

City of Charlotte

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



Meeting Agenda

Monday, November 23, 2015

Council Chambers

City Council Business Meeting



City of Charlotte

Meeting Agenda

City Council Business Meeting

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

Monday, November 23, 2015, 5:00 P.M.

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Agenda Date: 11/23/2015

Agenda #: File #: 15-1999 Type: Dinner Briefing

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

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

Item#	Title
39	CATS Market Research Contract
40	LYNX Blue Line Extension Project - Raleigh and Greensboro Streets Drainage Change Order
41	LYNX Blue Line Extension Pedestrian Bridge Agreements



Agenda Date: 11/23/2015

Agenda #: 1. **File #:** 15-1827 **Type:** Dinner Briefing

Mayor and Council Consent Item Questions

Staff Resource(s):

Ann Wall, City Manager's Office

Time: 5 minutes

Synopsis:

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



Agenda Date: 11/23/2015

Agenda #: 2. **File #:** 15-1748 **Type:** Dinner Briefing

Northeast Corridor Infrastructure Program

Staff Resource(s):

Jim Keenan, Engineering & Property Management

Time: 15 minutes

Explanation

- Staff will provide an overview of the Northeast Corridor Infrastructure (NECI) program and share projects currently underway, including the Sugar Creek Streetscape project.
- The NECI program will improve pedestrian, bicyclist, and motorist access to the CATS Blue Line Extension from surrounding neighborhoods and will support development consistent with Station Area Plans.

Future Action

The City Council will be asked to consider approval of the Sugar Creek Streetscape design services contract on tonight's agenda (list page) as well as engineering services contracts for the planning and design of NECI projects later this year and early next year.



Agenda Date: 11/23/2015

Agenda #: 3. **File #:** 15-1998 **Type:** Dinner Briefing

Snow and Ice Control Program

Staff Resource(s):

Phil Reiger, Transportation

Saleem Khattak, Transportation

Time: 15 minutes

Explanation

- The purpose of the presentation is to provide an overview of the Snow and Ice Control Program.
- The presentation will cover the following topics:
 - Response summary of 2014 snow events;
 - Program objective and scope;
 - Road weather information;
 - Treatment methods;
 - Snow response plans for CityLYNX Gold Line;
 - Storm severity and response plans;
 - Resources; and
 - Communication and coordination.

Future Action

This presentation is for information only.



Agenda Date: 11/23/2015

Agenda #: 4. **File #:** 15-1927 **Type:** Dinner Briefing

Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Ann Wall, City Manager's Office

Time: 10 minutes

Synopsis

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



Agenda Date: 11/23/2015

Agenda #: 5.File #: 15-1908 Type: Dinner Briefing

Closed Session

Action:

Adopt a motion to go into closed session pursuant to:

- **North Carolina General Statute 143-318.11(a)(4) to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations, and**

- **North Carolina General Statute 143-318.11(a)(3) to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to an attorney concerning the handling or settlement of a claim or administrative procedure.**



City of Charlotte

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

Agenda Date: 11/9/2015

Agenda #: 6. **File #:** 15-1833 **Type:** Consent Item

Consent agenda items 19 through 70 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

Consideration of Consent Items shall occur in the following order:

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



Agenda Date: 11/23/2015

Agenda #: 7. File #: 15-1196 Type: Public Hearing Item

Public Hearings on Proposed Annexation Agreements with Midland, Concord, and Harrisburg

Action:

- A. Hold public hearings on the proposed Annexation Agreements between Charlotte and Midland, Concord, and Harrisburg, and**

- B. Adopt Ordinances approving the proposed Annexation Agreements.**

Staff Resource(s):

Jonathan Wells, Planning

Terrie Hagler-Gray, City Attorney's Office

Explanation

- Charlotte currently has Annexation Agreements (Agreements) with Midland, Concord, and Harrisburg that are scheduled to expire on January 1, 2016.
- The Agreements provide that Charlotte will not annex into Cabarrus County and that Midland, Concord, and Harrisburg will not annex into Mecklenburg County.
- State statutes require that each municipality planning to enter into an Agreement must first hold a public hearing.
- The public hearings were advertised in the Mecklenburg Times on November 13, 2015.
- The proposed Agreements identify an area running along the Mecklenburg-Cabarrus County line from Eastfield Road to Albemarle Road; Midland, Concord, and Harrisburg agree not to annex property within that portion of Mecklenburg County and Charlotte agrees not to annex property within that portion of Cabarrus County.
- The proposed Ordinances and Agreements have an effective date of January 1, 2016.
- The term of the proposed Agreements is 10 years.
- Agreements with the other municipalities were approved as follows:
 - Midland: September 8,
 - Concord: November 12, and
 - Harrisburg, November 9.

Fiscal Note

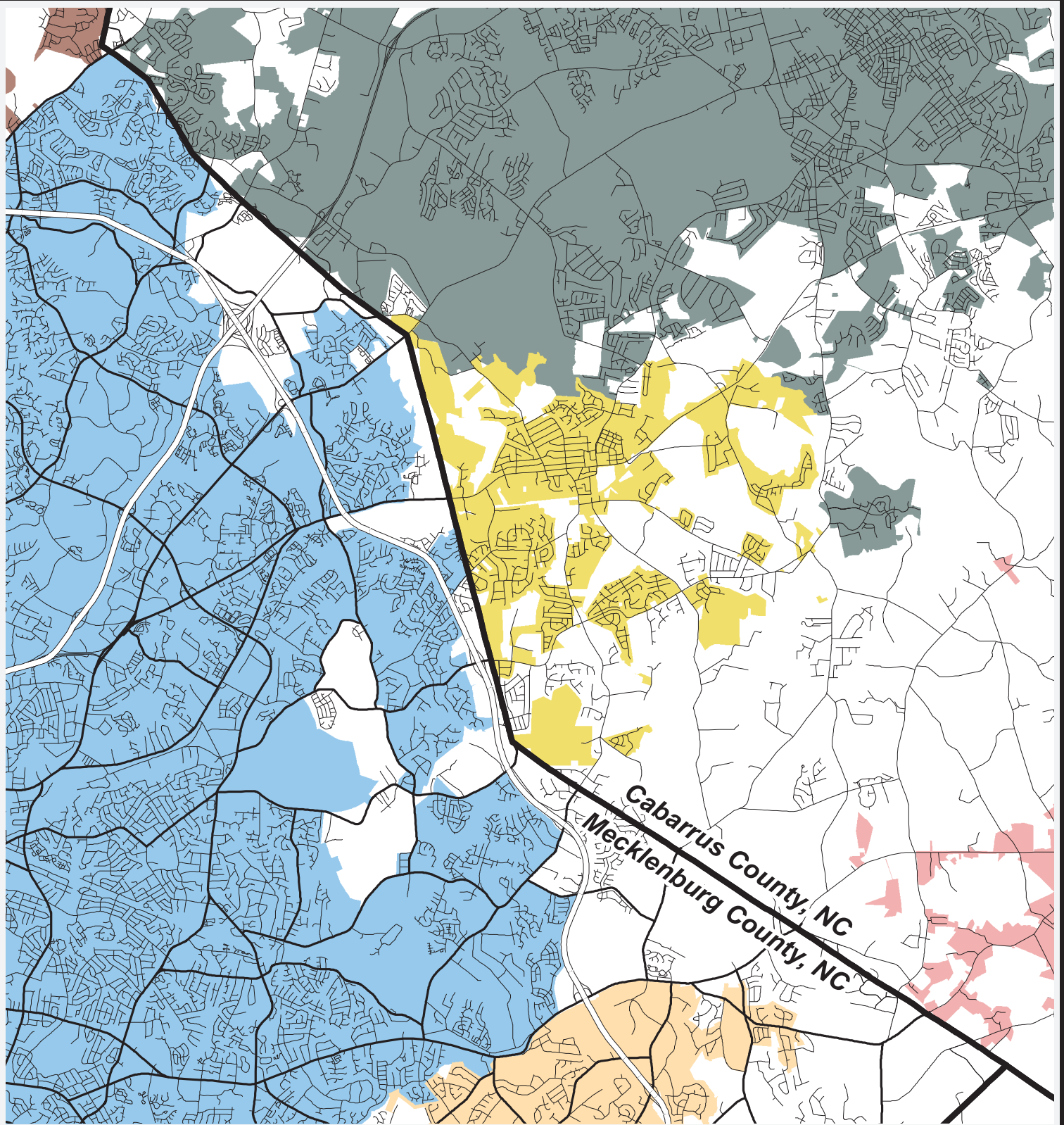
Agenda #: 7.File #: 15-1196 Type: Public Hearing Item







Funding: Not applicable

Attachment

Map
Proposed Annexation Agreements
Ordinances

Mecklenburg County / Cabarrus County, NC Municipal Boundaries



- | | |
|--|--|
|  Charlotte City Limits |  Concord City Limits |
|  Huntersville Town Limits |  Harrisburg Town Limits |
|  Mint Hill Town Limits |  Midland Town Limits |

NORTH CAROLINA

MECKLENBURG AND CABARRUS COUNTIES

ANNEXATION AGREEMENT

WHEREAS, the City of Charlotte (hereinafter “Charlotte”) and the Town of Midland (hereinafter “Midland”), being duly incorporated municipalities under the laws of the State of North Carolina, desire to eliminate uncertainty among residents and property owners in unincorporated areas adjacent to their respective corporate limits and also to improve planning by public and private interests in such areas; and

WHEREAS, Part 6, Article 4A, Chapter 160A of the North Carolina General Statutes (hereinafter “Act”) authorizes municipalities to enter into agreements designating areas which are not subject to annexation by the participating municipalities.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. This Agreement is executed pursuant to the authority of the Act.
2. This Agreement shall remain in effect for ten (10) years after its effective date.
3. a) Attached hereto and incorporated herein by reference is Exhibit A which describes a portion of Mecklenburg County. No portion of the area described in Exhibit A is subject to annexation by Midland.
b) Attached hereto and incorporated herein by reference is Exhibit B which describes a portion of Cabarrus County. No portion of the area described in Exhibit B is subject to annexation by Charlotte.
4. The effective date of this Agreement is January 1, 2016.
5. At least sixty (60) days before the adoption of any annexation ordinance by a party, the party which is considering annexation shall give notice to the other party of the proposed annexation, under the following circumstances:
 - i. if Charlotte is considering annexation within the area described as Exhibit A, notification shall be given to Midland.

- ii. if Midland is considering annexation within the area described as Exhibit B, notification shall be given to Charlotte
- iii. if the proposed annexation is not located in either of the areas described as Exhibit A or Exhibit B then notification will not be required.

6. Such notice shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to: the boundaries of the area which the annexing party has agreed not to annex pursuant to this Agreement; roads, streams, and any other prominent geographical features. Such notice shall not be effective for more than one hundred eighty (180) days.

b) Any party may waive, in its sole and absolute discretion, the notice requirements of Paragraph 5 above and the Act. Such waiver may be made by the party's governing body or by any official or employee of the party designated by resolution of the party's governing body. The Mayor of Charlotte is duly authorized to waive said requirements.

c) Any waiver authorized by Paragraph 6(b) above must be in writing and bear the signature of the waiving party's Mayor or the official or employee of the waiving party authorized to execute the waiver. If signed by an official or employee designated by a resolution of the party's governing body, the waiver shall be effective without further approval of such party's governing body. Any waiver shall only apply to the annexation described in said waiver. All notices or waivers required by the terms of this Agreement shall be sufficient if directed to and received by the Mayor of the party to whom such notice or waiver is directed.

d) So long as Charlotte does not take any action by ordinance or resolution to annex any portion of the area described in Exhibit B, Midland waives the notice requirements of Paragraph 5. Under no circumstances may this Paragraph be construed to relieve Charlotte of the obligation to give notice of any proposed annexation of any portion of the area described in Exhibit B. Midland may revoke the waiver described above by resolution of its governing body. Such waiver shall be effective on the date set forth in such resolution or ninety (90) days after a copy of such resolution is received by the Mayor of Charlotte, whichever date is later.

e) So long as Midland does not take any action by ordinance or resolution to annex any portion of the area described in Exhibit A, Charlotte waives the notice requirements of Paragraph 5. Under no circumstances may this Paragraph be construed to relieve Midland of the obligation to give notice of any proposed annexation of any portion of the area described in

Exhibit A. Charlotte may revoke the waiver described above by resolution of its governing body. Such waiver shall be effective on the date set forth in such resolution or ninety (90) days after a copy of such resolution is received by the Mayor of Midland, whichever date is later.

6. From and after the effective date of this Agreement, no party may consider in any manner the annexation of any area in violation of the Act or this Agreement. From and after the effective date of this Agreement, no party may annex all or any portion of any area in violation of the Act or this Agreement.

7. Nothing in the Act nor this Agreement shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law.

8. Any party, which shall believe that a violation of the Act or this Agreement has occurred, shall have available to it all remedies and relief as authorized by the Act in addition to such remedies or relief as are authorized by other applicable law.

9. a) If Midland lawfully extends water or sewer facilities into an unincorporated portion of Mecklenburg County within the right-of-way of any public street which subsequently is annexed by and becomes a public street of Charlotte, Charlotte will permit Midland to maintain and extend water and sewer facilities subject to reasonable terms and conditions. This Agreement may not be construed to authorize the extension of water or sewer facilities within any portion of Mecklenburg County by Midland.

b) If Charlotte lawfully extends water or sewer facilities into an unincorporated portion of Cabarrus County within the right-of-way of any public street which subsequently is annexed by and becomes a public street of Midland, Midland will permit Charlotte to maintain and extend water and sewer facilities subject to reasonable terms and conditions. This Agreement may not be construed to authorize the extension of water or sewer facilities within any portion of Cabarrus County by Charlotte.

10. The provisions of this Agreement may only be amended or terminated upon the written agreement of Charlotte and Midland, approved by the ordinance of their governing boards and executed by the Mayors of Charlotte and Midland and spread upon their respective minutes.

11. The Parties acknowledge that development along the Mecklenburg/Cabarrus County Line ("County Line") has resulted in some developed lots and tracts being split by the County Line. The Parties anticipate that additional development along the County Line may occur with

similar results. The Parties acknowledge the need from time to time to re-consider the appropriateness of using the County Line as the limit of their respective corporate boundaries under all circumstances. Notwithstanding, the terms of this Agreement, it is understood and agreed that either Party may propose to amend this Agreement to permit Midland to annex one or more lots and tracts in Mecklenburg County and to permit Charlotte to annex one or more lots and tract in Cabarrus County under circumstances that the Parties agree are appropriate. Each Party acknowledges that the provisions of this paragraph are not enforceable, but that all remaining provisions of this Agreement are fully enforceable in accordance with their terms and applicable law.

CITY OF CHARLOTTE

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Senior Deputy City Attorney

TOWN OF MIDLAND

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

EXHIBIT A (Portion of Mecklenburg County)

That certain portion of Mecklenburg County (“Charlotte Area”) which is contiguous with the Cabarrus County/Mecklenburg County Line (the “County Line”), and extends in a generally westerly direction into Mecklenburg County for a distance of three miles. The northerly boundary of the Charlotte Area is formed by the northerly right-of-way margin of Eastfield Road (known as Allen Harris Road in Cabarrus County). The westerly boundary of the Charlotte Area is formed by a line which is generally west of, parallel to and 3 miles distant from the County Line. The southerly boundary of the Charlotte Area is formed by the southerly right-of-way margin of Albemarle Road (NC 24/27). The easterly boundary of the Charlotte Area is formed by the County Line.

EXHIBIT B (Portion of Cabarrus County)

That certain portion of Cabarrus County (“Midland Area”) which is contiguous with the Cabarrus County/Mecklenburg County Line (the “County Line”), and extends in a generally easterly direction into Cabarrus County for a distance of three miles. The northerly boundary of the Midland Area is formed by the line between Midland and Harrisburg described in the annexation agreement between Midland and Harrisburg (effective date of July 12, 2004) (the description of said line is incorporated herein by reference). The easterly boundary of the Midland Area is formed by a line which is east of, parallel to and 3 miles distant from the County Line. The southerly boundary of the Midland Area is formed by the Cabarrus/Stanly County Line. The westerly boundary of the Midland Area is formed by the County Line.

NORTH CAROLINA

MECKLENBURG AND CABARRUS COUNTIES

ANNEXATION AGREEMENT

WHEREAS, the City of Charlotte (hereinafter “Charlotte”) the Town of Harrisburg, being duly incorporated municipalities under the laws of the State of North Carolina, desire to eliminate uncertainty among residents and property owners in unincorporated areas adjacent to their respective corporate limits and also to improve planning by public and private interests in such areas; and

WHEREAS, Part 6, Article 4A, Chapter 160A of the North Carolina General Statutes (hereinafter “Act”) authorizes municipalities to enter into agreements designating areas which are not subject to annexation by the participating municipalities.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. This Agreement is executed pursuant to the authority of the Act.
2. This Agreement shall remain in effect for ten (10) years after its effective date.
3. a) Attached hereto and incorporated herein by reference is Exhibit A which describes a portion of Mecklenburg County. No portion of the area described in Exhibit A is subject to annexation by Harrisburg.
b) Attached hereto and incorporated herein by reference is Exhibit B which describes a portion of Cabarrus County. No portion of the area described in Exhibit B is subject to annexation by Charlotte.
4. The effective date of this Agreement is January 1, 20106.
5. a) At least sixty (60) days before the adoption of any annexation ordinance by a party, the party which is considering annexation shall give notice to the other party of the proposed annexation. Such notice shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to: the boundaries of the area which the annexing party has agreed not to annex pursuant to this Agreement; roads,

streams, and any other prominent geographical features. Such notice shall not be effective for more than one hundred eighty (180) days.

b) Any party may waive, in its sole and absolute discretion, the notice requirements of Paragraph 6(a) above and the Act. Such waiver may be made by the party's governing body or by any official or employee of the party designated by resolution of the party's governing body. The Mayor of Charlotte is duly authorized to waive said requirements.

c) Any waiver authorized by Paragraph 5(b) above must be in writing and bear the signature of the waiving party's Mayor or the official or employee of the waiving party authorized to execute the waiver. If signed by an official or employee designated by a resolution of the party's governing body, the waiver shall be effective without further approval of such party's governing body. Any waiver shall only apply to the annexation described in said waiver. All notices or waivers required by the terms of this Agreement shall be sufficient if directed to and received by the Mayor of the party to whom such notice or waiver is directed.

d) So long as Charlotte does not take any action by ordinance or resolution to annex any portion of the area described in Exhibit B, Harrisburg waives the notice requirements of Paragraph 5(a). Under no circumstances may this Paragraph be construed to relieve Charlotte of the obligation to give notice of any proposed annexation of any portion of the area described in Exhibit B. Harrisburg may revoke the waiver described above by resolution of its governing body. Such waiver shall be effective on the date set forth in such resolution or ninety (90) days after a copy of such resolution is received by the Mayor of Charlotte, whichever date is later.

e) So long as Harrisburg does not take any action by ordinance or resolution to annex any portion of the area described in Exhibit A, Charlotte waives the notice requirements of Paragraph 5(a). Under no circumstances may this Paragraph be construed to relieve Harrisburg of the obligation to give notice of any proposed annexation of any portion of the area described in Exhibit A. Charlotte may revoke the waiver described above by resolution of its governing body. Such waiver shall be effective on the date set forth in such resolution or ninety (90) days after a copy of such resolution is received by the Mayor of Harrisburg, whichever date is later.

6. From and after the effective date of this Agreement, no party may consider in any manner the annexation of any area in violation of the Act or this Agreement. From and after the effective date of this Agreement, no party may annex all or any portion of any area in violation of the Act or this Agreement.

7. Nothing in the Act nor this Agreement shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law.

8. Any party, which shall believe that a violation of the Act or this Agreement has occurred, shall have available to it all remedies and relief as authorized by the Act in addition to such remedies or relief as are authorized by other applicable law.

9. a) If Harrisburg lawfully extends water or sewer facilities into an unincorporated portion of Mecklenburg County within the right-of-way of any public street which subsequently is annexed by and becomes a public street of Charlotte, Charlotte will permit Harrisburg to maintain and extend water and sewer facilities subject to reasonable terms and conditions. This Agreement may not be construed to authorize the extension of water or sewer facilities within any portion of Mecklenburg County by Harrisburg.

b) If Charlotte lawfully extends water or sewer facilities into an unincorporated portion of Cabarrus County within the right-of-way of any public street which subsequently is annexed by and becomes a public street of Harrisburg, Harrisburg will permit Charlotte to maintain and extend water and sewer facilities subject to reasonable terms and conditions. This Agreement may not be construed to authorize the extension of water or sewer facilities within any portion of Cabarrus County by Charlotte.

9. The provisions of this Agreement may only be amended or terminated upon the written agreement of Charlotte and Harrisburg, approved by the ordinance of their governing boards and executed by the Mayors of Charlotte and Harrisburg and spread upon their respective minutes.

10. The Parties acknowledge that development along the Mecklenburg/Cabarrus County Line ("County Line") has resulted in some developed lots and tracts being split by the County Line. The Parties anticipate that additional development along the County Line may occur with similar results. The Parties acknowledge the need from time to time to re-consider the appropriateness of using the County Line as the limit of their respective corporate boundaries under all circumstances. Notwithstanding, the terms of this Agreement, it is understood and agreed that either Party may propose to amend this Agreement to permit Harrisburg to annex one or more lots and tracts in Mecklenburg County and to permit Charlotte to annex one or more lots and tract in Cabarrus County under circumstances that the Parties agree are appropriate. Each Party acknowledges that the provisions of this paragraph are not enforceable, but that all

remaining provisions of this Agreement are fully enforceable in accordance with their terms and applicable law.

CITY OF CHARLOTTE

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Senior Deputy City Attorney

TOWN OF HARRISBURG

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

EXHIBIT A (Portion of Mecklenburg County)

That certain portion of Mecklenburg County (“Charlotte Area”) which is contiguous with the Cabarrus County/Mecklenburg County Line (the “County Line”), and extends in a generally westerly direction into Mecklenburg County for a distance of three miles. The northerly boundary of the Charlotte Area is formed by the northerly right-of-way margin of Eastfield Road (known as Allen Harris Road in Cabarrus County). The westerly boundary of the Charlotte Area is formed by a line which is generally west of, parallel to and 3 miles distant from the County Line. The southerly boundary of the Charlotte Area is formed by the southerly right-of-way margin of Albemarle Road (NC 24/27). The easterly boundary of the Charlotte Area is formed by the County Line.

EXHIBIT B (Portion of Cabarrus County)

That certain portion of Cabarrus County (“Harrisburg Area”) which is contiguous with the Cabarrus County/Mecklenburg County Line (the “County Line”), and extends in a generally easterly direction into Cabarrus County for a distance of three miles. The northerly boundary of the Harrisburg Area is formed by the line between Concord and Harrisburg described in the annexation agreement between Harrisburg and Concord (dated October 12, 1998 as amended on December 12, 2003) (the description of said line is incorporated herein by reference). The easterly boundary of the Harrisburg Area is formed by a line which is east of, parallel to and 3 miles distant from the County Line. The southerly boundary of the Harrisburg Area is formed by the line between Harrisburg and Midland described in the annexation agreement between Harrisburg and Midland (effective date of July 12, 2004) (the description of said line is incorporated herein by reference). The westerly boundary of the Harrisburg Area is formed by the County Line.

NORTH CAROLINA

MECKLENBURG AND CABARRUS COUNTIES

ANNEXATION AGREEMENT

WHEREAS, the City of Charlotte (hereinafter “Charlotte”) and the City of Concord (hereinafter “Concord”), being duly incorporated municipalities under the laws of the State of North Carolina, desire to eliminate uncertainty among residents and property owners in unincorporated areas adjacent to their respective corporate limits and also to improve planning by public and private interests in such areas; and

WHEREAS, Part 6, Article 4A, Chapter 160A of the North Carolina General Statutes (hereinafter “Act”) authorizes municipalities to enter into agreements designating areas which are not subject to annexation by the participating municipalities.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. This Agreement is executed pursuant to the authority of the Act.
2. This Agreement shall remain in effect for ten (10) years after its effective date.
3. a) Attached hereto and incorporated herein by reference is Exhibit A which describes a portion of Mecklenburg County. No portion of the area described in Exhibit A is subject to annexation by Concord.
b) Attached hereto and incorporated herein by reference is Exhibit B which describes a portion of Cabarrus County. No portion of the area described in Exhibit B is subject to annexation by Charlotte.
4. The effective date of this Agreement is January 1, 2016.
5. a) At least sixty (60) days before the adoption of any annexation ordinance by a party, the party which is considering annexation shall give notice to the other party of the proposed annexation. Such notice shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to: the boundaries of the area which the annexing party has agreed not to annex pursuant to this Agreement; roads,

streams, and any other prominent geographical features. Such notice shall not be effective for more than one hundred eighty (180) days.

b) Any party may waive, in its sole and absolute discretion, the notice requirements of Paragraph 6(a) above and the Act. Such waiver may be made by the party's governing body or by any official or employee of the party designated by resolution of the party's governing body. The Mayor of Charlotte is duly authorized to waive said requirements.

c) Any waiver authorized by Paragraph 5(b) above must be in writing and bear the signature of the waiving party's Mayor or the official or employee of the waiving party authorized to execute the waiver. If signed by an official or employee designated by a resolution of the party's governing body, the waiver shall be effective without further approval of such party's governing body. Any waiver shall only apply to the annexation described in said waiver. All notices or waivers required by the terms of this Agreement shall be sufficient if directed to and received by the Mayor of the party to whom such notice or waiver is directed.

d) So long as Charlotte does not take any action by ordinance or resolution to annex any portion of the area described in Exhibit B, Concord waives the notice requirements of Paragraph 5(a). Under no circumstances may this Paragraph be construed to relieve Charlotte of the obligation to give notice of any proposed annexation of any portion of the area described in Exhibit B. Concord may revoke the waiver described above by resolution of its governing body. Such waiver shall be effective on the date set forth in such resolution or ninety (90) days after a copy of such resolution is received by the Mayor of Charlotte, whichever date is later.

e) So long as Concord does not take any action by ordinance or resolution to annex any portion of the area described in Exhibit A, Charlotte waives the notice requirements of Paragraph 5(a). Under no circumstances may this Paragraph be construed to relieve Concord of the obligation to give notice of any proposed annexation of any portion of the area described in Exhibit A. Charlotte may revoke the waiver described above by resolution of its governing body. Such waiver shall be effective on the date set forth in such resolution or ninety (90) days after a copy of such resolution is received by the Mayor of Concord, whichever date is later.

6. From and after the effective date of this Agreement, no party may consider in any manner the annexation of any area in violation of the Act or this Agreement. From and after the effective date of this Agreement, no party may annex all or any portion of any area in violation of the Act or this Agreement.

7. Nothing in the Act nor this Agreement shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law.

8. Any party, which shall believe that a violation of the Act or this Agreement has occurred, shall have available to it all remedies and relief as authorized by the Act in addition to such remedies or relief as are authorized by other applicable law.

9. a) If Concord lawfully extends water or sewer facilities into an unincorporated portion of Mecklenburg County within the right-of-way of any public street which subsequently is annexed by and becomes a public street of Charlotte, Charlotte will permit Concord to maintain and extend water and sewer facilities subject to reasonable terms and conditions. This Agreement may not be construed to authorize the extension of water or sewer facilities within any portion of Mecklenburg County by Concord.

b) If Charlotte lawfully extends water or sewer facilities into an unincorporated portion of Cabarrus County within the right-of-way of any public street which subsequently is annexed by and becomes a public street of Concord, Concord will permit Charlotte to maintain and extend water and sewer facilities subject to reasonable terms and conditions. This Agreement may not be construed to authorize the extension of water or sewer facilities within any portion of Cabarrus County by Charlotte.

9. The provisions of this Agreement may only be amended or terminated upon the written agreement of Charlotte and Concord, approved by the ordinance of their governing boards and executed by the Mayors of Charlotte and Concord and spread upon their respective minutes.

10. The Parties acknowledge that development along the Mecklenburg/Cabarrus County Line ("County Line") has resulted in some developed lots and tracts being split by the County Line. The Parties anticipate that additional development along the County Line may occur with similar results. The Parties acknowledge the need from time to time to re-consider the appropriateness of using the County Line as the limit of their respective corporate boundaries under all circumstances. Notwithstanding, the terms of this Agreement, it is understood and agreed that either Party may propose to amend this Agreement to permit Concord to annex one or more lots and tracts in Mecklenburg County and to permit Charlotte to annex one or more lots and tract in Cabarrus County under circumstances that the Parties agree are appropriate. Each Party acknowledges that the provisions of this paragraph are not enforceable, but that all

remaining provisions of this Agreement are fully enforceable in accordance with their terms and applicable law.

CITY OF CHARLOTTE

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Senior Deputy City Attorney

CITY OF CONCORD

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A (Portion of Mecklenburg County)

That certain portion of Mecklenburg County (“Charlotte Area”) which is contiguous with the Cabarrus County/Mecklenburg County Line (the “County Line”), and extends in a generally westerly direction into Mecklenburg County for a distance of three miles. The northerly boundary of the Charlotte Area is formed by the northerly right-of-way margin of Eastfield Road (known as Allen Harris Road in Cabarrus County). The westerly boundary of the Charlotte Area is formed by a line which is generally west of, parallel to and 3 miles distant from the County Line. The southerly boundary of the Charlotte Area is formed by the southerly right-of-way margin of Albemarle Road (NC 24/27). The easterly boundary of the Charlotte Area is formed by the County Line.

EXHIBIT B (Portion of Cabarrus County)

That certain portion of Cabarrus County (“Concord Area”) which is contiguous with the Cabarrus County/Mecklenburg County Line (the “County Line”), and extends from the County Line in a generally easterly direction into Cabarrus County for a distance of three miles. The southerly boundary of the Concord Area is formed by the line between Concord and Harrisburg described in the annexation agreement between Concord and Harrisburg (dated October 12, 1998 as amended on December 12, 2003) (the description of said line is incorporated herein by reference). The easterly boundary of the Concord Area is formed by a line which is generally east of, parallel to and 3 miles distant from the County Line. The northerly boundary of the Concord Area is formed by the center of the rights-of-way of N.C. 73. The westerly boundary of the Cabarrus Area is formed by the County Line.

ORDINANCE NO. _____

AN ORDINANCE APPROVING ANNEXATION AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE TOWN OF MIDLAND

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 6 of the North Carolina General Statutes have been met; and

WHEREAS, the City Council has taken into consideration the statement presented at the public hearing held on November 23, 2015 on the proposed Annexation Agreement; and

WHEREAS, the City Council has concluded and hereby declares that it is appropriate and desirable for the City of Charlotte to enter into the Agreement;

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

Section 1. The proposed Annexation Agreement between the City of Charlotte and the Town of Midland is hereby approved and ratified and the Mayor of the City of Charlotte is directed to execute the Agreement on behalf of the City of Charlotte to become effective as provided therein.

Section 2. The approved Agreement is attached to this ordinance and is incorporated herein, and this ordinance and the Agreement shall be spread upon the minutes of this meeting.

Section 3. This approving ordinance shall take effect on January 1, 2016.

Adopted this 23rd day of November, 2015.

CITY OF CHARLOTTE

By: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. _____

AN ORDINANCE APPROVING ANNEXATION AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE TOWN OF HARRISBURG

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 6 of the North Carolina General Statutes have been met; and

WHEREAS, the City Council has taken into consideration the statement presented at the public hearing held on November 23, 2015 on the proposed Annexation Agreement; and

WHEREAS, the City Council has concluded and hereby declares that it is appropriate and desirable for the City of Charlotte to enter into the Agreement;

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

Section 1. The proposed Annexation Agreement between the City of Charlotte and the Town of Harrisburg is hereby approved and ratified and the Mayor of the City of Charlotte is directed to execute the Agreement on behalf of the City of Charlotte to become effective as provided therein.

Section 2. The approved Agreement is attached to this ordinance and is incorporated herein, and this ordinance and the Agreement shall be spread upon the minutes of this meeting.

Section 3. This approving ordinance shall take effect on January 1, 2016.

Adopted this 23rd day of November, 2015.

CITY OF CHARLOTTE

By: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. _____

AN ORDINANCE APPROVING ANNEXATION AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE CITY OF CONCORD

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 6 of the North Carolina General Statutes have been met; and

WHEREAS, the City Council has taken into consideration the statement presented at the public hearing held on November 23, 2015 on the proposed Annexation Agreement; and

WHEREAS, the City Council has concluded and hereby declares that it is appropriate and desirable for the City of Charlotte to enter into the Agreement;

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

Section 1. The proposed Annexation Agreement between the City of Charlotte and the City of Concord is hereby approved and ratified and the Mayor of the City of Charlotte is directed to execute the Agreement on behalf of the City of Charlotte to become effective as provided therein.

Section 2. The approved Agreement is attached to this ordinance and is incorporated herein, and this ordinance and the Agreement shall be spread upon the minutes of this meeting.

Section 3. This approving ordinance shall take effect on January 1, 2016.

Adopted this 23rd day of November, 2015.

CITY OF CHARLOTTE

By: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



Agenda Date: 11/23/2015

Agenda #: 8.**File #:** 15-1860 **Type:** Public Hearing Item

Public Hearing on a Resolution to Close a Portion of Oak Street

Action:

- A. Conduct a public hearing to close a portion of Oak Street, and**

- B. Adopt a resolution to close a portion of Oak Street.**

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

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

Petitioners

Mr. John Maxwell

Right-of-Way to be Abandoned

A portion of Oak Street located off of Fred D. Alexander Boulevard.

Reason

The reason is to close a portion of Oak Street and incorporate it into land owned by both the petitioner and Mr. Bud Mustin, an adjacent owner.

Notification

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

Adjoining property owner(s) - John Maxwell and Bud Mustin

Agenda #: 8.File #: 15-1860 Type: Public Hearing Item

Neighborhood/Business Association(s)

Druid Hills Neighborhood Association - Notified/No response

Edison Street Block Association - Notified/No response

Private Utility Companies - No objections

City Departments

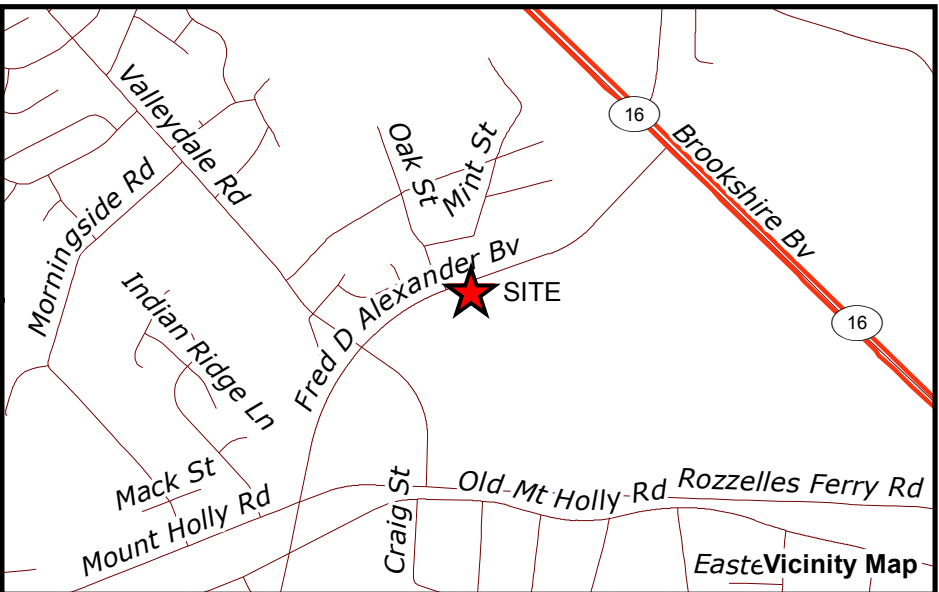
Review by City departments identified no apparent reason this closing would:

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

Attachment


Map

Resolution



CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION
 Development Services Division

Right-of-Way Abandonment Petition 2013-12

Right-of-Way Abandonment Area
 A residual portion of Oak Street 

RESOLUTION CLOSING A PORTION OF OAK STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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

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

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

WHEREAS, a 15-foot wide general utility easement shall be granted in favor of Charlotte Water, and Mecklenburg-County, both referred to herein after as the “grantees”. The general utility easement shall be granted over, upon, and under the area to be abandoned, and extend as a 15-foot wide easement from Fred D. Alexander Boulevard to the property currently or formerly owned by Mecklenburg-County (Deed Book 28807, Page 49). The said easement shall be maintained in perpetuity for ingress, egress, and regress, whereupon the grantees may install new utility facilities, and access existing facilities for the purposes of, but not limited to, the installation, maintenance, replacement, and repair of natural gas, water lines, sewer lines, cables, conduit, and related equipment.; and

WHEREAS, the public hearing was held on the 23rd day of November, 2015, and City Council determined that the closing of a portion of Oak Street is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of November 23, 2015, that the Council hereby orders the closing of a portion of Oak Street in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked “Exhibit A”, and is more particularly described by metes and bounds in the document marked “Exhibit B”, all of which are attached hereto and made a part hereof.

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



Agenda Date: 11/23/2015

Agenda #: 9.**File #:** 15-1861 **Type:** Public Hearing Item

Public Hearing on a Resolution to Close a Portion of N. Davidson Street

Action:

- A. Conduct a public hearing to close an unopened alleyway off of N. Davidson Street, and**

- B. Adopt a resolution to close an unopened alleyway off of N. Davidson Street.**

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

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

Petitioners

Mr. John Wellmon

Right-of-Way to be Abandoned

An unopened alleyway off of N. Davidson Street located between Jordan Place and Matheson Avenue.

Reason

The abandonment is consistent with Rezoning Petition (#2015-051), which was approved by the City Council on September 21, 2015. The right-of-way will be incorporated into the adjacent property in order to accommodate a transit-oriented/mixed-use (TOD-M) development.

Notification

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

Adjoining property owner(s) - Petitioner

Agenda #: 9.File #: 15-1861 Type: Public Hearing Item

Neighborhood/Business Association(s)

NoDa Neighborhood Association - Notified/No response

NoDa Vision - Notified/No response

Private Utility Companies - No objections

City Departments

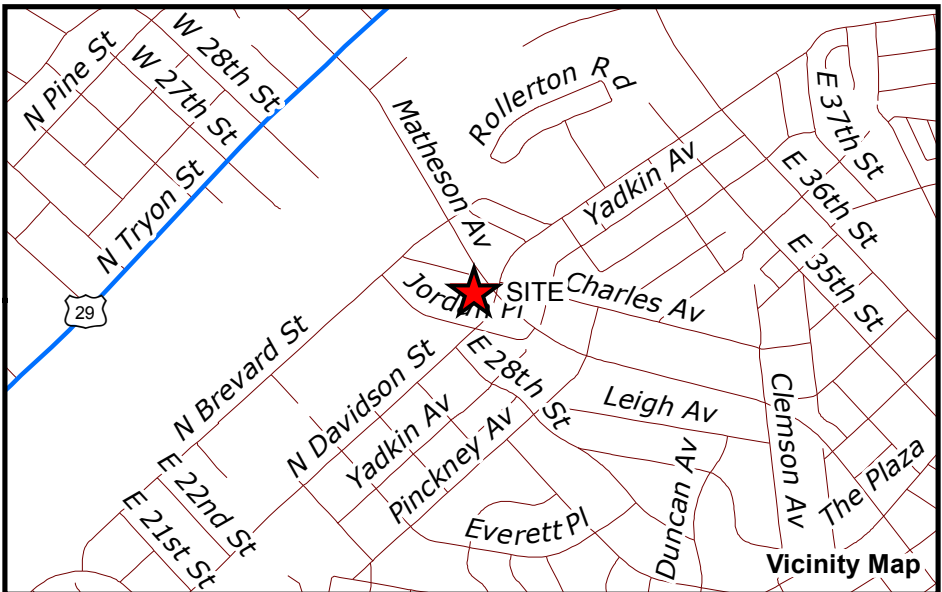
Review by City departments identified no apparent reason this closing would:

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

Attachment

Map

Resolution



CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION
 Development Services Division

Right-of-Way Abandonment Petition 2015-06

Right-of-Way Abandonment Area
 An Unopened Alleyway off of
 N. Davidson Street

RESOLUTION CLOSING AN UNOPENED ALLEYWAY OFF OF N. DAVIDSON STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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

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

WHEREAS, the public hearing was held on the 23rd day of November, 2015, and City Council determined that the closing of an unopened alleyway off of N. Davidson Street is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of November 23, 2015, that the Council hereby orders the closing of an unopened alleyway off of N. Davidson Street in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in the document marked "Exhibit B", all of which are attached hereto and made a part hereof.

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



Agenda Date: 11/23/2015

Agenda #: 10.**File #:** 15-1862 **Type:** Public Hearing Item

Public Hearing on a Resolution to Close a Portion of Greenwood Cliff

Action:

Conduct a public hearing to close a portion of Greenwood Cliff

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The closure of the Greenwood Cliff right-of-way is contingent upon construction of Pearl Park Way Extension and Berkley Place Extension within five years of this action.
- The resolution to close this portion of Greenwood Cliff will be brought before City Council for a future action following Council's decision on the Pearl Street Park Redevelopment project.
- Greenwood Cliff is located in Council District 1.

Petitioners

Midtown Partners II, LLC

Right-of-Way to be Abandoned

Greenwood Cliff is located northwest of Kenilworth Avenue, neighboring the Pearl Street Neighborhood Park.

Reason

The closing of a portion of Greenwood Cliff will occur in exchange for the construction of a new Pearl Park Way street extension. This first phase of this street connection will occur between Kenilworth Avenue and the remaining portion of Greenwood Cliff. In addition, this street closing will allow a number of abutting properties to be recombined in order to accommodate a new development consisting of mixed housing, office, and commercial uses. The proposed development is consistent with the Midtown-Morehead-Cherry Area Plan.

Agenda #: 10.File #: 15-1862 Type: Public Hearing Item

Notification

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

Adjoining property owner(s)

Mr. Alan Mayfield - Notified/No response

Mr. James Keenan - Has concerns about proposed project design

Mr. David Earnhardt - Notified/No response

Mr. Allen James - Notified/No response

Mr. William Turner - No objections

Mr. Chester Helt - Has concerns, which he and the petitioner are working on to reach a resolution.

D&R Properties of Charlotte, LLC - Notified/No response

Amy ENT, LLC - Notified/ No response

ODOM Family, LLC - Notified/No response

Nameste Properties No. 1, LLC - Notified/No response

Liberty Greenwood Cliff, LLC - Notified/No response

Neighborhood/Business Association(s)

Charlotte Regional Realtor® Association - No objections

Private Utility Companies - No objections

City Departments

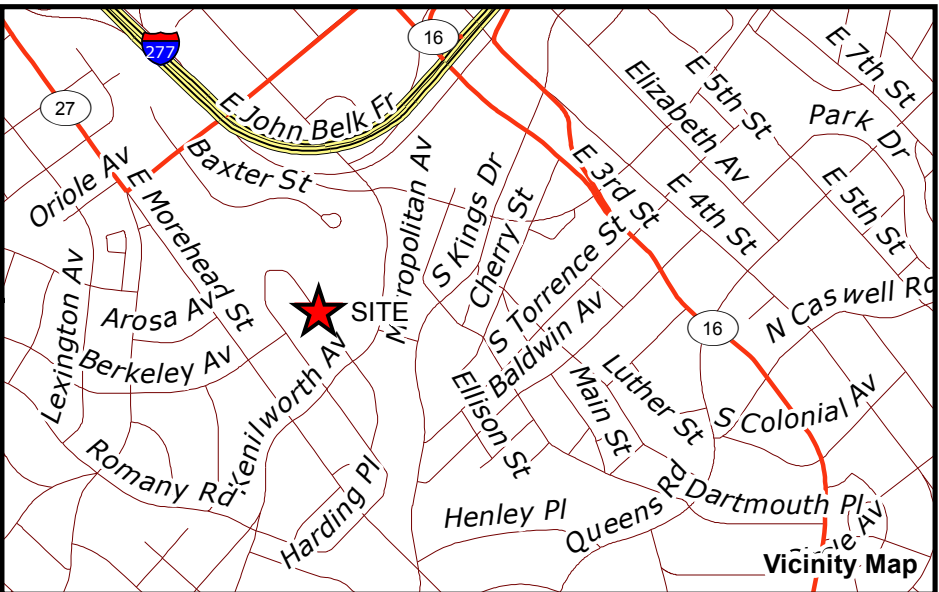
Review by City departments identified no apparent reason this closing would:

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

Attachment

Map

Resolution



CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION
 Development Services Division

Right-of-Way Abandonment Petition 2015-08

Right-of-Way Abandonment Area

A portion of Greenwood Cliff

RESOLUTION CLOSING A PORTION OF GREENWOOD CLIFF IN THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA

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

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

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

Whereas, the city intends to keep Greenwood Cliff open to the public until the conditions outlined hereinafter are met; and

WHEREAS, the public hearing was held on the 23rd day of November, 2015, and City Council determined that the closing of a portion of Greenwood Cliff is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of November 23, 2015, that the Council hereby orders the closing of a portion of Greenwood Cliff in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in the document marked "Exhibit B", all of which are attached hereto and made a part hereof. This action shall be effective on the date that the rights-of-way for the new Pearl Park Way extension and the Berkley Avenue connection between the new Pearl Park Way extension and the remnant of Greenwood Cliff are conveyed, recorded, constructed, and accepted by the City of Charlotte for maintenance. This abandonment approval shall be void if the above conditions are not met within 5-years after November 23, 2015.

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



City of Charlotte

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

Agenda Date: 11/23/2015

Agenda #: 11.File #: 15-1943 Type: Policy Item

City Manager's Report



Agenda Date: 11/23/2015

Agenda #: 12.**File #:** 15-1907 **Type:** Policy Item

Habitat for Humanity Charlotte Funding Allocation

Action:

Approve the Housing & Neighborhood Development Committee recommendation to approve a Community Development Block Grant allocation to Habitat for Humanity of Charlotte for single-family rehabilitation in the amount of \$375,000.

Committee Chair:

Council member Patsy Kinsey

Staff Resource(s):

Pamela Wideman, Neighborhood & Business Services
Warren Wooten, Neighborhood & Business Services

Explanation

- Habitat for Humanity of Charlotte is requesting \$375,000 of Community Development Block Grant (CDBG) funding to continue partnering with the City to rehabilitate homes of low and moderate-income families.
- Approval of this funding is recommended as it meets the City's housing program goals including preserving the existing affordable housing stock, preventing displacement of homeowners, and allowing homeowners to age in place by creating a suitable living environment.
- City Council approval of this request will allow Habitat for Humanity to rehabilitate 33 homes throughout the city of Charlotte using CDBG funding.

Background

- On April 27, 2015, the City Council adopted the U.S. Department of Housing and Urban Development Annual Action Plan (Plan).
- The Plan:
 - Identifies the need for affordable, safe, and decent housing for low and moderate-income families.
 - Reaffirms three basic goals of the City's Housing Policy:
 - Preserve the existing housing stock,
 - Expand the supply of affordable housing, and
 - Support family self-sufficiency initiatives.
- The CDBG program supports the Plan and provides resources to address community housing needs, provide a suitable living environment, and expand economic opportunities for low and moderate-income persons.
- The primary CDBG program goal is to increase the stock and quality of affordable housing units serving households earning 80% (\$51,350) or below Area Median Income (AMI).
- Since 2010, Habitat for Humanity has partnered with the City to rehabilitate over 100 homes

owned by low and moderate-income families.

Housing & Neighborhood Development Committee Discussion

- On November 11, 2015, City staff presented the Habitat for Humanity funding allocation recommendation to the Housing & Neighborhood Development Committee (Committee).
- The Committee voted 3-0 (Austin, Autry and Mayfield; Driggs and Kinsey were absent) to forward this request to City Council for approval at the City Council Business Meeting on November 23, 2015.

Charlotte Business INclusion

Community Development Block Grant funds are awarded through the U.S. Department of Housing and Urban Development Program and are therefore exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Community Development Block Grant



Agenda Date: 11/23/2015

Agenda #: 13.File #: 15-1924 Type: Policy Item

Proposed 2016 Federal Legislative Agenda

Action:

Approve the Intergovernmental Relations Committee recommendation to adopt the Proposed 2016 Federal Legislative Agenda.

Committee Chair:

Council member Ed Driggs

Staff Resource(s):

Ron Kimble, City Manager's Office
Dana Fenton, City Manager's Office

Explanation

- On November 9, 2015, the City Council received a dinner briefing on the 2016 Federal Legislative Agenda as proposed by the Intergovernmental Relations Committee.
- The proposed Agenda addresses the need to:
 - Commission the new airport control tower,
 - Work in partnership with the private and not for profit sectors and colleges and universities to secure federal resources to develop the Applied Innovation Corridor,
 - Reauthorize the federal surface transportation program, and
 - Support continuation of federal resources for the build-out of the 2030 Transit System Plan.
- The second session of the 114th U.S. Congress will convene in January 2016.

Intergovernmental Committee Discussion

The Intergovernmental Relations Committee voted unanimously (Driggs, Fallon, Howard, Mayfield, and Smith) to approve the Proposed 2016 Federal Legislative Agenda at its meeting on October 19, 2015.

Future Action

The approved 2016 Federal Legislative Agenda will be used as the primary vehicle for discussions with the Congressional Delegation in 2016, including meetings to be scheduled during the National League of Cities Congressional City Conference from March 5-9, 2016.

Attachment

Proposed 2016 Legislative Agenda



PROPOSED 2016 FEDERAL LEGISLATIVE AGENDA

Airport Control Tower

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

Applied Innovation Corridor

- Explore partnerships with the private and not-for-profit sectors and colleges and universities in identifying and securing federal resources for the development of the Applied Innovation Corridor

Surface Transportation Program

- Support reauthorization of the surface transportation program

2030 Transit System Plan

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



Agenda Date: 11/23/2015

Agenda #: 14.**File #:** 15-1903 **Type:** Policy Item

Towing and Booting Businesses Ordinance Amendment

Action:

Approve the Community Safety Committee recommendation to adopt an ordinance amending Chapter 6 of the Charlotte Code entitled "Towing and Booting Businesses."

Committee Chair:

Council member Claire Fallon

Staff Resource(s):

Rich Austin, Police
Richard Perlungher, Police

Explanation

- In 2003, the City Council enacted a Towing and Booting Businesses Ordinance (Ordinance). The City Council amended the Ordinance in February 2011 and set fees for services and implemented signage requirements for the nonconsensual towing and booting of vehicles from private parking lots.
- On June 12, 2014, the North Carolina Supreme Court issued a unanimous opinion in the case of George King d/b/a George's Towing and Recovery v. Town of Chapel Hill. The Court held that municipalities do not have the authority to impose a fee schedule or otherwise cap fees for nonconsensual towing from private lots. The Court did uphold the ordinance's notice and signage provisions and the requirement that towing companies accept cash, debit cards, and at least two major credit cards.
- The proposed Ordinance amends the following language:
 - Booting service will be defined as "any person or other entity, whether licensed or not, that engages in or who owns or operates a business, which engages, in whole or in part, in the booting or immobilization of motor vehicles for compensation."
 - Exempts driveways, lawns or yards, of property owned or leased as a family residence from the definition of a private parking lot.
 - Requires that wheel locks be manufactured as well as designed to immobilize a motor vehicle.
 - Removes fee caps for services from the Ordinance.
 - Requires that the maximum amount of fees and charges for the following be posted on signs:
 - booting or immobilizing a vehicle by use of a wheel lock;
 - securing a vehicle to a tow truck by a hook, chain, cable or similar device;
 - a completed trespass tow;

Agenda #: 14.File #: 15-1903 Type: Policy Item

- storing a towed vehicle;
- amount or percent of additional fees and charges, which may be added for the use of credit and debit cards
- Requires that signs also include a statement that credit and debit cards may be used for payment.
- Requires that booting service employees either be in uniform, which contains the employee's first name and the name of the booting company, or present upon request of the owner or operator of an immobilized motor vehicle an identification card that contains the employee's picture, first name, and the name, address, and telephone number of the booting company.
- Requires that booting service motor vehicles be marked with the name and address of the booting company.
- Increases the maximum fine upon conviction for a violation of the Ordinance from \$50 to \$500.
- The Ordinance will be effective on January 22, 2016.
- The Community Safety Committee will discuss further actions to address additional signage and vehicle photograph requirements.

Community Safety Committee Discussion

- Staff reported to the Community Safety Committee (Committee) that an amendment to the Ordinance was necessary in light of the North Carolina Supreme Court's decision.
- On June 11, 2015, the Committee directed staff to continue work on further Ordinance amendments in addition to the removal of the fee caps.
- On September 10, 2015, the Committee voted unanimously (Fallon, Barnes, Austin, Phipps, and Smith) to approve the Ordinance and place the item on the dinner briefing portion of the Council Business Agenda as well as include it as a future City Council action provided that staff will meet with representatives of the towing and booting industry.
- On September 30, 2015, staff met with towing, booting, and parking industry representatives to discuss the proposed changes to the Ordinance.
- On October 26, 2015, a Dinner Briefing presentation on the case of George King d/b/a George's Towing and Recovery v. town of Chapel Hill and recommended amendment to the Ordinance was made to the City Council.

Attachment

Towing and Booting Businesses Ordinance Amendment

ORDINANCE NO. _____

AMENDING CHAPTER 6

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE XI OF THE CITY CODE,
ENTITLED "TOWING AND BOOTING BUSINESSES"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH
CAROLINA THAT:

Section 1: Article XI. Towing and Booting Business of the City Code is
amended as follows:

Sec. 6-561. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Booting service includes any person or other entity, whether licensed or not, that engages in or who owns or operates a business which engages, in whole or in part, in the booting or immobilization of motor vehicles for compensation.

Completed trespass tow means a trespass tow resulting in the complete removal of the motor vehicle from a private parking lot or private property.

Motor Vehicle means a Class A, B, or C Motor Vehicle as defined in G.S. 20-4.01(23).

Private parking lot means any parking lot or area owned by a private entity or individual that provides parking spaces for a fee or requires the permission of the owner, lessee or agent before a person may park at that location. A private parking lot includes vehicle parking spaces in an apartment or condominium complex. A private parking lot does not include the driveway, lawn or what is commonly referred to as the yard, of property owned or leased as a family residence.

Tow means to haul, carry, pull along, or otherwise transport or remove a motor vehicle by means of another vehicle.

Towing or tow service includes any person or other entity, whether licensed or not, that engages in or who owns or operates a business which engages, in whole or in part, in the towing or removal of motor vehicles for compensation.

Trespass towing or trespass tow means the towing or removal of a motor vehicle, without the consent of the motor vehicle's owner or operator, that is parked on a private parking lot without the property owner's or agent's consent.

Wheel lock means a boot, wheel lock or any other device that is attached to a motor vehicle that is manufactured and designed to immobilize the motor vehicle.

Sec. 6-562. Towing of vehicles for compensation.

No towing service shall conduct a trespass tow of a motor vehicle from a private parking lot for compensation when the point of origin of the tow is within the jurisdictional limits of the city without complying with the provisions of this article.

Sec. 6-563. Trespass towing of vehicles from private parking lots; Signs required.

(a) It shall be unlawful to tow or remove or immobilize by use of any wheel lock or other method, a motor vehicle that is parked on private property or private parking lot without the permission of the owner or lessee of the motor vehicle unless notice is posted in accordance with the provisions of this section on the private property from which the towing, removal, or immobilization occurs. The notice shall meet the following requirements:

(1) The notice must be in the form of a sign structure and not less than 24 inches by 24 inches and not larger than 6 square feet and constructed of metal, plastic or other type of material that is enduring in nature. The notice shall be prominently posted on the private property at each access or curb cut allowing vehicle access to the property and within five feet of the street right of way line. If there are no curb or access barriers, notices shall be posted not less than every 50 feet facing the frontage of the public street and facing the private parking lot. In addition, a sign not less than 12 inches by 18 inches in size may be posted with lettering on both sides at each parking space from which an unauthorized vehicle could be towed, removed, or immobilized.

(2) The notice shall clearly display the following:

a. In not less than one and one-half inch high letters red in color on a contrasting white background, the words "tow-away-zone" or "towing enforced."

b. In not less than one inch high letters red in color on a contrasting white background, a statement that parking is never authorized by stating "private property - no parking" or where parking is permitted under limited circumstances, by stating "authorized parking only" or "leased parking only", or "parking for _____ customers only", or "parking for residents only", or a similar phrase that specifically identifies the conditions under which someone may park on the property. If parking is only allowed for a specified time, then the sign shall specifically state the days and hours when parking is permitted.

c. In not less than one-half inch high letters red in color on a contrasting white background, the phone number that a person can call to retrieve the towed vehicle and the name and address of the storage facility where the vehicle is stored.

d. In not less than one-half inch high letters red in color on a contrasting white background, the maximum fees and charges for booting or immobilizing a vehicle by use of a wheel lock, securing a vehicle to a tow truck by a hook, chain, cable or similar device, a completed trespass tow, and storing a towed vehicle; a statement that credit and debit cards may be used for payment; and the amount or percent of additional fees and charges which may be added for the use of credit and debit cards.

(3) The sign displaying the required notices shall be permanently installed with the bottom of the sign not less than 3 feet above ground level and the top of the sign not more than 8 feet above ground level.

Sec. 6-564. Booting service; Fees.

(a) Any booting service engaged in the booting or immobilization of a motor vehicle on a private parking lot shall upon the request of the vehicle owner or operator, display and exhibit a photo identification card issued by the booting service. The photo identification card shall contain a picture of the employee, the first name of the employee, and the name, address and telephone number of the booting service. This subsection shall not apply to booting services in uniform which contains the first name of the employee and the name of the booting service.

(b) Booting service motor vehicles shall be marked with the name and address of the booting service on each side of the vehicle in letters not less than three inches in height. This subsection shall not apply to motor vehicles subject to North Carolina General Statute § 20-101(d) or 49 C.F.R. Part 390.

(c) A booting service must accept cash and at least two major credit and debit cards.

Sec. 6-565. Trespass towing of vehicles from private parking lots; Practices.

(a) Any towing service that has initiated a trespass tow by, securing the motor vehicle to the tow truck by a hook, chain, cable or similar device, but has not completely removed the trespass motor vehicle from the private parking lot, shall upon the request of the vehicle owner or operator, release said vehicle upon payment of the fees and charges noticed pursuant to Sec. 6-563(a)(2)d.

(b) Any towing service that is engaged in a trespass tow shall, upon request of the owner or operator of the motor vehicle, permit the owner or operator access to the trespass vehicle for the purpose of retrieving personal property from the vehicle. If

personal items are removed from the motor vehicle by the towing service, then upon request those items will be returned to the owner or operator.

(b) Any towing service that engages in a trespass tow or any storage facility that receives motor vehicles that have been towed as a result of a non-consensual tow from private property shall accept cash and at least two major credit cards and any debit card for all fees and charges required to be noticed pursuant to this article. Upon request, the employee for the towing service or storage facility will provide a receipt to the owner or operator of the towed motor vehicle.

(d) Any towing service that engages in a trespass tow or any storage yard that receives motor vehicles that have been towed as a result of a non-consensual tow from private property shall have a person on call 24 hours every day who acknowledges requests to retrieve a towed motor vehicle within 15 minutes of receiving an inquiry from the owner or operator of the towed motor vehicle. If the owner or operator wishes to retrieve the motor vehicle, then the towing service or storage facility must make the vehicle available within 45 minutes of the request.

(e) The lot or facility to which a trespass towed vehicle is removed shall be located within the city limits of the City of Charlotte.

(f) No towing service shall remove a motor vehicle from a private lot from the hours of 7:00 a.m. to 7:00 p.m. unless the owner or agent of the private lot signs a contemporaneous specific written authorization for such removal which is presented to the wrecker driver of the towing service. The agent must be someone other than an employee of the towing service. The written authorization shall contain the reason for the tow, the make, model, year, color, vehicle identification number (VIN) and license plate number. The wrecker driver shall contact the non-emergency number for the Charlotte-Mecklenburg Police Department and provide the above information. The motor vehicle will not be removed from the private lot until the driver has been advised of a complaint number.

(g) Subject to the express limitations described in this Article, towing services and owners, lessees and agents of private parking lots shall be entitled to pursue all rights and remedies available at law regarding the enforcement and collection of past due charges for parking violations.

Sec. 6-566. Interference with a towing service.

(a) It shall be unlawful for anyone to obstruct or interfere with a towing service that is carrying out a trespass tow on private property or a tow conducted pursuant to a contract with the City of Charlotte except:

(1) When the owner or operator verbally requests the towing service to release the motor vehicle pursuant to this Article;

(2) When the owner or operator verbally requests the towing service to release the motor vehicle pursuant to the provisions of a towing contract with the City of Charlotte; or

(3) When the owner or operator verbally requests the towing service to retrieve personal property from their motor vehicle.

Sec. 6-567. Penalty.

Any person who violates a provision of this article shall be guilty of a misdemeanor as provided by G.S. 14-4, and subject to a maximum fine of five hundred dollars (\$500.00).

Section 2: This ordinance shall become effective January 22, 2016.

Approved as to form:

City Attorney



Agenda Date: 11/23/2015

Agenda #: 15.**File #:** 15-1930 **Type:** Policy Item

Code of Ethics for Boards, Committee and Commissions

Action

Consider adding the Citizens Review Board and the Civil Service Board to the list of Boards, Committees, and Commissions subject to the Gift Policy and Disclosure Requirements of the Code of Ethics.

Committee Chair:

Council member David Howard

Staff Resource(s):

Bob Hagemann, City Attorney's Office

Explanation

- On October 26, 2015, the City Council adopted a resolution adopting a revised Code of Ethics for members of Boards, Committees, and Commissions of the City of Charlotte as recommended by the Governance and Accountability Committee.
- The Committee was asked to consider adding the Citizen's Review Board and the Civil Service Board to the list of Committees subject to the Gift Policy and Disclosure Requirements of the Code of Ethics.
- The Governance and Accountability Committee will meet at 12:00 p.m. on November 23, 2015, to discuss this issue and make a recommendation to the City Council.



Agenda Date: 11/23/2015

Agenda #: 16.File #: 15-1846 Type: Business Item

Resolution for a National Flood Insurance Program

Action:

Adopt a resolution to submit a Watershed Management Plan to the National Flood Insurance Program.

Staff Resource(s):

Daryl Hammock, Engineering & Property Management

Explanation

- The National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that encourages floodplain management activities that exceed the minimum federal requirements. The NFIP is administered locally by Mecklenburg County on the City's behalf.
- Flood insurance premium rates for Charlotte residents are discounted in CRS-participating communities to reflect the reduced flood risk resulting from the community actions.
- The CRS consists of 19 creditable activities, many of which currently represent the policies of the Charlotte City Council and City administrative practices.
- The CRS program assesses the creditable activities when participating communities submit the necessary information, known as a Watershed Management Plan.
- In order for the plan to be fully accredited, staff has assembled Charlotte's watershed and flood related ordinances, budgets, policies, and administrative practices for submittal to the CRS evaluators. This complete collection of City endeavors is known as Charlotte's Watershed Management Plan.
- The action will certify that these endeavors are those of the City, and will endorse staff's submittal of Charlotte's Watershed Management Plan to the NFIP.
- Once credited, the city of Charlotte may be eligible to move from a "class five" community to a "class three or four" community and reduce flood insurance rates by 5-10%.
 - The enhancement could benefit up to 3,700 property owners who have flood insurance and would help the owners save an additional \$90,000-\$180,000 in annual premiums.
- The action does not commit the city of Charlotte to additional activities, cause additional expenditures, or hinder future changes to policies, ordinances, or prevent administrative improvements that are warranted from time to time.
- NFIP staff will visit Charlotte in December to meet with staff to review the plan and seek clarification on its elements and activities.
- The NFIP's decision on an award of additional points to the city of Charlotte is expected in February 2016.

Fiscal Note

Funding: Not Applicable

Attachment

Resolution

RESOLUTION OF THE CHARLOTTE CITY COUNCIL

Authorization to submit a Watershed Management Plan to the National Flood Insurance Program so Charlotte's Community Rating can be credited for our commitment to flood resilience and surface water improvement

WHEREAS, the National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that encourages floodplain management activities that exceed the minimum requirements; and

WHEREAS Flood insurance premium rates are discounted in CRS participating communities to reflect the reduced flood risk resulting from the community actions; and

WHEREAS The CRS consists of 19 creditable activities, many of which currently represent the policies of the Charlotte City Council and current City administrative practices; and

WHEREAS these Council policies and current administrative practices have been assembled and form Charlotte's Watershed Management Plan for the purposes of submittal to the NFIP; and

WHEREAS the NFIP will review and assess Charlotte's current practices, and credit Charlotte accordingly based on the submittal;

NOW THEREFORE BE IT RESOLVED by the Charlotte City Council as follows:

1. Authorize the submittal of the Watershed Management Plan to the National Flood Insurance Program to increase our Community Rating so that citizens may obtain discounted flood insurance.
2. The Watershed Management Plan represents previously approved and currently effective ordinances regarding floodplains, drainage, surface water protection, as well as the City Council approved capital investments in these areas. The Watershed Management Plan also includes the programs in effect and continuously-improved by staff to administer these ordinances and investments.

Adopted this 23 day of November, 2015

Approved as to Form

RH

Daniel Clodfelter, Mayor



Agenda Date: 11/23/2015

Agenda #: 17.File #: 15-1913 Type: Appointment

Appointment to the Housing Advisory Board of Charlotte-Mecklenburg

Action:

Vote on blue paper ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Community representative for a three-year term ending June 30, 2018.
 - Delores Reid-Smith by Council members Barnes, Fallon, and Mayfield.
 - Teresa Sandman by Council members Driggs, Phipps, and Smith.
 - Carrie Cook by Council members Austin, Autry, Howard, and Lyles.

Attachment

Housing Advisory Board of Charlotte-Mecklenburg Applicants



City of Charlotte, NC

HOUSING ADVISORY BOARD OF CHARLOTTE-MECKLENBURG

BOARD DETAILS

OVERVIEW

- SIZE** 19 Seats
- TERM LENGTH** 3 Year
- TERM LIMIT** 2 Terms

Membership - The Community based board to implement the ten year plan to end and prevent homelessness was approved by City Council at their May 24, 2010 meeting.

Initial terms shall be staggered and subsequent terms will be for three years. Members will serve no more than two consecutive full terms with initial terms counting as a full term.

Mayor shall appoint the first Chair who shall serve as Chair for three years. Appointment of Chair shall rotate between City, County and Foundation of the Carolinas.

The City Council (on July 28, 2014) and the Mecklenburg County Board of Commissioners (on August 5, 2014) approved the expansion of the Coalition and amended the responsibilities to include serving as the Governing Board for the Charlotte-Mecklenburg Continuum of Care to be in compliance with the HEARTH Act of 2009.

Mayor shall appoint representatives of non-profit, corporate/economic development and faith-based groups. City Council shall appoint representatives of the general community, affordable housing, donors, financial, real estate, legal, hospitals and a homeless or formerly homeless individual. County Commissioners shall appoint representatives of public safety, education, human services, veterans and school districts. Ex-officio members shall be the Neighborhood and Business Services Director (City), Community Support Services Director (County) and Charlotte Housing Authority CEO.

Effective June 8, 2015, the Charlotte City Council approved to change the Board name from Charlotte-Mecklenburg Coalition for Housing to the Housing Advisory Board of Charlotte-Mecklenburg.

Responsibilities - Principal functions of the Board are to ensure implementation of the Ten Year Plan, which is mandated by HUD and to serve as the governing board for Charlotte-Mecklenburg Continuum of Care. Goals of the Ten Year Plan include facilitating safe and permanent housing for homeless families and individuals; encouraging intensive outreach and engagement; and promoting housing stability for those most at-risk of becoming homeless. Goals of the Continuum of Care include promoting community-wide planning and strategic use of resources to address homelessness; improve coordination and integration with mainstream resources and other programs targeted to people experiencing homelessness; improve data collection and performance measurement; and optimize self-sufficiency among individuals and families experiencing homelessness.



CONTACT

Mary Gaertner
 (704) 432-5495
mgaertner@ci.charlotte.nc.us

MEMBERSHIP BREAKDOWN 3 by Mayor; 8 by City Council; 5 by County Commission; 3 Ex Officio

MEETING INFORMATION
 Meeting Day - 4th Thursday (Jan, Mar, May, Aug, Oct, Dec)
 Meeting Time - 11:30 a.m.
 Meeting Location - Location varies

DETAILS

Time Commitment - 4 to 6 hours per month

ENACTING RESOLUTION

**ENACTING RESOLUTION
WEBSITE**

ADDITIONAL INFORMATION

Staff asked (in June) that the City Clerk's office hold off on advertising for Ken's position.



City of Charlotte, NC

HOUSING ADVISORY BOARD OF CHARLOTTE-MECKLENBURG

BOARD ROSTER



DENNIS BOOTHE JR.
1 Term Jul 01, 2014 - Jun 30, 2017

Email: dennisjr@gmail.com

Office Varied Locations
Position Board Member
Category Affordable Housing
Appointed by City Council



NANCY CROWN
1 Term Jul 01, 2014 - Jun 30, 2017

Email: nancy.crown@bamf.com

Office Varied Locations
Position Board Member
Category Financial
Appointed by City Council



VANESSA EICHMAN
1 Term Jan 21, 2015 - Jun 30, 2018

Email: vanessam.eichman@cms.k12.nc.us

Office Varied Locations
Position Board Member
Category School District
Appointed by County Commission



DENISE HOWARD
1 Term Jul 01, 2015 - Jun 30, 2018

Email: dhoward@novanthealth.org

Office Varied Locations
Position Board Member
Category Hospitals
Appointed by City Council



BRANDON LOFTON
1 Term Jul 01, 2015 - Jun 30, 2018

Email: blofton@rbh.com

Office Varied Locations
Position Board Member
Category Legal
Appointed by City Council



STACY LOWRY
1 Term N/A - N/A

Email: stacy.lowry@mecklenburgcountync.gov

Office Varied Locations
Category Community Support Services Director (County)
Appointed by Ex Officio



JUSTIN MARKEL
1 Term Jul 01, 2015 - Jun 30, 2018

Office Varied Locations
Position Board Member
Category Homeless/Formerly Homeless
Appointed by City Council



MICHAEL MARSICANO
1 Term Jul 01, 2012 - Jun 30, 2015

Office Varied Locations
Position Board Member
Category Nonprofit Organization
Appointed by Mayor



NICOLE MARTIN
1 Term Jul 01, 2014 - Jun 30, 2017

Office Varied Locations
Position Board Member
Category Faith Based
Appointed by Mayor



JOANNE MAZZAFERRO
1 Term Jul 01, 2013 - Jun 30, 2016

Email: josietherealtor@gmail.com

Office Varied Locations
Position Board Member
Category Real Estate Representative
Appointed by City Council



A. FULTON MEACHEM, JR.
1 Term N/A - N/A

Email: fmeachem@cha-nc.org

Office Varied Locations
Category Charlotte Housing Authority (Director)
Appointed by Ex Officio



PATRICK MUMFORD
1 Term N/A - N/A

Email: pmumford@charlottenc.gov

Office Varied Locations
Category City of Charlotte-Neighborhood & Business Services
Appointed by Ex Officio



JOE PENNER
2 Term Jul 01, 2014 - Jun 30, 2017

Office Varied Locations
Position Board Member
Category None
Appointed by County Commission



MIKE RIZER
2 Term Jul 01, 2013 - Jun 30, 2016

Office Varied Locations
Position Board Member
Category Corporate/Economic Development
Appointed by Mayor



MELANIE SIZEMORE
1 Term Jul 01, 2013 - Jun 30, 2016

Email: msizemore@realindex.com

Office Varied Locations
Position Board Member
Category Donor/Philanthropic
Appointed by City Council



KIMBERLY STEPHENS
1 Term Oct 07, 2014 - Jun 30, 2017

Email: kimberly.stephens3@va.gov

Office Varied Locations
Position Board Member
Category Veteran
Appointed by County Commission



ANNABELLE SUDDRETH
2 Term Jul 01, 2013 - Jun 30, 2016

Email: auddreth@childsplace.org

Office Varied Locations
Position Board Member
Category Human Services
Appointed by County Commission



KEN SZYMANSKI
2 Term Jul 01, 2012 - Jun 30, 2015

Email: ken@greatercaa.org

Office Varied Locations
Position Chairman
Category Community
Appointed by City Council



LORI THOMAS

1 Term Jul 01, 2012 - Jun 30, 2015

Office Varied Locations
Position Board Member
Category Education
Appointed by County Commission

Application Form

Profile

Delores _____ Reid-Smith _____
First Name Middle Initial Last Name

Email Address

Please provide your mailing address below:

Street Address

Suite or Apt

Charlotte _____ NC _____ 28215 _____
City State Postal Code

Is your mailing address the same as your home address?

If your home address differs from your mailing address, please provide your home address in the field below:

Primary Phone

Alternate Phone

District 5 _____
City Council District

African American _____
Ethnicity

Democrat _____
Political Party

Female _____
Gender

01/17/1957 _____
Date of Birth

Are you a registered voter?

Yes No

List any boards you are currently serving on:

Community Relations Committee

List any boards you have served on in the past:

Residential Rental Property Review Board

Which Boards would you like to apply for?

Community Relations Committee (O), Housing Advisory Board of Charlotte-Mecklenburg

Why are you interested in serving on these boards/ committees?

As a Certified Property Manager and a National Leasing Professional, I believe my skills and knowledge would benefit this board. I have managed diverse populations and would bring a unique perspective to this board. I have served on the Community Relations Committee's Dr. Martin Luther King, Jr. Planning Committee for many years.

Please describe any background or abilities that qualify you to serve on these boards/ committees.

Past Treasurer PTA Council for Mecklenburg County Past Member of the Carolina Youth Commission Past Chair of the Char/Meck Martin Luther King, Jr. Planning Committee Residential Rental Property Review Board, City of Charlotte 2011 Graduate of Civic 101 Completed Creating Sustainable Community & Faith Based Programs/ HUD Fair Housing/ NC Housing Coalition & Charlotte Apartment Association

Retired _____
Current Employer:

Years in current position:

Job Title:

Brief description of duties:

Other employment history:

Volunteer Coordinator/Democratic National Convention Director of Operations/Property Manager/St. Peter's Homes Office Administrator/Executive Assistant/Community School of the Arts Administrative Manager/Johnson C. Smith University

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

Yes No

If yes, please explain complete disposition:

Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?

Yes No

If yes, please explain conflict:

Application Form

Profile

Teresa M Sandman
First Name Middle Initial Last Name

[Redacted]
Email Address

Please provide your mailing address below:

[Redacted] [Redacted]
Street Address Suite or Apt

Charlotte NC 28227
City State Postal Code

Is your mailing address the same as your home address?

[Redacted]

If your home address differs from your mailing address, please provide your home address in the field below:

[Redacted]

[Redacted] [Redacted]
Primary Phone Alternate Phone

Mecklenburg County Towns
City Council District

Caucasian/Non-Hispanic
Ethnicity

Republican
Political Party

Female
Gender

12/20/1969
Date of Birth

Are you a registered voter?

Yes No

List any boards you are currently serving on:

Apartment Association of North Carolina – serving on executive board in the position Treasurer National Apartment Association with Affordable Housing Committee National Apartment Association Curriculum Development Booster Club for my daughter’s dance studio with a non-profit 501(C) 3 as Treasurer Alexa Residential, LLC – family owned property management company as President Chairperson for the Apartment Association of North Carolina 2015 Legislation & Education conference – largest multifamily event within North Carolina in 2015 Greater Apartment Association of Charlotte – Government Affairs, Green Committee and Education

List any boards you have served on in the past:

Greater Charlotte Apartment Association PTA Carmel Christian School BNP Residential – VP of Property Management (public company)

Which Boards would you like to apply for?

Housing Advisory Board of Charlotte-Mecklenburg

Why are you interested in serving on these boards/ committees?

Over the past few years I have focused on affordable housing properties and renovating older apartment communities for work force housing residents. One such apartment community is located off on Central Ave called Central Pointe Apartments – this property has gone through renovation and offers the local neighborhood a safe, clean and affordable place to call home. Even though Central Pointe is considered work force housing the City of Charlotte has a greater need for preventing homelessness and I my background of property management will assist the Coalition for Housing in reaching their long-term for preventing homelessness as I truly understand the barriers homeless families are faced with in housing. My background of knowing owner / operators within the multifamily industry and the processes of obtaining housing, working with the community to offer support to homeless families, and the methods involved with the eviction process (courts) can create strategic relationships with the coalition goals.

Please describe any background or abilities that qualify you to serve on these boards/ committees.

As a Director of Property Manager I have an extensive background with multifamily housing with focus on affordable housing, tax credit and Section 8 placement. I can assist the committee in bridging the gap between landlords and the long-term goals of the committee. I have worked in the past with local groups in placing homelessness families, Room at the Inn and have worked with Birthday Blessings to bring birthday celebrations into the school system for homeless children. For the big picture I find it is not enough to move people out of homelessness so we must also focus on keeping people living in market rate properties into

falling into homelessness. When households do not have sufficient resources to cover housing cost and live in high cost housing locations such as Charlotte the need to focus on comprehensive solutions are far more effective and cost-efficient than a temporary fix.

Retired Sept 2015 from Ginkgo Residential

Current Employer:

23 years in property mgmt

Years in current position:

former Director of Property Mgmt

Job Title:

Brief description of duties:

Managed the overall operations for up to 28,500 units of Class A, B, C and affordable housing properties. Duties include developing and overseeing operating budgets and large capital renovations. Prepare forecasts and projections to determine potential of renovation budgets in efforts to position older properties into safe and affordable work force housing. Conducted site inspections and work hand-in-hand with onsite teams for community outreach to improve neighborhood conditions through advocacy, education and legislation.

Other employment history:

Through my relationships within the multifamily industry I have been able to concentrate on housing services to include the following areas for low income residents: summer lunch programs, YMCA swimming programs, mobile dentistry, English as a second language, how to understand the signs of gang activity with young children, computer training for young children and placement on homeless families within apartment communities. Outside of the multifamily industry I have worked with my children's school PTA board on social outreach through volunteering time for community improvement such as feeding the hungry, neighborhood improvement and more. I am also currently working with my children's dance studio as their treasurer for their non-profit.

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

Yes No

If yes, please explain complete disposition:

Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?

Yes No

If yes, please explain conflict:

Graduate School

Education:

If you selected 'Other' for education, please specify below.

Additional Education History:

I am a firm believer in continued education and in 2015 went through the training and test to receive my Housing Credit Certified Professional (HCCP) designation to better understand the process with affordable & tax credit housing. With IREM I have earned my Certified Property Manager license (CPM) and with the National Apartment Association have earned designations to include Certified Apartment Manager (CAM) and Certified Apartment Supervisors (CAPS). Continued education within the real estate industry has allowed me to receive my broker's license for North Carolina, South Carolina, Georgia and Tennessee. Focus on smoke free living within the multifamily industry has allowed me to receive any awards and work alongside many noted industries within North Carolina to educate others on how to remove second hand smoke & potential fire issues within rental properties. In addition to smoke free living I have worked to move rental properties to focus on GREEN initiatives and have won awards from Mecklenburg County "Wipe Out Waste Ambassadors".

Scott Sandman

Spouse's Name:

Barrington Place Apartments

Spouse's Employer

Property Mgr

Spouse's Job Title

Recruited by current Committee Member

How did you find out about the Charlotte Boards and Commissions vacancies?

Business relationship within the industry - Ken Szymanski

Profile

Carrie B Cook
First Name Middle Initial Last Name

[Redacted]
Email Address

Please provide your mailing address below:

[Redacted] [Redacted]
Street Address Suite or Apt

Charlotte NC 28202
City State Postal Code

Is your mailing address the same as your home address?

[Redacted]

If your home address differs from your mailing address, please provide your home address in the field below:

[Redacted]

[Redacted] [Redacted]
Primary Phone Alternate Phone

District 2
City Council District

African American
Ethnicity

Democrat
Political Party

Female
Gender

12/22/1983
Date of Birth

Are you a registered voter?

Yes No

List any boards you are currently serving on:

No city board service currently (FYI - I am an alternate member on stormwater mitigation task force)

List any boards you have served on in the past:

No city board service

Which Boards would you like to apply for?

Housing Advisory Board of Charlotte-Mecklenburg

Why are you interested in serving on these boards/ committees?

Please describe any background or abilities that qualify you to serve on these boards/ committees.

Charlotte Chamber of Commerce
Current Employer:

1

Years in current position:

VP, Government Affairs

Job Title:

Brief description of duties:

Other employment history:

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

Yes No

If yes, please explain complete disposition:

Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?

Yes No

If yes, please explain conflict:



Agenda Date: 11/23/2015

Agenda #: 18.**File #:** 15-1914 **Type:** Appointment

Appointment to the Neighborhood Matching Grants Fund Review Team

Action:

Vote on blue paper ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Neighborhood representative for an unexpired term beginning immediately and ending April 15, 2016.
 - Ryan Deal by Council members Autry, Driggs, Howard, and Smith.
 - Lucille Frierson by Council members Barnes and Phipps.
 - William Hughes by Council members Austin and Lyles.
 - Frank Kretschmer by Council member Fallon.
 - Shannon McKnight by Council member Mayfield.


Attachment




Neighborhood Matching Grants Fund Review Team Applicants



NEIGHBORHOOD MATCHING GRANTS FUND


BOARD DETAILS




 **OVERVIEW**

-  **SIZE** 11 Seats
-  **TERM LENGTH** 2 Year
-  **TERM LIMIT** 2 Terms


Membership - 3 Neighborhood representatives (e.g. neighborhood organization, community development corporation, business association), 2 non-profit sector representatives, 1 school system employee (recommended by the Superintendent of the Charlotte-Mecklenburg School System), 1 City staff representative (recommended by the City Manager's Office). On July 27, 1998, City Council approved the expansion of the City Wide Review Team for large grants from seven (7) members to eleven (11) members. The four new members must include two business representatives and two neighborhood representatives from within the program boundaries.

Responsibilities - To review applications and determine awards, four times per year, for grants between \$10,001 and \$25,000 and to act as an advisory group on issues affecting the Neighborhood Matching Grants Fund.

 **CONTACT**

-  Atalie Zimmerman
-  (704) 336-4594
-  azimmerman@ci.charlotte.nc.us

MEMBERSHIP BREAKDOWN 9 by City Council; 1 by City Manager; 1 Recommended by School Superintendent

 **DETAILS**

MEETING INFORMATION

- Meeting Day - Mar/Apr/May/Oct
- Meeting Time - 12:00 p.m.
- Meeting Location - Old City Hall
- Time Commitment - 12 hours per year

ENACTING RESOLUTION

ENACTING RESOLUTION WEBSITE

ADDITIONAL INFORMATION



City of Charlotte, NC

NEIGHBORHOOD MATCHING GRANTS FUND

BOARD ROSTER



MICHELLE ALLEN
1 Term Apr 16, 2015 - Apr 15, 2017
Email: michelle@mallen-consulting.com

Office Old City Hall
Position Board Member
Category Business Representative
Appointed by City Council



KELLIE ANDERSON
1 Term Apr 16, 2014 - Apr 15, 2016
Email: kelliea.anderson@gmail.com

Office Old City Hall
Position Board Member
Category Non Profit Organization
Appointed by City Council



THOMAS BURCH
1 Term May 12, 2014 - Apr 15, 2016
Email: clttwb@aol.com

Office Old City Hall
Position Board Member
Category Neighborhood Organizational Leader
Appointed by City Council



CLAIR CRAIG-LANE
1 Term Apr 16, 2014 - Apr 15, 2016
Email: claircraig@msn.com

Office Old City Hall
Position Board Member
Category Non Profit Organization
Appointed by City Council



PATRICK DOIEL
Partial Term May 12, 2014 - Apr 15, 2016
Email: patrickw.doiel@cms.k12.nc.us

Office Old City Hall
Position Board Member
Category School Superintendent
Appointed by City Council



KIM GRAHAM
2 Term Apr 16, 2014 - Apr 15, 2016
Email: kgraham@cmrhp.org

Office Old City Hall
Position Chairman
Category Business Representative
Appointed by City Council



DOUG JONES
1 Term Apr 16, 2015 - Apr 15, 2017

Office Old City Hall
Position Board Member
Category Neighborhood Representative
Appointed by City Council



KAREN LABOVITZ
2 Term Apr 16, 2014 - Apr 15, 2016
Email: melandkaren1964@yahoo.com

Office Old City Hall
Position Board Member
Category Neighborhood Representative
Appointed by City Council



WILLIAM LAND

Office Old City Hall
Position Board Member



1 Term Jun 09, 2014 - Apr 15, 2016
Email: wcl@landmindconsulting.com

Category Neighborhood Representative
Appointed by City Council



SARA RICHARDS
Partial Term Sep 06, 2013 - Apr 15, 2015
Email: srichards@charlottenc.gov

Office Old City Hall
Position Board Member
Category None
Appointed by City Manager



WILL RUSSELL
1 Term Apr 16, 2014 - Apr 15, 2016
Email: w.russell78@gmail.com

Office Old City Hall
Position Board Member
Category Business Representative
Appointed by City Council

Application Form

Profile

Ryan J Deal
First Name Middle Initial Last Name

[Redacted]
Email Address

Please provide your mailing address below:

[Redacted] [Redacted]
Street Address Suite or Apt

Charlotte NC 28205
City State Postal Code

Is your mailing address the same as your home address?

[Redacted]

If your home address differs from your mailing address, please provide your home address in the field below:

[Redacted]

[Redacted] [Redacted]
Primary Phone Alternate Phone

District 1
City Council District

Caucasian/Non-Hispanic
Ethnicity

Democrat
Political Party

Male
Gender

12/24/1981
Date of Birth

Are you a registered voter?

Yes No

List any boards you are currently serving on:

North Carolina Theatre Conference

List any boards you have served on in the past:

Which Boards would you like to apply for?

Community Relations Committee (O), Neighborhood Matching Grants Fund

Why are you interested in serving on these boards/ committees?

Please describe any background or abilities that qualify you to serve on these boards/ committees.

As a creative individual myself and an employee of the Arts & Science Council for the past 6 years, I will bring a perspective on the role of arts and creativity to address some of our cities most challenging opportunities through both the Community Relations Committee and the Neighborhood Matching Grants Fund. My role at ASC includes primary oversight of our agencies \$7million+ grant making portfolio which includes everything from Operating Grants to major institutions, to small project grants supporting culturally specific events that seek to build appreciation and tolerance of difference throughout the neighborhoods and towns of Mecklenburg County. I am a graduate of the Leadership Development Initiative (a program of CBI) and seek to influence for equity wherever I am able. I have profound respect for difference and believe that increasing my own understanding of alternative narratives makes me a better leader.

Arts & Science Council

Current Employer:

5.5

Years in current position:

Vice President, Cultural & Community Investment

Job Title:

Brief description of duties:

In this role, I am responsible for planning and facilitation of the agencies \$7+ million grant making portfolio which includes general operating support, community project grants, project support for individual artists, and organizational capacity building grants. Additionally, I curate and facilitate the delivery of a menu of workshop and training opportunities that seek to build the capacity of nonprofit arts and culture organizations and entrepreneurial skills for creative individuals in the region.

Other employment history:

Prior to working at ASC, I was employed in the corporate sector in various sales and service positions. These included multifamily real estate management for Crosland, restaurant management for Ruby Tuesday, and a year as a Flight Attendant for US Airways. While I am happy to have found a home working in the nonprofit sector advancing community work that I feel quite passionate about, I carry with me valuable sales and service leanings from the corporate sector; life skills that transcend any one professional position.

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

Yes No

If yes, please explain complete disposition:

~6.5/7 years ago I was charged with a misdemeanor regarding a bad check. This was due to a singular occurrence for a check less than \$100 that I had written for groceries during a period of unemployment. I worked through the Community Relations office to address the charge and it was dismissed prior to conviction. This event actually catapulted me to take command of my personal finance narrative and I am proud to say that I have since cleared all bad debt from my credit report. I hope that this unfortunate occurrence, turned learned opportunity, will not negatively influence my request for public service.

Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?

Yes No

If yes, please explain conflict:

Application Form

Profile

Lucille Frierson
First Name Middle Initial Last Name

[Redacted]
Email Address

Please provide your mailing address below:

[Redacted] [Redacted]
Street Address Suite or Apt

Charlotte NC 28269
City State Postal Code

Is your mailing address the same as your home address?

[Redacted]

If your home address differs from your mailing address, please provide your home address in the field below:

[Redacted]

[Redacted] [Redacted]
Primary Phone Alternate Phone

District 4
City Council District

African American
Ethnicity

Democrat
Political Party

Female
Gender

08/17/1976
Date of Birth

Are you a registered voter?

Yes No

List any boards you are currently serving on:

List any boards you have served on in the past:

Which Boards would you like to apply for?

Civil Service Board, Neighborhood Matching Grants Fund

Why are you interested in serving on these boards/ committees?

I am interesting in serving on the boards/committees because I feel that I can add value to them as I have a wealth of experience in the education, health and business arena. This opportunity will allow me to foster my engagement with our community.

Please describe any background or abilities that qualify you to serve on these boards/ committees.

I am skilled in method development, validation and facilitation training and evaluation measurements. I have also been a commissioned/non-commissioned public speaker for conventions and workshops which has afforded me opportunities to establish connections and build long lasting relationships. My position in the business arena coupled with my education and experience as a best fit candidate.

Amerisourcebergen Speciality Group
Current Employer:

2.5 years

Years in current position:

Program Manager

Job Title:

Brief description of duties:

Leads and manages a team of 45 in-house and remote associates and provides day-to-day instructions to team members on job responsibilities; conducts performance reviews and rewards positive behavior. Supports associates in their efforts for growth and development. Designs project task plan and standard operating procedures; analyzes progress of tactical issues. Drafts client proposals.

Other employment history:

Identified, developed and conducted team training session, responsible for measuring return on investment via internal company metrics. Prepared and presented reports and analysis relating to billing and reimbursement to clients.

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

Yes No

If yes, please explain complete disposition:

Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?

Yes No

If yes, please explain conflict:

Application Form

Profile

William _____ H _____ Hughes _____
First Name Middle Initial Last Name

Email Address

Please provide your mailing address below:

Street Address

Suite or Apt

Charlotte _____ NC _____ 28216 _____
City State Postal Code

Is your mailing address the same as your home address?

If your home address differs from your mailing address, please provide your home address in the field below:

Primary Phone

Alternate Phone

District 2 _____
City Council District

Asian or Pacific Islander _____
Ethnicity

Democrat _____
Political Party

Male _____
Gender

09/25/1977 _____
Date of Birth

Are you a registered voter?

Yes No

List any boards you are currently serving on:

This may not qualify as a "board." But if it does, I am the President of our neighborhood organization- Oaklawn Park Community Improvement Organization.

List any boards you have served on in the past:

None

Which Boards would you like to apply for?

Neighborhood Matching Grants Fund

Why are you interested in serving on these boards/ committees?

I'm interested in working on this board because, as a native Charlottean, I am fascinated by the opportunities that exist to make our neighborhoods and communities even greater. And I would love to be a member of the board to ensure the communities of our beloved city reach their full potential.

Please describe any background or abilities that qualify you to serve on these boards/ committees.

I've had the pleasure of being the President of my neighborhood's organization and I enjoy the "diverse intelligence" that only working within a group setting can offer. I have been recognized over the years for being the consummate team player.

goodmortgage.com _____
Current Employer:

6

Years in current position:

Mortgage Loan Officer

Job Title:

Brief description of duties:

Responsible for ensuring clients are in the perfect mortgage loan for their unique scenario to maximize their net tangible benefit. I help people realize the dream of home ownership!

Other employment history:

I've been in the mortgage industry for over 12 years. I've also worked in food sales and in a management program with Enterprise rent-a-car

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

Yes No

If yes, please explain complete disposition:

Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?

Yes No

If yes, please explain conflict:

Profile

Frank (Gus) _____ Kretschmer _____
First Name Middle Initial Last Name

Email Address

Please provide your mailing address below:

Street Address

Suite or Apt

Charlotte _____ NC _____ 28214 _____
City State Postal Code

Is your mailing address the same as your home address?

If your home address differs from your mailing address, please provide your home address in the field below:

Primary Phone

Alternate Phone

District 2 _____
City Council District

Caucasian/Non-Hispanic _____
Ethnicity

Independent _____
Political Party

Male _____
Gender

01/30/1956 _____
Date of Birth

Are you a registered voter?

Yes No

List any boards you are currently serving on:

List any boards you have served on in the past:

Which Boards would you like to apply for?

Citizens' Transit Advisory Group, Neighborhood Matching Grants Fund

Why are you interested in serving on these boards/ committees?

I would like give back some of my time back to make Charlotte a better place to live, work, play. It is my civic responsibility.

Please describe any background or abilities that qualify you to serve on these boards/ committees.

Completed my first term on the Citizens Transit Advisory Group and look forward to another term and possible serve on another board/committee.

Infrastructure Consulting & Engineering _____
Current Employer:

3

Years in current position:

Utility Coordination Manager

Job Title:

Brief description of duties:

Supervise utility coordinators, CAD technicians & manage sub-consultants to coordinate relocation of aerial & underground utilities for Design/Build Road/Bridge Projects. Coordinate railroad agreements for Right-of-Entry, Preliminary Engineering and Construction Agreements for Road/Bridge Projects.

Other employment history:

Project engineer for road?bridge projects, retired US Army.

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

Yes No

If yes, please explain complete disposition:

Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?

Yes No

If yes, please explain conflict:

Application Form

Profile

Shannon _____ W _____ McKnight _____
First Name Middle Initial Last Name

Email Address

Please provide your mailing address below:

Street Address

Suite or Apt

Charlotte _____ NC _____ 28208 _____
City State Postal Code

Is your mailing address the same as your home address?

If your home address differs from your mailing address, please provide your home address in the field below:

Primary Phone

Alternate Phone

District 3 _____
City Council District

African American _____
Ethnicity

Democrat _____
Political Party

Female _____
Gender

03/09/1973 _____
Date of Birth

Are you a registered voter?

Yes No

List any boards you are currently serving on:

List any boards you have served on in the past:

Which Boards would you like to apply for?

Charlotte Regional Visitors Authority (B/O), Mint Museum Board Of Trustees

Why are you interested in serving on these boards/ committees?

I have a deep appreciation for the arts, in all forms, and feel that not all communities has access or resources to enjoy. I'd like to be a catalyst for connecting some of our most under served communities to these local treasures and global treasures.

Please describe any background or abilities that qualify you to serve on these boards/ committees.

I have over 8 years experience in the non profit sector. I have over 4 years experience in grant writing, fundraising and fund development. I am a Charlotte native.

The Learning Collaborative _____
Current Employer.

1

Years in current position:

Director of Development

Job Title:

Brief description of duties:

Prospecting, cultivating and maintaining relationships with individual, corporate and faith based donors. Directing volunteers, fundraising events and donor relations. Develop and execute annual fundraising plan, grant writing, managing donor database and oversee development staff.

Other employment history:

Director of Development and Communications - Urban League of Central Carolinas - 2008-2014 Traffic Manager/Account Manager - Concentric Marketing 2006-2008

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

Yes No

If yes, please explain complete disposition:

Do you have any personal or business interest that could create a conflict (either real or perceived) if appointed?

Yes No

If yes, please explain conflict:



Agenda Date: 11/23/2015

Agenda #: 19.**File #:** 15-1905 **Type:** Consent Item

Solid Waste Services Work and Asset Management Implementation Contract Amendment

Action:

Approve contract amendment #4 to GHD, Inc. for implementation, systems integration, and training services associated with the Work and Asset Management System.

Staff Resource(s):

Victoria Johnson, Solid Waste Services
Ed Reaves, Solid Waste Services

Explanation

- On July 22, 2013, the City Council approved a contract with GHD, Inc. in the not to exceed amount of \$550,000 for work and asset management program implementation services of Azteca Cityworks in Solid Waste Services.
- The Cityworks Work and Asset Management System is an application to manage internal and external Solid Waste Services work orders and to manage the equipment and supplies required to perform these work orders.
- On May 14, 2014, the City Manager approved contract amendment #1 to expand the scope of services within the original City Council authority limit.
- On October 10, 2014, and October 10, 2015, the City Manager approved contract amendments #2 and #3 to extend the length of the contract to facilitate strategic integration with other City technology initiatives.
- The Cityworks application is replacing an end-of-life, unsupportable, and inadequate work management application for Solid Waste Services and is a component of a long-term enterprise technology strategy being implemented by Engineering & Property Management, Charlotte Water, and CATS.
- Benefits of this contract include:
 - Improved service delivery and tracking capabilities;
 - Enhanced support for preventative maintenance activities;
 - Field automation of work order and inventory control processes;
 - Better assessment of asset condition and operation life; and
 - More reliable information for prioritizing maintenance, repair, and overhaul activities.
- Contract amendment #4 estimated at \$200,000 provides additional professional services required for complete implementation, systems integration, and training services associated with Cityworks.
- Including amendments, the Solid Waste Services contract is estimated at \$750,000.
- Additional services may be required as Cityworks' usage is extended within the City.

Charlotte Business INclusion

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

Agenda #: 19.**File #:** 15-1905 **Type:** Consent Item

Fiscal Note

Funding: Solid Waste Services Operating Budget



Agenda Date: 11/23/2015

Agenda #: 20.**File #:** 15-1906 **Type:** Consent Item

Allen Street Residential, LLC Bond Issuance Approval

Action:

Adopt a resolution granting the Charlotte Housing Authority's request to issue multi-family housing revenue bonds, in an amount not to exceed, \$8,000,000, to finance the development of Allen Street Residential, LLC.

Staff Resource(s):

Pamela Wideman, Neighborhood & Business Services
Zelleka Biermann, Neighborhood & Business Services

Explanation

- The Charlotte Housing Authority (CHA) is requesting the City adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Allen Street Residential, LLC, a 112-unit affordable housing development community located at 1322 Allen Street, serving both family and senior households.
- The CHA bonds, not to exceed \$8,000,000, will be used to finance a portion of the construction of the development.
- Approval of this request is required by the governmental unit having jurisdiction over the area where the development is located to satisfy Section 147(f) of the Internal Revenue Service Code of 1986 and will not obligate the City financially or impact the proposed Community Investment Plan.
- Laurel Street Residential, LLC. is the developer of the Allen Street Residential, LLC.

Background

- On April 27, 2015, the City Council approved a \$4,350,000 Housing Trust Fund (HTF) allocation to support the development of Allen Street Residential, LLC.
- In August 2015, the North Carolina Housing Finance Agency approved a 4% tax credit allocation and a bond allocation capacity totaling \$8,000,000 to be leveraged with the City's HTF allocation and used for the Allen Street Residential, LLC affordable housing development community.
- The development will bring high-quality, affordable rental housing to the Belmont community.

Attachment

Charlotte Housing Authority Resolution
City of Charlotte Resolution

RESOLUTION PROVIDING APPROVAL OF A MULTIFAMILY HOUSING FACILITY KNOWN AS ALLEN STREET RESIDENCES IN THE CITY OF CHARLOTTE, NORTH CAROLINA AND THE FINANCING THEREOF WITH MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$8,000,000

WHEREAS, the City Council of the City of Charlotte (the “City”) met in Charlotte, North Carolina at 6:30 p.m. on the 23rd day of November, 2015; and

WHEREAS, the Housing Authority of the City of Charlotte, N.C. (the “Issuer”) has tentatively agreed to issue its multifamily housing revenue bonds in an amount not to exceed \$8,000,000 (the “Bonds”), for the purpose of financing the acquisition, construction and equipping by Allen Street Residential, LLC, a North Carolina limited liability company (the “Borrower”), or an affiliate or subsidiary thereof, of a multifamily residential rental facility to be known as Allen Street Residences (the “Development”); and

WHEREAS, the Development will consist of approximately 52 multifamily units and 60 senior units, located in 8 buildings on an approximately 7.92 acre site at 1322 Allen Street in the City of Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), requires that any bonds issued by the Issuer for the Development may only be issued after approval of the plan of financing by the City following a public hearing with respect to such plan; and

WHEREAS, on November 17, 2015, the Issuer held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto) and has requested the City to approve the issuance of the Bonds as required by the Code; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City of Charlotte, North Carolina for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Issuer, or to constitute the Bonds or any of the agreements or obligations of the Issuer an indebtedness of the City of Charlotte, North Carolina, within the meaning of any constitutional or statutory provision whatsoever;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

1. The proposed mixed income housing development consisting of the acquisition, construction and equipping of the Development described above in the City of Charlotte, Mecklenburg County, North Carolina by the Borrower and the issuance of the Authority’s multifamily housing revenue bonds therefor in an amount not to exceed \$8,000,000 are hereby approved for purposes of Section 147(f) of the Code. The Mayor is hereby authorized to execute

such approval certificates as may be required to evidence the City's approval of the issuance of the Bonds for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately upon its passage.

Council member _____ moved the passage of the foregoing resolution and Council member _____ seconded the motion, and the resolution was passed by the following vote:

Ayes: Council members _____

Nays: _____

Not voting: _____

* * * * *

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council for the City of Charlotte, North Carolina, in regular session convened on November 23, 2015, the reference having been in Minute Book _____, and recorded in full in Resolution Book _____, Pages _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2015.

City Clerk

(SEAL)

RESOLUTION

PROVIDE A RESOLUTION GIVING PRELIMINARY APPROVAL TO ISSUANCE OF REVENUE BONDS TO FINANCE THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF AN AFFORDABLE HOUSING DEVELOPMENT (ALLEN STREET RESIDENCES)

WHEREAS, Laurel Street Residential, LLC, a North Carolina limited liability company, or an affiliated or related entity (the "Borrower"), has requested that the Housing Authority of the City of Charlotte, N.C. (the "Authority") assist in financing the acquisition, construction and equipping of a multifamily housing development consisting of 52 multifamily units and 60 senior units, all to be known as Allen Street Residences, located at 1322 Allen Street in Charlotte, North Carolina (the "Development"); and

WHEREAS, the Borrower has described to the Authority the benefits of the Development to the City of Charlotte and the State of North Carolina and has requested the Authority to agree to issue its revenue bonds in such amounts as may be necessary to finance the costs of acquiring, constructing and installing the Development; and

WHEREAS, the Authority is of the opinion that the Development is a facility which can be financed under the Act and that the financing of the same will be in furtherance of the purposes of the Act;

NOW, THEREFORE BE IT RESOLVED By the Housing Authority of the City Of Charlotte, N.C.:

1. It is hereby found and determined that the Development will involve the acquisition, construction and equipping of a housing facility to serve persons of low and moderate income, and that therefore, pursuant to the terms and subject to the conditions hereinafter stated and the Act, the Authority agrees to assist the Borrower in every reasonable way to issue bonds to finance the acquisition, construction and equipping of the Development, and, in particular, to undertake the issuance of the Authority's revenue bonds (the "Bonds") in one or more series in an aggregate amount now estimated not to exceed Eight Million Dollars (\$8,000,000) to provide all or part of the cost of the Development.

2. The Authority intends that the adoption of this resolution be considered as "official action" toward the issuance of the Bonds within the meaning of the regulations issued by the Internal Revenue Service pursuant to Section 141 of the Internal Revenue Code of 1986, as amended (the "Code").

3. The Bonds shall be issued in such series and amounts and upon such terms and conditions as are mutually agreed upon among the Authority and the Borrower. The Authority and the Borrower shall enter into a "financing agreement" pursuant to the Act for a term and upon payments sufficient to pay the principal of, premium, if any, and interest on the Bonds and to pay all of the expenses of the Authority in connection with the Bonds and the Development. The Bonds will be issued pursuant to an indenture or security agreement between the Authority and a trustee (the "Trustee") or the bondholder which will set forth the form and terms of the Bonds and will assign to the Trustee for the benefit of the holders of the Bonds, or directly to the

Resolution No. 2211

bondholder, the Authority's rights to payments under the financing agreement. The Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit of the State of North Carolina or any political subdivision or agency thereof, including the Authority and the City of Charlotte, but shall be payable solely from the revenues and other funds provided under the proposed agreements with the Borrower.

4. The Authority will proceed, upon the prior advice, consent and approval of the Borrower, bond counsel and the Authority's counsel, to obtain approvals in connection with the issuance and sale of the Bonds, including, without limitation, from the City of Charlotte.

5. It having been represented to the Authority that it is desirable to proceed with the acquisition, construction and equipping of the Development, the Authority agrees that the Borrower may proceed with plans for such acquisition, construction and equipping, enter into contracts for the same, and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Borrower to obligate the Authority without its written consent in each instance to the payment of any monies or the performance of any act in connection with the Development and no such consent shall be implied from the Authority's adoption of this resolution. The Authority agrees that the Borrower may be reimbursed from the proceeds of the Bonds for all qualifying costs so incurred by it as permitted by Internal Revenue Service Regulations Section 1.150-2.

6. All obligations hereunder of the Authority are subject to the further agreement of the Authority and the Borrower, to satisfactory review by the Authority of the financial capability of the Borrower and satisfactory underwriting of the Development, and mutual agreement to the terms for the Bonds, including the execution of a financing agreement, indenture, or security agreement and other documents and agreements necessary or desirable for the issuance, sale and delivery of the Bonds. The Authority has not authorized and does not authorize the expenditure of any funds or monies of the Authority from any source other than the issuance of the Bonds. All costs and expenses in connection with the financing and the acquisition, construction and equipping of the Development and the issuance of the Bonds, including the reasonable fees and expenses of the Authority's counsel, bond counsel, and the agent or underwriter for the sale of the Bonds, shall be paid from the proceeds of the Bonds or by the Borrower, but if for any reason the Bonds are not issued, all such expenses shall be paid by the Borrower and the Authority shall have no responsibility therefor. It is understood and agreed by the Authority and the Borrower that nothing contained in this resolution shall be construed or interpreted to create any personal liability of the officers or commissioners from time to time of the Authority.

7. The officers of the Authority are hereby authorized and directed to take all actions in furtherance of the issuance of the Bonds, including calling for a public hearing with respect to the financing of the Development through the issuance of the Bonds.


8. Hunton & Williams LLP, Raleigh, North Carolina, shall act as bond counsel for the Bonds.

9. This resolution shall take effect immediately upon its passage.

RECORDING OFFICER'S CERTIFICATION

I, A. Fulton Meachem, Jr., the duly appointed Secretary of the Housing Authority of the City of Charlotte, N.C., do hereby certify that this Resolution was properly adopted at a regular meeting held April 21, 2015.

BY: _____


A. Fulton Meachem, Jr.
Secretary

(SEAL)



Agenda Date: 11/23/2015

Agenda #: 21.File #: 15-1838 Type: Consent Item

North Tryon Street Business Corridor Improvement Project Contract Amendment

Action:

Approve contract amendment #3 for \$148,158 with Kimley-Horn and Associates, Inc. for additional construction administration services for the North Tryon Business Corridor project.

Staff Resource(s):

Jim Keenan, Engineering & Property Management
Barry Shearin, Charlotte Water

Explanation

- The project was identified in the North Tryon Area Plan approved by the City Council on May 24, 2010.
 - \$9.5 million was approved in the 2010 Transportation Bonds. The budget was adjusted to \$13 million to accommodate the longer and more beneficial design alternative.
- The project limits are along North Tryon Street from Dalton Avenue to 30th Street/Matheson Avenue.
- Project objectives are to:
 - Provide infrastructure improvements that support redevelopment;
 - Improve aesthetics of North Tryon Street and North Church Street;
 - Improve all modes of transportation;
 - Improve pedestrian safety at crossing streets;
 - Provide appropriate accommodation for bicycle movements; and
 - Provide landscaping opportunities for street tree plantings.
- Contract amendment #3 in the amount of \$148,158 will provide funding for additional engineering design services including:
 - Design of a new waterline to be installed along the inbound segment of the project to accommodate future development. This new line was an added request by Charlotte Water to provide improved service now to decrease disruption as development occurs. Charlotte Water will fund the design of the waterline in the amount of \$42,820;
 - Construction support and administration services;
 - Additional utility design coordination for both overhead and underground utilities; and
 - Design adjustments and revisions to accommodate property owners.
- On June 28, 2010, the City Council approved the original contract in the amount of \$804,200 with Kimley-Horn and Associates, Inc.
- On July 23, 2012, the City Council approved contract amendment #1 in the total amount of \$220,000. This amendment funded additional design services for an expanded project scope that included a one-way pair option on Church Street (approximately .75 additional miles of roadway improvements).
- On January 10, 2013, the City Manager approved contract amendment #2 for \$85,000 for the Greenroads certification application.

Agenda #: 21.File #: 15-1838 Type: Consent Item

- Contract amendment #3 will bring the total contract amount to \$1,257,358 and is available within the project budget.

Charlotte Business INclusion

All additional work involved in this amendment will be performed by Kimley-Horn and Associates and their existing subconsultants (Part D: Section 6 of the SBO Policy). Including this amendment, Kimley-Horn has committed 13.70% (\$172,235) of the total contract amount to the following certified firms:

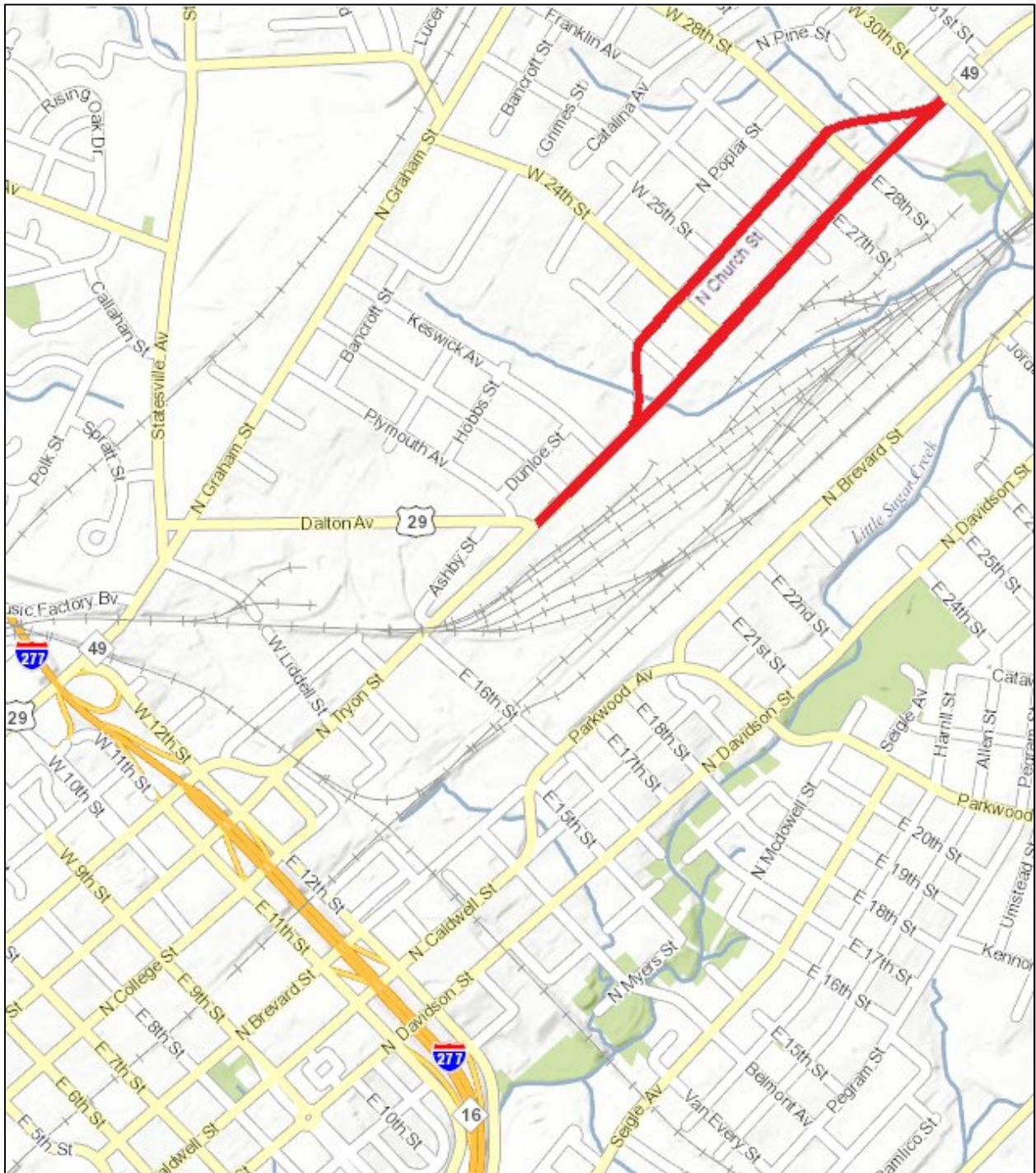
- Hinde Engineering, Inc. (SBE) (\$152,885) (Engineering Services)
- Boyle Consulting Engineers, PLLC (SBE) (\$19,350) (Geotechnical Services)

Funding

Funding: Charlotte Water Community Investment Plan and General Transportation Community Investment Plan

Attachment

Map



**Location Map: North Tryon Street Business Corridor Improvement Project
(Council District 1)**



Agenda Date: 11/23/2015

Agenda #: 22.File #: 15-1853 Type: Consent Item

Sugar Creek Streetscape Design Services

Action:

Approve a contract in the amount of \$496,000 with Mulkey, Inc. dba Mulkey Engineers & Consultants for engineering design services for the Sugar Creek Streetscape Improvements.

Staff Resource(s):

Jim Keenan, Engineering & Property Management

Explanation

- On April 28, 2014, the City Council approved a contract in the amount of \$196,000 for engineering planning services for the Sugar Creek Streetscape with Mulkey, Inc.
- Mulkey, Inc. is now nearing completion of the planning phase for the project, and this contract will continue their effort through the design phase.
- The project limits are along Sugar Creek Road between the Plaza and North Tryon Street, and work will be coordinated with the North Carolina Department of Transportation (NCDOT) grade separation project on Sugar Creek Road.
- Services will include:
 - Street and drainage design,
 - Continued public engagement,
 - Structural design, and
 - Coordination with private development, NCDOT, and CATS.
- On February 17, 2014, the City issued a Request for Qualifications (RFQ) for advance preliminary planning for the Northeast Corridor Infrastructure Improvement projects, approved in the Fiscal Years 2014-2018 General Community Investment Plan. In response to the RFQ, the City received 15 proposals from interested professional service providers.
- Staff selected Mulkey, Inc. in best meeting the City's needs in terms of qualifications and experience.

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 Mulkey, Inc. a State WBE, has committed 14.94% (\$74,091) of the total contract amount to the following certified firms:

- Hinde Engineering, Inc. (SBE) (\$67,510) (utility design and coordination)
- Carolina Wetland Services, Inc. (SBE, WBE) (\$6,581) (environmental assessments, permitting)

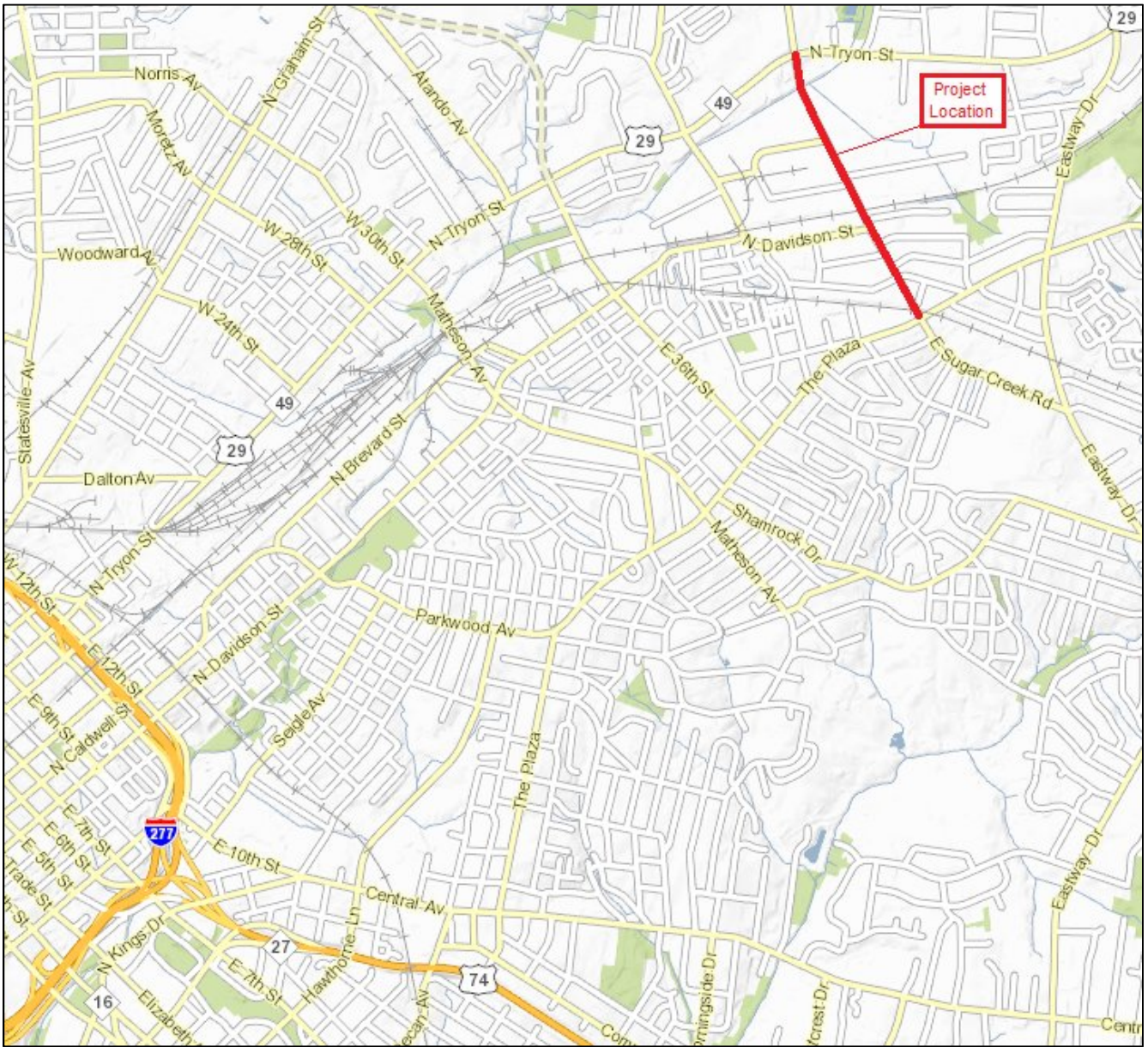
Fiscal Note

Funding: General Community Investment Plan

Agenda #: 22.**File #:** 15-1853 **Type:** Consent Item

Attachment

Map



Location Map: Sugar Creek Road Design Services (Council District 1)



Agenda Date: 11/23/2015

Agenda #: 23.File #: 15-1857 Type: Consent Item

Utility Coordination Services

Action:

Approve contracts with the following companies for utility coordination services for a term of three years:

- **ESP Associates, P.A.**
- **Hinde Engineering, Inc.**

Staff Resource(s):

Theresa Watley, Engineering & Property Management

Explanation

- The City has planned various construction projects over the next 36 months that will require utility coordination services.
- These utility coordination services may be used to supplement the capacity of City staff.
- The contract will include the coordination and oversight of the relocation of overhead and underground utility facilities, such as poles, transformers, pedestals, and cable lines that are in conflict with proposed roadway construction.
- Some specific duties include, but are not limited to:
 - Managing utility relocations;
 - Analyzing utility relocation issues and impacts on construction projects;
 - Reviewing and maintaining utility plans and specifications,
 - Reviewing the engineer and consultant's project plans; and
 - Signing-off on utility project plans.
- On October 30, 2015, a Request for Qualifications (RFQ) was advertised for utility coordination services. In response to the RFQ, five proposals were received from interested service providers.
- Staff selected ESP Associates, P.A. and Hinde Engineering, Inc. as best meeting the City's needs in terms of qualifications, experience, and responsiveness to the RFQ.
- Estimated contract expenditures in the aggregate for all contracts are \$750,000 for the three year term and will be distributed among the two companies.

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 these contracts, each of the proposers has committed 5% to the following certified firms to be used as the project scopes are further defined for each work order issued:

- ESP Associates, P.A.: Utility Coordination Consultants LLC (SBE) (5%) (utility coordination services)
- Hinde Engineering, Inc. (City SBE): DiCon Consulting, PC (SBE) (5%) (construction inspection services)

Fiscal Note

Funding: General Transportation Community Investment Plan



Agenda Date: 11/23/2015

Agenda #: 24.File #: 15-1837 Type: Consent Item

Electric Vehicle Charging Station Lease

Action:

Approve a lease agreement with Brightfields Transportation Solutions for use of a City-owned parking lot on Thomas Avenue (parcel identification number 081-176-43) for operation of an electric vehicle charging station.

Staff Resource(s):

Rob Phocas, Neighborhood & Business Services
Steve Gucciardi, Engineering & Property Management

Explanation

- The City owns a 0.56-acre parking lot at the corner of Thomas Avenue and Central Avenue (parcel identification number 081-176-43) operated by the Charlotte Department of Transportation (CDOT).
- CDOT has approved the use of up to two parking spaces on the property for electric vehicle charging station use, contingent upon City Council approval.
- The total area to be leased is approximately 172 square feet, including one parking space, with the option to add an additional 172 square feet, including another parking space, if necessary.
- The lease rate is \$3.87 per square foot for a total of \$665.64 in the initial year, subject to escalation by 2% per year at the beginning of each subsequent year of the lease term.
- The lease term is 10 years with the right to terminate by the City if an alternative use for the property is identified.

Background

- The City established an electric vehicle charging station program in 2010 using American Recovery and Reinvestment Act funds as part of an initiative to make Charlotte more electric vehicle friendly. Currently there are 26 charging stations publicly available throughout Charlotte. Staff has been evaluating the program and looking for opportunities to expand it.
- The North Carolina Plug-In Electric Vehicle Taskforce (NC PEV) launched a planning project called Plugging in From Mountains to Sea to promote the creation of electric vehicle charging station infrastructure to address electric vehicle range issues for drivers traveling across the state.
- Brightfields Transportation Solutions (BTS) is partnering with NC PEV, Nissan North America, and other private donors and organizations to install and operate electric vehicle charging stations in strategically selected cities around the state.
- The charging station equipment to be installed is a direct current fast charger, which has the ability to charge electric vehicles in 15-30 minutes. This is significantly faster than the City's current publically available charging stations, which takes 6-8 hours to charge.

Agenda #: 24. File #: 15-1837 Type: Consent Item

- Nissan North America provides the charging station equipment at no cost, and BTS pays for installation. The cost to charge would include a \$5.95 plug-in fee and then \$0.20 per minute connection fee. Charging rates are established by Nissan North America. Subscribers of certain electric vehicle programs would not be charged any fees.
- The program creates an opportunity for the City to add a new tool to its sustainability portfolio and encourages the adoption of alternative fuel vehicles by city of Charlotte residents.
- This is one more action to help staff meet the City Council's goal of Charlotte being a global leader in environmental sustainability.
- BTS has successfully implemented programs with local governments in the city of Asheville and the town of Matthews.

Fiscal Note

Funding: General Transportation Community Investment Plan

Attachment

Map

Location Map
Thomas Avenue (081-176-43)
Council District 1





Agenda Date: 11/23/2015

Agenda #: 25.**File #:** 15-1845 **Type:** Consent Item

Charlotte Water Rate Model Financial Consulting Services

Action:

Approve contract amendment #1 for \$120,000 to Arcadis G&M of North Carolina, Inc. for analytical and financial support for Charlotte Water's rate model.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation:

- Arcadis G&M of North Carolina, Inc. was selected in 2010 through a Request for Qualifications process to conduct a study for Charlotte Water focused on updating the department's rate methodology. The study resulted in the rate model methodology currently used by Charlotte Water. This contract, in the amount of \$268,241, provided provisions for annual model updates.
- In 2014, Charlotte Water issued a new contract in the amount of \$40,000 to Arcadis G&M of North Carolina, Inc. to provide financial consulting support needed to update the rate model and prepare annual rate recommendations.
- Contract amendment #1 adds \$120,000 to the existing 2014 contract and allows Arcadis G&M of North Carolina, Inc. to assist Charlotte Water in updating the current rate model for budgeting purposes through the preparation of Charlotte Water's Fiscal Year 2018 budget. This amendment also allows Charlotte Water time to develop a solicitation and contract to address Charlotte Water's long-term rate model update needs.
- At this time, Charlotte Water would incur significant additional costs to use a different firm who is unfamiliar with the rate model.
- The new value of this contract including the amendment is \$160,000.

Charlotte Business INclusion:

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

Fiscal Note

Funding: Charlotte Water Operating Budget



Agenda Date: 11/23/2015

Agenda #: 26.**File #:** 15-1711 **Type:** Consent Item

Professional Services for the Pipeline Rehabilitation Program

Action:

- A. Approve a contract with US Infrastructure of Carolina, Inc. for an initial term of two years, and**
- B. Authorize the City Manager to renew the contract for up to one additional, two-year term with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.**

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation:

- Charlotte Water operates and maintains more than 8,400 miles of water and sewer mains throughout its service area.
- On average, Charlotte Water replaces and rehabilitates approximately 20.3 miles of water and sewer pipe a year using staff and outside engineering firms. This contract is part of the effort dedicated to reducing sanitary sewer overflows, maintaining good water quality, and sufficient fire hydrant flows throughout the system.
- The contract with US Infrastructure of Carolina, Inc. provides professional engineering services for the Water and Sewer Rehabilitation and Replacement Program. The services will include planning and design, construction drawings and specifications, and as applicable, construction management.
- On July 15, 2015, the City issued a Request for Qualifications (RFQ) for professional services for the Pipeline Rehabilitation Program. In response to the RFQ, four responses were received from interested service providers.
- Charlotte Water staff evaluated the proposals and determined that US Infrastructure of Carolina, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Estimated annual contract expenditures are \$250,000.

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, US Infrastructure of Carolina, Inc. has committed 5.00% (\$25,000) of the initial contract term to the following certified firms:

- R. Joe Harris and Associates, Inc. (SBE) (\$21,000) (surveying)
- JAAMCO Drain Cleaning and Video Inspection Inc. (SBE) (\$2,000) (video scanning of sewers)
- Spot 'em, Inc. (SBE, MBE) (\$2,000) (utility locates)

Agenda #: 26.**File #:** 15-1711 **Type:** Consent Item

Fiscal Note

Funding: Charlotte Water Community Investment Plan



Agenda Date: 11/23/2015

Agenda #: 27.File #: 15-1712 Type: Consent Item

Biologically-Enhanced Sewer Line Cleaning Contract Renewal

Action:

Approve contract renewal #1 with NRP Group Inc. for the purchase of biologically-enhanced sewer line cleaning products and services for the term of two years.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- Charlotte Water uses biologically-enhanced sewer line cleaning for grease reduction and odor control, which has been provided as a service since 2008. The service is a component of the Sanitary Sewer Overflow Reduction Program and is currently provided at 11 locations throughout Mecklenburg County.
- The enzyme used for the cleaning, Bio Kat, is proprietary to NRP Group Inc. Bio Kat is applied to sewer flow from dispensers in manholes.
- While there are other similar products available for biological treatment of sewer lines, NRP Group Inc. is the only company that continuously maintains the service throughout the year using their employees.
- Costs have been negotiated based on the treatment locations. NRP Group Inc. did not increase rates from its existing contract, which expires in November 2015.
- The company will be paid the unit prices set forth in the contract, a copy which is available upon request.
- Total expenditures under the contract are estimated to be \$193,552, or \$96,776 per year.

Charlotte Business INclusion

No subcontracting goal was established for this renewal because there are no subcontracting opportunities (Part D: Section 7 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Community Investment Plan



Agenda Date: 11/23/2015

Agenda #: 28.**File #:** 15-1241 **Type:** Consent Item

Sugar Creek Wastewater Treatment Plant Reliability Improvements

Action:

Approve a contract in the amount of \$3,301,659 with HDR Engineering Inc. of the Carolinas for the final design, procurement assistance, and construction administration services associated with the Sugar Creek Wastewater Treatment Plant Reliability Improvements project.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- The Sugar Creek Wastewater Treatment Plant (WWTP), near South Park at Fairview Road, is one of Charlotte Water's oldest treatment plants, originally constructed in the 1920s, with major improvements in the 1950s, 1980s, and 1990s.
- The primary objectives of the Reliability Improvements project are to identify and implement required upgrades to continue treating daily plant flow, while meeting all existing discharge permitting requirements as well as adding chemical nutrient removal capability.

Upgrades include:

- Aeration system improvements,
- Main lift station improvements,
- Effluent filter upgrades,
- Potable and non-portable water system improvements, and
- Instrumentation and control improvements.
- On December 17, 2013, Charlotte Water issued a Request for Qualifications for Phase 2 Reliability Improvements at the Sugar Creek WWTP; three responses were received from interested service providers.
- HDR Engineering Inc. of the Carolinas was selected based on their firm and project team member experience.
- HDR Engineering Inc. of the Carolinas will provide services from preliminary engineering and final design through construction administration.
 - On September 22, 2014, the City Council approved the contract for the preliminary engineering report to first identify improvements.
 - The contract in the amount of \$3,301,659 will provide final design plans and specifications, procurement assistance, and construction administration services.
- Charlotte Water presented this project to the Charlotte Water Advisory Committee on October 15, 2015. Charlotte Water also presented this project to the City Council Environment Committee on November 11, 2015.
- Charlotte Water plans to use the Construction Manager at Risk (CMAR) project delivery method to provide more certainty with respect to project cost and schedule, mitigate risk during construction,

Agenda #: 28.File #: 15-1241 Type: Consent Item

enhance Minority/Woman/Small Business Enterprise participation during construction, and allow for more effective coordination of construction and start-up activities with Charlotte Water operations staff.

- The CMAR project delivery method will require two additional contracts.
 - The first will provide for the CMAR's preconstruction services during design, and
 - The second will include the actual construction of the project. These contracts will be approved by City Council at a later date.

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, HDR Engineering Inc. of the Carolinas has committed 2.82% (\$93,000) of the total contract amount to the following certified firms:

- Gavel & Dorn Engineering, PLLC (SBE) (\$58,000) (inspections and material testing)
- CITI, LLC (MBE) (\$15,000) (systems integration design support)
- Richa Graphics (SBE, MBE) (\$10,000) (printing)
- Chef Charles Catering (SBE) (\$5,000) (catering)
- R. Joe Harris & Associates, PLLC (SBE) (\$5,000) (surveying)

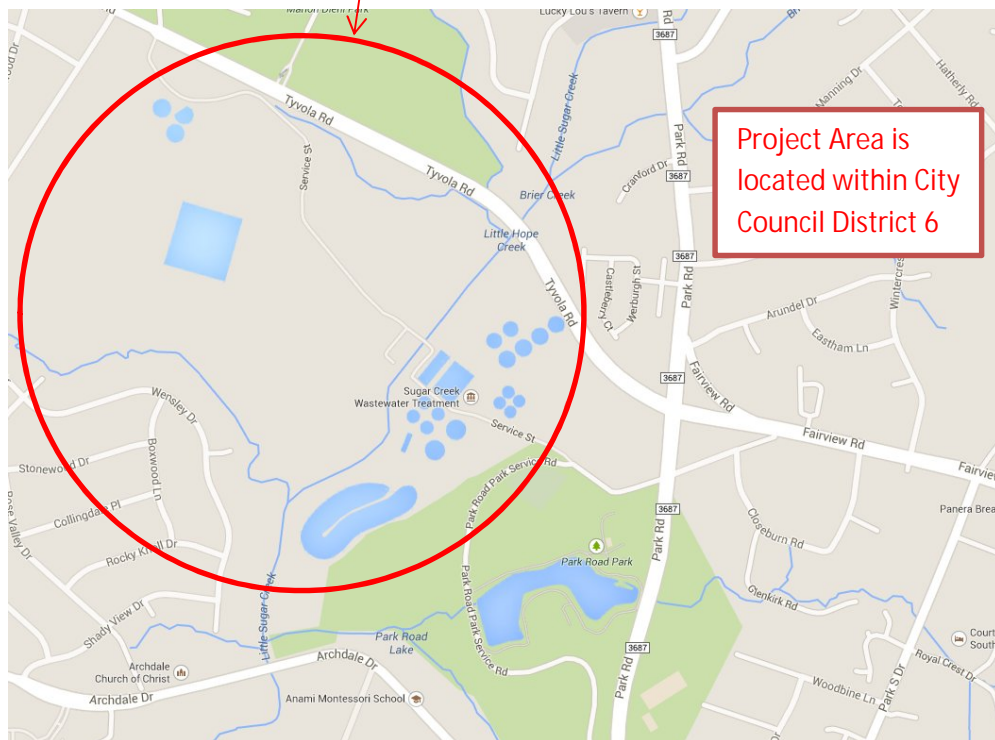
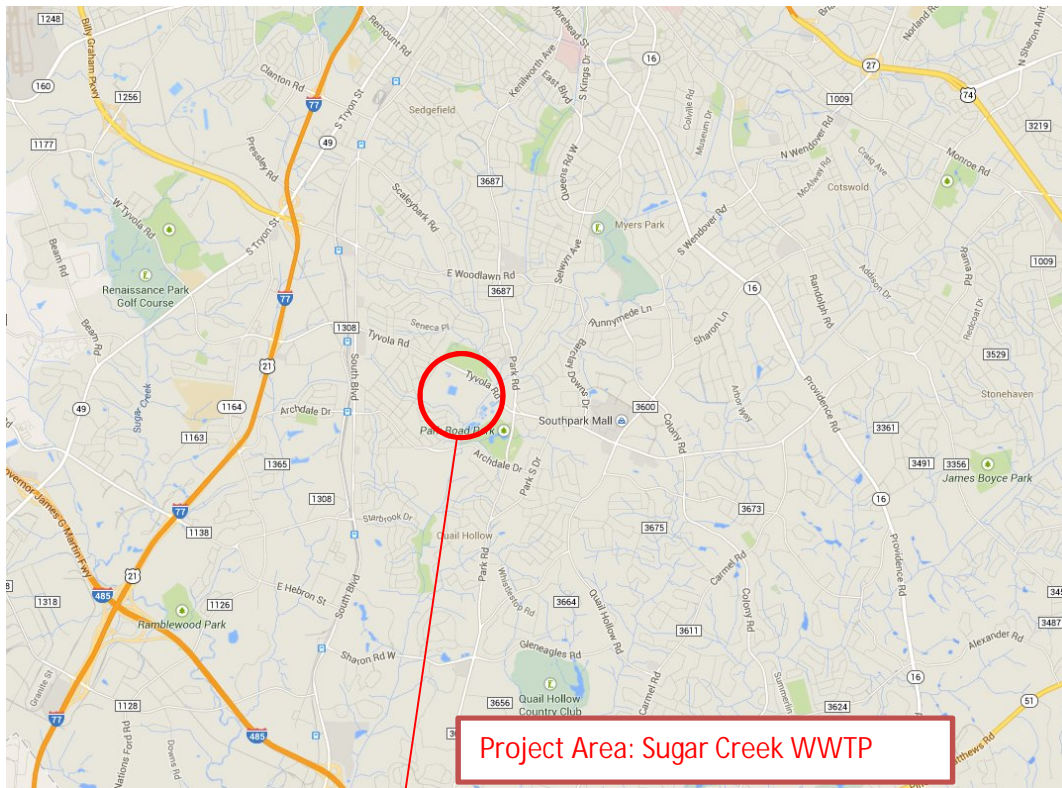
Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment

Map

Sugar Creek Wastewater Treatment Plant Reliability Improvements - Map





Agenda Date: 11/23/2015

Agenda #: 29.File #: 15-1679 Type: Consent Item

Upper Little Sugar Creek Replacement Sewer - Phase 1

Action:

Approve a contract in the amount of \$151,382 with Frazier Engineering, P.A for design, bidding, and construction administration services associated with the Upper Little Sugar Creek Sewer Replacement - Phase 1.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- Existing pipe conditions and reoccurring sewer overflows resulted in the determination to replace The Upper Little Sugar Creek Sewer - Phase 1 as the most cost effective solution as opposed to rehabilitation.
- The Upper Little Sugar Creek Replacement Sewer - Phase 1 project begins at Wellingford Street and extends to Billmark Avenue in the Hidden Valley neighborhood of Charlotte. The project includes approximately 3,700 feet of 15-inch sewer, 600 feet of 8-inch sewer, and 24 manholes.
- On August 11, 2015, the City issued a Request for Qualifications (RFQ) for Sewer Replacement at Upper Little Sugar Creek. In response to the RFQ, the City received four responses from interested professional service providers.
- Charlotte Water staff evaluated the proposals and determined that Frazier Engineering, P.A. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The construction project duration is nine months and has an estimated cost of \$800,000.
- The construction project is anticipated to begin early 2017.

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, Frazier Engineering, P.A. has committed 11.23% (\$17,000) of the total amount to the following certified firm:

- Survey & Mapping Control, Inc. (SBE) (\$17,000) (surveying)

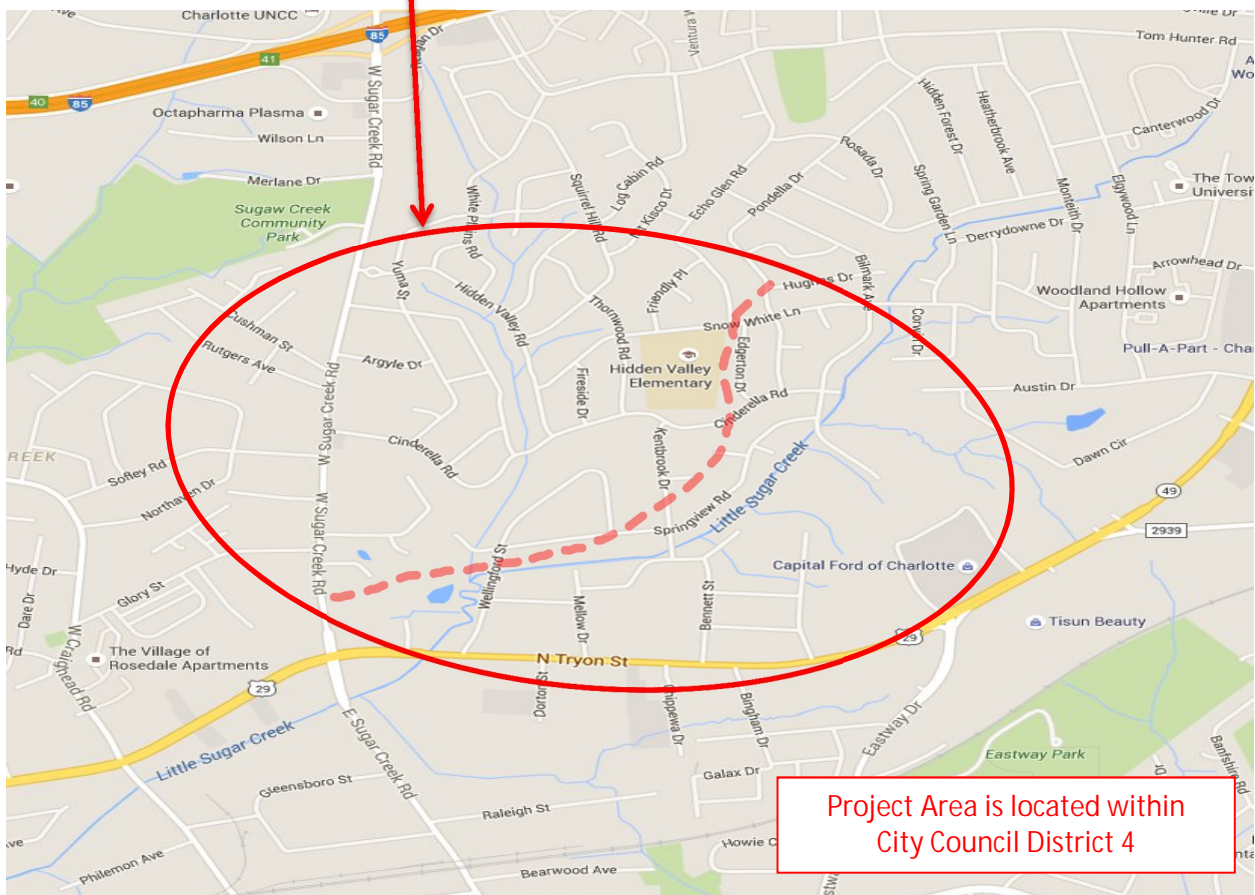
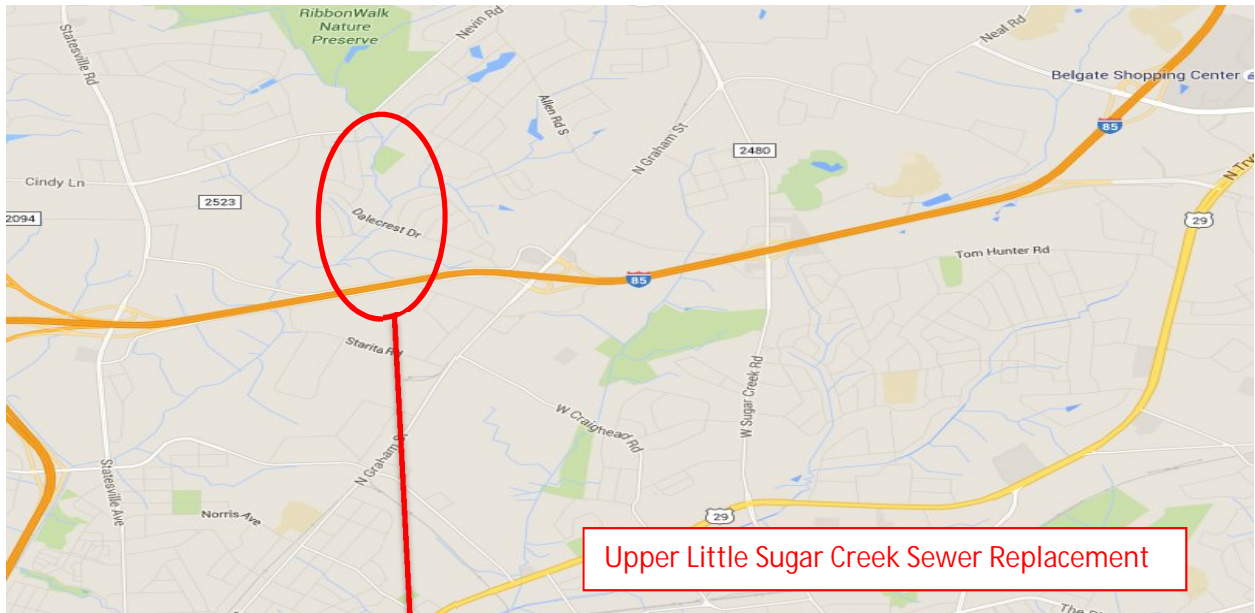
Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment

Map

Upper Little Sugar Creek Sewer Replacement Phase I - Map





Agenda Date: 11/23/2015

Agenda #: 30.**File #:** 15-1759 **Type:** Consent Item

Water and Sewer Extensions and Replacements (FY2016 - Contract 1)

Action:

Award a contract in the amount of \$2,330,289.80 to the lowest responsive bidder Dallas 1 Construction LLC for the extension and replacement of water and sewer mains throughout the Charlotte Water service area.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- The Street Main Extensions Program provides services 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 and Sewer Replacement Program replaces water distribution and sewer collection infrastructure as needed.
- Additional contracts will be bid through the fiscal year to meet responsiveness goals.
- Bids are unit price and based on estimated quantities for items needed for this type of work.
- On October 1, 2015, the City issued an Invitation to Bid for replacement of water and sewer mains; four bids were received from interested service providers.
- Dallas 1 Construction LLC was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Established SBE Goal: 6.00%

Committed SBE Goal: 6.01%

Dallas 1 Construction LLC, a City SBE, exceeded the established subcontracting goal, and has committed 6.01% (\$140,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Barton Contracting (SBE) (\$109,500) (asphalt paving)
- Boyle Consulting Engineers, PLLC (SBE) (\$15,000) (soils testing)
- Gavel & Dorn Engineering, PLLC (SBE) (\$15,000) (soils testing)
- MTC Consultants Inc. (SBE) (\$500) (backflow testing)

Fiscal Note

Funding: Charlotte Water Community Investment Plan



Agenda Date: 11/23/2015

Agenda #: 31.**File #:** 15-1761 **Type:** Consent Item

Ayrsley Gravity Sewer Replacement - Phase I

Action:

Award a contract in the amount of \$499,998.48 to the lowest responsive bidder Fuller Co. Construction, LLC for the Ayrsley Gravity Sewer Replacement project.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- The existing 8-inch collection main is approaching capacity due to rapid commercial, office, and residential growth in the Ayrsley Town Center area where future development is underway and expected to continue.
- The Ayrsley Gravity Sewer Replacement project provides for additional sewer capacity in the Ayrsley Town Center area of South Tryon Street by replacing existing 8-inch sewer main with 16-inch sewer main for a distance of 2,200 linear feet from Interstate-485 to South Tryon Street.
- On October 9, 2015, Charlotte Water issued an Invitation to Bid; seven bids were received from interested service providers.
- Fuller Co. Construction, LLC was selected as the lowest responsive, responsible bidder.
- The City Council approval includes authorization to use budgeted project funds allocated as contingency for subsequent change orders and/or amendments, which may be required for project completion.
- The project is anticipated to be complete by the second quarter of calendar year 2016.
- This is the first of two phases planned to provide capacity assurance to the service area.
- The City Council will be asked to approve Phase II construction in mid-2016.

Charlotte Business INclusion

Established SBE Goal: 4.00%

Committed SBE Goal: 7.00%

Fuller & Co. Construction, LLC, a City SBE, exceeded the established subcontracting goal, and has committed 7.00% (\$34,990) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Tarpon Construction, Inc. (SBE) (\$34,990) (concrete sidewalk, curb & gutter, and paving)

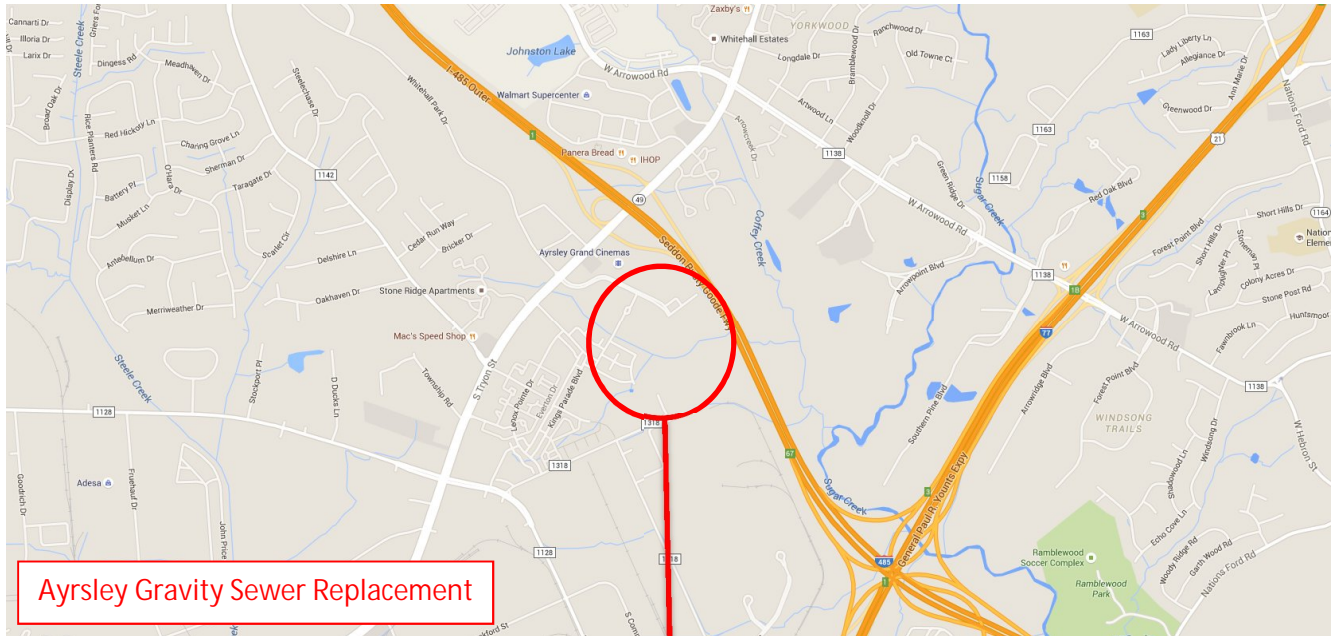
Fiscal Note

Funding: Charlotte Water Community Investment Plan

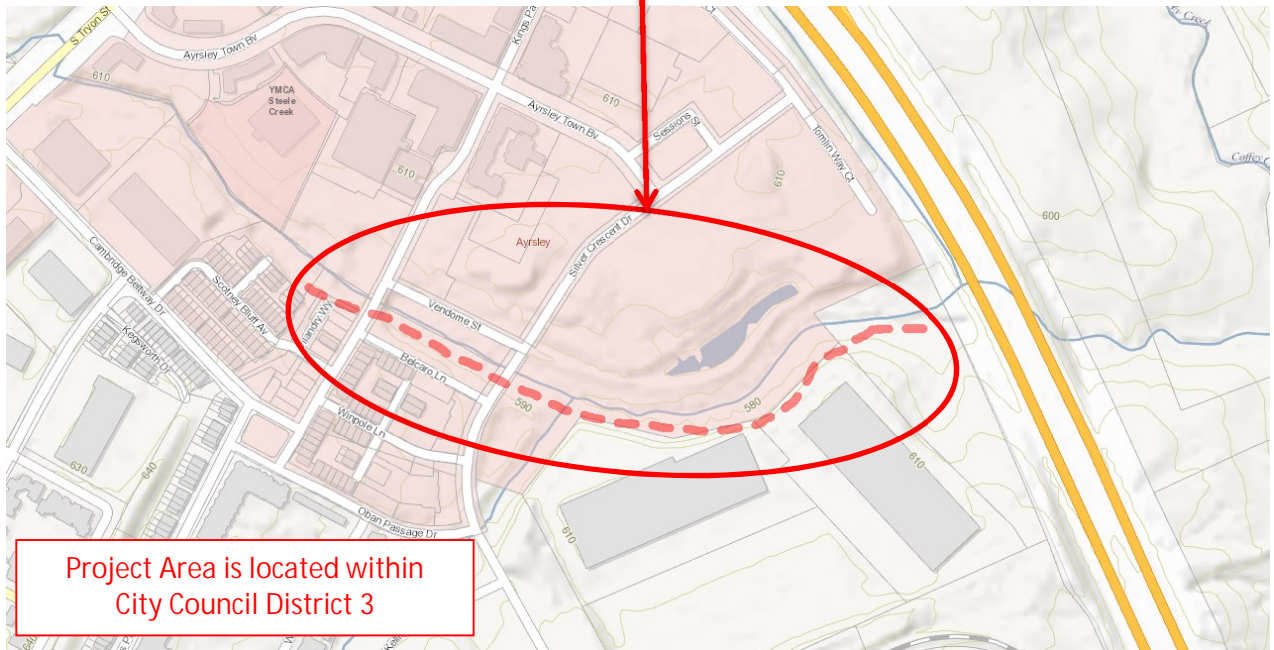
Attachment

Map

Ayrsley Gravity Sewer Replacement Phase I Map



Ayrsley Gravity Sewer Replacement



Project Area is located within City Council District 3



Agenda Date: 11/23/2015

Agenda #: 32.File #: 15-1539 Type: Consent Item

Special Inspection and Construction Material Testing and Environmental Engineering Services for CATS Projects

Action:

- A. Authorize the City Manager to negotiate and execute agreements with Amec Foster Wheeler Environmental & Infrastructure, Inc.; S&ME, Inc.; and Terracon Consultants, Inc. for special inspections and construction materials testing and environmental engineering and testing services for a three-year term with each contract in an amount up to \$250,000 (\$750,000 total),**
- B. Authorize the City Manager to negotiate and execute an agreement with Hart & Hickman PC for environment engineering services for a three-year term in an amount up to \$250,000, and**
- C. Authorize the City Manager to renew the contracts for up to two additional, one-year terms and to amend the contracts consistent with the City's business needs and the purpose for which the contracts were approved.**

Staff Resource(s):

John Lewis, Jr. CATS

John Muth, CATS

David Wolfe, Engineering & Property Management

Explanation

- The contracts will provide engineering services for construction materials testing, special inspection services, and environmental engineering services along the LYNX Blue Line, LYNX Blue Line Extension, LYNX Blue Line Capacity Expansion, Charlotte Gateway Center, and other initiatives undertaken by CATS for the duration of the agreements.
- Specific tasks associated with these services include, but are not limited to:
 - Pre-construction services - geotechnical reports,
 - Construction materials testing services (non-special inspection services),
 - Special inspections,
 - Environmental property assessments, and
 - Facility environmental programs.
- Work assignments will be generated as needed by task orders to the testing firms from CATS.
- On May 1, 2015, the City advertised a Request for Qualifications for special inspection and construction material testing as well as environmental engineering services; 10 proposals were received and four firms were selected for task order work.
- An Evaluation Committee comprised of CATS and Engineering & Property Management staff selected Terracon Consultants, Inc., Amec Foster Wheeler Environmental & Infrastructure, Inc., and S&ME, Inc. as the best qualified firms to provide the full range of services.

Agenda #: 32.File #: 15-1539 Type: Consent Item

- The Evaluation Committee also selected Hart & Hickman, PC as the best qualified firm to provide environmental testing and environmental engineering work.

Disadvantaged Business Enterprise (DBE) Opportunity

For these contracts, DBE participation goals were established and each of the companies has committed to the following certified firms to be used as project scopes are further defined for each work order issued:

Amec Foster Wheeler Environmental & Infrastructure, Inc

Established DBE Goal: 5.0%

Committed DBE Goal: 5.0%

- Prism Laboratories (DBE, WBE) (2.0%) (laboratory testing)
- Soil Drilling Services, Inc. (DBE, SBE, WBE) (2.0%) (geotechnical drilling)
- CES Group Engineers, LLP (DBE, SBE, WBE) (1.0%) (construction inspection)

S&ME Inc.

Established DBE Goal: 5.0%

Committed DBE Goal: 10.0%

- Soil Drilling Services, Inc. (DBE, SBE, WBE) (5.0%) (drilling)
- Prism Laboratories (DBE, WBE) (2.0%) (laboratory testing)
- Ameridrill Corp (DBE, SBE) (1.0%) (drilling)
- On-Spec Engineering (DBE, SBE) (1.0%) (materials testing services)
- Traffic Control Safety Services (DBE) (1.0%) (traffic control)

Terracon Consultants, Inc.

Established DBE Goal: 5.0%

Committed DBE Goal: 5.1%

- Soil Drilling Services (DBE, SBE, WBE) (2.2%) (drilling)
- Jarrett Engineering (DBE, SBE, WBE) (1.2%) (inspection/materials testing)
- Crossroads Environmental (DBE, State WBE) (0.9%) (asbestos/lead surveying)
- Prism Laboratories (DBE, WBE) (0.6%) (laboratory testing)
- Wetherill Engineering (DBE, State WBE) (0.2%) (environmental engineering)

Hart & Hickman PC

Established DBE Goal: 5.0%

Committed DBE Goal: 9.0%

- Get the Lead Out, LLC (DBE, SBE, WBE) (6.0%) (asbestos / lead surveys)
- Prism Laboratories (DBE, WBE) (3.0%) (Laboratory testing)

Fiscal Note

Funding: CATS Community Investment Plan



Agenda Date: 11/23/2015

Agenda #: 33.**File #:** 15-1872 **Type:** Consent Item

Lyndhurst Avenue Storm Drainage Repair

Action:

Award a contract in the amount of \$405,196.67 to the lowest responsive bidder D.E. Walker Construction Co. for the Lyndhurst Avenue Storm Drainage Repair project.

Staff Resource(s):

Jennifer Smith, Engineering & Property Management

Explanation

- The project involves installing approximately 330 feet of new storm drainage and replacing associated utilities along Lyndhurst Avenue between East Boulevard and East Kingston Avenue.
- The work will include:
 - Storm drainage,
 - Sidewalk,
 - Curb and gutter,
 - Driveways,
 - Accessible ramps,
 - Asphalt pavement replacement,
 - Water line approximately 460 feet, and
 - Sanitary sewer approximately 600 feet.
- On August 12, 2015, the City issued an Invitation to Bid for 1712 Lyndhurst Avenue Storm Water Repair Project; seven bids were received from interested service providers.
- D.E. Walker Construction Co. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2016.

Charlotte Business INclusion

Established SBE Goal: 13%

Committed SBE Goal: 18.11%

D.E. Walker Construction Co., a City SBE, exceeded the established SBE subcontracting goal, and has committed 18.11% (\$73,397.50) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Express Logistics Services, Inc. (SBE, MBE) (\$40,750) (hauling)
- Kingdom Trucking (SBE) (\$20,400) (hauling)
- RJJ Construction LLC (SBE) (\$12,247.50) (concrete curb)

Agenda #: 33.File #: 15-1872 Type: Consent Item

Established MBE Goal: 5%

Committed MBE Goal: 10.06%

D.E. Walker Construction Co. exceeded the established MBE subcontracting goal, and has committed 10.06% (\$40,750) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

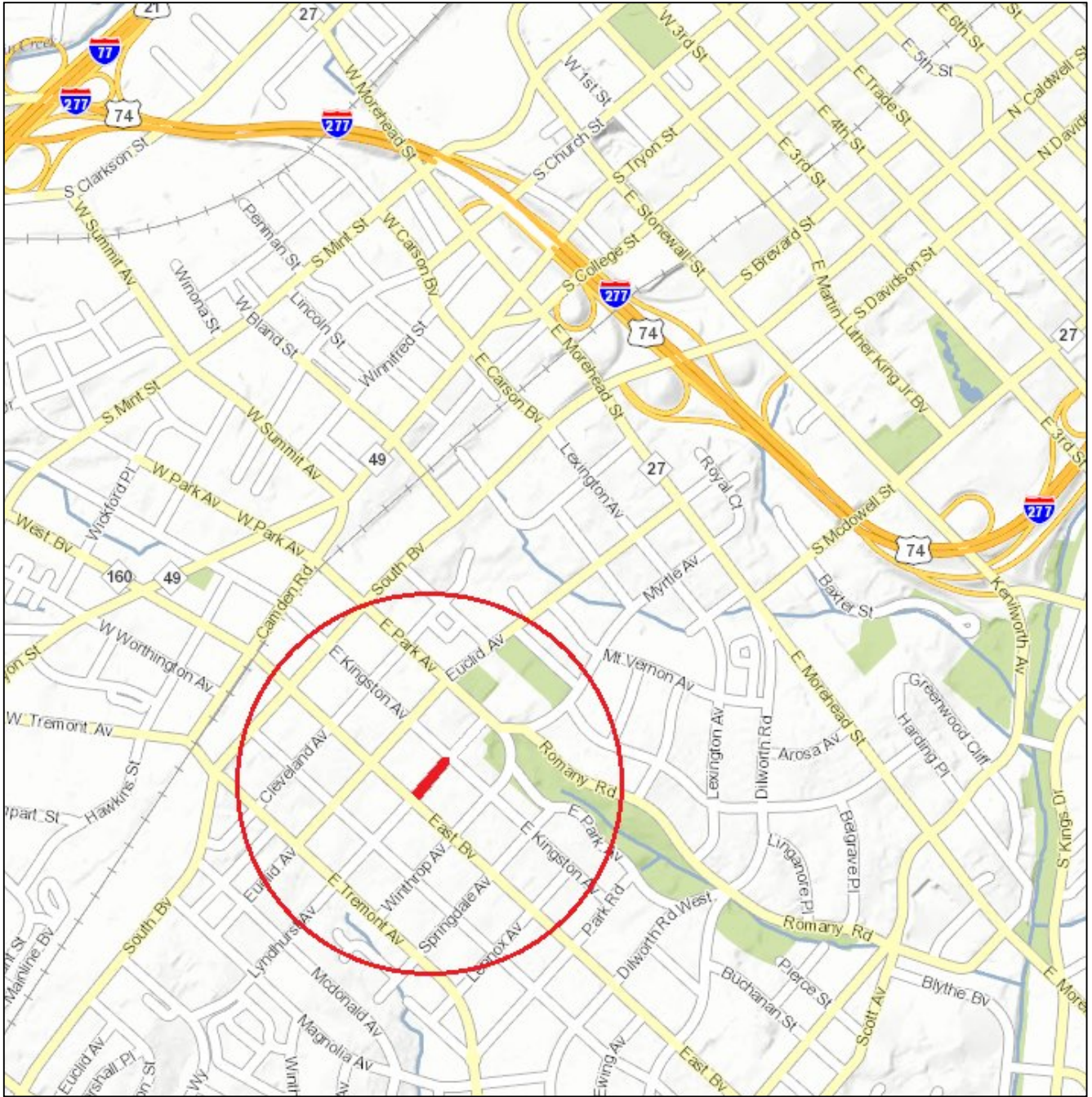
- Express Logistics Services, Inc. (SBE, MBE) (\$40,750) (hauling)

Fiscal Note

Funding: Storm Water Community Investment Plan

Attachment

Map



Location Map: Scaleybark Road Traffic Calming (Council District 1)



Agenda Date: 11/23/2015

Agenda #: 34.File #: 15-1764 Type: Consent Item

Federal Transit Administration Enhanced Mobility of Seniors and Individuals with Disabilities Grants and Contracts

Action:

- A. Authorize the City Manager to negotiate and execute contracts with the following organizations as sub-recipients for Federal Transit Administration Section 5310 grant projects:**
1. Iredell County for a project not to exceed \$38,673,
 2. Metrolina Association for the Blind for a project not to exceed \$123,255, and
 3. Union County for a project not to exceed \$43,644.
- B. Appropriate \$205,572 from the CATS Community Investment Plan to be used in accordance with Federal Transit Administration guidelines for the three grant projects to be managed by Iredell County, Metrolina Association for the Blind, and Union County, and**
- C. Appropriate \$488,689 from the CATS Community Investment Plan to be used in accordance with Federal Transit Administration guidelines for two projects to be managed by CATS.**

Staff Resource(s):

Larry Kopf, CATS
Dee Pereira, CATS

Explanation

- The Federal Transit Administration Section 5310 program (FTA Program) is designed to award grants to improve transportation service to elderly persons and persons with disabilities.
- CATS' is the designated recipient of FTA Program funds for the urbanized area, which includes acting as administrator of funds for appropriate sub-recipient projects. Appropriate CATS projects are also eligible FTA Program funds, with CATS as the direct recipient of the funds in such cases.
- Grant funds typically cover a portion of the total project cost, up to 50% of the total project cost for operating projects, up to 80% of the total project cost for most capital projects, and up to 85% of the total cost for capital projects pertaining to vehicle purchase.
- The appropriation of \$205,572 consists of 5310 grant funds, which will be matched by the sub-recipients, as described below.
 - The Iredell County project provides demand-response transportation services to elderly and disabled citizens. It is a 50/50 grant project that will be matched by Iredell County local funds.
 - The Metrolina Association for the Blind project provides door-through-door transportation service to visually-impaired citizens. It is a 50/50 grant project that will be matched by Metrolina Association for the Blind funds.
 - The Union County project provides senior transportation services. It is a 50/50 grant

Agenda #: 34. File #: 15-1764 Type: Consent Item

project that will be matched by Union County local funds.

- The appropriation of \$488,689 consists of FTA Program funds and the CATS local match in view of CATS status as the direct recipient for the projects described below.
 - A CATS project to purchase two wheelchair-accessible vans for the CATS Vanpool Program. The total project cost is \$143,000 (85% Section 5310 grant and 15% local match provided by CATS).
 - A CATS project to provide bus shelters and sidewalk improvements for patrons who will use two bus stops near the planned new Goodwill location on Wilkinson Boulevard. The total project cost is \$284,090 (80% Section 5310 grant and 20% local match provided by CATS).
 - As allowed under the FTA Program, \$61,599 will be earmarked to fund CATS administration of the grants associated with the sub-recipient and CATS programs described.

Fiscal Note

Funding: Federal Transit Administration Grant to include matching funds from three agencies, and the CATS Community Investment Plan



Agenda Date: 11/23/2015

Agenda #: 35.File #: 15-1535 Type: Consent Item

DBE/Davis-Bacon Compliance Support Services for CATS Projects

Action:

- A. Authorize the City Manager to negotiate and execute a unit price contract, with Armand Resources Group, Inc. for DBE/Davis-Bacon compliance support services for the term of two years, and**

- B. Authorize the City Manager to renew the contract for up to three additional, one-year terms and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.**

Staff Resource(s):

John Lewis, Jr., CATS
Arlanda Rouse, CATS

Explanation

- The contract with Armand Resources Group, Inc. will provide DBE/Davis-Bacon compliance support services on CATS federally funded projects.
- Disadvantaged Business Enterprise (DBE) is a federally mandated program that applies to all CATS federally funded projects. The program requires an appropriate amount of contract work be performed by certified DBE firms.
- Davis-Bacon refers to federal law that requires contractors on federally funded projects to pay laborers and mechanics at appropriate rates and in the appropriate manner to comply with Department of Labor regulations.
- As a federal grantee, CATS is responsible for monitoring and ensuring that contractors on its federally funded projects fully comply with DBE/Davis-Bacon requirements.
- Specific tasks associated with DBE/Davis-Bacon compliance support services include, but are not limited to:
 - Pre-Bid, Pre-Proposal, and Pre-Construction meeting presentations;
 - On-Site visits for ongoing construction contracts to assess DBE/Davis-Bacon compliance;
 - Weekly payroll reviews for David-Bacon compliance;
 - Monthly invoice reviews to assess both DBE and Davis-Bacon compliance;
 - Compliance investigation if a complaint is filed by a Disadvantaged Business Enterprise subcontractor or by a contractor employee;
 - Audit and grant review support.
- On August 7, 2015, CATS issued a formal Request for Proposal for DBE/Davis-Bacon Compliance Support Services; seven proposals were received from interested service providers.
- CATS staff evaluated the proposals and selected four firms for on-site interviews.
- Armand Resource Group, Inc. was selected as best meeting the City's needs in terms of the most qualified respondent and the best value among the proposals.
- The contract unit prices are firm for the first three years; and the contract allows for additional projects to be serviced during the term of the contract.

Agenda #: 35.File #: 15-1535 Type: Consent Item

- The Company will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- The estimated annual contract amount is \$400,000.

Disadvantaged Business Enterprise (DBE) Opportunity

Established DBE Goal: 10%

Committed DBE Goal: 100%

Armand Resource Group, a DBE firm, exceeded the established DBE goal and has committed 100% (\$800,000) of the total contract amount to the following firm:

- Armand Resource Group (DBE) (\$800,000)

The federal DBE program counts the participation of all DBE contractors working on a contract, without regard to their status as a prime contractor or a subcontractor.

Fiscal Note

Funding: CATS Community Investment Plan



Agenda Date: 11/23/2015

Agenda #: 36.File #: 15-1702 Type: Consent Item

CATS Bus Fleet Diesel Exhaust Fluid Dispensing Equipment

Action:

Award a contract in the amount of \$140,000 to the lowest responsive bidder Spatco Energy Solutions for the purchase and installation of diesel exhaust fluid storage and dispensing equipment to service CATS bus fleet.

Staff Resource(s):

Larry Kopf, CATS
Edward Pullan, CATS

Explanation

- Buses manufactured in 2010 and thereafter require an additional fluid, diesel exhaust fluid (DEF), to meet the latest EPA emission standards.
- Due to the limited number of post-2010 buses in the fleet, CATS has stored and dispensed DEF from free-standing 330-gallon "tote" containers. As the number of buses requiring exhaust system treatment increases, it will be necessary to store and dispense DEF in larger quantities.
- The new system includes a 2,000-gallon climate-controlled, above-ground container and four dispensers to service each fueling lane at the South Tryon Bus facility.
- On July 20, 2015, CATS issued an Invitation to Bid for purchase and installation of the DEF equipment; two bids were received from interested service providers.
- Spatco Energy Solutions was selected as the lowest responsive, responsible bidder.

Disadvantaged Business Enterprise (DBE) Opportunity

Established DBE Goal: 3.0%

Committed DBE Goal: 9.9%

Spatco Energy Solutions exceeded the established DBE goal, and has committed 9.9% (\$13,304) of the total contract to the following certified firm:

- TEW Equipment Solutions (DBE, SBE, WBE) (piping and fittings)

Fiscal Note

Funding: Federal Transit Administration Grant



Agenda Date: 11/23/2015

Agenda #: 37.**File #:** 15-1901 **Type:** Consent Item

LYNX Blue Line - Vehicle Maintenance Facility Equipment

Action:

Award contracts in the total amount of \$991,711.55 to the following lowest responsive bidders for the purchase of light rail vehicle maintenance and repair equipment:

- **Diagnosys (\$690,721.55)**
- **Hipotronics (\$300,990)**

Staff Resource(s):

Allen Smith, CATS
Gary Lee, CATS

Explanation

- The LYNX Blue Line project includes the purchase of light rail vehicle maintenance and repair equipment.
- CATS Rail Operations maintenance (Rail Car Maintenance and Maintenance-of-Way) will use this specialty equipment to test, maintain, and repair fleet systems and components for 42 Siemens S70 light rail vehicles and all applicable maintenance-of-way equipment related to rail operations maintenance.
- Diagnosys will provide vehicle maintenance equipment, and Hipotronics will provide vehicle testing equipment.
- Procuring the equipment allows CATS staff to perform maintenance and repair functions. As a result, CATS anticipates lower overall costs, an increase the quality of repairs as well as a faster turnaround repair time.
- On September 30, 2015, the City issued an Invitation to Bid for vehicle maintenance facility equipment; five bids were received from interested service providers.
- Diagnosys and Hipotronics were selected as the lowest responsive, responsible bidders.

Disadvantaged Business Enterprise (DBE) Opportunity

Pursuant to Department of Transportation DBE Program, subpart C, no DBE utilization goal was set for this solicitation and resultant due to no subcontracting opportunities.

Fiscal Note

Funding: CATS Community Investment Plan



Agenda Date: 11/23/2015

Agenda #: 38.File #: 15-1750 Type: Consent Item

CATS Exterior Bus Wash System Upgrade

Action:

Award a contract in the amount of \$194,200 to the lowest responsive bidder, Loyal Systems, Inc., for the purchase and installation of upgraded components for the exterior bus wash system at the North Davidson bus facility.

Staff Resource(s):

Larry Kopf, CATS
Edward Pullan, CATS

Explanation

- CATS Bus Operations is responsible for the regular maintenance and cleaning of a fleet of over 300 buses.
 - One of the responsibilities includes maintaining the cleanliness of the bus exterior using the bus wash lanes at each facility.
 - The current equipment at the North Davidson facility has been in service for well past its useful life and requires replacement equipment.
- The scope of work under this contract includes the purchase and installation of stainless steel piping, fittings, and valves to repair and upgrade the bus wash system to current standards as well as to produce a more economical bus wash system with more reliable equipment.
- On September 1, 2015, CATS issued an Invitation to Bid for the purchase and installation of upgraded components for the bus facility; three bids were received from interested service providers.
- The apparent low bidder, EST Companies LLC did not meet the DBE goal nor satisfy the alternative Good Faith Efforts standard. As a result, staff deemed the bid non-responsive.
- Loyal Systems, Inc. is the lowest responsive bidder.

Disadvantaged Business Enterprise (DBE) Opportunity

Established DBE Goal: 3.0%

Committed DBE Goal: 3.1%

Loyal Systems, Inc. exceeded the established DBE goal and committed 3.1% (\$5,950) of the total contract amount to the following certified firm:

- TEW Equipment Solutions, Inc (DBE, SBE, WBE) (\$5,950) (Piping and fittings)

Fiscal Note

Funding: Federal Transit Administration Grant



Agenda Date: 11/23/2015

Agenda #: 39.File #: 15-1701 Type: Consent Item

CATS Market Research Contract

Action:

- A. Authorize the City manager to negotiate and execute a contract for up to \$250,000 with Southeastern Institute of Research, Inc. to conduct customer satisfaction surveys on CATS services, and**

- B. Authorize the City Manager to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.**

Staff Resource(s):

Olaf Kinard, CATS

Explanation

- CATS' market research program obtains information using telephone surveys and surveys conducted with customers while riding transit. These surveys capture the perceptions, attitudes, beliefs, expectations, and needs of current transit customers and non-customers in relation to their commutes.
- Recommendations are developed from the research and used to:
 - Develop programs to enhance customer service;
 - Design services to attract new customers;
 - Develop business initiatives for CATS' Strategic Operating Plan; and
 - Determine the allocation of resources.
- Prior results of similar research have resulted in strategies including:
 - Focus on senior citizen programs;
 - Enhanced safety to attract new riders;
 - Installation of new bus stop signs, schedule information at bus stops, and bus shelters; and
 - Increased frequency of service on weekends.
- On August 3, 2015, the City issued a Request for Proposals (RFP) for conducting customer satisfaction survey services; three proposals were received from interested service providers.
- CATS staff evaluated the proposal according to the following RFP criteria:
 - Approach and methodology to implementing marketing research projects;
 - Account management;
 - Active client list;
 - Agency resources; and
 - Price.
- Staff recommends Southeastern Institute of Research, Inc., as its proposal best meets the City's needs in terms of experience, resource capacity, price, and Disadvantaged Business Enterprise participation.

Disadvantaged Business Enterprise (DBE) Opportunity

DBE Established Goal: 10%

DBE Committed Goal: 38.1%

Southeastern Institute of Research, Inc. exceeded the established DBE goal and has committed 38.1% (\$16,750) of the first year contract amount to the following certified firm:

- TRS&I Group (DBE) (\$16,750) (passenger surveying)

The DBE Goal is cumulative over the five year contract period; however, the DBE Committed Goal is 38.1% for the first year of the contract. During each renewal negotiation a new DBE Committed Goal will be obtained to equal or exceed the DBE Established Goal based on the actual type of research work order designated for that contract period.

Fiscal Note

Funding: CATS Operating Budget



Agenda Date: 11/23/2015

Agenda #: 40.**File #:** 15-1842 **Type:** Consent Item

**LYNX Blue Line Extension Project - Raleigh and Greensboro Streets
Drainage Change Order**

Action:

Approve change order in the amount of \$600,000 with Blythe Development Company for the LYNX Blue Line Extension - Raleigh and Greensboro Streets Drainage construction.

Staff Resource(s):

John Lewis, CATS
Jeb Blackwell, Engineering & Property Management
Danny Rogers, CATS

Explanation

- On April 27, 2015, the City Council awarded a contract in the amount of \$4,235,500 to Blythe Development Company for the LYNX Blue Line Extension (BLE) Project - Raleigh and Greensboro Streets Drainage construction.
- The project involves the construction of storm drainage infrastructure in Segment A of the BLE project. The storm drainage extends approximately half a mile along both Raleigh and Greensboro Streets from East Sugar Creek Road.
- This change order, in the amount of \$600,000, will fund the additional select backfill (crushed stone) that is required in order to achieve proper construction under the affected roadways.
- The contractor will be paid based on the unit prices in the original contract, which are available upon request.
- Work is 95% complete and is expected to finish in December 2015.
- The new total value of the contract is \$4,835,500.

Disadvantaged Business Enterprise (DBE) Opportunity

Established DBE Goal: 13.40%
Committed DBE Goal: 13.47%

At the inception of the contract, Blythe Development Company committed to use the following DBE firms:

- On Time Construction, Inc. (DBE, SBE, MBE) (\$288,330) (concrete)
- Oliver Paving Company (DBE, SBE, WBE) (\$146,000) (asphalt paving)
- Express Logistics Services, Inc. (DBE, SBE, MBE) (\$136,000) (hauling)

The work performed pursuant to this proposed change order is subject to the DBE goal and includes DBE participation.

Fiscal Note

Funding: CATS Community Investment Plan



Agenda Date: 11/23/2015

Agenda #: 41.File #: 15-1316 Type: Consent Item

LYNX Blue Line Extension Pedestrian Bridge Agreements

Action:

- A. Authorize the City Manager to negotiate and execute a Pedestrian Bridge Agreement with the University of North Carolina at Charlotte, and**

- B. Authorize the City Manager to negotiate and execute a Pedestrian Bridge Agreement with Carolinas Healthcare System.**

Staff Resource(s):

John Muth, CATS
Danny Rogers, CATS
Brad Thomas, City Attorney's Office

Explanation

- As a result of cost savings achieved on the Blue Line Extension (BLE) project, City staff has identified improvements that would provide significant benefit for long-term capacity, safety, and connectivity for certain properties impacted by the BLE project.
- One of the improvements includes extending the current design of the pedestrian bridge at the JW Clay Boulevard/University of North Carolina Charlotte Station to cross over the northbound lanes of North Tryon Street (Pedestrian Bridge Extension).
- The new design will require an extended bridge walkway and a new tower to be constructed on the property currently owned by the Foundation of the University of North Carolina at Charlotte (Foundation).
- On August 24, 2015, the City Council adopted a resolution authorizing the City Manager to execute an amendment to the State Full Funding Grant Agreement to expend additional scope to cover among other improvements, the JW Clay Pedestrian Bridge Extension.
- On September 3, 2015, the North Carolina Board of Transportation approved the proposed Amendment to the State Full Funding Grant Agreement that included partial funding for the Pedestrian Bridge Extension.
- The Pedestrian Bridge Agreement with the University of North Carolina at Charlotte (UNC Charlotte) will include key terms such as:
 - UNC Charlotte will make a financial contribution of \$600,000 towards construction of the Pedestrian Bridge Extension.
 - The City will own and maintain the Pedestrian Bridge Extension.
 - The Foundation will grant the City the required easements to build the improvements.
 - UNC Charlotte will be permitted to have branding on the approved sections of the structure.
 - The City will permit UNC Charlotte's development plans to include a connection to the tower or plaza (The City and the University would work together on design and engineering).

Agenda #: 41. File #: 15-1316 Type: Consent Item

- The Pedestrian Bridge Agreement with Carolinas Healthcare System will include key terms such as:
 - Carolinas Healthcare System will make a financial contribution of \$600,000 towards the construction of the Pedestrian Bridge Extension.
 - The City will own and maintain the Pedestrian Bridge Extension.
 - Carolinas Healthcare System will be permitted to have branding on the approved sections of the structure.

Fiscal Note

Funding: CATS Community Investment Plan and Contributions from UNC Charlotte and Carolinas Healthcare System



Agenda Date: 11/23/2015

Agenda #: 42.File #: 15-1893 Type: Consent Item

Blue Line Capacity Expansion Construction Management Contract Amendment

Action:

Approve contract amendment #2 for an amount up to \$950,000 with STV Engineers Inc. to extend Construction Management services for the Blue Line Capacity Expansion project.

Staff Resource(s):

Danny Rogers, CATS
Andy Mock, CATS

Explanation

- Since its inception in 2007, ridership on the LYNX Blue Line has exceeded expectations and original estimates. Ridership is often standing room only especially during workday rush hour and for uptown special events.
- In October 2011, CATS applied for a U.S. Department of Transportation (USDOT) TIGER-III grant to address the capacity issues by expanding key platforms to accommodate three car light rail trains (CATS currently can operate only two-car trains), and increasing power output by installing four new traction power substations. USDOT approved an \$18 million grant award (80%) with a \$4.5 million local match (20%) for a total project cost of \$22.5 million.
- On August 27, 2012, the City Council approved a contract in an amount up to \$4,400,000 with STV/Ralph Whitehead and Associates for design services to oversee the completion of the Blue Line Capacity Extension project by a September 30, 2015, planned completion date. The contract was executed for \$4,375,758. Contract amendment #1 was executed on May 1, 2015 to add construction management services to the scope of work and did not require additional funds. Contract amendment #2 will add up to \$950,000 to extend construction management services due to contractor delay in completing the project.
- On April 14, 2014, the construction contract was awarded to Balfour Beatty Infrastructure, Inc. in the amount of \$16,455,683.58 to construct the Blue Line Capacity Extension project. Subsequently, the completion of the project has been delayed several times by the contractor because of changes in contract management, additional work (an additional station expansion was added to the contract), and insufficient contractor resources. CATS' current projected completion date for the project is June 30, 2016.
- Given the delay in the contractor's schedule, STV's contract needs to be amended to account for the additional time required to complete the project. The estimated cost is \$950,000. STV's remaining scope will include inspection services, systems integration testing, technical submittal reviews, and construction management services.
- CATS is currently withholding liquidated damages from the construction contractor's pay application that may defray a portion of this additional cost related to the contractor caused delay.

Agenda #: 42.File #: 15-1893 Type: Consent Item

- The amendment will bring STV's total authorized contract value to \$5,350,000.

Disadvantaged Business Enterprise (DBE) Opportunity

Established DBE Goal: 15.8%

Committed DBE Goal: 15.8%

Fiscal Note

Funding: CATS Community Investment Plan



Agenda Date: 11/23/2015

Agenda #: 43.File #: -15-1699 Type: Consent Item

Airport Building Automation Contract Amendment

Action:

Approve contract amendment #3 with Johnson Controls, Inc. for additional service coverage of Airport building automation systems, for a term of two years.

Staff Resource(s):

Jack Christine, Aviation

Explanation

- On December 13, 2010, the City Council approved a five-year maintenance contract with Johnson Controls, Inc. for building automation systems, operations, and maintenance. The total for the term of the contract is \$1,642,992 plus a parts allowance of \$1,125,000. The City Council authorized the City Manager to execute up to two, one-year extensions.
- On December 12, 2011, the City Council approved contract amendment #1 in the amount of \$143,149 for upgrades to US Airways' Building Access Controls, door alarms, and media cameras as new requirements were identified and additional automation elements were needed, which exceeded the maintenance and part allowances of the original contract.
- On November 12, 2012, the City Council approved contract amendment #2 in the amount of \$847,216 for the maintenance of the video management system. At this time, the warranty has expired on the video surveillance equipment, and this amendment was necessary to ensure continued maintenance of this equipment.
- In lieu of the City Manager exercising the City Council authorization to extend the contract for two additional, one-year terms, contract amendment #3 provides for a single two-year term and the following scope additions:
 - The addition of a Johnson Controls Security Technician on-site for an additional 16 hours per week to provide support for the additional security surveillance devices at a total two-year cost of \$168,896.
 - The addition of a Johnson Controls Security Technician on-site for 8 hours a day for weekends and holidays to support fire alarm, access control, and video surveillance systems at a total two-year cost of \$344,288.
 - The continuation of contract amendment #2 authorized services in the amount of \$419,494 for the maintenance of the video surveillance system equipment.
- As part of the amendment, Johnson Controls, Inc. provided set pricing for two years for the new scope and all the other services provided under the original contract and agreements. In order to take advance of this pricing, a two-year contract is recommended to cover the end of the original potential term.
- The total amount spent on the contract during the first five years was \$3,758,357.
- The estimated cost of contract amendment #3 for a single, two-year term is as follows:
 - The total estimated value of the first year is \$1,118,839.
 - The total estimated value of the second year is \$1,142,055.

Agenda #: 43.File #: -15-1699 Type: Consent Item

- The new estimated total value of the contract including all amendments is \$6,019,251.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Operating Budget



Agenda Date: 11/23/2015

Agenda #: 44.File #: 15-1244 Type: Consent Item

Airport Chiller Maintenance Services

Action:

- A. Award a unit price contract to the lowest responsive bidder Johnson Controls, Inc. for maintenance and repair services on the Airport's centrifugal chillers for a term of three years, and**

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

Staff Resource(s):

Jack Christine, Aviation

Explanation

- The contract will provide maintenance and repair services for the 12 chillers, which provide cooling for the main terminal building, the rental car deck customer service area, and the old terminal building.
- The contract will provide labor and all the required parts to perform the annual manufacturers recommended maintenance on the units as well as 120 hours of emergency technician labor services.
- On September 25, 2015, Aviation issued an Invitation to Bid for maintenance and repair services; seven bids were received from interested service providers.
- Carolina Air Solutions, Inc. was initially the low bidder. However, they voluntarily withdrew their bid.
- Johnson Controls Inc. was the lowest responsive, responsible bidder.
- The total estimated cost for the three-year term is \$176,000.

Charlotte Business INCLUSION

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

Fiscal Note

Funding: Aviation Operating Budget



Agenda Date: 11/23/2015

Agenda #: 45.File #: 15-1643 Type: Consent Item

Airport Deicing Truck

Action:

- A. **Approve the purchase of a Tyler Ice AD 4000 mounted on Western Star 4900 chassis from a cooperative purchasing contract as authorized by G.S. 143-129(e) (3),**

- B. **Approve a unit price contract with Wausau Everest Equipment, Inc. for the purchase of truck mounted deicer, Tyler Ice AD 4000 mounted on Western Star 4900 chassis, for a one time purchase under National Joint Powers Alliance (contract number 080114-WAS), and**

- C. **Adopt a budget ordinance appropriating \$292,029 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s):

Jack Christine, Aviation

Cooperative Purchasing Exemption

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

Explanation

- In response to the need to better serve the airlines during winter events, the Airport is purchasing a runway deicing truck to replace a trailer mounted unit to increase the capacity of the liquid runway deicing operations. The truck has been approved as part of the FY2016 Capital Equipment Replacement List.
- The truck mounted deicer is a Tyler Ice Model AD 4000 spray unit mounted on a 2016 Western Star 4900 chassis. Wausau Everest has a contract awarded through National Joint Powers Alliance that offers competitively obtained contracts to public agencies nationwide for airport equipment.
- The total cost during the first year is \$292,029 per unit.

Charlotte Business INCLUSION

This is a cooperative purchase contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INCLUSION Policy).

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment

Budget Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF \$292,029 FOR THE PURCHASE OF A DEICING TRUCK TO INCREASE THE CAPACITY OF THE AIRPORT'S DEICING OPERATION DURING INCLEMENT WEATHER

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

- Section 1. That the sum of \$292,029 is hereby appropriated from the Aviation Discretionary Fund for the contract with Wasau Everest Equipment, Inc. for the purchase of a truck mounted deicer and truck chassis.
- Section 2. That the sum of \$292,029 is hereby appropriated in the Aviation Community Investment Plan Fund (6064) to the following projects:
- | | |
|---------|------------|
| Fund | 6064 |
| Project | 4020901650 |
| Source | 6000 |
| Type | 60006001 |
| Year | 0000 |
- Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 4. All ordinances in conflict with this ordinance are hereby repealed.
- Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney



Agenda Date: 11/23/2015

Agenda #: 46.File #: 15-1640 Type: Consent Item

Airport Dump Truck and Chassis

Action:

- A. Approve the purchase of 2017 Mack GU713 Cab/Chassis from state contract as authorized by G.S. 143-129(e)(9),**
- B. Approve a contract with TransSource, Inc. for the purchase of 2017 Mack GU713 Cab/Chassis,**
- C. Authorize the City Manager to extend the contract for additional one-year terms as long as the state contract is in effect, at prices and terms that are the same or more favorable than those offered under the state contract, and**
- D. Adopt a budget ordinance appropriating \$108,856.60 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s):

Jack Christine, Aviation

State Contract Exemption

G.S. 143-129(e)(9) allows local government to purchase from state contracts if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the state contract.

Explanation

- The Aviation Department has identified the need to replace a 1984 dump truck that exists in the current fleet and has reached the end of its useful life. The vehicle is on the approved FY2016 Capital Equipment Replacement List.
- The new unit is 84,000 GVW Mack Truck Tandem Chassis that is capable of hauling various materials needed by the Aviation Department facilities teams.
- TransSource, Inc. is willing to provide 2017 Mack GU713 Cab/Chassis to the City at the same or better terms as are provided in its contract with the state of North Carolina.
- The total cost of the unit purchased in this first year is \$108,856.60.
- The Aviation Department anticipates purchasing an additional dump truck next year to take advantage of the favorable pricing offered by TransSource, Inc.

Charlotte Business INclusion

This contract is being purchased off an existing state contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Agenda #: 46.**File #:** 15-1640 **Type:** Consent Item

Fiscal Note

Funding: Aviation Capital Equipment Replacement

Attachment

Budget Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5949-X, THE 2015-2016 BUDGET ORDINANCE PROVIDING AN APPROPRIATION OF \$108,856.60 FOR THE PURCHASE OF A DUMP TRUCK CAB/CHASSIS TO REPLACE A 1984 MODEL THAT CURRENTLY EXISTS IN THE AIRPORT'S FLEET

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

Section 1. That the sum of \$108,856.60 is hereby appropriated from the Aviation Discretionary Fund for the contract with TransSource, Inc. for the purchase of 2017 Mack GU713 dump truck cab/chassis.

Section 2. That the sum of \$108,856.60 is hereby appropriated in the Aviation Community Investment Plan Fund (6064) to the following projects:

Fund	6064
Project	4020901651
Source	6000
Type	60006001
Year	0000

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

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

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney



Agenda Date: 11/23/2015

Agenda #: 47.File #: 15-1904 Type: Consent Item

Electronic Auction for Disposal of Federally-Seized Vehicles

Action:

A. Adopt a resolution declaring specific vehicles as surplus, and

B. Authorize said items for sale by electronic auction beginning on or around January 4, 2016, and ending on or around January 29, 2016.

Staff Resource(s):

Lisa Goelz, Police
Rick Smith, Police

Explanation

- Pursuant to North Carolina General Statute 160-270 (c) approval is requested for an electronic auction as follows:
 - Beginning on or around January 4, 2016, and ending on or around January 29, 2016, three vehicles (Audi, BMW, and Land Rover) will be offered for electronic auction.
- City staff anticipates the electronic auction will provide a larger audience of qualified bidders and return maximum revenue from these vehicles.
 - GovDeals.com, with a commission of 7.5%, is an electronic auction service that provides a hosted website to advertise and auction surplus assets, with no additional on-site services.
 - GovDeals.com has been used successfully in the past to perform electronic auction for fire trucks and other specialized vehicles.
- A federal agency, in collaboration with the Charlotte-Mecklenburg Police Department, seized the three vehicles during a federal task-force investigation.
- The revenue from the sales of the three vehicles will be placed in Asset Forfeiture Funds, which will fund the purchase of several replacement vehicles for the Vice/Narcotics Unit of the Charlotte-Mecklenburg Police Department.

Charlotte Business INclusion

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

Fiscal Note

Funding: Not Applicable

Attachment

A list of property to be declared surplus
Delegation of authority
Resolution

List of property to be declared surplus

VEH#	COLOR	MAKE	MODEL	YEAR	MILEAGE
PDA 7041	White	LANDOVER	Discovery	2003	112,500
PDA 7051	Gray	Audi	R8 Quattro	2010	35,755
PDA 7049	Blue	BMW	M5	2008	94,766

NORTH CAROLINA

MECKLENBURG COUNTY

**DELEGATION OF AUTHORITY
TO TRANSFER TITLES**

Rex E. Dye is hereby authorized to execute on behalf of City of Charlotte such documents as may be necessary to evidence the transfer of titles for the vehicles listed on Exhibit A (attached hereto) upon the sale of said vehicles at the date and time set forth below:

Date: _____ through _____

Location: 5550 Wilkinson Blvd, Charlotte, North Carolina 28208

This is the _____ day of _____, 2015.

Signature: _____

Title: _____

CHARLOTTE CITY COUNCIL

Resolution Authorizing Sale of Personal Property by Electronic Auction.

Whereas, North Carolina G.S. 160A-270(c) allows the City Council to sell personal property by electronic auction upon adoption of a resolution authorizing the appropriate official to dispose of the property at electronic auction and;

Whereas, the City Manager has recommended that the property listed on the attached Exhibit A be declared as surplus and sold at electronic auction.

Now Therefore, it is hereby resolved, by the Charlotte City Council that the City Manager or his designee is authorized to sell by electronic auction beginning _____ at 8:00 a.m. and ending _____ at 6:00 p.m. the surplus property described in Exhibit A, on GovDeals.com. Surplus units can be previewed at the City Asset Recovery and Disposal facility, 5550 Wilkinson Blvd, Charlotte, North Carolina. The terms of the sale shall be net cash. The City Manager or his designee is directed to publish at least once and not less than ten days before the opening dates of the auction, a copy of this resolution or a notice summarizing its content as required by North Carolina General Statute 160A-270(c).

Adopted on this _____ day of _____, 2015.

CERTIFICATION



Agenda Date: 11/23/2015

Agenda #: 48.**File #:** 15-1821 **Type:** Consent Item

Information Technology Managed Security Services

Action:

- A. Authorize the City Manager to negotiate and approve a contract with Mosaic451, LLC for Managed Security Services for an initial term of three years, and**

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

Staff Resource(s):

Jeffrey Stovall, Innovation & Technology
Randy Moulton, Innovation & Technology

Explanation

- The City requires monitoring of technology security devices for attacks or malicious activity and protection of its critical information technology assets. The City uses a third party service provider to provide these managed security services.
- The services include real-time monitoring of perimeter firewalls and other security devices as well as event correlation and log analysis, coupled with incident response and risk mitigation capability. The services are provided 24 hours a day, seven days a week.
- Compensation will be based on a tiered pricing structure that covers the management and monitoring of the City's existing security devices. The pricing structure provides for flexibility in that it would allow the City to double the number of devices during the term of the contract, if needed, without any additional cost for new device management and monitoring. A copy of the pricing structure is available upon request.
- The contract allows for the City to benefit from industry-leading security tools and from on-site assistance on a routine basis. The contract also includes vulnerability, threat, intelligence, and researching services that will be custom designed to the City's needs and areas of concern, while providing the City with the ability to scale the solution for further growth.
- On August 12, 2015, the City issued a Request for Proposals (RFP) for managed security services. In response to the RFP, the City received 10 proposals from interested service providers.
- The project team, consisting of staff from Innovation & Technology and Management and Financial Services, evaluated the proposals and determined that Mosaic451, LLC best meets the City's needs in terms of qualifications, experience, proposed solution, cost, and acceptance of the terms of the contract.
- Estimated contract expenditures are \$570,000 annually over the three-year initial term.

Charlotte Business INclusion

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

Agenda #: 48.**File #:** 15-1821 **Type:** Consent Item

Fiscal Note

Funding: Innovation & Technology Operating Budget



Agenda Date: 11/23/2015

Agenda #: 49.File #: 15-1826 Type: Consent Item

Information Technology Contract Professional Services

Action:

Authorize the City Manager to award unit price contracts for information technology contract professional services for up to two years, with the following service providers:

- **Ciber, Inc.,**
- **Digital Intelligence Systems, LLC d/b/a DISYS, and**
- **Skybridge Global**

Staff Resource(s):

Robert Campbell, Management & Financial Services

Jeffrey Stovall, Innovation & Technology

Explanation

- On September 27, 2010, the City Council approved contracts for citywide information technology contract professional services for up to five years with 17 vendors, including the three vendors listed in the action above.
 - On September 28, 2015, the City Council awarded new contracts to 18 vendors for citywide information technology contract professional services.
 - None of the three service providers listed in the action section of this item were included in the award on September 28, 2015. However, multiple departments, including Innovation & Technology, Human Resources, Charlotte-Mecklenburg Police Department, and Charlotte Water, have a need to retain services from certain individual contractors assigned to work on specific City projects pursuant to the contracts already in place with these three service providers.
- The City uses the contracted service providers to obtain a variety of information technology contract professional services, including project management, application and testing specialist, and information security engineer services.
- Contractors are generally used on a relatively short-term basis and provide technology expertise where it would be inefficient for the City to hire full-time equivalent staff due to the specific skill sets required and/or the sporadic nature of the work.
 - These contracts are not intended for long-term projects that would be handled by a separate competitive process or potentially by pursuing full-time equivalent City positions.
 - It is both important for continuity of operations and necessary to hold over specific contractors under these contracts due to unique timing issues: the projects to which they are assigned have not been completed, it would be inefficient to recruit and train replacement contractors, and there are no existing full-time City resources to perform the work.

Agenda #: 49. File #: 15-1826 Type: Consent Item

- The contractors are assigned to a variety of critical City information technology projects.
- Specific hourly rates are detailed in the contracts, vary by contractor, and are available upon request.
- Estimated contract expenditures are \$1,500,000 annually in the aggregate across all three contracts.

Charlotte Business INclusion

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

Fiscal Note

Funding: Various Departments' Operating Budgets



Agenda Date: 11/23/2015

Agenda #: 50.File #: 15-1747 Type: Consent Item

Utility Management System Maintenance and Support

Action:

- A. Approve the purchase of Cognos Reporting Engine maintenance and support services from a federal contract as authorized by G.S. 143-129(e)(9a),**

- B. Approve a contract with International Business Machines Corporation for the purchase of Cognos Reporting Engine maintenance and support services under the General Services Administration IT Schedule, effective October 1, 2007, GS-35F-4984H,**

- C. Authorize the City Manager to extend the contract for additional one-year terms as long as the federal contract is in effect, at prices and terms that are the same or more favorable than those offered under the federal contract,**

- D. Authorize the continued use of maintenance and support under the existing Utility Management System contracts, as follows:**
 - **Banner software maintenance and support contract with Hansen Technologies Company;**
 - **ABB Service Suite maintenance and support contract with ABB Enterprise; and**
 - **Atomic Scheduling Engine contract with Atomic, Inc.,**

- E. Authorize the City Manager to purchase maintenance and support under the City's existing Utility Management System contracts, as detailed above, for as long as the City uses the system, and**

- F. Authorize the City Manager to purchase additional software licenses, services, and hardware as needed from time to time to optimize the City's use of the system, and to approve other amendments consistent with the City's business needs and the purpose for which the contracts were approved, including price adjustments.**

Staff Resource(s):

Robert Campbell, Management and Financial Services,
Barry Gullet, Charlotte Water

Federal Contract Exemption

Agenda #: 50.File #: 15-1747 Type: Consent Item

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

Explanation

- Management and Financial Services in collaboration with Charlotte Water uses a comprehensive Utility Billing Management System comprised of multiple integrated software systems, for the billing and collection of approximately \$425 million annually in water, sewer, and storm water-related services.
- The Service Suite software application integrates with the Banner software to manage service orders associated with Utility Billing Management Activities, including monitoring of system activities, generation of automated notifications, and automation of various system processes.
- The Banner and Service Suite products were previously owned by the same company, ABB Enterprise Software. The Banner product was purchased by Hansen Technologies Company in 2014.
- On September 24, 2014, the City Council approved a one-year contract amendment to the existing maintenance and support agreements for Banner and Service Suite, with two one-year renewals thereafter.
- On October 1, 2007, the contract for Cognos Reporting Engine was awarded by General Services Administration, and is currently extended through December 17, 2015.
- International Business Machines Corporation is willing to provide Cognos Reporting Engine maintenance and support services to the City at the same or better terms as are provided in its contract with the GSA.
- These contracts provide ongoing software maintenance and support, including upgrades and issue resolution support, both of which are essential to ensuring the uninterrupted operation of the Utility Billing Management System.
- Approval is requested for the City Manager to continue to purchase maintenance and support for as long as the City uses the software. This may be done by amendment to the original contracts if necessary or by new contracts with the same or other vendors that may offer such services in the future.
- Expenditures for maintenance and support are estimated as follows on an annual basis, subject to adjustments as authorized by the contracts, or by the City Manager:
 - Banner Software - estimated \$370,000 annually;
 - Service Suite Software - estimated \$105,000 annually; and
 - Cognos Reporting Engine and Atomic Scheduling Engine software - estimated aggregate \$65,000 annually
- Approval is also requested for the City Manager to purchase such additional software licenses, services, and hardware as needed from time to time to optimize the City's use of the system.
- Expenditures in this category during the first two years are expected to include \$120,000 for additional Banner System licenses.

Charlotte Business INclusion**Action B:**

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

Agenda #: 50.**File #:** 15-1747 **Type:** Consent Item

Action D:

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

Fiscal Note

Funding: Management and Financial Services Operating Budget



Agenda Date: 11/23/2015

Agenda #: 51.**File #:** 15-1363 **Type:** Consent Item

Vehicle Cleaning and Decontamination Services

Action:

A. Approve contracts with the following companies for vehicle cleaning and decontamination for an initial term of three years:

- **Autobell Car Wash, Inc. (Offsite Vehicle Cleaning);**
- **Coastal Mobile Detailing (Onsite Vehicle Cleaning);**
- **Dr. Detail of Matthews (Onsite Vehicle Decontamination); and**
- **G&E Investments, Inc. TA Diamond Finish Car Wash (Offsite Vehicle Cleaning); and**

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

Staff Resource(s):

Robert Campbell, Management and Financial Services
Rick Smith, Police

Explanation

- The City uses onsite and offsite service providers to supply vehicle washing and decontamination services for a variety of vehicles within the City's fleet of approximately 3,500 rolling stock vehicles.
- The standard washing frequency for most vehicles is monthly; however, Police and Fire do encounter circumstances where cleaning is needed on a more frequent basis.
- Historically, the bulk of the vehicle cleaning services have been performed at off-site car-washing locations. Many departments require expanded capability to perform the services on City property.
- On September 16, 2015, the City issued a Request for Proposal (RFP) for vehicle cleaning and decontamination services. In response to the RFP, the City received six proposals from interested service providers.
- The Project Team, consisting of staff from Management and Financial Services, the Charlotte-Mecklenburg Police Department, Charlotte Fire Department, and the Charlotte Department of Transportation evaluated the proposals and determined that the service providers listed above best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The services include multiple tiers of cleaning and decontamination as well as a la carte pricing for as-needed special services.
- The companies will be paid the unit prices set forth in their contract, a copy of which is available upon request.
- Estimated contract expenditures in the aggregate for all contracts are \$180,000 annually.

Agenda #: 51.**File #:** 15-1363 **Type:** Consent Item

Charlotte Business INclusion

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

Fiscal Note

Funding: Various Departments' Operating Budgets



Agenda Date: 11/23/2015

Agenda #: 52.**File #:** 15-1894 **Type:** Consent Item

Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$47,546.59.

Staff Resource(s):

Robert Campbell, Management and Financial Services

Explanation

Notification of Property Tax refunds due to clerical or assessor error are provided to the City by Mecklenburg County.

Pearson Review Update

- In accordance with the ordinance approved by the City Council on August 24, 2014, and the North Carolina law, a list of refunds, which have been paid since the last City Council Business Meeting as a result of the Pearson Review, is available at the City Clerk's Office.
- The amount of Pearson Review refunds paid since the last City Council Business Agenda Meeting on November 9, 2015, totaled \$1,338,303.47.

Fiscal Note

Funding: Not Applicable

Attachment

List of Property Tax Refund Requests and Resolution

Property Tax Refund Requests

ADAMS, JOHN WAYNE	\$ 103.47
ANDERSEN SERVICES OF THE CAROLINAS INC	1,209.02
BLOXSOM, COLLEEN THOMSON	41.85
BROWN, DONALD E	53.16
BURNICK, WILLIAM E	62.27
CHICKS WITH CAMERAS LLC	47.69
CHURCH OF GOD AT WEST CHARLOTTE .	18.22
CS SHOPPES AT UNIVERSITY PLACE LLC	4,695.02
DAVIS, DARRIZETTE	147.90
DENTAL PRACTICE PARTNERS	51.00
DENTAL PRACTICE PARTNERS	57.12
DENTAL PRACTICE PARTNERS	46.94
ELDER DESIGN LTD / ESD PARTNERS	929.75
ELISHA FAMILY LLC	3,800.49
ELISHA FAMILY LLC	14,354.34
EQUIPMENT DATA ASSOCIATES INC	410.70
FRANKLIN, BENJAMIN N	58.12
HAAS WELLNESS CENTERS	244.02
HALLEY DOUGLAS HOMES	165.55
HOMMEL, ILSE E	1.36
HYLTON, RICHARD P &W	58.56
HYLTON, RICHARD P &W	58.12
INFOCUS PHOTOGRAPHY	30.89
INFOCUS PHOTOGRAPHY	29.22
INFOCUS PHOTOGRAPHY	28.65
INFOCUS PHOTOGRAPHY	30.31
JARDINE, WILL	49.48
JARDINE, WILL	28.52
JONES & FRANK	199.13
KINGEN, DAVID L	137.20
LETS GET GROWING	72.00
LETS GET GROWING	68.00
LETS GET GROWING	60.78
LETS GET GROWING	56.63
LETS GET GROWING	48.59
LETS GET GROWING	45.72
LEWIS, JENNIFER A	45.00
LEWIS, JENNIFER A	47.00
LEWIS, JENNIFER A	47.00
LEWIS, JENNIFER A	47.00
MAPLE RUN APARTMENTS	709.95
MAPLE RUN APARTMENTS	53.18
PURI, SANKALP	12.24
PURI, SANKALP	4.80
ROHM AND HAAS CHEMICALS LLC	15,109.42
SOMERSET CAPITAL GROUP- DISTRICT 3	1.94
SOMERSET CAPITAL GROUP- UNIVERSITY D5	1.76
SOMERSET CAPITAL GROUP-CHARLOTTE	301.43
STIDHAM, RICHARD N	14.54

STUDIO HUCKLEBERRY LLC	2.77
TOWN CENTER ASSOCIATES	2,174.81
V-NAILS	24.86
V-NAILS	60.00
V-NAILS	91.87
V-NAILS	116.02
WOODLAND HOLLOW APTS	507.29
YOLANDA'S CREATIVE HAIR DESIGNERS	174.77
YOLANDA'S CREATIVE HAIR DESIGNERS	220.05
YOUR STEPS TO COLLEGE INC	19.61
PORTER, CATHERINE	55.03
PORTER, CATHERINE	55.03
PORTER, CATHERINE	55.03
PORTER, CATHERINE	47.20
PORTER, CATHERINE	47.20
	<u>\$ 47,546.59</u>

A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY TAXES

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

1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.
3. The amounts listed on the schedule were collected through either a clerical or assessor error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 23rd day of November 2015 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.



Agenda Date: 11/23/2015

Agenda #: 53. **File #:** 15-1902 **Type:** Consent Item

Meeting Minutes

Action:

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

- **October 19, 2015, Zoning Meeting,**
- **October 26, 2015, Business Meeting/Citizens' Forum**

Staff Resource(s):

Bianca Payne, City Clerk's Office



Agenda Date: 11/23/2015

Agenda #: 54. **File #:** 15-1865 **Type:** Consent Item

Airport Cargo Warehouse Lease Amendment

Action:

Approve a seven month lease extension with DHL Express (USA), Inc. for its current cargo building located at 4200 Yorkmont Road.

Staff Resource(s):

Brent Cagle, Aviation

Explanation

- On June 13, 2005, the City Council approved a 10-year Lease with DHL Express (USA), Inc.
- The amendment extends DHL's lease for seven months to accommodate the company's operational need.
- The total estimated value of the amendment for the seven-month term is \$297,811.43.

Fiscal Note

Funding: Revenue generated from this lease will be deposited in the Aviation Operating Fund.



Agenda Date: 11/23/2015

Agenda #: 55.**File #:** 15-1788 **Type:** Consent Item

Telecommunications Ground Lease Extension for New Cingular Wireless, LLC Amendment

Action:

Approve an amendment to New Cingular Wireless PCS, LLC's ground lease at 7621 North Tryon Street (parcel identification number 047-221-22), extending the lease term for five additional, five-year terms, through August 17, 2045.

Staff Resource(s):

Tony Korolos, Engineering & Property Management

Explanation

- The City owns an approximately 0.9-acre property at 7621 North Tryon Street (parcel identification number 047-221-22).
- On December 30, 1994, the previous property owners entered into a ground lease agreement with Gearon and Company, Inc. to install a cell tower with an initial term of five years and five additional, five-year terms, through August 17, 2020.
- At the request of New Cingular Wireless, LLC (successor in interest to Gearon and Company Inc.); the City proposes to amend the ground lease to extend the term through August 17, 2045.
- Contingent upon City Council approval and effective as of August 18, 2020, the base annual rent will increase from the current rate of \$13,992 per year to \$16,090.80, subject to escalation by 15% at the beginning of each subsequent five-year term.
- Crown Castle, the tower management company, will pay a signing bonus of \$5,500 on behalf of New Cingular Wireless, LLC, upon execution of the amendment. The revenue generated by this agreement, including the signing bonus, will be deposited into the City's General Fund.
- The terms and fees are consistent with other telecommunications ground leases managed by the City.

Fiscal Note

Funding: Not Applicable

Attachment

Map

Location Map
7621 N Tryon Street (047-221-22)
Council District 4





Agenda Date: 11/23/2015

Agenda #: 56.**File #:** 15-1787 **Type:** Consent Item

Telecommunications Ground Lease Extension for STC Two, LLC Amendment

Action:

Approve an amendment to STC Two, LLC's ground lease at 4426 Central Avenue (parcel identification number 131-071-01), extending the term of the lease for five additional, five-year terms, through June 22, 2048.

Staff Resource(s):

Tony Korolos, Engineering & Property Management

Explanation

- The City owns an approximately 76-acre property at 4426 Central Avenue (parcel identification number 131-071-01) used for Evergreen Cemetery.
- On May 21, 1998, the City entered into a ground lease agreement with SprintCom to install a cell tower with an initial term of five years with five additional, five-year terms through June 22, 2023.
- At the request of STC Two, LLC (successor in interest to SprintCom); the City proposes to extend the term of the ground lease through June 22, 2048, with five additional, five-year terms.
- Contingent upon City Council approval and effective as of the date of the amendment, the base monthly rent of \$1,280.96 will escalate by 3% annually, and STC Two, LLC will pay a flat fee of \$350 per month for each subtenant added to the tower.
- Crown Castle, the tower management company, will pay a signing bonus of \$5,500 on behalf of STC Two, LLC, upon execution of the amendment. The revenue generated by this agreement, including the signing bonus, will be deposited into the City's General Fund.
- The terms and fees are consistent with other telecommunications ground leases managed by the City.

Fiscal Note

Funding: Not Applicable

Attachment

Map

Location Map
4426 Central Avenue (131-071-01)
Council District 5





Agenda Date: 11/23/2015

Agenda #: 57.File #: 15-1873 Type: Consent Item

Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #23

Action: Approve the following Acquisition: McKee Road and Providence Road Intersection Improvements, Parcel #23

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

Project: McKee Road and Providence Road Intersection Improvements, Parcel #23

Owner(s): Mable H. Carpenter

Property Address: 10515 Providence Road

Total Parcel Area: 45,247 sq. ft. (1.039 acres)

Property to be acquired by Fee: 68 sq. ft. (.002 ac.) in Fee Simple

Property to be acquired by Easements: 151 sq. ft. (.003 ac.) in Temporary Construction Easement, plus 3,436 sq. ft. (.079 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Use: Single-family Residential

Tax Code: 231-202-29

Purchase Price: \$19,500

Council District: 7



Agenda Date: 11/23/2015

Agenda #: 58.File #: 15-1874 Type: Consent Item

Property Transactions - Nevin/Gibbon Road Sidewalk, Parcel #27

Action: Approve the following Condemnation: Nevin/Gibbon Road Sidewalk, Parcel #27

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

Project: Nevin/Gibbon Road Sidewalk, Parcel #27

Owner(s): Ralph E. Harris, Kevin Harris, Phil P. Harris and Firehouse Productions LLC

Property Address: 2715 West Sugar Creek Road

Total Parcel Area: 25,347 sq. ft. (.582 ac.)

Property to be acquired by Fee: 2,950 sq. ft. (.068 ac.) in Fee Simple

Property to be acquired by Easements: 406 sq. ft. (.009 ac.) in Sidewalk and Utility Easement, plus 367 sq. ft. (.008 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-1

Use: Commercial

Tax Code: 045-134-01

Appraised Value: \$25,250.00

Property Owner's Counteroffer: \$30,300.00

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

Council District: 2



Agenda Date: 11/23/2015

Agenda #: 59.File #: 15-1880 Type: Consent Item

Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #1

Action: Approve the following Condemnation: McKee Road and Providence Road Intersection Improvements, Parcel #1

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

Project: McKee Road and Providence Road Intersection Improvements, Parcel #1

Owner(s): Promenae Shopping Center, LLC

Property Address: 10710 Providence Road

Total Parcel Area: 746,531 sq. ft. (17.138 acres)

Property to be acquired by Fee: 5,024 sq. ft. (.115 ac.) in Fee Simple

Property to be acquired by Easements: 3,588 sq. ft. (.082 ac.) in Temporary Construction Easement, plus 14,579 sq. ft. (.335 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees, shrubs, and various plantings

Zoned: CC

Use: Commercial

Tax Code: 229-151-07

Appraised Value: \$61,900

Recommendation: We are currently waiting on signed documents but to avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 7



Agenda Date: 11/23/2015

Agenda #: 60.File #: 15-1882 Type: Consent Item

Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #3

Action: Approve the following Condemnation: McKee Road and Providence Road Intersection Improvements, Parcel #3

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

Project: McKee Road and Providence Road Intersection Improvements, Parcel #3

Owner(s): Marsh Bissell Patrick II, LLC

Property Address: 10800 Sikes Place

Total Parcel Area: 169,840 sq. ft. (3.899 acres)

Property to be acquired by Fee: 9,713 sq. ft. (.223 ac.) in Fee Simple, plus 7,007 sq. ft. (.161 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 29,961 sq. ft. (.688 ac.) in Temporary Construction Easement, plus 4,835 sq. ft. (.111 ac.) in Utility Easement

Structures/Improvements to be impacted: Irrigation system, brick column, and parking spaces

Landscaping to be impacted: Trees, shrubs and various plantings

Zoned: O-15

Use: Office

Tax Code: 231-045-07

Appraised Value: \$244,050

Property Owner's Concerns: The property owner is concerned that the brick columns will be impacted by the project. In addition, the property owner requested confirmation that the drive entrance to Sykes Place would be constructed with the project.

City's Response to Property Owner's Concerns: Staff explained that one of the brick columns will be impacted by the project and that the drive entrance to Sykes Place will be constructed with the project.

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

Council District: 7



Agenda Date: 11/23/2015

Agenda #: 61.File #: 15-1884 Type: Consent Item

Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #8

Action: Approve the following Condemnation: McKee Road and Providence Road Intersection Improvements, Parcel #8

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

Project: McKee Road and Providence Road Intersection Improvements, Parcel #8

Owner(s): Car Providence Commons Two, LLC

Property Address: 5130 Ballantyne Commons Parkway

Total Parcel Area: 45,678 sq. ft. (1.049 ac.)

Property to be acquired by Easements: 42 sq. ft. (.001 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-1S (CD)

Use: Commercial

Tax Code: 225-112-29

Appraised Value: \$150

City's Response to Property Owner's Concerns: The property owner has no concerns with the project and has sent all acquisition documents to their legal department for review.

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

Council District: 7



Agenda Date: 11/23/2015

Agenda #: 62.File #: 15-1885 Type: Consent Item

Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #9

Action: Approve the following Condemnation: McKee Road and Providence Road Intersection Improvements, Parcel #9

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

Project: McKee Road and Providence Road Intersection Improvements, Parcel #9

Owner(s): Car Providence Commons Two LLC

Property Address: Ballantyne Commons Parkway

Total Parcel Area: 9,593 sq. ft. (.220 ac.)

Property to be acquired by Easements: 1,193 sq. ft. (.027 ac.) in Temporary Construction Easement, plus 36 sq. ft. (.001 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-1S (CD)

Use: Commercial

Tax Code: 225-112-99

Appraised Value: \$1,775

City's Response to Property Owner's Concerns: The property owner has no concerns with the project and has sent all acquisition documents to their legal department for review.

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

Council District: 7



Agenda Date: 11/23/2015

Agenda #: 63.File #: 15-1887 Type: Consent Item

Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #11

Action: Approve the following Condemnation: McKee Road and Providence Road Intersection Improvements, Parcel #11

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

Project: McKee Road and Providence Road Intersection Improvements, Parcel #11

Owner(s): Providence Park Apartments I, LLC

Property Address: 4800 Alexander Valley Drive

Total Parcel Area: 712,816 sq. ft. (16.364 acres)

Property to be acquired by Fee: 17,659 sq. ft. (.405 ac.) in Fee Simple, plus 7,128 sq. ft. (.164 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 2,646 sq. ft. (.061 ac.) in Temporary Construction Easement, plus 4,729 sq. ft. (.109 ac.) in Utility Easement

Structures/Improvements to be impacted: Irrigation system and ground lighting

Landscaping to be impacted: Trees and various plantings

Zoned: R-15

Use: Multi-family

Tax Code: 231-202-32

Appraised Value: \$112,475

Property Owner's Counteroffer: \$137,801

Property Owner's Concerns: The property owner is concerned that the monument sign will be impacted by the project and is also concerned about the loss of trees due to the utility relocation of the utility lines. The property owner is also concerned with the compensation amount being offered.

City's Response to Property Owner's Concerns: Staff explained that the monument sign will be protected during construction, however, the trees will need to be removed due to the relocation of the utility lines.

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

Council District: 7



Agenda Date: 11/23/2015

Agenda #: 64.File #: 15-1888 Type: Consent Item

Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #12

Action: Approve the following Condemnation: McKee Road and Providence Road Intersection Improvements, Parcel #12

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

Project: McKee Road and Providence Road Intersection Improvements, Parcel #12

Owner(s): Providence Park Apartments I, LLC

Property Address: 4908 Alexander Valley Drive

Total Parcel Area: 632,230 sq. ft. (14.514 acres)

Property to be acquired by Easements: 151 sq. ft. (.003 ac.) in Temporary Construction Easement, plus 2,258 sq. ft. (.052 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-15

Use: Multi-family

Tax Code: 231-202-31

Appraised Value: \$3,350

Property Owner's Concerns: The property owner is concerned that the monument sign will be impacted by the project and is also concerned about the loss of trees due to the utility relocation of the utility lines.

City's Response to Property Owner's Concerns: Staff explained that the monument sign will be protected during construction, however, the trees will need to be removed due to the relocation of the utility lines.

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

Council District: 7



Agenda Date: 11/23/2015

Agenda #: 65.**File #:** 15-1890 **Type:** Consent Item

Property Transactions - South Tryon Street Sidewalk Improvements, Parcel #22

Action: **Approve the following Condemnation: South Tryon Street Sidewalk Improvements, Parcel #22**

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

Project: South Tryon Street Sidewalk Improvements, Parcel #22

Owner(s): Donna B. Dayton, Phillip Bryan, Virginia Bryan Gibson, Bobby L. Bryan and David L. Bryan

Property Address: 5061 South Tryon Street

Total Parcel Area: 108,281 sq. ft. (2.486 acres)

Property to be acquired by Easements: 571 sq. ft. (.013 ac.) in Storm Drainage Easement, plus 1,727 sq. ft. (.04 ac.) in Sidewalk and Utility Easement, plus 1,312 sq. ft. (.03 ac.) in Slope Easement, plus 4,843 sq. ft. (.111 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: NONE

Zoned: R-4

Use: Single-family Residential - Rural Acreage

Tax Code: 167-012-33

Appraised Value: \$10,550

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

Council District: 3



Agenda Date: 11/23/2015

Agenda #: 66.File #: 15-1876 Type: Consent Item

Property Transactions - Taggart Creek Outfall Phase 2, Parcels #2, 3 and 21

Action: Approve the following Condemnation: Taggart Creek Outfall Phase 2, Parcels #2, 3 and 21

Project: Taggart Creek Outfall Phase 2, Parcels #2, 3 and 21

Owner(s): CK Lakepointe Corporate Center Associates, LLC

Property Address: Cascade Pointe Boulevard

Total Parcel Area: 1,495,735 sq. ft. (34.337 acres)

Property to be acquired by Easements: 28,115 sq. ft. (.645 ac.) in Sanitary Sewer Easement, plus 49,253 sq. ft. (1.131 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-1(CD)

Use: Industrial

Tax Code: 143-031-06,, 143-041-12, 143-041-14

Appraised Value: \$49,375

Property Owner's Concerns: The property owners are concerned that the existing and proposed sewer alignment interferes with their ability to develop these parcels.

City's Response to Property Owner's Concerns: Staff redesigned the sewer project multiple times in an effort to accommodate their development.

Outstanding Concerns: The property owners are concerned they will not be allowed to fill, grade and build structures within the easement areas.

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

Council District: 3



Agenda Date: 11/23/2015

Agenda #: 67.File #: 15-1877 Type: Consent Item

Property Transactions - Taggart Creek Outfall Phase 2, Parcel #5

Action: Approve the following Condemnation: Taggart Creek Outfall Phase 2, Parcel #5

Project: Taggart Creek Outfall Phase 2, Parcel #5

Owner(s): Lakepointe Corporate Center Associates, LLC

Property Address: Cascade Pointe Boulevard

Total Parcel Area: 91,996 sq. ft. (2.112 acres)

Property to be acquired by Easements: 2,089 sq. ft. (.048 ac.) in Sanitary Sewer Easement, plus 1,289 sq. ft. (.03 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-1(CD)

Use: Industrial

Tax Code: 143-041-23

Appraised Value: \$8,150

Property Owner's Concerns: The property owners are concerned that the existing and proposed sewer alignment interferes with their ability to develop the parcel.

City's Response to Property Owner's Concerns: Staff redesigned the sewer project multiple times in an effort to accommodate their development.

Outstanding Concerns: The property owners are concerned they will not be allowed to fill, grade and build structures within the easement areas.

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

Council District: 3



Agenda Date: 11/23/2015

Agenda #: 68.File #: 15-1878 Type: Consent Item

Property Transactions - Taggart Creek Outfall Phase 2, Parcel #6

Action: Approve the following Condemnation: Taggart Creek Outfall Phase 2, Parcel #6

Project: Taggart Creek Outfall Phase 2, Parcel #6

Owner(s): Lakepointer Corporate Center Associates, LLC

Property Address: Cascade Pointe Boulevard

Total Parcel Area: 26,008 sq. ft. (.597 ac.)

Property to be acquired by Easements: 1,057 sq. ft. (.024 ac.) in Sanitary Sewer Easement, plus 635 sq. ft. (.015 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-1(CD)

Use: Industrial

Tax Code: 143-041-24

Appraised Value: \$1,325

Property Owner's Concerns: The property owners are concerned that the existing and proposed sewer alignment interferes with their ability to develop the parcel.

City's Response to Property Owner's Concerns: Staff redesigned the sewer project multiple times in an effort to accommodate their development.

Outstanding Concerns: The property owners are concerned they will not be allowed to fill, grade and build structures within the easement areas.

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

Council District: 3



Agenda Date: 11/23/2015

Agenda #: 69.File #: 15-1879 Type: Consent Item

Property Transactions - Taggart Creek Outfall Phase 2, Parcel #8

Action: Approve the following Condemnation: Taggart Creek Outfall Phase 2, Parcel #8

Project: Taggart Creek Outfall Phase 2, Parcel #8

Owner(s): Lakepointe Corporate Center Associates, LLC

Property Address: Glen Lake Drive

Total Parcel Area: 388,203 sq. ft. (8.912 acres)

Property to be acquired by Easements: 24,465 sq. ft. (.562 ac.) in Sanitary Sewer Easement, plus 19,607 sq. ft. (.45 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-1(CD)

Use: Commercial Common Area

Tax Code: 143-061-24

Appraised Value: \$14,725

Property Owner's Concerns: The property owners are concerned that the existing and proposed sewer alignment interferes with their ability to develop the parcel.

City's Response to Property Owner's Concerns: Staff redesigned the sewer project multiple times in an effort to accommodate their development.

Outstanding Concerns: The property owners are concerned they will not be allowed to fill, grade and build structures within the easement areas.

Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation for clear title to acquire necessary property rights.

Council District: 3



Agenda Date: 11/23/2015

Agenda #: 70.File #: 15-1900 Type: Consent Item

Property Transactions - South Tryon Street Sidewalk Improvements, Parcel #5

Action: Approve the following Acquisition: South Tryon Street Sidewalk Improvements, Parcel #5

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

Project: South Tryon Street Sidewalk Improvements, Parcel #5

Owner(s): Tina Macon and George Macon

Property Address: 633 Knight Court

Total Parcel Area: 12,710 sq. ft. (.292 ac.)

Property to be acquired by Fee: 211 sq. ft. (.005 ac.) in Fee Simple

Property to be acquired by Easements: 4,236 sq. ft. (.097 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Shed

Landscaping to be impacted: Trees

Zoned: R-4

Use: Single Family Residential

Tax Code: 167-021-10

Purchase Price: \$16,450

Council District: 3



Agenda Date: 9/28/2015

Agenda #: 71.File #: 15-1471 Type: Consent Item

Reference - Property Acquisitions and Condemnations

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



Agenda Date: 9/28/2015

Agenda #: 72.File #: 15-1473 Type: Consent Item

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.



Agenda Date: 9/28/2015

Agenda #: 73.**File #:** 15-1472 **Type:** Consent Item

Reference - Charlotte Business INClusion Policy

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

Part A: Administration & Enforcement

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

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

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

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

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

Real Estate Leasing and Acquisition Contracts: Contracts for the acquisition or lease of real estate

Agenda #: 73.File #: 15-1472 Type: Consent Item

shall be Exempt Contracts.

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

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

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

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

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

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

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

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

Construction Contracts Less Than or Equal To \$500,000:

Service and Commodities Contracts That Are Less Than or Equal To \$100,000:

Part B: Formal Construction Bidding

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

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities.

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

Part C: Services Procurement

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

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

Part D: Post Contract Award Requirements

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

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

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