

**PUBLIC ENTERPRISE COMMITTEE MEETING
300 WEST CROWELL STREET
MONROE, NORTH CAROLINA 28112
JANUARY 3, 2023 – 4:00 P.M.**

AGENDA

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1. Minutes of Public Enterprise Committee Meeting of November 1, 2022
2. Staff Notes of Public Enterprise Committee Meeting of December 6, 2022 (*Informational Only*)
3. Pinedell Avenue Culvert Replacement and Road Widening Capital Improvement Project

Public Enterprise Committee Minutes
November 1, 2022
City Hall Conference Room
4:00 p.m.

Members Present: Council Member Freddie Gordon (Chair), Council Member Julie Thompson, Committee Member Loretta Melancon

Staff: Brian Borne, Mujeeb Shah-Khan, Robert Miller, Cathy Nance

Council Member Freddie Gordon called the November 1, 2022 Public Enterprise Committee meeting to order at 4:02 p.m.

Item #1: Adoption of Minutes of the Meeting

Recommendation:

Council Member Thompson made a motion that the Minutes of the April 5, 2022 Public Enterprise Committee be approved.

Motion: Adopt August 2, 2022 PEC Meeting Minutes

Motion made by: Council Member Julie Thompson

Second: Committee Member Loretta Melancon

Voting: **In Favor** - Council Member Freddie Gordon and Council Member Julie Thompson, Committee Member Loretta Melancon

Opposed – None

Action: Motion adopted

Item #2. Staff Report – Acceptance of Electricities Betterment Grant

Recommendations:

Staff recommends that the Public Enterprise Committee recommend that City Council accepts the grant funds and adopt Budget Amendment BA-2022-36 to appropriate these funds as noted. Staff requests that this item be placed on the City Council consent agenda.

Presentation and Discussion:

Director of Energy Services Robert Miller introduced the item. He said the Energy Services department recommends that the Public Enterprise Committee recommend to City Council the receipt of a system betterment grant of \$5,000 from Electricities and approve the budget amendment to designate and appropriate said funds. Electricities has a betterment program in which they give \$5,000 for one of ten different categories of improving an electric system. This year, Energy Services applied for the system betterment fund grant from Electricities. Energy Services had a project at Camp Sutton where we installed transformer cabinets that upgraded and modernized our substation there. We would like to accept these

funds and use it towards that project. We recommend that the Public Enterprise Committee recommend the City Council accept the grant funds and adopt Budget Amendment BA-2022-36 to appropriate funds, and we also request that this be placed on the City Council consent agenda.

Committee Member Loretta Melancon made a motion to approve.

Motion: Motion to approve item and add to the consent agenda for the November 8, 2022 City Council meeting.
Motion made by: Committee Member Loretta Melancon
Second: Council Member Julie Thompson
Voting: **In Favor** – Council Member Freddie Gordon, Council Member Julie Thompson, and Committee Member Loretta Melancon.
Opposed – None
Action: Motion adopted

Item # 3: Staff Report – Public Utility Regulatory Policies Act

Recommendation:

Staff will provide background information on the public hearing to receive public comments and City Council's consideration of a provision for the Public Utility Regulatory Policies Act (PURPA).

Presentation and Discussion:

Robert Miller said for the second item, our goal is to give you some background information on a public hearing that is going to be requested at the next Council meeting. The public notice will go out at the November Council meeting and then the public hearing will be held during the December 13 Council meeting. The purpose is to hear public comments and for City Council's consideration of provision of the PURPA Policies Act Title One. The goal is to provide some background in case we do have people come to City Council and have an opinion on this. He said he would attend both the November and the December Council meetings to help guide some of that conversation, if it occurs. The background is that the bipartisan infrastructure law had an addition to the PURPA Title One requirements that required any utility that sells more than 500 million kWh per year to consider incorporating demand response and electric vehicle rates into their fee schedule and into their policies. Last year, we sold 645 million kWh; therefore, we fall in that threshold. The section amends section 111-D of the PURPA act of 1978 to state that each electric utility shall promote the use of demand response, demand flexibility practices by commercial, residential, and industrial customers to reduce consumption during periods of unusually high demand. What that really means is there are different ways of doing that. A customer can control their appliances, and can see that they are experiencing high demand at the time, and can turn off those appliances or put them back. Then there are programs in which utilities can be in control of that switch, which they can cut the customer back. However, the bottom line is you have to have advanced metering infrastructure to incorporate that technology. We do not have that at this time.

Mr. Miller said his recommendation is that once we do get the advanced metering infrastructure, then we do consider this at that time. For now, we are just going to pass on these recommendations. The electric vehicles are the same way; you can set up certain rates to show that we would prefer you to charge from 1 a.m. to 3 a.m. However, you cannot do that unless you have advanced metering infrastructure in place.

Council Member Thompson asked about the price tag for advanced metering infrastructure.

Mr. Miller said we are actually currently receiving bids. In 2018, the price tag was \$7 million. It is down to \$2-3 million. The price has gone down because as technology improves, it is not as cutting edge; it is now just regular technology. So they become more efficient with it. There are more vendors and more competition that offer it. We do have a capital project that we have set up on both the electric and the gas side. We are receiving proposals. We do want to proceed with this. It is just going to take some time to get there. You have to do some pilot projects. There is a two to three year process. You have to take your time when it comes to vetting that type of technology and spending that money.

Mr. Miller continued, saying, as part of the bipartisan law, we have to consider incorporating this and at this time we are not prepared to. The public hearing is for City Council to hear any feedback that we get. Our recommendation will be that we will consider it once we have the infrastructure necessary to do so. We do not have to incorporate it at this time. This staff report and the APPA slideshow is to educate City Council that citizens could come in and have something to say on this.

Mr. Miller said he would be at both Council meetings in November and December to answer any questions from people. To do nothing is an acceptable action. There's no recommendation needed. It is preliminary information so that you are prepared for the public hearing that goes on.

Item #4. Other

Council Member Gordon asked if there was other business to discuss. There was a brief discussion on the issue of homelessness in Monroe.

Council Member Gordon asked if there was a motion to adjourn. Council Member Julie Thompson made the motion.

Recommendation: Adjourn meeting at 4:30 p.m.

Motion: Adjourn Public Enterprise Committee meeting

Motion made by: Council Member Julie Thompson

Second: Committee Member Loretta Melancon

Voting: **In Favor** – Council Member Julie Thompson, Council Member Freddie Gordon and Committee Member Loretta Melancon

Opposed – None

Action: Motion is approved

There being no further business, the meeting adjourned at 4:30 p.m.

Freddie Gordon, Chair

Next Meeting – December 6, 2022 at 4:00 p.m.

**Public Enterprise Committee
December 6, 2022 4:00 p.m.
Staff Notes for Information Purposes Only**

Members Present: Council Member Freddie Gordon (Chair), Council Member Julie Thompson

Absent: Council Member James Kerr, Committee Member Loretta Melancon

Staff Present: Brian Borne, Pete Hovanec, Mujeeb Shah-Khan, Sarah McAllister, Rob Miller, Chad Splawn, Rodrigo Diaz, Cathy Nance

The Public Enterprise Committee Meeting was scheduled to meet on December 6, 2022. Due to lack of a quorum, Chairman Gordon proceeded with the Agenda for information purposes for those attending. Staff notes were prepared for information purposes only.

Item #1: Adoption of Minutes of the Meeting

Due to the lack of a quorum, minutes could not be approved.

Item #2. Resolution Releasing and Abandoning Drainage Easement for Gordon Place Located at Intersection of Secrest Shortcut Road and Hice Street

Recommendation:

The Public Enterprise Committee is requested to approve Resolution R-2022-74 releasing and abandoning the storm drainage easement (right-of-way). If the Public Enterprise Committee is in agreement, the item will be placed on the consent agenda for consideration by City Council at the next meeting on December 13, 2022.

Presentation and Discussion:

Chad Splawn introduced the item. He said Eagle Engineering has requested on behalf of Carolina Development Services to abandon the 15-foot wide storm drainage easement located in the northeast corner of their property, at Hice Street and Gordon Street. The actual easement is in the corner of the mall entrance and Secrest Short Cut Road. It is for an 18-inch storm drainage pipe, and it was recorded as a right of way but the clear intent was for it to be an easement. They are rerouting the storm water around the back of two lots so they want to build where that easement is. All the attachments that are needed are there.

Due to the lack of a quorum, there was a consensus of those present to refer the matter to Council for the consent agenda.

Item # 3: Relocation of Unnamed Cemetery Located at 1912 Stafford Street Extension to Suncrest Cemetery

Recommendation:

The Public Enterprise Committee is requested to consider the request to relocate the unnamed cemetery at 1912 Stafford Street Extension. If the Public Enterprise Committee is in agreement, it is recommended at the City Council meeting on December 13, 2022 that the City Council call for a Public Hearing to be held on January 11, 2023 to consider the proposed request.

Presentation and Discussion:

Sarah McAllister, Engineering Director, said we have received a request from SunCap Property Group to relocate this abandoned cemetery on Stafford Street Extension. It is across from the FedEx building. The request is to accommodate an industrial development they had planned for that parcel. They are requesting it as allowed by the general statute, which does require consent of the governing body. So the report is attached. It has the historical investigation by Richard Grove and Associates, and that does detail their methodology, their research, their investigation and their findings. They found three positive burial sites and three possible ones. They were unable to identify the individuals. They did send out letters to 26 identified descendants of documented landowners. They have done the necessary public notice. They ran that in the paper. They are just requesting consent to move these graves. They were planning to place one engraved group marker in the cemetery. They will be in six grave spaces, or however many they find, but they are proposing to place one marker.

Due to the lack of a quorum, there was a consensus of those present to refer the matter to Council for the consent agenda.

Item #4. Award of Contract for Purchase of Tandem Dump Trucks for Engineering Department

The Public Enterprise Committee is requested to consider information related to the purchase of three tandem dump trucks for the Engineering Department – Street Division.

Presentation and Discussion:

Sarah McAllister said we had proposed to replace three tandem of dump trucks, beginning in fiscal year 2022 and ending next year in 2024. Last year, we were unable to get a quote, because of the unstable market and therefore we rolled those funds forward. So now, we do have a quote through Sourcewell. It is a cooperative purchasing program. That quote is \$229,000 and change, which is more expensive than we had budgeted for. It does include a required snowplow. The lead-time on deliveries is over a year, and all three trucks that we are replacing are 2005 models. We are proposing to go ahead and do a budget amendment and purchase all three at one time since there is such a long lead-time. All three are recommended to be replaced by the garage. There are sufficient funds in the Powell Bill reserve funds.

Due to the lack of a quorum, there was a consensus of those present to refer the matter to Council for the consent agenda.

Item #4. Monroe Science Center Honoring Dr. Christine Mann Darden Parking Lot Contract

The Public Enterprise Committee is requested to consider information related to the award of the construction contract for the Monroe Science Center Parking Lot.

Presentation and Discussion:

Chad Splawn introduced the item. He said this is the Monroe Science Center parking lot project to improve the parking lot on the Franklin Street side of the Science Center. We advertised this job three

times, starting on March 14, 2022, and two subsequent re-advertisements and received no bids. We have solicited bids since, and we finally have one with all the appropriate bonds and everything needed to award it. The original engineer's estimate was \$1,114,718. We did include a 10% DBE usage goal for the contractor. This new bid from Hux Contracting came in at \$1,405,829.15. This is considered reasonable given inflation and the fluctuations in crude oil prices, which affects asphalt and many other things. They did try to get to their 10% DBE percentage, and they got 4.7% locked in. They are actively pursuing the rest of that 10% DBE goal. They outlined it in the contract documents of why they have not gotten it yet.

Chairman Gordon asked if that was the entire parking lot there because, we do have some parking that has been paved around it. He asked if we were just trying to do the balance.

Chad Splawn said yes, from Church Street, all the way down to where the strip mall was demolished.

Due to the lack of a quorum, there was a consensus of those present to refer the matter to Council for the consent agenda.

Item #5. Natural Gas Vehicle Purchase Budget Amendment

Recommendation:

Staff recommends that the Public Enterprise Committee approve Budget Amendment BA-2022-40 for City Council consideration. If the Public Enterprise Committee is in agreement, the item will be placed on the consent agenda for consideration by City Council at the next meeting on December 13, 2022.

Presentation and Discussion:

Rob Miller, Director of Energy Services, said we have a budget amendment seeking to purchase three vehicles and the total budget amendments \$243,076.38. We have a standby van, which is a Ford F-350 KUV van, and a service truck. These two were budgeted in fiscal year 2022. We did not purchase the vehicles in fiscal year 2022, but we did not roll the funds. So the funds rolled back to fund balance. Therefore, we are asking to get the funds out of the fund balance appropriated back to our budget. Then the third item, a pickup replacement, is budgeted this current fiscal year. However, due to price increases, we actually have a small shortfall of about \$3,100 that we will need to make up the difference. That is a total of \$243,076.38. We request that this go on the consent agenda as well.

Due to the lack of a quorum, there was a consensus of those present to refer the matter to Council for the consent agenda.

Freddie Gordon, Chair

Next Meeting – January 3, 2023 at 4:00 p.m.



STAFF REPORT

TO: Public Enterprise Committee

VIA: Brian J. Borne, CMSM, MBA, BLA, City Manager

DATE: January 3, 2023

FROM: Sarah McAllister, P.E., Engineering Director

PREPARED BY: Sarah McAllister, P.E., Engineering Director

SUBJECT: Pinedell Avenue Culvert Replacement Project

SUMMARY STATEMENT

The Public Enterprise Committee is requested to consider a change order for the Pinedell Avenue Culvert Replacement and Road Widening Capital Improvement Project.

REVIEW

As part of the Bearskin Creek Watershed Stormwater Master Planning Study initiated in 2009, CDM Smith recommended that the existing box culvert under Pinedell Avenue that conveys Dry Fork Tributary under the road be replaced and upgraded. The box culvert under Pinedell Avenue is predicted to overtop during the two-year storm event which has a 50 percent chance of occurring with any given year. The size of the box culvert under Pinedell Avenue is 8.3 feet (w) x 6.7 feet (h). By today's standards, the culvert needs to be designed for the 25-year storm event that has a 4 percent chance of occurrence within any given year. The Bearskin Creek Watershed Stormwater Master Plan Study recommended that the existing box culvert be replaced with a double 10 feet (w) x 8 feet (h) precast concrete box culvert. As part of the improvements, the single-lane crossing will be widened to allow for two-lane travel across the tributary.

In February 2017, the Engineering Department initiated a contract in the amount of \$110,000 with CDM Smith to begin the engineering and design phase for the proposed Pinedell Avenue Culvert Replacement and Road Widening Capital Improvement Project. During project development, it was determined that utilities would need to be relocated. CDM Smith requested an additional \$36,000 in engineering fees to design and prepare construction drawings for the relocation of the water and sewer lines in 2019.

Recent redevelopment on the site now requires review and revision of the design plans. In addition, 401/404 permitting requires wetland delineation, jurisdictional determination, and coordination with NC Division of Water Resources that was not included in the previous scope. CDM is now requesting a lump sum fee of \$45,000 to cover these additional services.

A positive recommendation is requested from the Public Enterprise Committee to City Council to (1) approve the additional engineering services and (2) authorization of the City Manager to execute the change order for the additional design and permitting services required for the Pinedell Avenue Culvert Replacement and Road Widening Project. Sufficient funds are available in the project account SU1701.

RECOMMENDATION

Staff recommends the Public Enterprise Committee provide a positive recommendation to City Council for (1) additional design and permitting services required for the proposed Capital Improvement Project (SU1701) - Pinedell Avenue Culvert Replacement and Road Widening and (2) authorization of the City Manager to execute the change order.

If the Public Enterprise Committee is in agreement, this item will be placed on the consent agenda for consideration by City Council at the next meeting on January 10, 2023.

Attachment:
Additional Tasks from CDM Smith dated
September 8, 2022



4600 Park Rd., Suite 240
Charlotte, North Carolina 28209
tel: 704-342-4546
fax: 704-527-1125

September 8, 2022

Ms. Sarah McCallister P.E.
Director of Engineering
City of Monroe
Engineering Department
300 West Crowell Street, PO Box 69
Monroe, North Carolina 28111

Subject: Additional Tasks related to Professional Engineering Service for
Pinedell Avenue Culvert Replacement and Road Widening

Dear Ms. McCallister,

As Consultant to the City of Monroe, CDM Smith is pleased to submit this additional task proposal related to Professional Engineering Service for Pinedell Avenue Culvert Replacement and Road Widening to progress the project to construction.

Recent development on the site requires review and revision of the design plans. Additionally, 401/404 permitting requires wetland delineation, jurisdictional determination, and coordination with DWR that was not included in the previous scope.

The following pages include the detailed Engineering Services tasks CDM Smith proposes for the Pinedell Avenue Culvert Replacement/Road Widening Project with a lump sum fee of \$45,000.

Should you have any questions, please do not hesitate to contact me at 919-325-3554.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rob Hopper".

Rob Hopper, PE, PMP
CDM Smith Inc.

SCOPE OF WORK

Additional Scope of Services for Pinedell Avenue Culvert Replacement

Task 1 – Project Management

- Consultant shall initiate and enroll the project which involves establishing documentation and coordinating scope and fee details with client and team.
- Consultant shall perform invoicing and progress reports monthly at a minimum. Assumes a total duration six (6) months for this scope of work.
- Consultant shall perform project coordination which may involve email correspondence, meetings and communication with client, internal and external team members. Assumes one (1) virtual or conference call meeting and one (1) in-person meeting at City of Monroe offices.

Task 2 – Survey/Design Updates

Consultant shall collect field surveys of recently added or revised features and incorporate these updates into the construction plans. Updates include recently added topographic features such as new structures (i.e. residential and/or commercial buildings, drainage boxes, etc.), driveways, storm drainage or any other recently added or revised surface features and any changes in property boundaries or ownership information.

- Consultant shall include any survey updates into the construction plans.
- Consultant shall revise the design to account for the recent changes in the surveys. This includes modifying the layout of proposed guardrail, adding proposed driveway construction, adding proposed drainage devices and adjusting the construction limits of the project.
- Consultant shall update all applicable construction plan sheets.
- Consultant shall update the project construction quantity and cost estimate.
- Consultant shall update any impacted construction permits such as erosion control, water construction, or sewer construction permits.

Task 3 – 404/401 Permits

Additional permitting efforts are required beyond the previous scope due to the presence of jurisdictional wetlands (404) on the site.

- Stream And Wetland Identification and Delineation – CDM Smith will delineate jurisdictional stream and wetland boundaries in the project study area according to the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual and the 2012 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0). Jurisdictional areas will be flagged in the field for confirmation by USACE and/or the NC Division of Water Resources (NCDWR). It is assumed that the stream and wetland boundaries can be

delineated in a 1-day site visit. Upon completion of the site visit, CDM Smith will prepare a Preliminary Jurisdictional Determination request and will contact a representative of USACE to schedule a site visit to approve the delineation. This Task includes a 1-day site visit with the USACE (and DWR as applicable) representative to verify and approve CDM Smith's delineation. Upon confirmation by USACE, CDM Smith will engage a licensed surveyor to survey the delineation flagging and will incorporate this information in the overall project survey, the cost of which is included in Task 2.

- 404/401 Permitting – CDM Smith will work with the City of Monroe on the development of the permit drawings. This will include discussion of permit impacts, avoidance and minimization, and determination of the appropriate permit to request. Based on the scope of the project, it is assumed that a Section 404 Nationwide Permit and corresponding Section 401 Water Quality Certification will be required for the project. This task assumes that impacts to jurisdictional waters are below 0.5 acres, allowing the use of a USACE Nationwide Permit and corresponding NCDWR Water Quality Certification, with no mitigation requirements. If compensatory mitigation is required, that will require a supplementary scope and estimate and is NOT included in this scope. If an Individual Permit is required, that will require a supplementary scope and estimate and is NOT included in this scope.

CDM Smith will gather the appropriate project information and complete the online Pre-Construction Notification (PCN) Form for the application. The submittal of a PCN requires Endangered Species Act coordination and National Historic Preservation Act coordination. The wetland delineation field visit will include a desktop analysis and habitat assessment for protected species. CDM Smith will prepare a summary memo of potential threatened and endangered species habitat within the project study area and provide the memo to representatives of the U.S. Fish and Wildlife Service (USFWS) to request written information concerning the potential for threatened and endangered species to be present on the site. CDM Smith will review the North Carolina State Historic Preservation office (NCSHPO) online data base (HPOWEB 2.0) for potential culturally or historically significant resources and will contact representatives of NCSHPO to request written information concerning the potential for culturally or historically significant resources to be present on the site. Site surveys as may be requested by USFWS or NCSHPO for protected species or historical/archaeological resources are not included in this task.

Assumptions

- It is assumed that wetland and stream impacts will be permitted under a Nationwide Permit and an Individual Permit will not be required.
- It is assumed that mitigation for impacts to streams or wetlands will not be required.
- It is assumed that field surveys, if requested by USFWS or NCSHPO, for individual species or historical/archaeological resources are not included.

Items Not Included in this Scope of Services

The following services are not included in this scope of services, and if necessary for the project will require written authorization by the City of Monroe in a supplemental agreement:

1. Utility coordination
2. Permitting meeting on site
3. Hard Copies of Drawings

Deliverables for this Supplemental Only

1. Updated construction plans
2. Updated quantity/cost estimate
3. Approved 401/404 permits

Schedule

CDM Smith will complete Task 2 within 8 weeks following amendment and Task 3 within 12 weeks depending on regulatory review periods and comments.