and Union Counties and their municipalities, and the North Carolina Department of Transportation on planning for a balanced transportation network through the federally mandated metropolitan planning organization for the region, the Charlotte Regional Transportation Planning Organization. The Charlotte Regional Transportation Planning Organization provides a venue for its members to program the needs of their communities in the federally required transportation plans. (*Please see attached exhibit: Charlotte Area Transportation Investments, 1998 to Present*).
- The North Carolina Department of Transportation is completing the last link in the interstate highway network in this region (I-485 northeast) and simultaneously making improvements to other parts of that network (I-485 south, I-85 north and I-77 express lanes). The Department is also adding capacity to US 74 in both Mecklenburg and Union Counties. The private sector partners in the I-77 express lanes project will bring their own equity to the project, including financing secured through the federal Transportation Infrastructure and Finance Innovation Act.
- The North Carolina Department of Transportation is investing in the state owned railroad between Raleigh and Charlotte to improve passenger and freight rail service and increase safety for motorists and pedestrians.
- The Charlotte Area Transit System moves over 80,000 riders daily on its bus and rail lines. The transit system is implementing the Metropolitan Transit Commission's 2030 Transit Corridor System Plan, and is working with the member jurisdictions of the Metropolitan Transit Commission, the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville, City of Charlotte and Mecklenburg County to advance the projects in the Plan.

**Current Need/Problem (including potential allies or detractors):** The federal surface transportation program expires on May 31, 2015. The Administration and Congress are aware that the current program funding levels are inadequate for the needs faced by our country today. The region supports continuing to work in partnership with the North Carolina Department of Transportation and other organizations in planning and supporting the implementation of a balanced and coordinated highway and transit network that includes the completion and upgrading of the interstate highway system in this region, build-out of the 2030 Transit Corridor System Plan, modernization of the State's railways through the Piedmont Improvement Program, and construction of bicycle and pedestrian facilities. In order to continue implementation of the balanced network planned for our region, the federal government is urged to enact a long term surface transportation authorization bill.

The National League of Cities, National Association of City Transportation Officials, American Public Transportation Association, American Association of State Highway and Transportation Officials and other organizations support reauthorization of the surface transportation program.

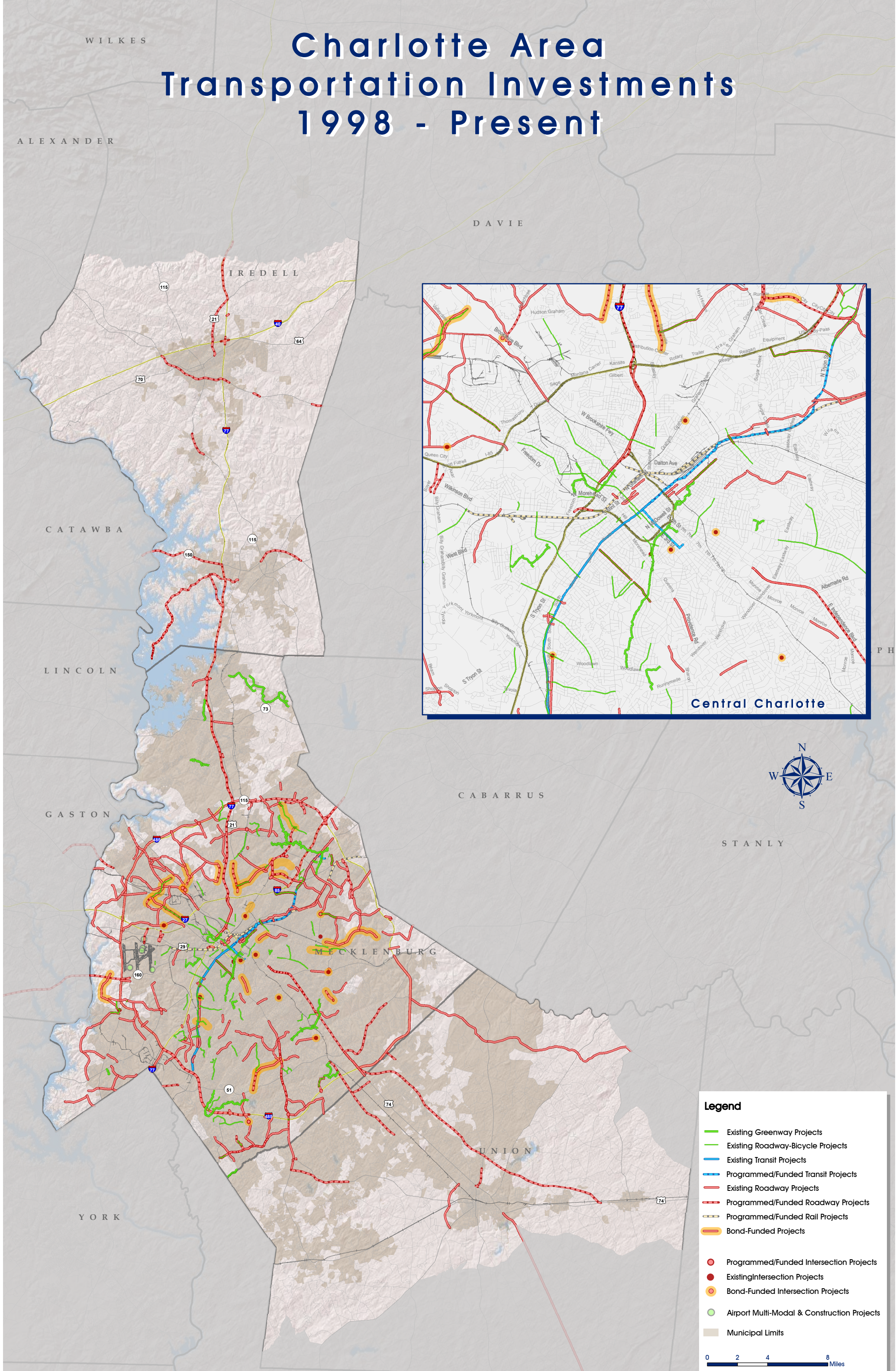
Therefore, the City of Charlotte supports:

- Enactment of a long term program to provide the certainty needed in planning and implementing multi-year transportation projects;
- Provide metropolitan planning organizations that use equitable and performance based approaches to decision making with increased authority to allocate federal funding according to their adopted Metropolitan Transportation Plans;
- Support investment in innovative rail, highway and port projects that will improve the efficient movement of goods and freight across the country;
- Support increased investment in inter-city passenger rail;
- Support increased investment for public transportation including construction of new and expanded rail systems (New Starts, Small Starts and Core Capacity), and support for bus and rail operations and commuter rail floor funding; and
- Expansion of the Transportation Infrastructure and Finance Innovation Act and Railroad Rehabilitation and Improvement Financing programs, which attract private investment in transportation infrastructure.

**Impact if Adopted:** If the US Congress reauthorizes the surface transportation program prior to May 31, 2015, then States and local governments and the private sector will have the certainty needed to proceed with multi-year surface transportation projects.



# Charlotte Area Transportation Investments 1998 - Present



**Legend**

- Existing Greenway Projects
- Existing Roadway-Bicycle Projects
- Existing Transit Projects
- Programmed/Funded Transit Projects
- Existing Roadway Projects
- Programmed/Funded Roadway Projects
- Programmed/Funded Rail Projects
- Bond-Funded Projects

- Programmed/Funded Intersection Projects
- Existing Intersection Projects
- Bond-Funded Intersection Projects
- Airport Multi-Modal & Construction Projects
- Municipal Limits

0 2 4 8 Miles



Project List & Funding Information

Project	Status	Cost (\$ Millions)
3 <sup>rd</sup> St & Baldwin Ave Int.	Complete	2.1
Airport Rd	Complete	2.0
Albemarle Rd	Complete	2.0
Albemarle Rd & W T Harris Blvd Int.	Complete	1.1
Archdale Dr Widening	Complete	1.0
Ardrey Kell Rd	Complete	11.0
Asbury Ave Ext	Complete	11
Beatties Ford Rd	Complete	1.0
Caldwell St	Complete	30.0
Charles St	Complete	8.0
Cindy Lane Ext	Complete	6.5
City Blvd	Complete	2.7
Commonwealth Ave & The Plaza Int.	Complete	Unspecified
Dixie River Rd Realignment	Complete	10.0
Dixie River Rd & Steele Creek Rd	Complete	Unspecified
East Blvd	Complete	2.0
Eastern I-485 Loop	Complete	260.0
Fred D. Alexander Blvd	Complete	36.5
Graham St & Norris Ave Int.	Complete	2.2
Hickory Grove Rd Widening	Complete	7.0
Highway 73	Complete	10.0
I-485	Complete	15.0
I-77 HOV Lanes	Complete	10.0
I-85	Complete	100.0
Independence Blvd	Complete	140.0
Johnston Road Ext	Complete	8.0
Kenilworth Ave	Complete	2.2
Kenilworth Ave & Pearl Park Way Int.	Complete	
Mallard Creek Church Rd	Complete	14.0
MLK Blvd	Complete	29.0
Monroe Rd & Sardis Road N Int.	Complete	0.6
N Tryon Rd	Complete	14.6
NC 218	Complete	8.7
NC-16	Complete	20.0
NC-49	Complete	47.0
Nevin Road Ext	Complete	3.5
Old Pineville Rd Ext	Complete	4.0
Old Statesville Rd Widening	Complete	13.0
Prosperity Church Rd Widening	Complete	3.6
Providence Rd	Complete	15.0
Sharon Amity & Lytleton Dr Int.	Complete	4.1
South Blvd & Woodlawn Rd	Complete	Unspecified
Statesville Rd	Complete	6.0
Tuckaseegee Rd & Mulberry Church Rd Int.	Complete	0.6
US-29	Complete	12.0
W Catawba Ave	Complete	5.6
W T Harris Blvd & Meadow Rose Ln	Complete	Unspecified
Western I-485 Loop	Complete	650.0

Project	Status	Cost (\$ Millions)
Arrowood Rd & Nations Ford Rd Int.	Funded	Unspecified
Ballantyne Commons Pkwy & Elm Lane Int.	Funded	0.4
Ballantyne Commons Pkwy & McKee Rd Int.	Funded	Unspecified
Baucom Road Extension / IBM Connector	Funded	1.8
Beam Rd & Shopton Rd Int.	Funded	1.1
Beatties Ford Rd Widening	Funded	13.0
Black Creek Church Rd	Funded	5.0
Brookshire Blvd & Hovis Rd, Oakdale Rd Ints.	Funded	2.0
City Boulevard Ext	Funded	10.0
Community House Rd (Farm-to-Market)	Funded	5.0
David Cox Rd & Lakeview Rd Int.	Funded	1.4
Freedom Dr Widening	Funded	27.0
Hwy 21/Gilead Rd Int	Funded	3.0
Hwy 51/Idlewild Rd Int	Funded	0.5
I-485	Funded	68.0
I-485 & Oakdale Rd Interchange	Funded	3.3
I-77 HOT Lanes	Funded	500.0
I-77/Catawba Rd Interchange	Funded	14.0
I-84/Weddington-Matthews Rd	Funded	1.5
I-85	Funded	15.0
I-85/I-485 Interchange	Funded	75.0
Idlewild Rd Widening	Funded	8.0
Independence Blvd	Funded	230.0
Indian Trail Rd	Funded	9.0
Johnston-Oehler Rd	Funded	14.0
Little Rock Rd Relocation	Funded	7.5
Mallard Creek Rd	Funded	25.0
McKee Road Ext	Funded	10.0
Monroe Bypass	Funded	800.0
Northcross Drive Ext	Funded	5.0
Northeast Arc	Funded	6.0
Northeastern I-485 Loop	Funded	100.0
Oakdale Road (Farm-to-Market)	Funded	5.5
Porter Rd/Pleasant Plains Int	Funded	2.0
Rea Rd Widening	Funded	21.0
Robinson Church Rd	Funded	2.5
Stallings Rd	Funded	9.0
Statesville Rd Widening	Funded	23.0
Steven's Mill Relocation	Funded	2.0
West Blvd Relocation	Funded	13.4
Wilgrove Mint Hill Rd	Funded	0.7
W T Harris Blvd & The Plaza Int	Funded	4.0

Red text indicates Charlotte transportation bond projects



## 2015 Federal Legislative Agenda

<b>Issue:</b>	2030 Transit System Plan
<b>Position:</b>	Continue working with the Congress and the Administration to secure federal resources for the build-out of the 2030 Transit System Plan
<b>Staff Resources:</b>	Carolyn Flowers, Transit, 704.336.3855 Dee Pereira, Transit, 704.336.2166

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**Background and History:** The Charlotte Area Transit System (CATS) continues to implement the regional 2030 Transit Corridor System Plan adopted by the Metropolitan Transit Commission in 2006 to develop primary transportation corridors, linking our area's key centers of economic activity. (*Please see attached exhibit: 2030 Transit Plan*). The plan supports development of pedestrian-friendly urban neighborhoods with a mixture of land uses, offers people a choice in meeting their mobility needs, increases transit's share of the local travel market, reduces the region's dependence on overloaded and gridlocked roads, eases air and noise pollution and enhances the overall quality of life in the region. The successful LYNX Blue Line - South Corridor project has generated approximately \$1.45 billion of new or announced investment along the 9.6 mile alignment and continues an average daily ridership of 15,000.

**Current Need/Problem (including potential allies or detractors):** CATS is actively developing or constructing the six projects in the 2030 Transit System Plan: LYNX Blue Line Extension; LYNX Red Line; CityLYNX Gold Line – Phase 1; CityLYNX Gold Line – Phase 2; LYNX Silver Line; and Charlotte Gateway Station. (*Please see attached exhibits for the LYNX Blue Line Extension, LYNX Red Line, CityLYNX Gold Line, LYNX Silver Line, and Charlotte Gateway Station*). The projects either utilize or propose to utilize federal resources for their deployment.

The LYNX Blue Line Extension will extend 9.33 miles from Center City Charlotte through the North Davidson historic district and along North Tryon Street, and terminate on the campus of UNC Charlotte. Major civil construction started on the project in spring 2014, for which approximately \$500 million in construction contracts were awarded. When the line opens for revenue service in summer 2017, it is projected to transport 25,000 daily riders. The Federal share of the \$1.160 billion project, pursuant to the Full Funding Grant Agreement signed in 2012, will be \$580 million or 50% of project costs, while the State share of the project is \$299 million or 25.7%. The Federal government has agreed to provide \$100 million annually for the project in fiscal years 2016, 2017 and 2018, which will have to be appropriated by Congress.

The LYNX Red Line will extend 25 miles from Center City Charlotte through the fast growing Mecklenburg towns of Huntersville, Cornelius, and Davidson and terminates in Mooresville. The terminus of the LYNX Red Line in Center City Charlotte is the proposed Gateway Center providing connectivity to other points in the region and eastern United States. It is projected that 16 daily round trip trains will accommodate 4,500-6,000 daily trips. While the LYNX Red Line was intended to operate on the Norfolk-Southern Railways (NS) "O" line, NS has communicated

that the LYNX Red Line may not operate on the same tracks as the “O” line due to the need to separate passenger and freight rail traffic. Due to the challenges presented by the NS decision, the project would have to be structured as a public-private partnership so that both public and private sector capital can be used to finance construction and operation. The Metropolitan Transit Commission has identified federal commuter rail floor funding as one of several possible sources of revenue for the public sector funding.

The CityLYNX Gold Line will extend 9.9 miles linking the Eastland Mall and Rosa Parks Transit Centers via Center City Charlotte. The line is planned to have 34 stops when complete. CityLYNX Gold Line – Phase 1, linking the Charlotte Transit Center and Novant Presbyterian Hospital, is 1.5 miles long and under construction. Phase 1 is funded partially by a federal urban circulator grant awarded in 2010 and will open for service in 2015.

CityLYNX Gold Line – Phase 2 will extend service along North Trade and Beatties Ford Roads from the Charlotte Transit Center to Johnson C. Smith University and along Hawthorne Avenue from Novant Presbyterian Hospital to Sunnyside Avenue. Phase 2 will cost \$150 million, to which \$75 million in City resources has been allocated. The remaining \$75 million is proposed to be funded by federal resources, specifically from the federal Small Starts Program. The City is working with the Federal Transit Administration to advance the project into the Small Starts process so that the project will be eligible for federal funding starting in FY 2016.

The LYNX Silver Line will extend approximately 13.5 miles from Center City Charlotte along the Independence Boulevard corridor and terminate at Central Piedmont Community College’s Levine Campus on the border of Mecklenburg and Union counties. An environmental analysis of the corridor was developed in 2006. A major investment study, which will include an analysis of public transportation alternatives in the corridor, is underway at this time.

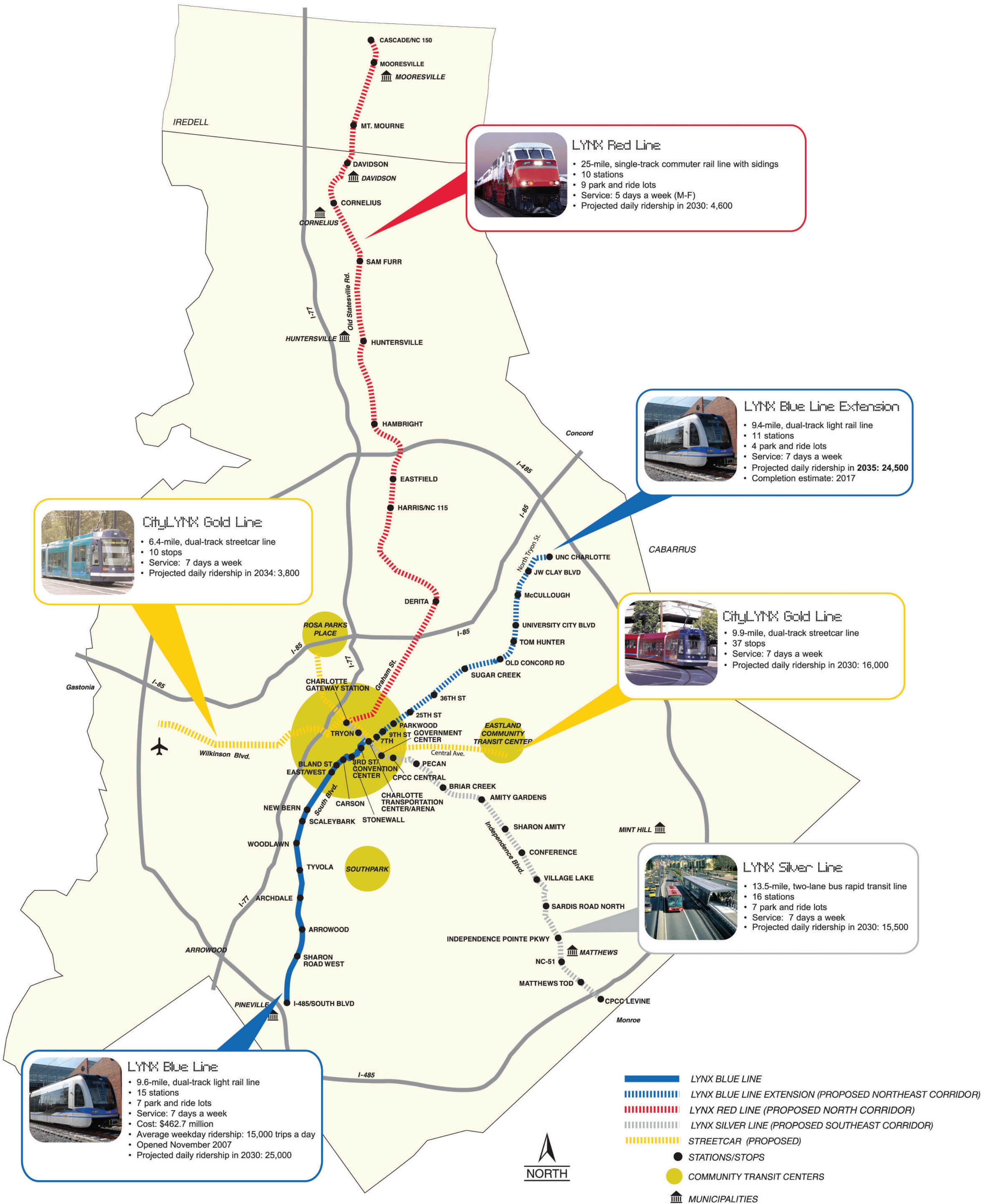
The Charlotte Gateway Station will be located at Graham and West Trade Streets. The Station will replace the current AMTRAK station on North Graham Street and provide seamless integration for the LYNX Red Line, CityLYNX Gold Line, and CityLYNX Gold Line spur to the Airport, intercity passenger rail, intercity bus service, and local and express bus service. The City is working with the North Carolina Department of Transportation to develop the Station. The North Carolina Department of Transportation is working with Norfolk-Southern Railroad on modeling the track layout for the Station. A federal grant has been committed to the project.

The local business community, including the Charlotte Chamber of Commerce supports the build-out of the Metropolitan Transit Commission’s 2030 Transit Corridor System Plan.

**Impact if Adopted:** The provision of federal resources for the build-out and operation of the Metropolitan Transit Commission’s 2030 Transit Corridor System Plan will enable the region to implement its public transportation vision as well as implement a balanced regional highway and transit network supported by the Charlotte Regional Transportation Planning Organization and the State of North Carolina.

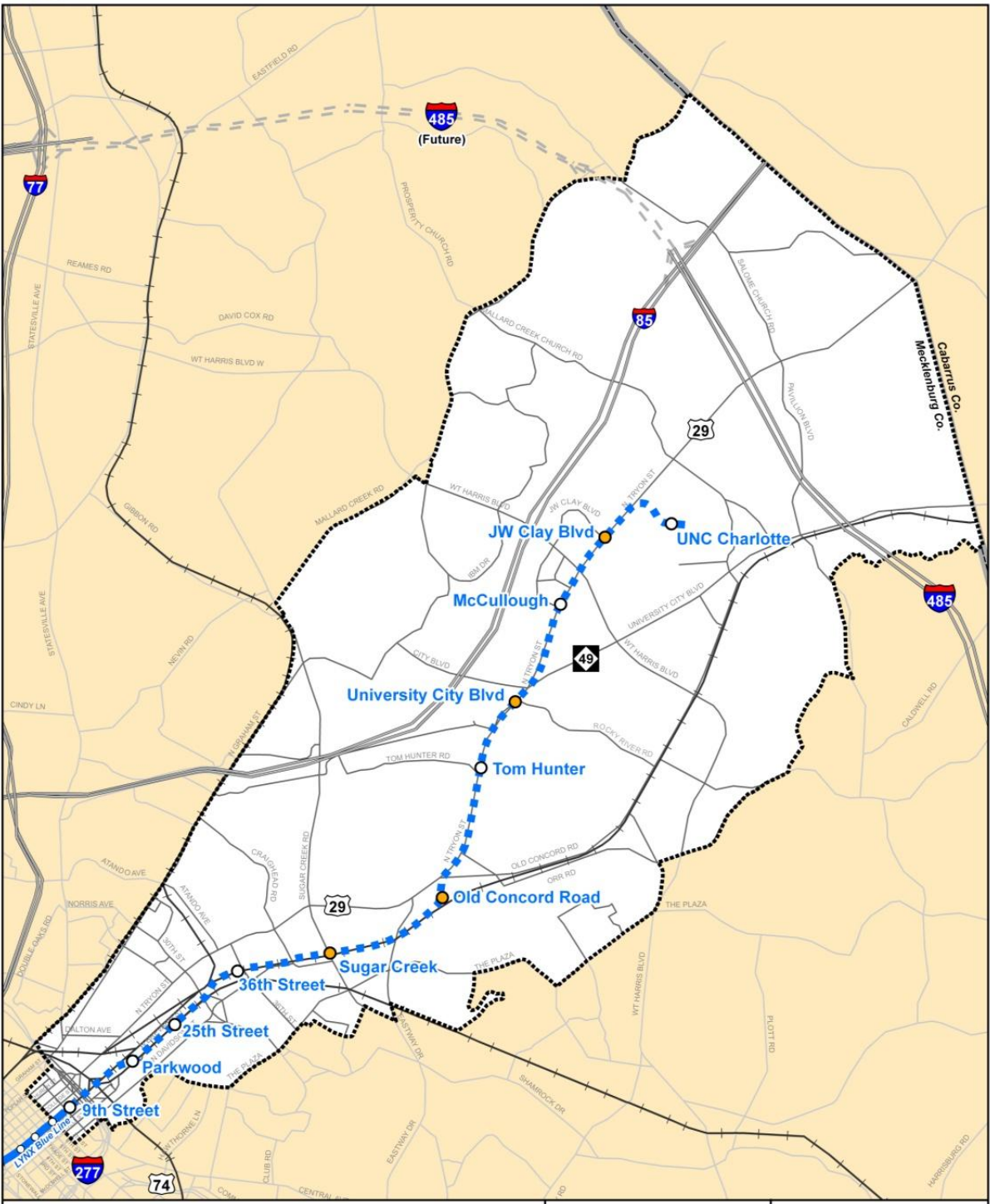


# 2030 Transit System Plan

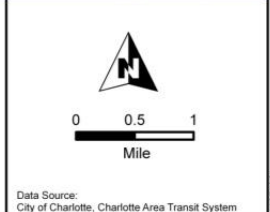




# LYNX BLUE LINE EXTENSION CORRIDOR



Legend	
	Northeast Corridor Limits
	LYNX Blue Line
	LYNX Blue Line Extension
	LYNX Station
	LYNX Station - Park and Ride
	Railroads
	Highway
	Major Roads
	Highway (Future)
	County Line



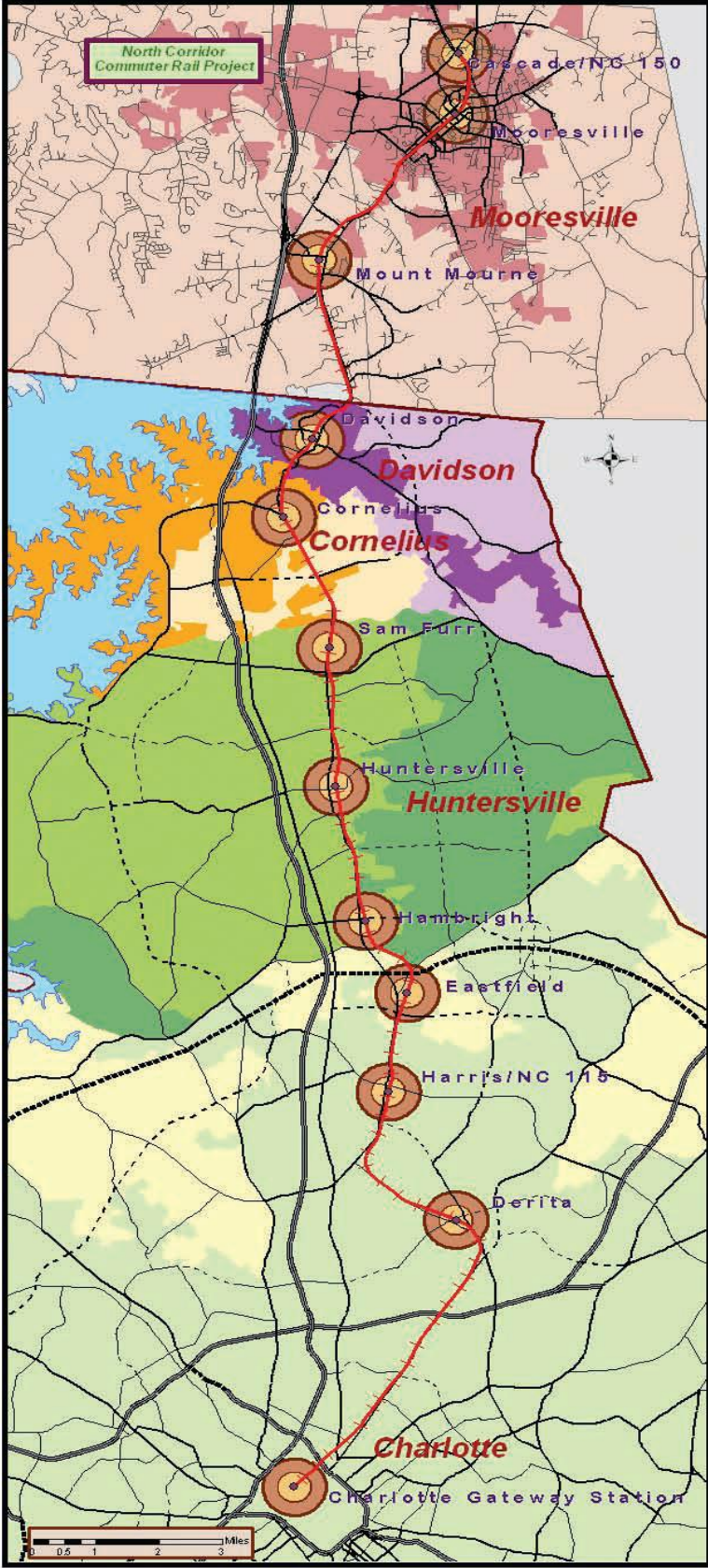
Data Source:  
City of Charlotte, Charlotte Area Transit System

LYNX BLUE LINE PROJECT MAP

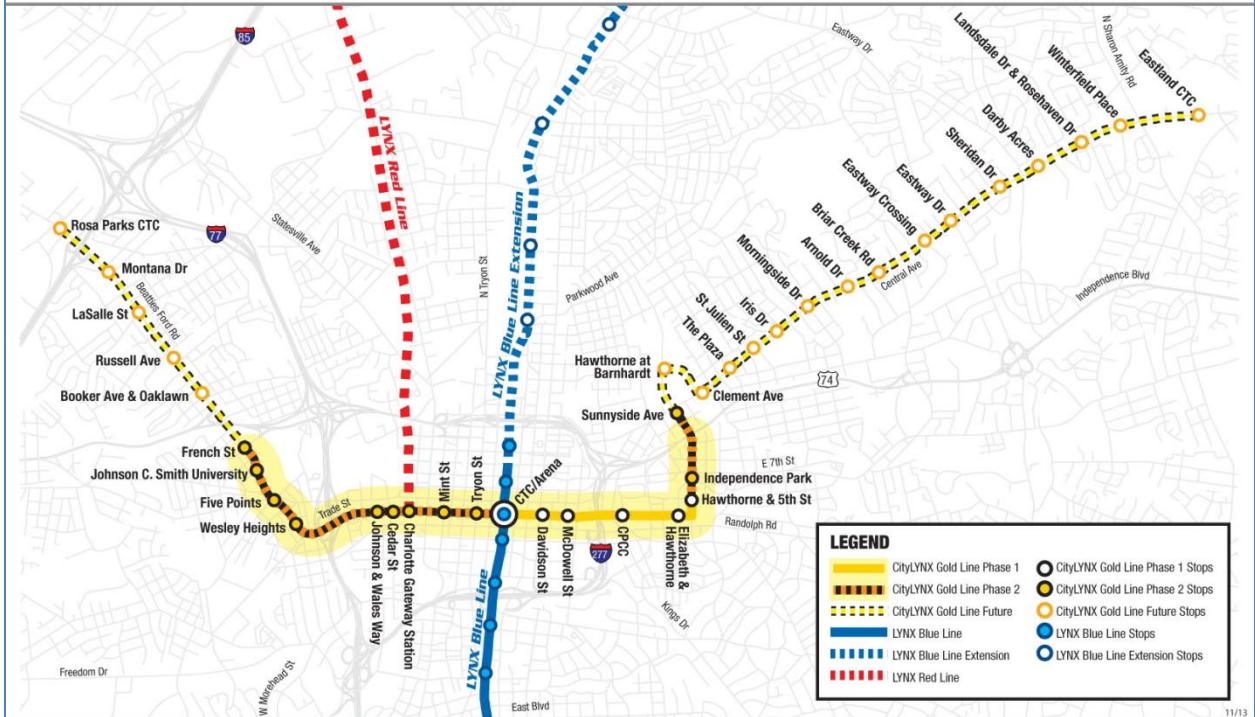
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# LYNX RED LINE CORRIDOR



# CityLYNX GOLD LINE CORRIDOR



LEGEND			
	CityLYNX Gold Line Phase 1		CityLYNX Gold Line Phase 1 Stops
	CityLYNX Gold Line Phase 2		CityLYNX Gold Line Phase 2 Stops
	CityLYNX Gold Line Future		CityLYNX Gold Line Future Stops
	LYNX Blue Line		LYNX Blue Line Stops
	LYNX Blue Line Extension		LYNX Blue Line Extension Stops
	LYNX Red Line		

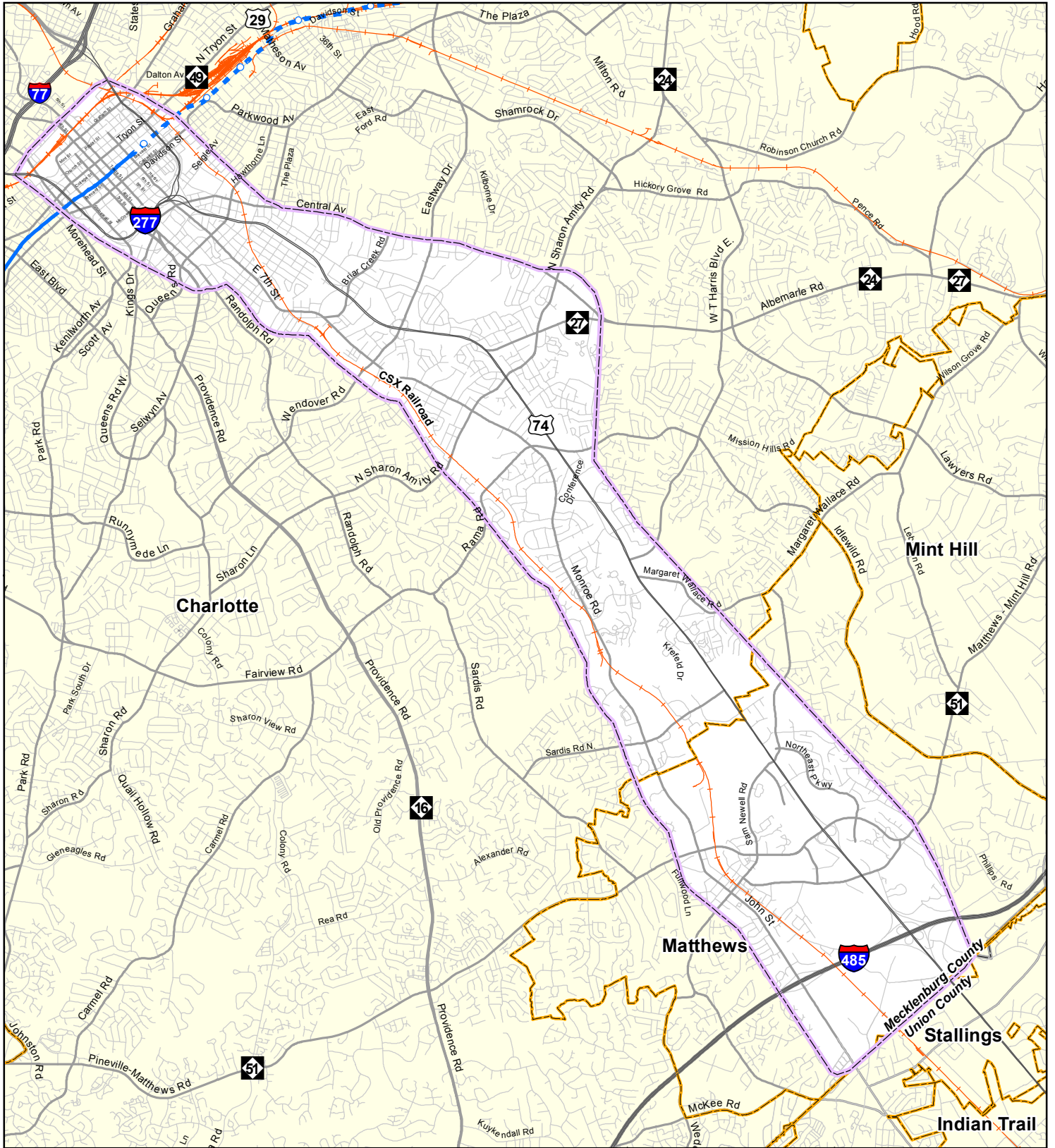
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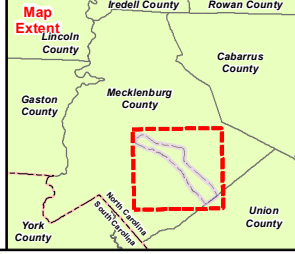






**Legend**

	LYNX Silver Line Study Area		Interstate/US Highway 74
	LYNX Blue Line		Major Roads
	LYNX Blue Line Extension		Streets
	LYNX Blue Line Station		Railroads
			Municipal Boundary



0 0.5 1 Miles

Data Source: City of Charlotte, CATS, Union County



Panoramic View West at W 4th St and S Mint St



### Charlotte Gateway Station Area Context

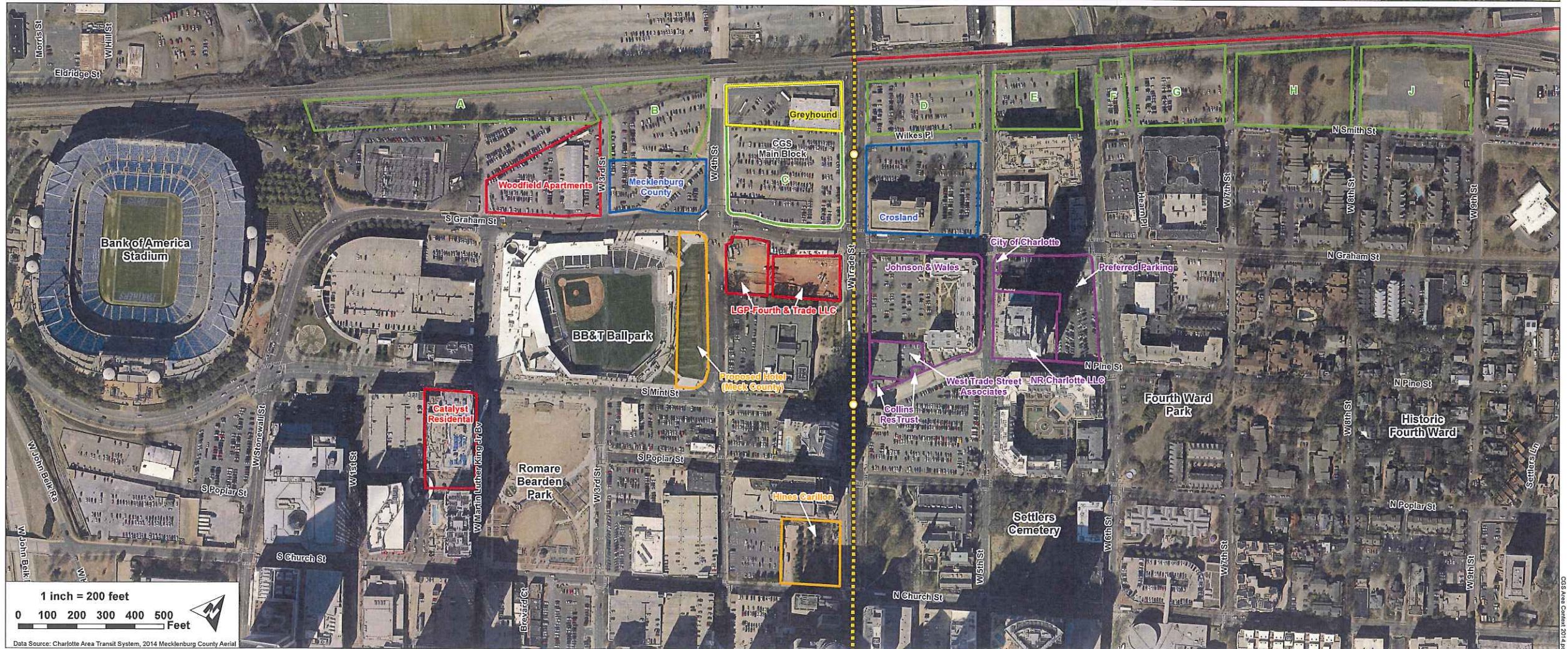
**Legend**

- \*CGS (NCDOT) Main Block
- \*NCDOT-Owned Property
- \*Greyhound
- \*Mecklenburg County/Crosland Property
- Proposed Residential
- Proposed Hotel
- Privately Held Property

**\*Approximate Acreage Before Future Track Alignment**

NCDOT		Greyhound	1.34
A	3.75	Mecklenburg County	1.1
B	1.5	Crosland	2.75
C	2.88		
D	1.56		
E	1.29		
F	0.47		
G	1.8	CGS Main Block	
H	2.14	NCDOT C	2.88
J	2.35	Greyhound	1.34
<b>Total</b>	<b>17.74</b>	<b>Total</b>	<b>4.22</b>

- Proposed LYNX Red Line Alignment
- Proposed Phase 2 CityLYNX Gold Line Alignment
- Stop







## **2015-2016 STATE LEGISLATIVE AGENDA**

### **Replacement Source of Revenue for the Privilege License Tax**

- Support a replacement source of revenue for the business privilege license tax

### **Stormwater Management**

- Authorize the City of Charlotte to undertake the same cost effective flood control solutions on private property as was granted to counties with populations of at least 910,000

### **Street Gang Nuisance Abatement**

- Amend the NC Street Gang Nuisance Abatement Act to state that a gang injunction shall be reviewed by the Court that issued the injunction one year after being issued, and authorize the Court to extend or modify the injunction upon good cause shown by one of the parties

### **Civil Service Board**

- Increase the membership of the Charlotte Civil Service Board from seven to nine members

### **Charlotte Firefighters' Retirement System**

- Request technical amendments to the Charlotte Firefighters' Retirement System in order to maintain conformance with the Internal Revenue Code



## 2015-2016 State Legislative Agenda

<b>Category:</b>	Fiscal & Administrative
<b>Issue:</b>	Replacement Source of Revenue for the Privilege License Tax
<b>Position:</b>	Support a replacement source of revenue for the business privilege license tax
<b>Staff Resources:</b>	Randy Harrington, Management & Financial Services, 704.336.5013

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**Background and History:** The 2014 General Assembly repealed the local privilege license tax effective July 1, 2015. The privilege license tax raises approximately \$62 million per year for North Carolina local governments. When the General Assembly repealed the privilege license tax, it did not specify a replacement source of revenue. The Governor and legislative leaders have publicly committed to securing a replacement source of revenue for the privilege license tax when the General Assembly convenes in 2015.

**Current Need/Problem (including potential allies or detractors):** Over the past several years, the City of Charlotte has received approximately \$18 million per year from the privilege license tax. The revenues support police, fire, solid waste, local roads, economic development and other general fund expenses. In the event a replacement source of revenue is not secured in the 2015 General Assembly, the City will have to determine how to address the loss of \$18 million in general fund revenue while at the same time continuing local efforts to increase economic competitiveness and serve growing levels of population and business activity. In accordance with Federal and State requirements for sound financial practices, the City does not use debt for operating purposes and does not transfer funds from public enterprises to cover general fund shortfalls.

The North Carolina League of Municipalities and North Carolina Metropolitan Mayors Coalition support securing a replacement source of revenue for the local privilege license tax.

**Impact if Addressed/Adopted:** If the General Assembly enacts a replacement source of revenue for the local business privilege license tax, then the City will be better able to provide the services necessary for increasing levels of population and business activity.



## 2015-2016 State Legislative Agenda

<b>Category:</b>	Environmental & Planning
<b>Issue:</b>	Stormwater Management (Local)
<b>Position:</b>	Authorize the City of Charlotte to undertake the same cost effective flood control solutions on private property as was granted to counties with populations of at least 910,000
<b>Staff Resources:</b>	Jennifer Smith, Engineering, 704.336.7924 Lina James, City Attorney's Office, 704.336.4111

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**Background and History:** In 2014, the General Assembly enacted legislation authorizing counties with populations of at least 910,000 to engage in a greater range of flood control solutions on private property that would lead to more cost effective solutions. SL 2014-14 authorizes certain types of flood control solutions as permissible measures for public enterprises operated by counties using stormwater fees. SL 2014-14 expressly authorizes those counties to purchase property for the purpose of demolishing flood-prone buildings and to implement flood damage reduction techniques that result in improvements to private property including elevating structures, demolishing flood-prone structures, and retrofitting flood-prone structures. SL 2014-14 states that these private property improvements are only performed as long as certain conditions are met, such as obtaining consent of the property owners and conducting feasibility studies before proceeding.

**Current Need/Problem (including potential allies or detractors):** The City of Charlotte has operated its stormwater management program as a public enterprise using stormwater fees under the authority of NCGS 160A-311 since 1993. While NCGS 160A-311 does not expressly authorize the same types of flood control solutions that were authorized by SL 2014-14, the City has engaged in these flood control solutions. During this time period, the authority of the City to engage in the same flood control solutions has never been challenged. Since the City of Charlotte operates its stormwater management program in coordination with a county that meets the population threshold of SL 2014-14, the City seeks to secure similar enabling legislation in order to minimize challenges to implementing flood control measures on private property using stormwater fees.

**Impact if Addressed/Adopted:** If the General Assembly expressly authorizes the City of Charlotte to engage in the same flood control solutions for which Mecklenburg County now has authority, then challenges to the City exercising these same options may be mitigated.



## 2015-2016 State Legislative Agenda

<b>Category:</b>	Public Safety
<b>Issue:</b>	Street Gang Nuisance Abatement
<b>Position:</b>	Amend the NC Street Gang Nuisance Abatement Act to state that a gang injunction shall be reviewed by the Court that issued the injunction one year after being issued, and authorize the Court to extend or modify the injunction upon good cause shown by one of the parties
<b>Staff Resources:</b>	Rodney Monroe, Police, 704.336.2360 Mark Newbold, Police, 704.336.2406

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**Background and History:** In 2012, the General Assembly enacted the North Carolina Street Gang Nuisance Abatement Act (SL 2012-28) declaring street gangs that regularly engage in criminal street gang activities as a public nuisance, and authorizing the courts to enter orders enjoining defendants in a suit from engaging in criminal street gang activities and impose other reasonable requirements to prevent the defendant or a gang from engaging in future criminal street gang activities. The courts entered the first temporary injunction authorized by SL 2012-28 in the State of North Carolina in August 2013 against a criminal street gang operating in a Charlotte neighborhood. The temporary injunction expired in August 2014 as the legislation requires the injunction to expire after one year. The City has also filed a public nuisance lawsuit against the criminal street gang, which is still proceeding through the court system.

**Current Need/Problem (including potential allies or detractors):** SL 2012-28 states that temporary injunctions entered into shall expire after one year. However the abatement of gang activity may take longer than a year. Since lawsuits that seek declaration that a criminal street gang is a public nuisance will more than likely last longer than one year, the injunction should be in place for at least the time the suit is pending. The most expeditious way to address this issue is to amend the statute to have the courts review the injunction prior to the expiration date and authorize the courts to modify the injunction by extending its duration for good cause shown.

The North Carolina League of Municipalities and North Carolina Association of Metropolitan Chiefs of Police support this initiative.

**Impact if Addressed/Adopted:** Authorizing the courts to extend temporary injunctions for good cause shown against criminal street gang activity during the time when public nuisance lawsuits are continuing will enable the public to receive additional reasonable protections from such groups.





## 2015-2016 State Legislative Agenda

<b>Category:</b>	Public Safety
<b>Issue:</b>	Civil Service Board (Local)
<b>Position:</b>	Increase the membership of the Charlotte Civil Service Board from seven to nine members
<b>Staff Resources:</b>	Stephanie Kelly, City Clerk, 704.336.4515 Catherine Cooper, City Attorney's Office, 704.432.4761

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**Background and History:** In 1929, the Civil Service Board was established and charged with reviewing and approving appointments, promotions and disciplinary actions, including suspensions, demotions and citations for termination, for sworn police officers and uniformed firefighters in the Charlotte-Mecklenburg Police Department and the Charlotte Fire Department. The Board regularly meets on the first Tuesday of each month to consider appointments and promotions. The Board also convenes hearings, which are held separately from the regular meetings, for sworn police officers and uniformed firefighters to appeal disciplinary actions resulting in suspension, demotion or termination. An appeal hearing typically lasts two to three days and must accommodate the schedule of the participants in the process, including the officer or firefighter, the attorney for the officer or firefighter, the Police or Fire Department attorney, witnesses, court reporter, City staff, and the required number of Board members for the hearing panel. Appeals of suspensions and demotions require three members of the Board to serve on a hearing panel while termination hearings require five members of the Board to serve on the panel. The Board's charter provision states that an appeal hearing shall be held no less than 15 days nor more than 30 days from the date of the notice of appeal, or the termination citation, is received by the Board.

**Current Need/Problem (including potential allies or detractors):** Over the last four years, as a result of accommodating schedules for 14 appeal hearings, the average number of days for the Civil Service Board to hear an appeal is 193 days or 163 days longer than what the City Charter requires. When this issue was first raised in 2010, a revision of the Board's attendance policy was considered. The Board has a 65% attendance requirement for its regular monthly meetings, but not for hearings. It was felt that extending the attendance requirement to hearings could result in problems such as some Board members failing to achieve attendance goals, the loss of qualified appointees, difficulty recruiting for the body and inconsistencies with attendance requirements for other city advisory boards. After managing this issue for the last several years, it is believed that increasing the number of board members will expedite the disciplinary process much more effectively than revising the attendance requirement.

**Impact if Addressed/Adopted:** If the Civil Service Board is expanded to nine members, then it will be easier to select hearing dates which are acceptable to the required number of Civil Service Board members and other participants, with the result that hearings can take place sooner, affording a greater level of certainty to the disciplinary process.



## 2015-2016 State Legislative Agenda

<b>Category:</b>	Public Safety
<b>Issue:</b>	Charlotte Firefighters' Retirement System (Local)
<b>Position:</b>	Request technical amendments to the Charlotte Firefighters' Retirement System Act in order to maintain conformance with the Internal Revenue Code
<b>Staff Resources:</b>	Sandy Thiry, Charlotte Firefighters' Retirement System, 704.336.4431 Thomas Powers, City Attorney's Office, 704.336.5877

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**Background and History:** The Charlotte Firefighters' Retirement System was established in 1947 pursuant to Chapter 926 of the 1947 Session Laws of North Carolina. The System is a defined benefit pension system for which the City is the plan sponsor. The System is governed by an eleven member Board of Trustees that includes: (i) three members of the Retirement System who are selected by the members of the retirement system; (ii) one retiree of the System selected by the retirees of the System; (iii) four residents of the County who are appointed by the Resident Judge of the Superior Court of Mecklenburg County; (iv) the City Manager; (v) the City Finance Director; and (vi) the City Treasurer. The General Assembly has amended the Act periodically in order to maintain compliance with federal or State laws, Internal Revenue Service regulations, and court decisions.

**Current Need/Problem (including potential allies or detractors):** The Internal Revenue Service recently notified the System that several amendments to the Act were required to maintain conformance with the Internal Revenue Code. The amendments are as follows:

- Amend Section 12 to establish a framework for reimbursement of contributions or a deferred benefit for any firefighter who is unable to return to employment with the Charlotte Fire Department on account of death or disability while performing qualified military service on or after January 2007;
- Amend Section 13.1(b)(1) to delete a specific Internal Revenue Code reference;
- Add Section 13.1(b)(5) to authorize a non-spouse beneficiary to rollover his/her benefit to an Individual Retirement Account if the distribution occurs after December 31, 2009;
- Add Section 13.1(b)(6) to authorize a participant or beneficiary to rollover his/her benefit to a Roth Individual Retirement Account if the distribution occurs after December 31, 2007; and
- Add Section 23.1 to authorize a firefighter to receive a distribution for retiree health insurance premiums, which will only be valid between January 1, 2007, and December 31, 2012.

The Board of Trustees approved the amendments on October 23, 2014.

**Impact if Addressed/Adopted:** If the General Assembly makes the necessary changes to the System, then the System will maintain its status as a qualified pension plan under the Internal Revenue Code.



**CHARLOTTE**<sup>SM</sup>

OFFICE OF THE  
CITY MANAGER

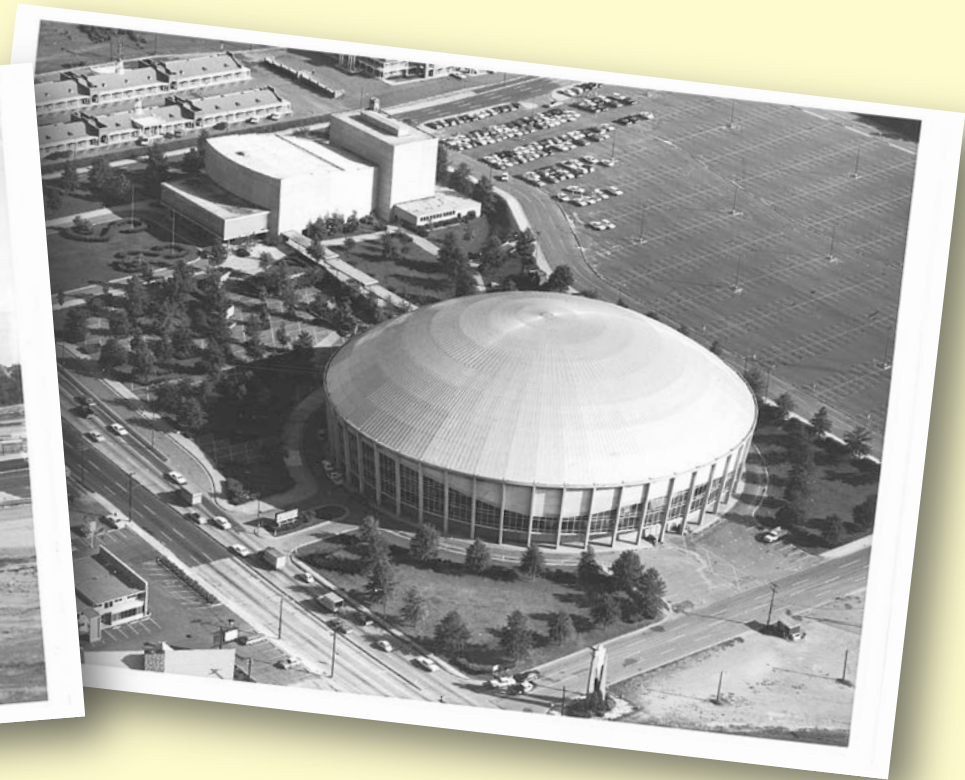
# Proposed Renovations to Bojangles Coliseum

Charlotte City Council

Nov. 24, 2014

## Background

- Bojangles' Coliseum opened as the Charlotte Coliseum in 1955
- First free span dome in the U.S.



Hosted:

- Elvis, Billy Graham, Neil Diamond, Billy Joel and other events.
- ACC and Southern Conference basketball tournaments and the Carolina Cougars of the original American Basketball Association



## Background



- The Coliseum exterior designated as historic landmark
- Needs renovation to stay competitive and highly functional
- In March 2014, City and CRVA staff developed a proposed long-term 20-year needs list totaling \$51M





# Proposed Coliseum Improvements

- A two-year plan for \$16M in renovations
- These improvements are recommended to serve:
  - 85 annual events held here (graduations, consumer shows, civic events, concerts and performances)
  - Future amateur sporting events, including early round CIAA basketball games, college basketball conference games/tournaments and youth sports
  - Proposed 2015 move of the Charlotte Checkers to Bojangles' Coliseum
- The \$16M is comprised of \$12M previously proposed for college basketball, amateur sports and civic events plus \$4M for hockey

# Proposed Coliseum Improvements



- \$8.6M of improvements expected to be done before first season of Checkers
- Additional \$7.4M completed by 2016 summer
- Improvements include scoreboard replacement, new bowl seating, food/beverage upgrades and major mechanical and electrical repairs and improvements
- Checkers expected to invest over \$1.1M in the Coliseum





# Goals Achieved by Checkers Move

## Move of Checkers:

- Supported by Hornets and frees up coveted dates in the Arena
- Improves/solidifies business model for Bojangles
- Brings them back home where they started in Charlotte
- Creates economic vitality in Independence Blvd corridor





# Checkers' Major Deal Points

- 10-year term with two options for additional five-year extensions
- October 2015 to begin play
- Team will pay market rent
- Team and CRVA will share concessions and advertising revenue; CRVA keeps all parking revenue
- Clawback provisions in place if Checkers leave in early years



## Sources of Funding For Improvements

- Sufficient Hospitality Tax capacity exists to fund the \$12M of improvements already planned for collegiate and amateur sports and the additional \$4M needed for the Checkers relocation
- The payback on the \$4M additional improvements is estimated to be after the seventh year because of the positive operating impact to Bojangles

## Next Steps

- City Council to consider CRVA and City staff recommendation on Dec. 8, 2014, to fund \$16M Bojangles improvements
  - First year improvements of \$8.6M completed by end of summer 2015
  - Second year improvements of \$7.4M to be completed by end of summer 2016
- Charlotte Checkers move to Bojangles Oct. 1, 2015

**BOJANGLES COLISEUM**

Charlotte Regional Visitors Authority

Capital Budget Recap - \$12M & \$4M Recap/Budget Plan

Line Item Expense				Budgets at \$12M & \$4M		Phase 1 Total	Phase 2 Total
CAPITAL EXPENSE PROJECT/ITEM	Design Fees	CX Fees	Test/Inspect	COLISEUM \$12M BUDGET	COLISEUM \$4M BUDGET		
Charlotte Checkers Locker Room Upfit*					\$450,000.00	\$450,000.00	
Upfit - Visiting Team Locker Rooms (#3, #4, #5)					\$140,000.00	\$140,000.00	
Upfit - Game Night Locker Rooms (#1, #2)					\$80,000.00	\$80,000.00	
VIP Sealing Upgrades	\$5,000.00				\$100,000.00	\$105,000.00	
Exterior Marquee	\$30,000.00			\$150,000.00			\$180,000.00
Center Hung Scoreboard					\$700,000.00	\$700,000.00	
LED Ribbon/Advertising Signage	\$10,000.00				\$375,000.00	\$385,000.00	
Sound System	\$50,000.00			\$500,000.00		\$550,000.00	
Concessions/Locker Room Club Upgrade	\$75,000.00			\$750,000.00		\$825,000.00	
Broadcast Space Build-out	\$17,500.00				\$200,000.00	\$217,500.00	
Relocate Soundboard/Scoreboard Controls	\$12,500.00				\$150,000.00		\$162,500.00
Ice Plant Repairs/Upgrades	\$20,000.00	\$5,000.00			\$200,000.00	\$225,000.00	
Lighting Upgrades (aisle lights/sports lighting)	\$50,000.00				\$600,000.00	\$650,000.00	
Interior Painting/Graphics/Wall Treatments				\$125,000.00		\$125,000.00	
Wayfinding Signage Package	\$10,000.00			\$100,000.00		\$110,000.00	
Replace Permanent Seating	\$50,000.00			\$1,450,000.00		\$1,500,000.00	
Storage Area Upgrade	\$25,000.00		\$10,000.00	\$400,000.00			\$435,000.00
Loading Dock	\$10,000.00			\$200,000.00			\$210,000.00
First Aid Room/Office Relocation	\$5,000.00			\$65,000.00		\$70,000.00	
Dasher/Glass System					\$157,500.00	\$157,500.00	
Ice Decking/Cover System					\$75,000.00	\$75,000.00	
Ice Resurfacer					\$60,000.00	\$60,000.00	
Hockey Miscellaneous#					\$10,000.00	\$10,000.00	
ADA Compliance	\$25,000.00			\$150,000.00		\$175,000.00	
Asbestos Abatement/Analysis			\$10,000.00	\$200,000.00		\$210,000.00	
Electrical	\$100,000.00	\$15,000.00		\$1,000,000.00			\$1,115,000.00
Mechanical	\$200,000.00	\$25,000.00		\$2,150,000.00			\$2,375,000.00
Exterior - Structural Columns	\$50,000.00		\$10,000.00	\$600,000.00			\$660,000.00
Exterior - Curtainwall	\$25,000.00		\$5,000.00	\$250,000.00			\$280,000.00
Exterior - Roof	\$50,000.00			\$600,000.00		\$650,000.00	
Exterior-Sidewalks/Driveways/Landscaping/G.Shack	\$30,000.00		\$5,000.00	\$400,000.00			\$435,000.00
Exterior - Storm Drain	\$40,000.00		\$10,000.00	\$500,000.00			\$550,000.00
<b>Sub-Total Capital Expenses</b>	<b>\$890,000.00</b>	<b>\$45,000.00</b>	<b>\$50,000.00</b>	<b>\$9,590,000.00</b>	<b>\$3,297,500.00</b>	<b>\$7,470,000.00</b>	<b>\$6,402,500.00</b>
<b>Design and Testing Fees</b>				<b>\$865,000.00</b>	<b>\$120,000.00</b>		
<b>Contingency</b>				<b>\$1,568,250.00</b>	<b>\$512,625.00</b>	<b>\$1,120,500.00</b>	<b>\$960,375.00</b>
<b>Grand Total</b>				<b>\$12,023,250.00</b>	<b>\$3,930,125.00</b>	<b>\$8,590,500.00</b>	<b>\$7,362,875.00</b>

\* Note Checkers to work with architect at Team expense to design space and submit drawings for review/construction to City.

## Items to be Paid By Checkers

### Control Room Equipment

Video Switcher

Replay system

Crossfire video system

Graphics Generator

Audio mixer

5 Wireless microphones

5 cameras

Camera shading control unit

Cabling for cameras

Communication system for crew

Monitor Wall

Sound system for arena

Digital recording system

4 DVD/Blu ray recorders

1 edit bay (editing computer and monitor)

Monitors for producer's station and audio mixing station

Audio click effects

**Total for this category: \$600,000-800,000**

## Items to be Paid By Checkers

### Hockey Facilities Capital Investment

Locker room stalls

Weight room equipment

Furnishings

Audio

Video

Training room supplies/furnishings

Office Furniture

Laundry Machines

Sewing Machines

Skate Sharpeners

Glove Driers

Refrigerator

**\$500,000-600,000**

**TOTAL CAPITAL INVESTMENT ESTIMATE: 1.1M-1.4M**

**Bojangles Coliseum Renovation  
CIP Request  
2/19/2014**

<p>Storm Drainage</p> <ul style="list-style-type: none"> <li>Replace the main loop</li> <li>Replace the connection between the down spout and main</li> <li>Clean, line, or plug the main under the building</li> <li>Exterior downspouts</li> </ul>	<p>\$1,100,000</p>	<p>Storm drainage line goes both around the building and under it. They are old and need attention. The downspouts tie directly into the top of the loop, not through a catch basin. Downspouts are within the structural ribs and need to be replaced with new ones on the outside of the building.</p>
<p>Roofing</p> <ul style="list-style-type: none"> <li>Replace the center of the dome</li> <li>Repair the seams</li> <li>Replace the lightning protection system</li> <li>Install structural ties</li> </ul>	<p>\$600,000</p>	<p>The original roof is in surprisingly good shape. The center 13' diameter crown needs replacing and some seams need repair. Needs a new lightning protection system. Needs a tie-off system for workers to inspect the roof.</p>
<p>Structural Repairs</p> <ul style="list-style-type: none"> <li>Repair exterior structural columns</li> </ul>	<p>\$600,000</p>	<p>Structural concrete ribs are spalling. Concrete must be repaired.</p>
<p>Exterior</p> <ul style="list-style-type: none"> <li>Replace curtainwall to improve energy efficiency</li> <li>Repair sidewalks</li> <li>Repair parking around the Independence frontage</li> <li>Replace existing perimeter slabs at columns (dock to offices)</li> </ul>	<p>\$1,800,000</p>	<p>\$1.4M can replace the original glass curtainwall with an energy-efficient version. Sidewalks around the perimeter are settling due to a failure of the storm drainage system.</p>
<p>Asbestos Removal</p>	<p>\$2,000,000</p>	<p>CRVA says asbestos is extensive. No analysis done, so this is a grab number.</p>
<p>Mechanical</p> <ul style="list-style-type: none"> <li>Replace air handling units</li> <li>Replace chillers</li> <li>Replace 3 of the 3 boilers (Ovens central plant)</li> <li>Replace duct work in concourse</li> </ul>	<p>\$5,200,000</p>	<p>David Miller had Carrier study the plant and energy bills and recommend a solution and budget estimate. CRVA has an estimate to replace the boilers that serve both Ovens and Bojangles. Bowl duct can remain, other major ducts are undersized.</p>
<p>Electrical</p> <ul style="list-style-type: none"> <li>Replace lighting control system</li> </ul>	<p>\$3,750,000</p>	<p>Mark Zagar investigated this system to determine changes needed to bring it up to standard and to meet</p>



<ul style="list-style-type: none"> <li>Replace show lighting</li> <li>Replace panel boards</li> <li>Replace switch gear</li> <li>Aisle/Safety Lighting</li> <li>Increase from 3k amps to 4k amps</li> </ul>		<p>the needs of potential shows. If the lights and controls are replaced, there's a chance enough power can be freed that we will not need to increase the power supply to 4k amps.</p>
<ul style="list-style-type: none"> <li>Scoreboard/Sound System/Marquee</li> <li>Upgrade existing sound system</li> <li>Replace exterior marquee</li> <li>Replace existing interior scoreboard</li> <li>Replace center hung scoreboard</li> <li>Replace interior message boards</li> </ul>	\$2,500,000	<p>These systems are very old and no longer meet the needs/expectations of the event organizers. These systems should be replaced. But, the estimate does not provide top-of-the-line equipment.</p>
<ul style="list-style-type: none"> <li>Seating</li> <li>Removal/Demo of existing 9,331 seats</li> <li>Replacement new seating (exact capacity TBD-\$150/seat)</li> </ul>	\$1,600,000	<p>Original seats are wooden, not comfortable and are sized for a "thinner" population. May need to lower the seat count to put wider seats in the bowl.</p>
<ul style="list-style-type: none"> <li>Finishes</li> <li>Painting</li> <li>Carpet/wall finishes</li> </ul>	\$1,000,000	<p>Very rough estimate. This allowance is not very high based on the size of the building.</p>
<ul style="list-style-type: none"> <li>Storage</li> <li>New 9,000SF enclosed/conditioned storage</li> <li>Upgrade existing 9,000SF exterior storage</li> <li>Grading and retaining walls required</li> </ul>	\$2,800,000	<p>Coliseum is in desperate need of conditioned storage space. The current facility has very little inside and covered, but not enclosed outside. CRVA prefers that it be adjacent to the building. This means cutting into the large bank and building a retaining wall for the storage. CRVA also wants minor changes to the exterior storage space.</p>
<ul style="list-style-type: none"> <li>Restrooms</li> <li>Replace existing steam fire unit heaters</li> <li>Replace exhaust fans</li> <li>Demo/replace all partitions and accessories</li> <li>Fixtures replacement as needed</li> <li>Replace accessories</li> </ul>	\$2,500,000	<p>The existing restrooms had updates in 1992. But, they do not meet current ADA standards. Mechanical and plumbing modifications are also needed.</p>
<ul style="list-style-type: none"> <li>ADA Improvements</li> </ul>	\$800,000	<p>Bojangles lacks passenger elevators which limits where</p>

Status of current parking needs		people with disabilities can sit. A new elevator is needed. Also, the parking lot needs to be studied to ensure the correct number and location of ADA spaces is there.
Elevator accessibility		
Loading Dock	\$250,000	Minor upgrades are needed to accommodate vehicles used by event promoters.
Exterior canopy		
Roll door to north of dock for additional ingress		
Pavement grading for truck unloading		
Acoustical	\$1,250,000	Based on estimate from CRVA.
Replace existing panels in seating bowl		
Additional ceiling mounted panels		
Fire Alarm/Life Safety/Generator	\$750,000	Building needs two new emergency generators for life safety. Estimate was acquired by the CRVA.
Current generator for minimal exit lighting of 50KW		
Per Rogers estimate \$500K		
Per Rogers estimate for new generator \$250K		
Concessions/Food Service	\$800,000	Size of the concession stands and equipment being used is no longer adequate to serve the needs of the customers or staff/organizations that operate them.
Demo existing spaces as needed		
Space upgrades		
Equipment allowance		
Portable equipment		
Plumbing	\$1,000,000	Restrooms in the dressing rooms need updating. New sewage lift stations are needed. Cast iron pipes need to be inspected to see if they are intact.
Fixture upgrades in dressing rooms		
Cast Iron Pipe field testing		
Sewage Lift stations		
Locker Rooms	\$250,000	Locker rooms need updating with new finishes.
Demo existing ceilings/floors/walls		
New floor surfaces/ceilings/walls		
Replace existing wood lockers		
FF&E	\$200,000	Concourses need updating with new TVs and displays.
Concourse TVs		

Visual display

<u>Security Systems</u>	<u>\$350,000</u>
subtotal construction	\$31,100,000
construction contingency (20%)	<u>\$6,220,000</u>
	\$37,500,000
Design fees (12%)	\$4,500,000
Staff/Admin (4%)	\$1,500,000
Testing/inspection (1.5%)	\$562,500
Commissioning (1.5%)	\$562,500
Public Art (1%)	\$375,000
Contingency (15%)	<u>\$5,625,000</u>
	\$50,625,000
<b>SAY</b>	<b>\$51,000,000</b>

Building has no security system.

Estimating contingency

E&PM estimate

E&PM estimate

E&PM estimate

E&PM estimate

City requirement

Covers additional unknowns

Major Unknowns

ADA modifications

Life safety requirements by Code

Plumbing fixture count required by Code

Historic Landmarks Commission requirements

Asbestos remediation

Sources of scope and estimates

Odell/Rodgers Builders 2013 study

George Hite

Steve Bagwell

Ted Lewis

William Haas

Steve Marlowe

David Miller

Mark Zagar

## Memorandum of Understanding

This Memorandum of Understanding ("MOU") is entered into as of this 12th day of November 2014, by and between the Charlotte Regional Visitors Authority ("CRVA") and Charlotte Checkers Hockey, LLC (the "Team") and sets forth the general terms and conditions under which the AHL Charlotte Checkers (the "Checkers") would hold their home hockey games at Bojangles' Coliseum (the "Coliseum") in Charlotte.

The CRVA and the Team agree to negotiate in good faith toward execution of a use agreement for the Coliseum which will include the specific terms and conditions of the Team's rights and obligations to hold hockey games at the Coliseum (the "License Agreement"). In addition to the terms set forth in this MOU, the License Agreement will contain additional representations, warranties, covenants, conditions and terms as are customary in transactions of the type contemplated by this MOU and are consistent with the terms of this MOU. The parties acknowledge and expressly agree that this MOU is not binding on the parties, and while the parties will use reasonable efforts to agree on and enter into the License Agreement, neither party shall be bound until a License Agreement is signed by the parties and either party may suspend negotiation at any time without liability. No circumstances and no past or future action, course of conduct, or communication shall give rise to or serve as a basis for any obligation or other liability, unless and until the parties enter into a License Agreement.

1. **Term.** The License Agreement will have a 10-year initial term commencing on July 1, 2015. The Team will play all of its regular season home games, exhibition games and post-season games for the American Hockey League (AHL) 2015-2016 season, and all subsequent seasons, at the Coliseum during the term. The Team will have the option each season to hold up to two (2) regular season games in another venue, provided that any game played in the Charlotte Metropolitan Statistical Area will be played at the Coliseum. Notwithstanding the foregoing, if a previously-scheduled regular season game cannot be played at the Coliseum, for reasons outside of the control of the Team, or if a post-season game cannot be played at the Coliseum on a date requested by the Team because of a CRVA scheduling conflict, such game can be played at Time Warner Cable Arena. The initial term will end on June 30, 2025. The Team will have two five-year options.
  
2. **Capital Improvements -- CRVA.** CRVA proposes to upgrade certain areas of the Coliseum, conditioned upon funding received from local government partners, to meet requirements of Team, American Hockey League and Carolina Hurricanes (NHL parent organization) and consistent with the Capital Improvements list attached as Exhibit A. As reflected on Exhibit A, certain upgrades will be completed by October 15, 2015 and the remaining upgrades will be completed in the following two years. The License Agreement will include a more detailed list and description of the upgrades that will occur, including a more detailed timeline for completion. Both parties acknowledge that current pricing scope for improvements are estimated prices only and actual project pricing may impact ability of CRVA to complete all items. The CRVA and the Team will consider the addition of specific VIP or Party

seating, taking into consideration the impact the addition of such seating could have on other upgrades. Addition of such seating will occur with the mutual agreement of both parties.

3. **Capital Improvements-Team.** As part of the License Agreement, CRVA and Team will develop a mutually agreed-upon list of improvements that would be the sole responsibility of the Team to fund. This list includes, but is not limited to, the fixtures, furniture and equipment obligations for the following spaces in the Coliseum: Team Family Room, Weight Room, Equipment Room, Training Room and Locker Room. Up-fit of the Team's office space, wherever located, will be the responsibility of the Team. The CRVA will provide the Team space in the Coliseum for broadcast of Team home games, of approximately 440 square feet and in shell condition. CRVA will provide to the shell space connections for electrical, HVAC, plumbing and data. Team will be responsible for interior up-fit of the broadcast space including furnishings and equipment.
4. **Existing Game Items.** The CRVA, working with the City of Charlotte, may transfer, but is not required to transfer, certain hockey-specific items from Time Warner Cable Arena (TWCA) to the Coliseum. Such transfer may be limited by obligations the CRVA or the City may have regarding the items. These items could include, but are not limited to: dasher boards, hockey glass system, ice decking, ice re-surfacer(s), safety netting, rubber matting and other miscellaneous hockey-specific equipment. To the extent such items are not transferred to the Coliseum, the CRVA and Team agree that costs for purchasing these items to be used at the Coliseum would be split evenly between CRVA and Team, with Team expenditure capped at \$250,000.00.
5. **Bojangles' Ice System.** The CRVA will test the current Coliseum ice plant system, and will work with a third party ice system consultant, to confirm operational ability. The Team will have the ice expert from the Carolina Hurricanes come to Charlotte to consult with the CRVA concerning ice production. The CRVA will bear the cost of any repairs or improvements made to the ice system.
6. **Operational Matters.** The License Agreement will include the following provisions regarding operation of the Coliseum and hockey games in the Coliseum:
  - a) **Game Day License Fee:** The Team will pay a license fee for each hockey game (including exhibition and play off games) held at the Coliseum. For games held on Monday, Tuesday, Wednesday, Thursday and Sunday (if the Sunday is in the period between October 1 and January 31), the license fee will be \$2,750.00 per game for years one through three of contract. Beginning with year four, the license fee for such games will increase by 2.5% annually. For games held on Friday, Saturday and Sunday (if the Sunday is after January 31), the license fee will be \$4,250.00 per game for years one through three of contract. Beginning with year four, the license fee for such games would increase by 2.5% annually. The license fee will be paid at settlement after the game.

- b) **Game Use Agreements:** The Team will sign the Coliseum's standard license agreement before each team game. The license period for each game day will be from 7am to 11:50pm, and the game event period during the license period, during which ticketholders will be admitted into the Coliseum, will run from one hour before the game through thirty minutes after the game.
- c) **Ticketing Fee:** A ticketing fee of three percent (3%) will apply and be paid by the Team to the CRVA for all tickets sold for home team games, excluding tickets sold by the Team to season ticket holders (including full season or partial season ticket packages) or for group sales (groups of at least 15 persons). Purchasers of tickets will pay the standard ticketing fees under the CRVA's agreement with its ticketing partner.
- d) **Facility Renovation Fee:** A \$2.00 per ticket renovation fee, to be included in the ticket price, will apply and be paid by the ticket purchaser to the CRVA for each ticket sold through the Coliseum, the Coliseum ticket office or Ticketmaster.
- e) **Game Day Expenses; Staffing:** The Team will pay for game day event staffing. The CRVA and the Team will work jointly to determine the numbers and positions of game day event staffing needed for the game days, provided that the CRVA will determine the final numbers and positions based on safety, security and other event needs. Game day event staffing would include, but not be limited to, the following staffing positions: ushers, ticket takers, door guards, usher coordinators, event staff supervisor, guest services, event security, police security, stagehands, fire marshals, first aid, switchboard operator, ice crew personnel, spotlight operators, scoreboard operators, janitorial crew and post-game clean-up. Charges at settlement would include the CRVA payroll charge currently at 23%. Additional charges would apply if additional staff are required or out of pocket expenses are incurred for any pre-game and/or post-game functions such as group parties, autograph sessions, or post-game concerts. The Team will pay for equipment or other items (other than standard equipment necessary to stage a hockey game) which the CRVA is required to acquire, solely to meet the Team's requirements for staging a hockey game. Game day expenses and staffing will be paid at settlement. Settlement will occur on or before the 15<sup>th</sup> day of each month for all of the games held in the prior month. No ticket revenue will be released for a hockey game until settlement for such game occurs. At settlement, the CRVA will pay to the Team any concession commissions due under Section 6(h).
- f) **Catering:** All catering for Team game day activities will be arranged through the Food and Beverage Department of the CRVA. CRVA agrees that Team will have the option to use an outside food source (such as a Team sponsor) for team catered meals (in a location to be stated in the License Agreement) for game day staff and officials. If the location for such team catered meals is not inside the team areas, as defined in Section 6(g), the CRVA will prepare the location on game days for restaurant operations at the Team's expense. The Team estimates that the number of staff to be served at team catered meals will be approximately 100 per Team game. The Team will work in good faith with the



CRVA's Food and Beverage Department to have the CRVA prepare the team catered meals at the Team's expense.

- g) **Team Areas:** The Team will have the right to use certain team areas, including a Team locker room, coaches offices and family room, as further detailed in the License Agreement, on an exclusive basis during the term subject to Section 9, below. The Team will be responsible for the cost of cleaning and maintaining the team areas. The CRVA will empty trash from team areas on game nights as part of post-game clean-up, and Team agrees that CRVA cleaning staff will be given access to the team areas as necessary for cleaning. The Team will reasonably cooperate in giving access to the team areas when such access is necessary to book a third party event at the Coliseum. Visitor locker rooms will only be available to the Team on game days. On non-game days, including Coliseum event days other than hockey game days, the Team will not have the right to access non-team areas of the Coliseum, subject to reasonable provision for ingress and egress to and from the team areas.
- h) **Concessions:** CRVA will pay a commission to the Team based on concessions sales for Team games only according to the following schedule:

5% commission on gross concession sales between \$0.00 and \$500,000.00  
10% commission on gross concession sales between \$500,000.01 and \$900,000.00  
15% commission on gross concession sales over \$900,000.01

The lower and upper threshold of each tier will remain unchanged for the first three years of the agreement. At the beginning of year four the lower and upper thresholds greater than \$0 will increase by 2.5% annually, to the extent such percentage increase does not exceed the year over year percentage increase in gross concession sales calculated on a per capita basis (gross concession sales for the season divided by total attendance for the season).

The CRVA and Team will consult concerning the types and price of concessions to be offered during Team games. However, the CRVA will retain the right to determine types and price levels of concessions offered at the Coliseum, including during team events. Commission payments shall be made to the Team as part of the monthly settlement as provided in Section 6(e).

- i) **Complimentary Tickets:** The CRVA will receive up to 30 complimentary tickets per game, as requested, for CRVA use. Twelve of the allotted 30 tickets per game would be for exclusive use of naming right sponsor Bojangles' Restaurants. The twelve (12) tickets for Bojangles' Restaurants will be located in Box Seat section 123, rows A, B & C, seats 1-4. The remaining 18 complimentary tickets for CRVA will be within price levels one, two or three of Team price levels.

- j) **Parking:** CRVA will control all parking operations on Team game days. All parking revenues and associated expenses will belong to the CRVA. The cost for parking for Team game days is currently projected to be \$10.00/space. Sixty-seven (67) game-day parking passes will be made available by the CRVA for players, officials and game-day staff, in a location to be provided in the License Agreement, which may or may not be in the Coliseum parking lot, at no cost to the Team. CRVA agrees to work with the Team on parking for season ticket holders at parking locations to be determined. Provided that spaces are available in CRVA-controlled areas, the CRVA will provide between 200 and 250 spaces for season ticket holders in such areas. Prior to beginning of each season, the Team and CRVA will agree on the number of season ticket parking tags to be issued and the CRVA will reserve that number of spaces for season ticket holders. The CRVA may sell the unreserved spaces to the general public. The Team will be responsible for parking tags and signage for season ticket holder parking, at the Team's cost. The CRVA will hold the agreed-upon number of reserved season ticket parking spaces for season ticket parkers with car tags from the time the lot opens until thirty (30) minutes before each game (the "Reserved Parking Period"). After the Reserved Parking Period, any unused spaces in the season ticket parking area can be used for parking the general public. If a season ticket holder arrives after the Reserved Parking Period, they will be able to park in unreserved spaces in the CRVA parking lot, if parking is available. Any season ticket holder with a car tag who parks in the CRVA lot will be able to park without charge. The Team will pay at each monthly game settlement seventy-five percent (75%) of the then-current parking rate for each season ticketholder with a car tag who accesses the CRVA parking lot for each game covered by the monthly game settlement.
- k) **Marketing:** The Team will be responsible for the primary marketing plans for Team games. CRVA's Marketing Department will assist the Team if requested and as available.
- l) **Scheduling:** CRVA agrees to provide team with a minimum of 28 weekend dates (Fridays, Saturday and non-NFL Sundays) for scheduling purposes as and when requested by the American Hockey League. After the CRVA has provided proposed dates to the Team but before the AHL has confirmed a schedule, the Team will accommodate reasonable requests to make changes in the dates submitted to allow bookings of the Coliseum which have been requested by third party users since CRVA submitted available dates to the Team. CRVA may schedule an event in the Coliseum during pre-season practice times, and the CRVA will give the Team at least thirty (30) days prior notice so that it can cancel or reschedule its practice, as appropriate. For one game in each season, where a third party requests to book an event on a scheduled game date, provided that the CRVA has given at least sixty (60) days notice to the Team, the Team will reschedule such game. If the game that is rescheduled was to occur on a Friday or Saturday night, the CRVA will either offer a Friday or Saturday night within the season for Team to hold the rescheduled game or, if such a night is not offered, the

CRVA will pay to the team a rescheduling fee of Ten Thousand Dollars (\$10,000.00) if and after the replacement event is held in the Coliseum.

- m) Advertising:** To the extent reflected on Exhibit A or as further set forth in the License Agreement, the CRVA would upgrade interior electronic signage panels/boards in the Coliseum. CRVA agrees that Team would have the right to sell signage rights for new and existing interior signage, except as required under the current or any future naming rights agreement or any current or future agreement with a food and beverage provider to the Coliseum, including alcoholic beverages. The CRVA and the Team will divide revenue from sale of signage as follows: (i) expense of fabrication and/or installation would be deducted and paid to the CRVA, (ii) a 10% commission would be deducted and paid to the Team, and (iii) the remaining advertising revenue would be split 75% to Team and 25% to CRVA. The CRVA will be a signatory to any interior electronic signage agreements, in a form reasonably acceptable to the CRVA, and which will include the right to allow other users to post event sponsorship signage. The Team may sell game day signage (dasher signage, temporary game day signage, or in ice signage) and retain all revenue from such signage. CRVA will have no responsibility, including financial responsibility, for game day signage, including fabrication, installation or removal. The Team's game day signage will comply with any current or any future naming rights agreement or any current or future agreement with a food and beverage provider to the Coliseum, including alcoholic beverages. The Team will not enter into any exclusive signage arrangements without the consent of the CRVA, which will not be unreasonably withheld. The CRVA will have the right to allow food and beverage providers, including alcoholic beverage providers, to post signage in the Coliseum, including at concession sales areas and on menu boards.
- n) Products/Services:** Team agrees that no sponsor agreement will include an obligation by the CRVA to use the products or services of said sponsor. Examples include, but are not limited to, cleaning/janitorial services, pest control, and security. The CRVA agrees to discuss with Team possible exceptions for its current sponsor, Novant Health, to provide emergency medical services at the Coliseum and Ovens Auditorium.
- o) Practice Time at Coliseum:** CRVA will work with Team on the scheduling of Team game practices based on availability. CRVA agrees there will be no charges to Team for Team practices on game days, based on building and ice availability. The Team will pay \$125.00/hour for Team practices on non-Team game days, based on building and ice availability. A visiting team will pay \$250.00/hour for visitor team practices on non-team game days, based on building and ice availability.
- p) Youth Hockey Programming:** CRVA agrees to work with Team on potential youth ice hockey practices and youth game events at Coliseum, provided that neither party will be obligated with respect to such practices or events until a written agreement concerning the events is signed by the parties. As part of such agreement, the CRVA and Team would mutually agree on proposed scheduling and pricing for youth hockey related

events, with CRVA and Team splitting revenues from such events evenly after the deduction of mutually agreed upon Coliseum expenses.

7. **Termination.** Team will have an option to terminate the agreement if the NHL Carolina Hurricanes franchise ceases to operate and the Team is unable to secure an affiliation agreement with another NHL team (with notice of termination at least 180 days prior to the beginning of a season). The Team will have a right to terminate if the ice system fails to create ice consistent with league standards, after a period to allow repair or replacement of equipment as necessary. In the License Agreement, the Team will acknowledge that the CRVA has incurred substantial expenses to make the Coliseum suitable to host Team hockey games and that the CRVA will incur substantial losses if the Team does not play Team games at the Coliseum pursuant to the agreement. If the Team ceases to operate or fails to play its home hockey games at the Coliseum in the first two years of the License Agreement because the Team has lost its affiliation with a NHL team, the CRVA will be entitled to receive liquidated damages as follows: Year One-\$2.0M, Year Two-\$1.0M. If the Team ceases to operate or fails to play its home hockey games at the Coliseum for any other reason, the CRVA will have the right to seek specific performance to require the Team to perform its obligations under the License Agreement. If the CRVA is denied specific performance to enforce the Team's obligation, or if notwithstanding the right of specific performance, the Team fails to play its home hockey games in the Coliseum, the CRVA will be entitled to receive liquidated damages through the initial term of License Agreement as follows: Year One-\$2.5M, Year Two-\$1.5M, Year Three-\$1.0M, Years Four through Ten-\$500K. In addition to the damages related to the Team's failure to play prospective games, the Team will be liable for any unpaid amounts, loss or damages occurring before the termination of the License Agreement, whether based on a Team game held at the Coliseum or otherwise. The Team's obligation to pay liquidated damages will be guaranteed by Michael A. Kahn, currently the majority owner of the Team, provided that such owner's liability will be limited to any short fall in the Team's payment of liquidated damages.
8. **Naming Rights Agreement.** Team acknowledges that CRVA has an existing agreement with Bojangles' Restaurants, Inc. as the naming right sponsor for the Coliseum and that the CRVA must continue to meet all contractual obligations of the existing agreement. Contractual obligations include, but are not limited to: i) rights of naming sponsor to approve interior and exterior signage, ii) the right to approve sport playing surface signage, iii) the rights that CRVA has for users to incorporate the naming rights partners logo in communications and materials, iv) the rights to approve event staffing apparel, v) the requirement to sell naming right sponsor products in Coliseum and vi) a restriction on competing products that can be sold in the Coliseum. The License Agreement will be subject to and must comply with the CRVA's obligations under the naming rights agreement. Team agrees that all revenues, and any associated expenses, related to naming rights (existing or future) belong to the CRVA. The CRVA agrees that, as part of any future negotiations with the existing or a new naming rights partner, the CRVA will request that the naming rights partner discuss with the Team (through the CRVA) a potential sponsorship, provided that neither the CRVA nor the naming rights partner will have any obligation related thereto.

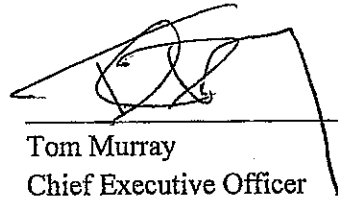
9. **CIAA Agreement.** The Team acknowledges that CRVA has an existing agreement with the Central Intercollegiate Athletic Association, which grants to the CIAA certain rights to conduct basketball practices and games at the Coliseum before and during the annual CIAA basketball tournament, during the term. The License Agreement and the Team's use of the Coliseum will be conditioned upon and must comply with the provisions of the CIAA agreement.
10. **City Promotion.** Team acknowledges that the promotion of the City of Charlotte in a uniform manner is advantageous to the City, Team, the CRVA and the Coliseum. To that end, to the extent not inconsistent with AHL rules and regulations, the Team agrees that it work with the CRVA's Marketing Department to determine reasonable ways that the Team can include the charlottesgotalot logo, or other designated graphic recognition, in its team communications, including in promotional materials and on dasher boards.
11. **Timing.** The parties hereto agree to negotiate in good faith until January 15, 2015 with respect to a License Agreement and any ancillary agreements consistent with this MOU. This MOU may be terminated by any party on or after January 15, 2015.
12. **Public Notice.** The CRVA will post a ten day public notice of the proposed License Agreement, as required by law. The board of the CRVA will hold a meeting and a vote after the public notice period, and the obligation of the CRVA to enter into the License Agreement is expressly contingent on an affirmative vote by the CRVA board.
13. **Announcements.** No party hereto will distribute or make any press releases, announcement or public statement regarding the subject matter of this MOU, or the status of any negotiations with respect to definitive agreements, without the prior written approval of the other parties hereto, or except as required by law.
14. **Costs.** Except as otherwise agreed by the parties in writing, each party will bear its own legal, accounting and other fees and expenses and due diligence costs associated with negotiation and execution of this MOU and the License Agreement.
15. **Miscellaneous.** This MOU and all exhibits mentioned herein or attached hereto, which are hereby incorporated herein by reference, set forth the entire agreement between the parties and supersedes all prior agreements and understandings. None of the terms of this MOU may be waived or modified except as expressly agreed to in writing by the parties. Nothing in this MOU shall be construed to place the parties in the relationship of partners or joint ventures, or employer and employee, and neither shall have the right to obligate or bind the other to a third party in any manner whatsoever. If any party brings any action to interpret or enforce this MOU, or for damages for any breach of this MOU, the prevailing party in any such action shall be entitled to reasonable attorneys' fees and court costs in addition to all other recovery, damages and costs. This MOU will be governed by and construed in accordance with the substantive laws of the State of North Carolina. Any judicial proceeding brought with respect to this Agreement must be brought only in a court of competent jurisdiction in Mecklenburg County in the State of North Carolina. This MOU is intended solely for the benefit of the parties hereto and not for the benefit

of any other person or entity. This MOU cannot be assigned by any party without the prior written consent of the other. This MOU may be executed in any number of counterparts, all of which taken together shall constitute one and the same document. Signatures sent by electronic mail or facsimile shall be deemed original signatures.

The below-referenced signatories represent and warrant that they are authorized to sign this MOU on behalf of their respective parties and to bind such party to the terms and conditions herein.

CHARLOTTE REGIONAL VISITORS  
AUTHORITY

By



Tom Murray  
Chief Executive Officer

CHARLOTTE CHECKERS  
HOCKEY, LLC

By:

Michael A. Kahn  
Chief Executive Officer  
and Owner



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CHARLOTTE REGIONAL VISITORS  
AUTHORITY

By \_\_\_\_\_

Tom Murray  
Chief Executive Officer

CHARLOTTE CHECKERS  
HOCKEY, LLC

By: \_\_\_\_\_

  
Michael A. Kahn  
Chief Executive Officer  
and Owner



# Frequently Asked Questions

## Bojangles' Coliseum Renovations and Upgrades

- Who owns the coliseum?
  - Bojangles' Coliseum is owned by the city of Charlotte.
  
- When did the coliseum open?
  - The facility opened as the Charlotte Coliseum in 1955 and has hosted events ranging from Elvis to Stevie Wonder to The Rolling Stones over the years. The venue will celebrate its 60<sup>th</sup> anniversary in 2015.
  
- What are some of the events the coliseum hosts?
  - Current events include high school and college graduations, consumer shows, family-friendly entertainment, civic events, concerts and performances. Last summer, more than 7,500 graduates had more than 20 commencements at the venue.
  - Future events will include early round CIAA basketball games (2017 and beyond), and potentially additional college basketball conference games and youth sports. The GoodSports project looks to provide strategic connectivity with the coliseum to make the complex a premier destination for indoor amateur sporting events.
  
- How many events does the coliseum host each year?
  - The coliseum currently hosts approximately 85 annual events.
  
- What is taking place right now between the City of Charlotte, Charlotte Regional Visitors Authority (CRVA) and the Checkers organization?
  - The City, CRVA and Checkers are working on two initiatives:
    - A. Renovation and upgrades to Bojangles' Coliseum.
    - B. Moving the Checkers over to the coliseum by October 2015.

At the Nov. 24 City Council meeting, a presentation went before council to approve \$16 million in renovations/upgrades for the coliseum, and it was proposed that the Charlotte Checkers return to Bojangles' Coliseum in 2015. Action (voting) on this agenda item will take place at the Dec. 8 City Council regular meeting.

- What triggered the renovations? Why now?
  - The renovation is necessary to update a historic community asset and provide improvements that will keep the venue competitive and attractive to future events. In March 2014, the City and CRVA staff developed a long-term 20-year needs assessment for Bojangles' Coliseum totaling \$51 million. The CRVA is proposing a two-year plan that identifies \$16 million in renovations.



- Can you explain how much the CRVA is requesting from the City and where will it come from?
  - The \$16 million is comprised of \$12 million previously proposed for amateur sports and civic events. An additional \$4 million in improvements is needed to accommodate the team and infrastructure demands of an American Hockey League team (the Checkers moved to this league in 2011, which is one rung below the National Hockey League (NHL)). The initial \$12 million in funding will come from the capacity within the hospitality tax already earmarked for amateur sports, while the additional \$4 million will also come from capacity within the hospitality tax. The return on investment to recoup the additional \$4 million in improvements is estimated to take place within eight years.
  
- Are the Checkers contributing any money to the renovations? What are the Checkers specifically funding in the renovations and upgrades?
  - The Charlotte Checkers will pay an additional \$1.1 - \$1.4 million to cover team needs. Some of the items represented in that amount include technology needed for a broadcast media control room as well as hockey facility equipment for the locker rooms and player areas.
  
- What areas will be impacted in the coliseum due to the renovations?
  - Renovations will work to minimize the impact on customers as much as possible. Some of our upgrades include:
    - Seating: Replace permanent seating
    - Scoreboard, soundboard, digital ribbon boards and external digital marquees
    - Locker Rooms: Enhancement of home and visiting team locker rooms
    - Internal Charlotte Checkers branding
    - Hockey Systems: Dasher/Glass System, Ice Decking/Cover System, Ice Resurfacer
    - Building upgrades: exterior improvements to building infrastructure, electrical, mechanical, asbestos abatement, exterior storm drain
  
- When will these renovations take place? What is the timeline?
  - The renovations will take place over the course of two years to accommodate the existing bookings and usage of the facility. Initial improvements will start in the summer of 2015 and the remaining construction will start in summer of 2016. Late spring is a high volume time for Bojangles' Coliseum with more than 20 different commencements utilizing the venue. The parties involved wanted to ensure the coliseum could still be used to meet these needs. Upgrades to locker rooms, the scoreboard system and other renovations will likely occur in 2015 before the Checkers 2015 - 2016 season begins.
  
- Do Time Warner Cable Arena and Bojangles' Coliseum compete for the same events?
  - The events that choose Time Warner Cable Arena and Bojangles' Coliseum are vastly different. Seating capacity often determines what a promoter needs for a specific event.



Time Warner Cable Arena seats upwards of 20,000 people, whereas Bojangles' Coliseum seats 10,500 people. The two different venues have drawn widely different events and even with these renovations, these venues will not compete for the same types of business.

As for events like the CIAA Tournament, which will use both venues in future years, early round games would play at Bojangles' Coliseum – ones that tend to draw less attendees. Final rounds that draw more attendees would still be played at Time Warner Cable Arena.

- What are the benefits for the city of moving the Checkers to Bojangles' Coliseum?
  - Economic activity for Charlotte's Independence Boulevard area: Much like the GoodSports project, additional events at Bojangles' Coliseum and this new permanent home for the Charlotte Checkers will create valuable economic activity that will help revitalize Charlotte's East corridor.
  - Increased events for a City-owned asset: The additional home dates provide valuable economic activity for a treasured City-owned asset, adding new life and energy to a historic venue that has produced memorable experiences for Charlotte residents and visitors for nearly six decades.
  
- Will the Checkers still move to Bojangles' Coliseum if funding is not approved?
  - The relocation to Bojangles' Coliseum is contingent based on this funding. The Checkers, the City and the CRVA agree these renovations are necessary in order to house an AHL team. The transition will also help the coliseum increase revenues for a public asset that is underutilized. If the funding is not approved by the City Council, the Checkers as an organization would need to revisit options.
  
- How long are the Checkers committed to play at Bojangles' Coliseum under the agreement with the CRVA?
  - The agreement will be for 10 years, with two 5-year options after that.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5405-X, THE 2014-2015 BUDGET ORDINANCE APPROPRIATING FUNDS FOR CAPITAL REPAIRS AND IMPROVEMENTS TO BOJANGLES COLISEUM

---

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

- Section 1. That the sum of \$15,453,375 is hereby estimated to be available from existing debt capacity in the Convention Center Operating Fund 2001
- Section 2. That the sum of \$15,453,375 is hereby appropriated to the Convention Center Capital Projects Fund 4021, Bojangles Coliseum Renovations Project A (new Major Project, Funding source: 3200)
- Section 3. That the sum of \$500,000 is hereby estimated to be available from fund balance in the Cultural Facilities Fund 2003
- Section 4. That the sum of \$500,000 is hereby appropriated to the Tourism Capital Projects Fund 4022, Bojangles Coliseum Renovations Project B (New Major Project, Funding source: 6000)
- Section 5. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 6. All ordinances in conflict with this ordinance are hereby repealed.
- Section 7. This ordinance shall be effective upon adoption.

Approved as to form:

\_\_\_\_\_  
City Attorney

- 1 Recommended by Carolinas Asian-American Chamber of Commerce
- 1 Recommended by Charlotte-Mecklenburg Black Chamber of Commerce
- 1 Recommended by Charlotte-Mecklenburg Latin-American Chamber of Commerce
  - 1 Recommended by Hispanic Contractors Association
  - 1 Recommended by Metrolina Minority Contractors Association
  - 1 Recommended by Metrolina Native American Association
- 1 Recommended by National Association of Women Business Owners
  - 2 Appointed By Mayor (M)
  - 5 Recommended by Charlotte Chamber of Commerce
  - 6 Appointed By City Council (C)

## **BUSINESS ADVISORY COMMITTEE**

(20 Members)

Last Revised Date:

**Membership** - Original appointments were made to expire on staggered basis-one,two and three year terms. Terms thereafter are for three years with no member serving more than two consecutive terms. Six members appointed by City Council; five members recommended by the Charlotte Chamber (one from each Area Council) and affirmed by City Council; one member recommended by the Manufacturer's Council and affirmed by City Council; and one member recommended by the Arrowood Association and affirmed by City Council. Mayor appoints Chair.

On December 13, 2010, City Council changed the structure of the Committee to add a specific focus on small business. These changes increased the committee members from thirteen (13) to twenty (20) with membership from designated industry sectors, including energy, financial services, health care, technology and transportation/logistics. The seats held by Arrowood Association and the Manufacturer's Council were removed with their representation now thru either the chamber or the industry sectors. The focus on small businesses was increased by adding members from the Hispanic Contractors Association. Additional small business focus includes representation from the National Association of Women Business Owners, Charlotte-Mecklenburg Black Chamber of Commerce, Charlotte-Mecklenburg Latin-American Chamber of Commerce, the Carolinas Asian-American Chamber of Commerce and the Metrolina Native American Association.

### **Responsibilities** -

Provide recommendations and advice to Council on ways the City can help business in Charlotte, with a particular emphasis on small businesses; Provide a forum for businesses to raise issues, discuss and have input into City policy responses to these issues; Provide input and recommendations on the City's Economic Development Focus Area Plan, with a particular emphasis on small business development; city contracting programs; revitalization of distressed business districts; business recruitment, retention and expansion efforts; public/private partnership projects; and business customer service; Keep City Council and City Department Managers abreast of conditions in the business community and how these conditions might affect business-government relations and needs for public services.

### **Legend:**

Member Name	Appointed By	Legend	Dist	Appoint Date	Reappoint Date	Term	Exp. Date
<b>* Chairman</b>							
<u>Asian-American Chamber of Commerce</u>							
Nimish Bhatt	A/M	C	5	1/24/2011	5/12/2014	3 yrs	04/28/2017



Charlotte Chamber of Commerce

Dale Gillmore W/M	C	Y	5/12/2014		3 yrs	04/28/2017
G. Jones W/M	C	7	6/28/2010	4/8/2013	3 yrs	04/28/2016
Jonathan Utrup W/M	C	4	2/13/2012	5/12/2014	3 yrs	04/28/2017
Virginia DeAtley W/F	C	1	4/9/2012		3 yrs	04/28/2015
Wil Brooks B/M	C	5	4/9/2012		3 yrs	04/28/2015

Charlotte-Mecklenburg Black Chamber of Commerce

Lester Selby B/M	C	3	5/12/2014		3 yrs	04/28/2017
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Council

DeAlva Glenn B/F	C	7	5/27/2014		Unexp	04/28/2016
Edward Peugh W/M	C	4	1/13/2014	4/28/2014	3 yrs	04/28/2017
Gregory Wiley W/M	C	6	4/22/2013		3 yrs	04/28/2016
Nalan Karakaya-Mulder W/F	C	7	4/27/2009	4/23/2012	3 yrs	04/28/2015
Sean Gautam A/M	C	6	5/27/2014		3 yrs	04/28/2017
Todd Paris W/M	C	7	1/8/2007	4/23/2012	3 yrs	04/28/2015

Hispanic Contractors Association

Milagritos Aguilar H/F	C	1	5/12/2014		3 yrs	04/28/2017
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Latin-American Chamber of Commerce

Julio Colmenares H/M	C	7	1/24/2011	5/12/2014	3 yrs	04/28/2017
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Mayor

John Bradberry N/M	M	1	6/7/2011	5/29/2013	3 yrs	04/30/2016
Manoj Govindan N/M	M	5	6/3/2013		Unexp	04/28/2016

Metrolina Minority Contractors Association

(R) Edward Bryant B/M	C	2	5/12/2014		3 yrs	04/28/2017
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Metrolina Native-American Association

Walter Baucom O/M	C	5	2/14/2011	5/12/2014	3 yrs	04/28/2017
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National Association of Women Business Owners

Julie Ayers W/F	C	7	5/12/2014		3 yrs	04/28/2017
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**METROLINA MINORITY CONTRACTORS ASSOCIATION**

November 20, 2014

***Officers***

Stephane Berwald  
Lil Associates II  
*President*

William Abram  
Abram Construction  
*1<sup>st</sup> Vice President*

Donald Wimbush  
AAC Enterprise  
*2<sup>nd</sup> Vice President*

Ed Bryant  
COED Electrical  
Services  
*Treasurer*

Courtney Farmer  
Lil Associates II  
*Corresponding  
Secretary*

Ed Moore, Sr  
E Moore Electric  
*Parliamentarian*

***Board of Directors***

Joel Benitez  
Christopher Carrothers  
Erica Everett  
Camisha Farris  
Mike High  
Carol Lilly  
Pride Patton  
Will Peters  
Elina Smith

Khayda Hale  
Boards & Commissions Clerk  
City Clerk's Office  
600 East Fourth Street  
7<sup>th</sup> Floor  
Charlotte, NC 28202  
Re: Business Advisory Committee

Dear Ms. Hale

Please be advised that Mr. Ed Bryant, COED Electrical Services a representative for the Metrolina Minority Contractors Association is no longer able to fulfill his commitment to the BAC. Ed will be submitting a formal letter of resignation via email.

At this time, MMCA would like to recommend Ed Roper, Roper Construction & MMCA Board Member Elect to fill the empty seat for the remainder of the term. Ed has completed the online application as requested. The BOD feels that Ed is the best suitable candidate to fill this position.

Please feel free to contact me directly with any questions. Our organization is committed to the success and growth of ALL businesses in Charlotte and want to ensure that we maintain full involvement at all times.

Sincerely,

*Stephane*

Stephane Berwald, President  
MMCA  
704-315-3064

<b>First Name:</b>	Edward
<b>Last Name:</b>	Roper
<b>City:</b>	Charlotte
<b>City Council District (Check your district at Locate My District )</b>	3
<b>Political Affiliation:</b>	Democrat
<b>Gender:</b>	Male
<b>Race/ Ethnic Background:</b>	African American
<b>Why are you interested in serving on these boards/ committees? (Max 400 characters)</b>	I am interested in serving on the Business Advisory board as a representative for the Metrolina Minority Contractors Association (MMCA). I was asked by our President to serve the remainder of our current committee members term and serve on the CBI sub-committee.
<b>Please describe any background or abilities that qualify you to serve on these boards/ committees. (Max 400 characters)</b>	BOD member of MMCA
<b>List any boards you are currently serving on:</b>	BOD member of MMCA
<b>List any boards you have served on in the past:</b>	
<b>Current Employer:</b>	Roper Construction
<b>Job Title:</b>	Owner / President
<b>Brief Description of Duties: (Max 400 characters)</b>	Manage day-to-day field and office operations
<b>Other Employment History: (Max 250 characters)</b>	
<b>Education:</b>	College
<b>Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?</b>	No
<b>If yes, please explain complete disposition. (Max 250 characters)</b>	
<b>Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?</b>	No
<b>If yes, please explain conflict. (Max 250 characters)</b>	

RESOLUTION TO DONATE DEMOCRATIC NATIONAL CONVENTION EQUIPMENT PASSED BY THE CHARLOTTE CITY COUNCIL ON DECEMBER 8, 2014

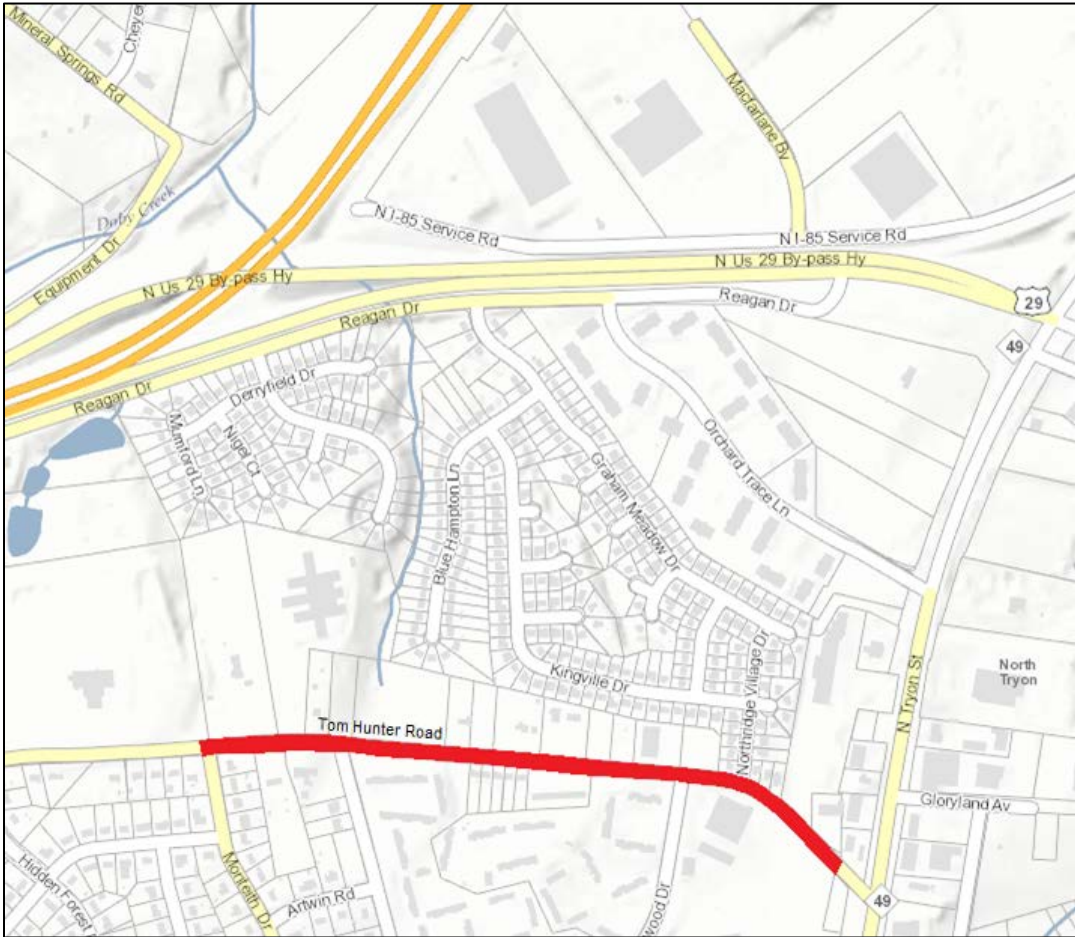
Whereas, North Carolina General Statute 160-A-280 allows a city to donate any personal property that the governing body deems to be surplus, obsolete, or unused to a nonprofit organization and;

Whereas, the City Manager has recommended that property detailed in both the Charlotte-Mecklenburg Police Department's Inventory of DNC Donated Property and the Charlotte Mecklenburg Police Department's Equipment Inventory be declared as surplus; and

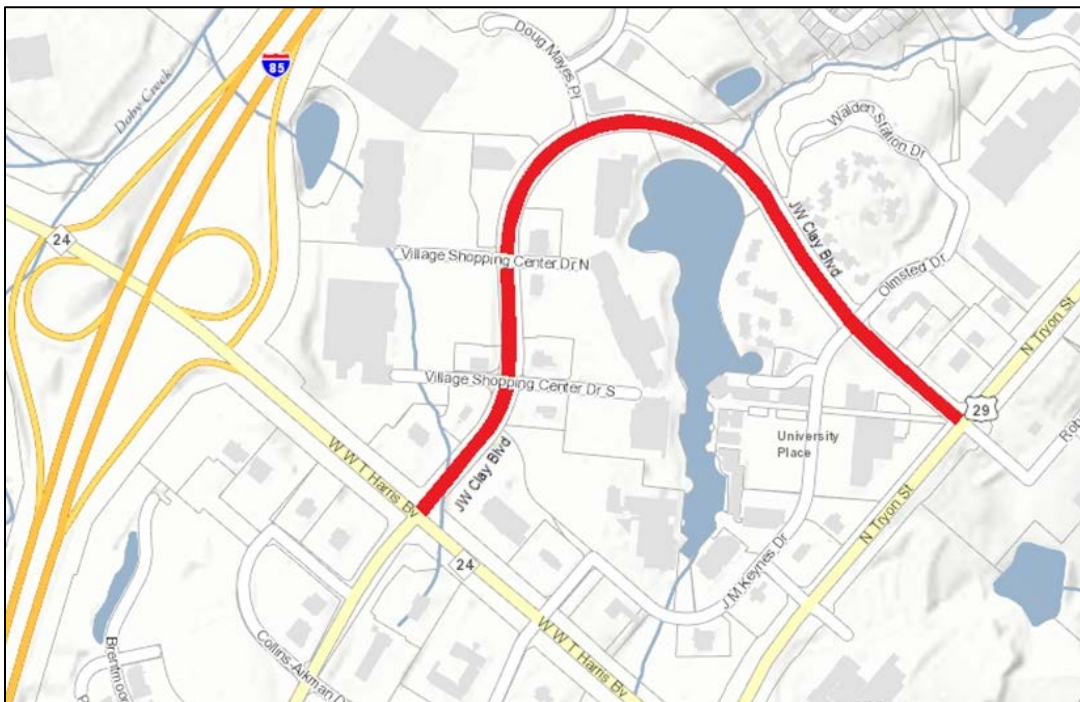
Whereas the City Manager recommended that the property be donated to police agencies in North Carolina; and

Whereas City staff published a public notice of the proposed donation at least five day prior to the adoption of the resolution:

Be it resolved by the Charlotte City Council that the City Manager or his designee is authorized to donate surplus property described in the Inventory of DNC Donated Property and the Charlotte Mecklenburg Police Department's Equipment Inventory to police agencies in North Carolina.



**Tom Hunter Road Streetscape**



**JW Clay Boulevard Streetscape**

**Location Map: Northeast Corridor Improvement Projects (Council District 4)**

## **Good Faith Efforts Summary** **for Charlotte Mecklenburg Police Department Westover Division Station**

### Background

The contract for Mecklenburg Police Department Westover Division Station was bid on October 30, 2014. A total of nine (9) firms submitted bids for the contract. Staff is recommending contract award to the low bidder, Randolph & Sons Builders, Inc. (Randolph) with a total contract award amount of \$5,744,413.83.

For this project, the City established a 5% MBE Goal and a 15% SBE Goal, as derived from the City's subcontracting goal setting formula. At bid opening Randolph exceeded the SBE Goal documenting SBE commitments totaling 19.54% (\$1,122,737), but failed to meet the MBE Goal, as follows:

- At bid opening, Randolph documented and committed MBE participation totaling 2.65% (\$152,249) to the following certified MBE firms: Clean Bean (Cleaning); Hayden Tile Company (tile); and Jiron's Construction, Inc. (drywall).

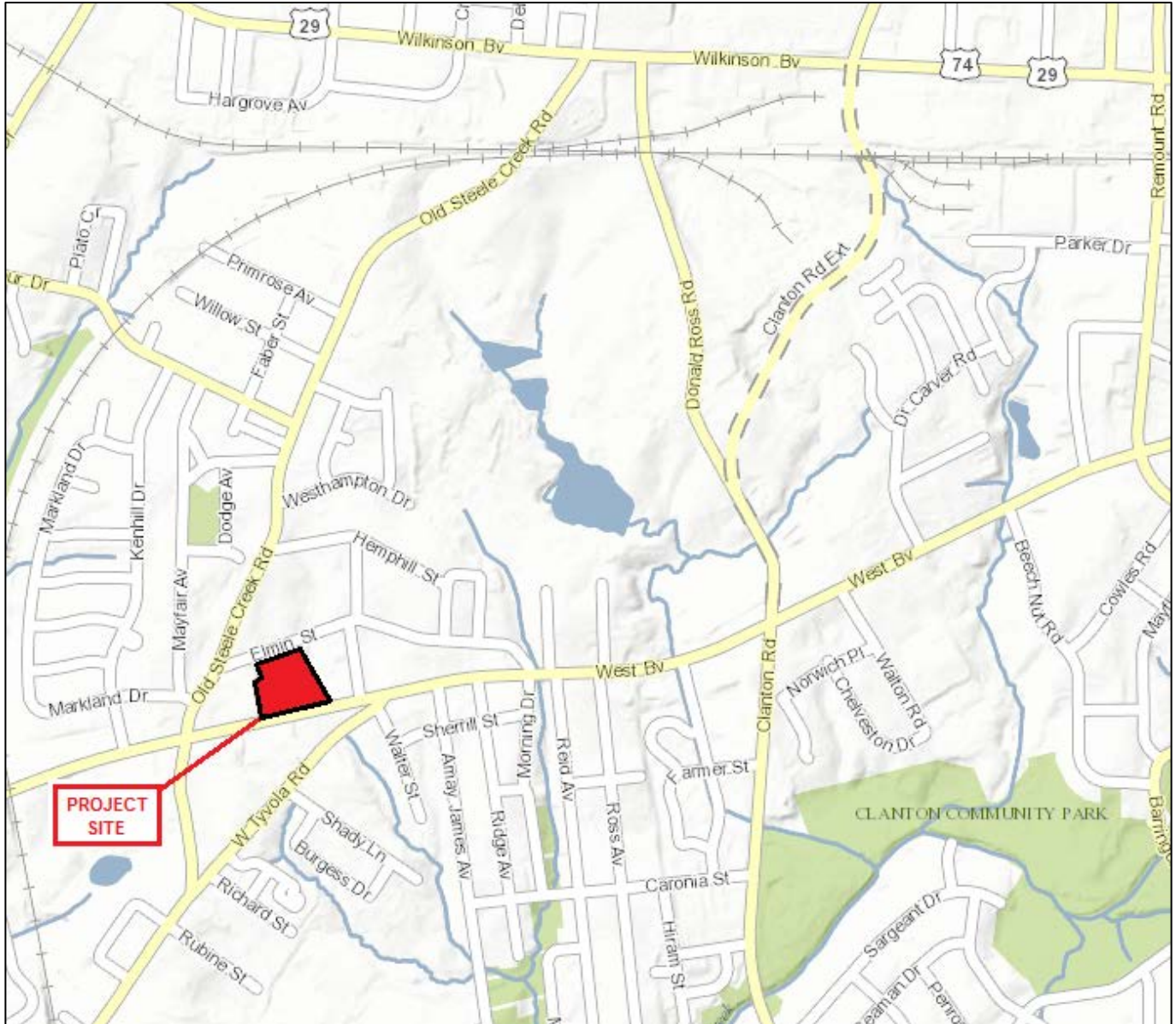
Subsequent to bid opening, Randolph committed an additional 2.3% (\$132,128) to the following certified MBE firms: Green Touch Tree & Turf, Inc. (landscaping) and Mekki Modular Systems Inc. (flooring), which increased Randolph's total MBE utilization for the project to 4.95% (\$284,377).

### Good Faith Effort (GFE) Summary

Per the City's Charlotte Business INCLUSION Policy (Part B: Section 2.1), because the Established MBE Goal on this contract was not met at bid opening, Randolph was required to submit documentation reflecting their efforts in earning the required minimum 50 Good Faith Effort (GFE) points, out of a total available 155 GFE points. City staff has reviewed Randolph's documentation and confirmed Randolph's achievement of 50 GFE points, comprised of the following efforts:

- GFE 5.3.1: *Contacts* (10 points)
- GFE 5.3.2: *Making Plans Available* (10 points)
- GFE 5.3.5: *Attendance at Pre-Bid* (10 points)
- GFE 5.3.10: *Quick Pay Agreement* (20 points)





**Location Map: Charlotte-Mecklenburg Police Department  
Westover Division Station (Council District 3)**



**Charlotte-Mecklenburg Police Department Westover Division Station (Council District 3)**

**Exterior Rendering**

December 8, 2014

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AUTHORIZING AND RATIFYING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY.

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

WHEREAS, pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes, as amended, units of local government of this State are authorized to enter into agreements with each other in order to execute any undertaking; and

WHEREAS, under Article 16 of Chapter 160A of the North Carolina General Statutes, cities are authorized to operate public enterprises including public transportation systems; and

WHEREAS, the City operates and provides, through the Charlotte Area Transit System (CATS), public transportation services within Mecklenburg County, both independently and pursuant to agreements with other entities; and

WHEREAS, the operation of the CATS public transportation services, pursuant to federal law, must include a Special Transit Service (STS) that provides equivalent transportation to individuals not able to patronize other CATS services due to their disability; and

WHEREAS, it is necessary for individuals applying to receive STS services to undergo a functional assessment to determine his or her eligibility for such services; and

WHEREAS, Carolinas Rehabilitation, a division of the Charlotte-Mecklenburg Hospital Authority is both qualified, ready, willing, and able to undertake the provision of such functional assessments on behalf of the City; and

WHEREAS, North Carolina General Statute §160A -461 requires that Interlocal Agreements "be ratified by resolution of the governing board of each unit spread upon its minutes".

NOW, THEREFORE, BE IT RESOLVED that the City Council of Charlotte, North Carolina hereby:

1. Approves and ratifies the proposed Interlocal Agreement between the City of Charlotte and Charlotte-Mecklenburg Hospital Authority;
2. Authorizes the City Manager and his designees to execute an agreement consistent with the terms as presented to City Council with such technical corrections and modifications as may be necessary to effect the spirit and intent of the agreement;
3. Authorizes the Chief Executive Officer of the Charlotte Area Transit System to undertake all activities and measures necessary for the provision of the services agreed upon by the City in conjunction with this Interlocal Agreement;
4. Directs that this resolution and its adoption be reflected in the minutes of the Charlotte City Council.

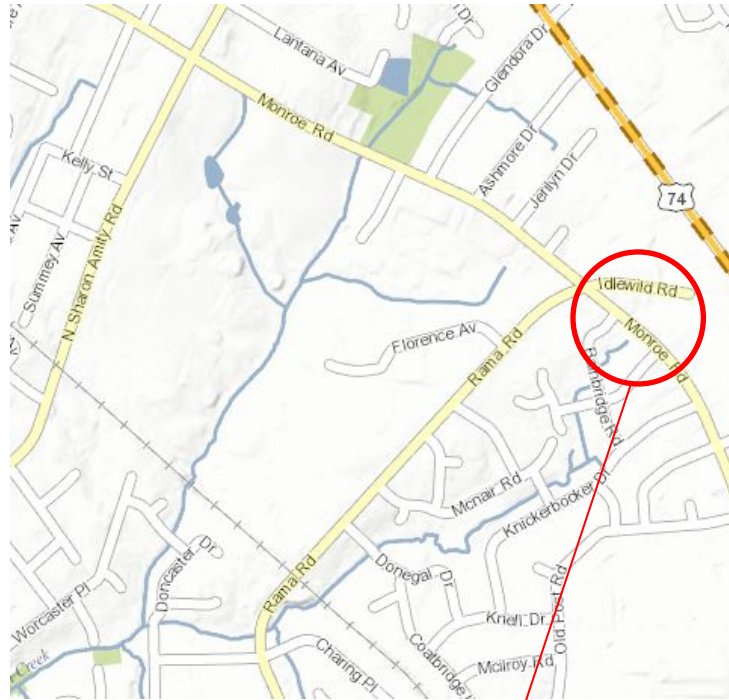
Approved as to form:

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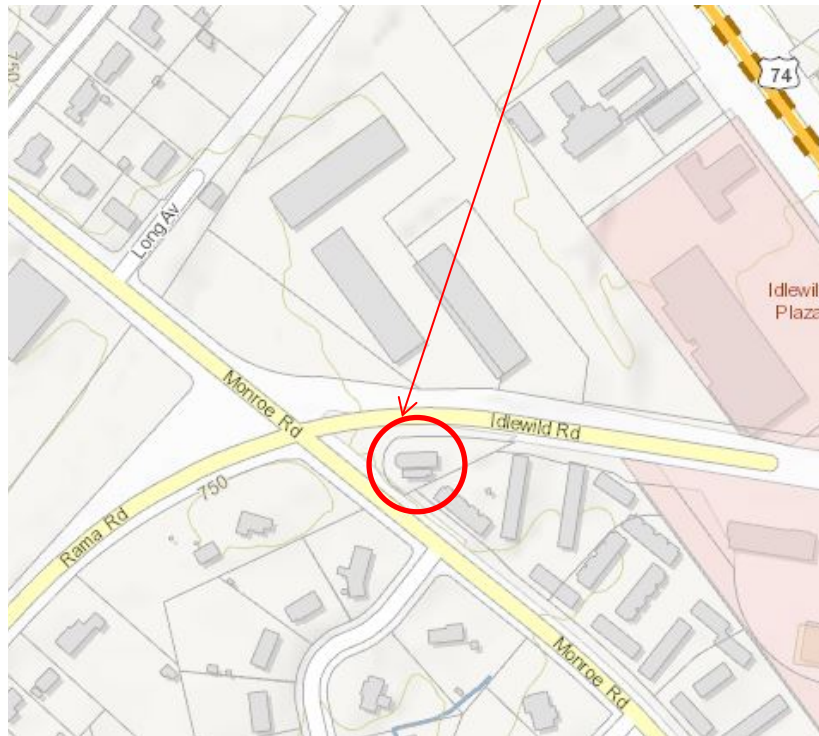
City Attorney



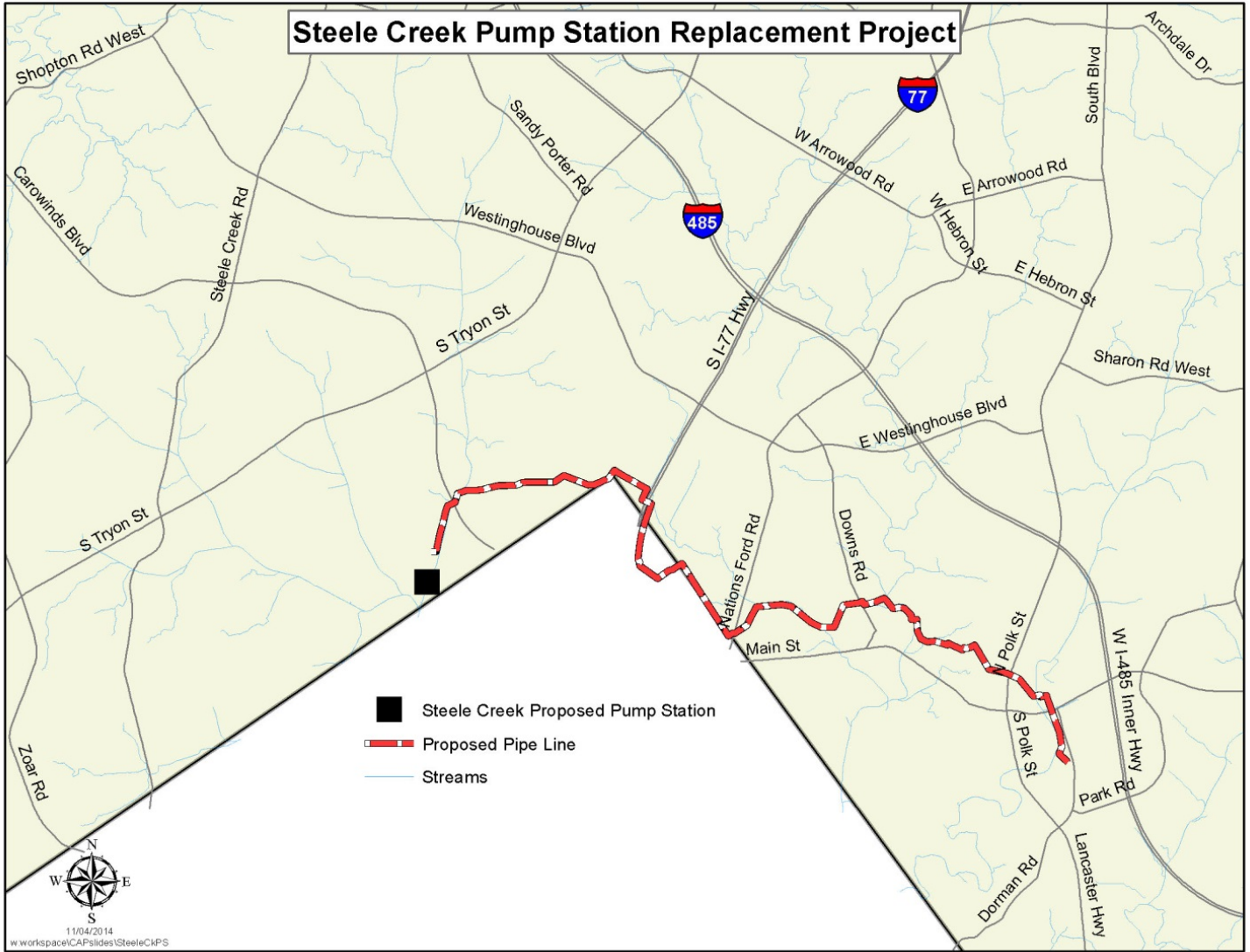
# Idlewild Booster Pump Station Improvements – District 5



Project Area: Idlewild Pump Station



# Steele Creek Pumping Station Replacement Project - District 3



## Property Tax Refund Requests

AMERICAN HOME REAL ESTATE PARTNERSH THE	\$	48.41
CHAPPLE, MURRAY D		266.70
GORDON, C PAISLEY		0.48
GORDON, C PAISLEY		0.51
MAGNOLIA ACRES LLC		899.49
MURPHY, JASON C		86.99
PAGE, CHARLES CORNELIUS SR		205.06
PERKINS, HUBERT &W		1.97
SIMPSON, DAVID T JR		20.54
WEBB, NOELL		214.39
	<b>\$</b>	<b>1,744.54</b>



**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 8th day of December 2014 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

**CERTIFICATION**

I, \_\_\_\_\_, \_\_\_\_\_ City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the \_\_\_\_\_ day of \_\_\_\_\_ 2014 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 \_\_\_\_\_, 2014.

\_\_\_\_\_

## Business Privilege License Tax Refund Requests

ROYAL NAIL - SPA	\$ 15.00
CORPORATE EMPLOYMENT SERVICES, INC	200.00
ROYAL RESTROOMS	2.92
ROUNTREE COMPANIES	57.50
TARHEEL AUTOMOTIVE OF MINT HILL, LLC	25.00
WHITESTONE PAINTING COMPANY	50.00
OLIVE PAPERIE	50.00
GLOBAL CLIENT RESOURCES	57.50
GREGORY SYLVIA, LLC	404.18
TAVERN 51 - LEON BUSINESS GROUP INC	30.00
360 LOGISTICS INC	60.00
	<hr/>
	<b>\$ 952.10</b>
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**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 8th day of December 2014 that those taxpayers listed on the schedule of "Business Privilege License Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

**CERTIFICATION**

I, \_\_\_\_\_, \_\_\_\_\_ City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the \_\_\_\_\_ day of 2014, 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 \_\_\_\_\_, 2014.

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**CITY OF CHARLOTTE**  
**DEPARTMENT OF TRANSPORTATION**  
 Development Services Division

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Right-of-Way Abandonment Petition 2014-07

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Maderia Avenue (Bojangles Arena)

Right-of-Way Abandonment Area

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

Whereas, **the City of Charlotte** has filed a petition to close an unopened portion of Maderia Avenue in the City of Charlotte; and

Whereas, an unopened portion of Maderia Avenue is a 40-foot wide right-of-way that begins at its intersecting point with Arena Boulevard (A.K.A. Coliseum Drive), continuing approximately 285 feet in a southeastward direction to its terminus at a property currently or formerly owned by Candace S. Hoxworth (Deed Book 70874, Page 772), and consists of 10,359 square feet, 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 December 8, 2014, that it intends to close an unopened portion of Maderia 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 12<sup>th</sup> day of January 2015, in CMGC meeting chamber, 600 East 4<sup>th</sup> 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.



## ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 3007 WEST BLVD PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF ANNA V. WITHERS 4652 SADLER ROAD CHARLOTTE, NC 28208

WHEREAS, the dwelling located at 3007 West Blvd in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 3007 West Blvd in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

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Senior Assistant City Attorney





<b>GENERAL INFORMATION</b>	
Property Address	3007 West Blvd
Neighborhood	Neighborhood Profile Area 306
Council District	#3
Owner(s)	Anna V. Withers
Owner(s) Address	3007 Sadler Road Charlotte, NC 28208
<b>KEY FACTS</b>	
Focus Area	Housing & Neighborhood Development & Community Safety Plan
<b>CODE ENFORCEMENT INFORMATION</b>	
◆ Reason for Inspection:	Public Agency (Charlotte Fire Department)
◆ Date of the Inspection:	3/28/2014
◆ Title report received:	4/15/2014
◆ Owner(s) notified of Complaint and Notice of Hearing by advertisement and certified mail by:	5/7/2014
◆ Held hearings for owner(s) by:	6/2/2014
◆ Owner(s) attend hearing:	No
◆ Filed Lis Pendens:	6/27/2014
◆ Owner(s) ordered to demolish structure by:	7/2/2014
◆ Owner(s) have not repaired, or complied with order to demolish.	
◆ Structure occupied:	No
◆ Demolition cost:	\$7,751
◆ Lien will be placed on the property for the cost of Demolition.	

## NOTIFICATION TO OWNER

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

## OPTIONS

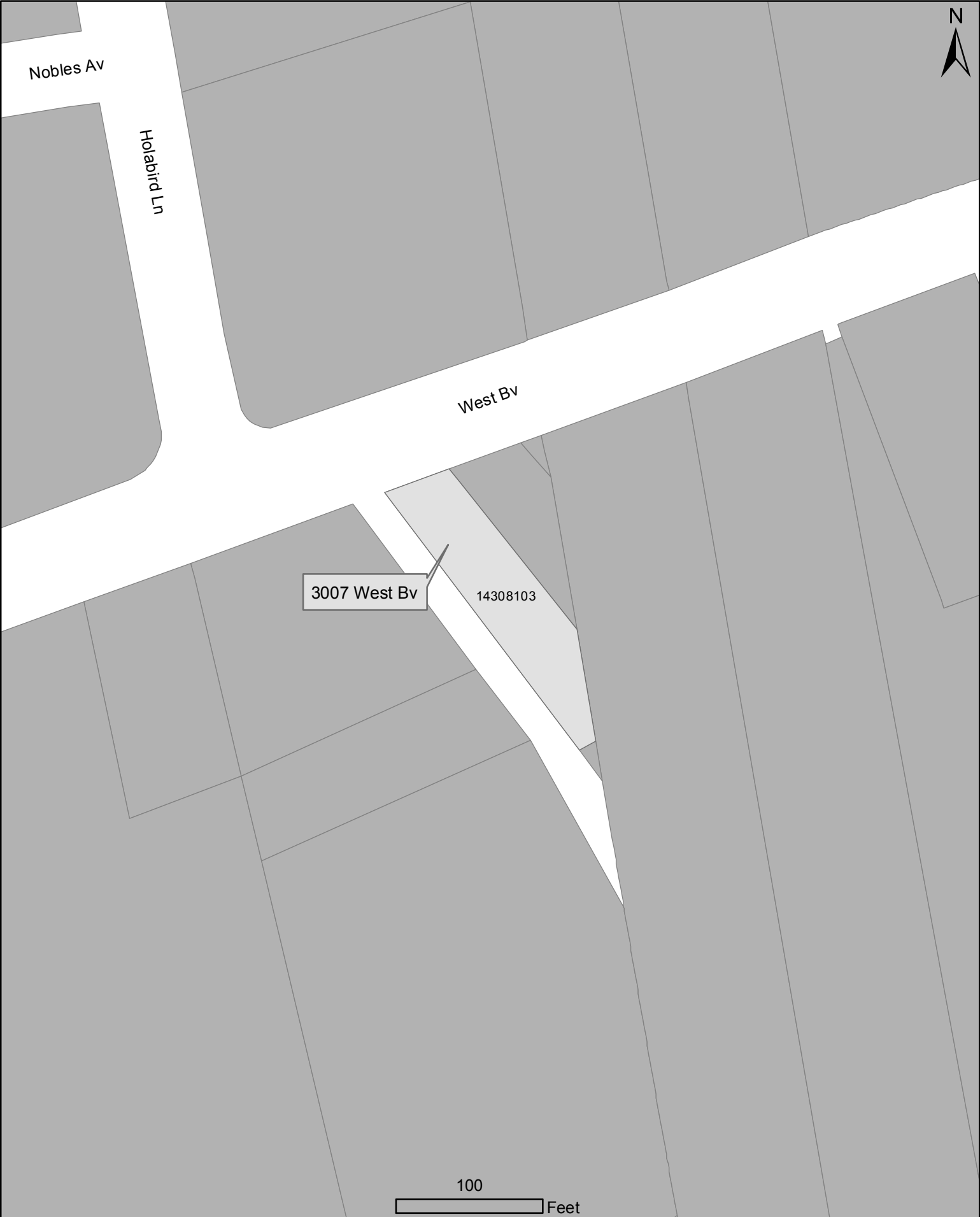
IN-REM REPAIR	REHAB TO CITY STANDARD	REPLACEMENT HOUSING	DEMOLITION
Estimated In-Rem Repair Cost: \$46,520	Acquisition & Rehabilitation Cost (Existing structure: 1,418 sq. ft. total) Economic Life: 15-20 years Estimated cost-\$137,000	New Replacement Structure Cost (Structure: 1,418 sq. ft. total) Economic Life: 50 years Estimated cost-\$171,693	Demolition Cost \$7,751
In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.	Acquisition: Tax values: - Structure: \$ 50,400 - Garage/Shed/Patio: \$ 500 - Land: <u>\$ 14,300</u> Total Acquisition: \$ 65,200  Estimated Rehabilitation Cost: \$ 70,900 Outstanding Loans \$ 0 Property Taxes owed: \$ 900 Interest on Taxes owed: <u>\$ 0</u> Total: \$ 71,800	Acquisition: Tax values: - Structure: \$ 50,400 - Garage/Shed/Patio: \$ 500 - Land: <u>\$ 14,300</u> Total Acquisition: \$ 65,200  New structure: \$ 97,842 Demolition: \$ 7,751 Outstanding Loans: \$ 0 Property Taxes owed: \$ 900 Interest on Taxes owed: <u>\$ 0</u> Total: \$ 106,493	

## RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:

- Estimated In-Rem Repair cost of: \$46,520 (\$32.80 /sq. ft.), which is 92.301% of the structure tax value, which is \$50,400.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- Violations include: Structural, plumbing and electrical violations: Walls and floor framing fire damaged. Exterior siding fire damaged. Interior ceiling and wall covering fire damaged. Windows fire damaged. Roofing and rafters fire damaged. Plumbing equipment fire damaged. Electrical fixtures fire damaged.
- The building is 73 years old and consists of 1,418 square feet total.
- A new 1,418 sq. ft. structure can be built for \$97,842.

# 3007 West Boulevard



3007 West Blvd



## ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 316 CAMPUS STREET PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF TRUSTEE OF THE ESTER WEST FYBRACE LIVING TRUST 10287 PAIGE ROAD WOODFORD, VA 22580

WHEREAS, the dwelling located at 316 Campus Street in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 316 Campus Street in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

\_\_\_\_\_  
Senior Assistant City Attorney





<b>GENERAL INFORMATION</b>	
Property Address	316 Campus Street
Neighborhood	Neighborhood Profile Area 385
Council District	#2
Owner(s)	Trustee of the Ester West Fybrace Living Trust
Owner(s) Address	10287 Paige Road Woodford, VA 22580
<b>KEY FACTS</b>	
Focus Area	Housing & Neighborhood Development & Community Safety Plan
<b>CODE ENFORCEMENT INFORMATION</b>	
◆ Reason for Inspection:	Field Observation
◆ Title report received, revealing parties in interest:	9/25/2013
◆ Date of the Inspection:	2/6/2014
◆ Owner(s) and parties in interest notified of Complaint and Notice of Hearing by advertisement and certified mail by:	4/29/2014
◆ Held hearings for owner(s) and parties in interest by:	5/8/2014
◆ Owner(s) and parties in interest attend hearing:	No
◆ Filed Lis Pendens:	5/22/2014
◆ Owner(s) and parties in interest ordered to demolish structure by:	6/11/2014
◆ Received request from party in interest to repair structure:	8/26/2014
◆ Issued Supplemental order to party in interest to repair structure by:	10/1/2014
◆ Title search updated: (no change)	11/4/2014
◆ Owner(s) have not repaired, or complied with order to demolish.	
◆ Structure occupied:	No
◆ Demolition cost:	\$11,845
◆ Lien will be placed on the property for the cost of Demolition.	

## NOTIFICATION TO OWNER

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

## OPTIONS

IN-REM REPAIR	REHAB TO CITY STANDARD	REPLACEMENT HOUSING	DEMOLITION
Estimated In-Rem Repair Cost: \$51,505	Acquisition & Rehabilitation Cost (Existing structure: 2,238 sq. ft. total) Economic Life: 15-20 years Estimated cost-\$208,806	New Replacement Structure Cost (Structure: 2,238 sq. ft. total) Economic Life: 50 years Estimated cost-\$263,173	Demolition Cost \$11,845
In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.	Acquisition: Tax values: - Structure: \$ 60,800 - Garage/Shed/Porch: \$ 500 Land: \$ <u>30,000</u> Total Acquisition: \$ 91,300  Estimated Rehabilitation Cost: \$ 111,900 Outstanding Loans \$ 0 Property Taxes owed: \$ 4,703 Interest on Taxes owed: \$ <u>903</u> Total: \$ 117,506	Acquisition: Tax values: - Structure: \$ 60,800 - Garage/Shed/Porch: \$ 500 - Land: \$ <u>30,000</u> Total Acquisition: \$ 91,300  New structure: \$ 154,422 Demolition: \$ 11,845 Outstanding Loans: \$ 0 Property Taxes owed: \$ 4,703 Interest on Taxes owed: \$ <u>903</u> Total: \$ 171,873	

## RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:

- Estimated In-Rem Repair cost of: \$51,505 (\$23.01 /sq. ft.), which is 84.712% of the structure tax value, which is \$60,800.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- Violations include: Structural, electrical, plumbing and heating violations: Areas of flooring and sub-structure is loose, rotted, or missing. Wall and ceiling covering water damaged. Decayed wall framing. Broken window panes. Decayed exterior siding and trim. Decayed roof sheathing. Exposed electrical wiring. Damaged plumbing waste line. Heating equipment missing. Accessory building not in safe substantial condition.
- The building is 88 years old and consists of 2,238 square feet total.
- A new 2,238 sq. ft. structure can be built for \$154,422.

# 316 Campus Street



Mill Rd

316 Campus St

06901109

Campus St

Beatties Ford Rd

Dixon St

100

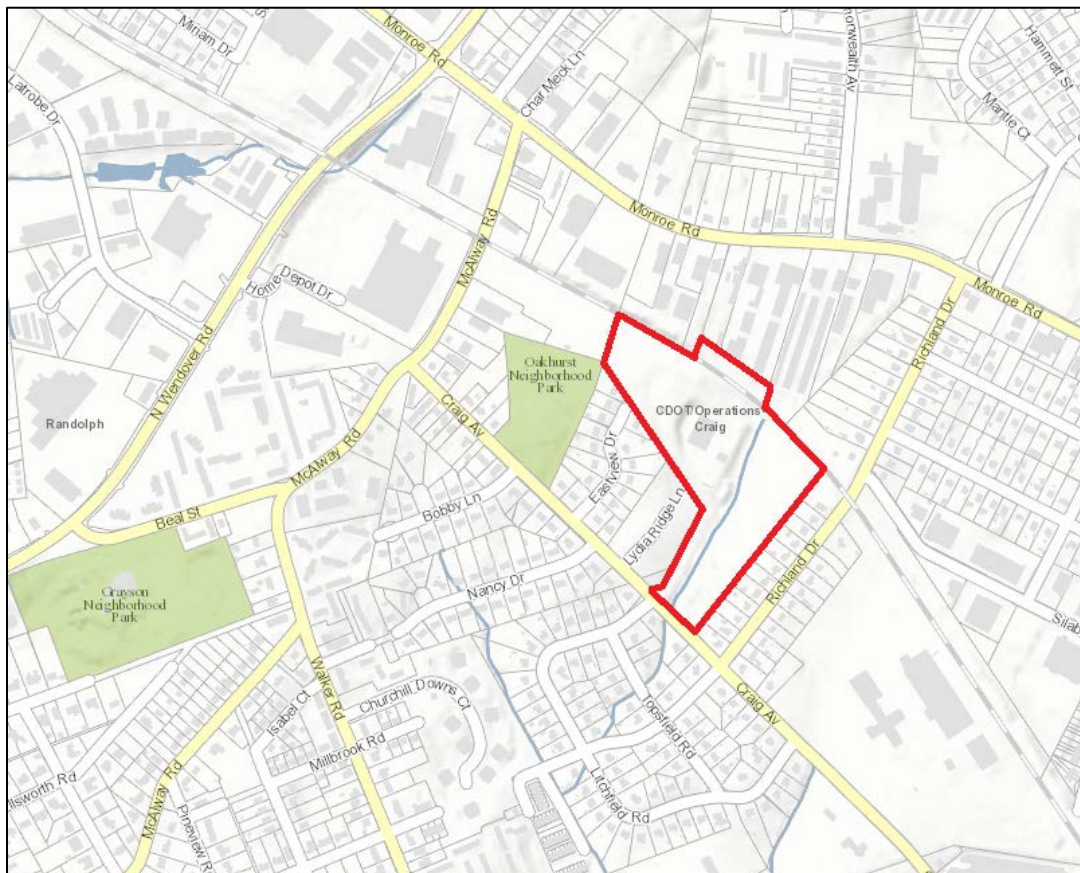
Feet



# 316 Campus Street







**Location Map: Storage Warehouse Lease for Charlotte Department of Transportation (Council District 5)**