

Mayor Anthony Foxx

John Autry
Michael D. Barnes
Warren Cooksey
Andy Dulin
Claire Fallon

Mayor Pro Tem Patrick D. Cannon

David L. Howard
Patsy Kinsey
LaWana Mayfield
James Mitchell, Jr.
Beth Pickering

CITY COUNCIL MEETING
Monday, February 13, 2012

In addition to the previously advertised public hearing items, staff requests that the time sensitive item listed below not be deferred.

Item #	Page #	Title
24	24	General Obligation Bonds

**CITY COUNCIL AGENDA
Monday, February 13, 2012**

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Attachment No.

38. Meeting Minutes

40

5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. NS/CSXT Mainline Grade Separation Project Adjacent to NC Music Factory



Resources: Ron Kimble, City Manager's Office
Tim Gibbs, CDOT
Mike Shumsky, NCDOT Project Manager

Time: 30 minutes

Synopsis

- City staff will brief City Council on the status of this highly complex project in the vicinity of the NC Music Factory. The project will provide for a grade separation (bridge) at the existing location where Norfolk Southern (NS) and CSX Transportation (CSXT) cross underneath the Brookshire Freeway (I-277). This is the most congested railroad intersection in North Carolina. NS and CSXT have approximately 34 and 14 daily freight trains respectively going through the intersection. Additionally, there are two daily AMTRAK passenger trains.
- Project goals are to:
 - Reduce passenger/freight train interference and roadway congestion in the City of Charlotte
 - Focus on needed rail improvements to serve a new Charlotte Gateway Station (4th/Trade Streets), located in the central business district
 - Enhance safety and reduce noise, emissions and energy use, while improving rail operations and increasing efficiency for freight and passenger rail
- This project requires maintaining adequate vehicular access along NC Music Factory Boulevard (formerly Seaboard Street) during project implementation. Proposed roadway improvements include construction of a new "loop road" around the NC Music Factory. City of Charlotte and NCDOT staffs have been collaborating on this aspect of the project for over a year.
- This project is 100% funded by the American Recovery and Reinvestment Act (ARRA) of 2009. ARRA requires completion of this project no later than September 30, 2017. Partners involved in the project are NCDOT, the City, the County, Duke Energy and the NC Music Factory owners.

Future Action

- A business term outline will be presented for Council action in the Spring of 2012. A larger, formal agreement will require Council action in mid to late 2012.

Attachment 1

Map of Proposed Improvements

2. Disparity Study Update



Committee Chair:	James Mitchell
Resource:	Brad Richardson, Neighborhood & Business Services
Time:	30 minutes

Synopsis:

- In October 2010, MGT of America, Inc. (MGT), was retained by the City of Charlotte to conduct a Minority and Women Business Enterprise (MWBE) Disparity Study.
- On September 26, 2011, MGT presented its findings to City Council, which concluded that while some evidence may support the restoration of race and gender conscious subcontracting goals for certain minority groups, the study's cumulative evidence did not support a legally defensible race and gender conscious program. The Disparity Study findings were referred to the Economic Development Committee for review and direction.
- This presentation will provide an overview of the Economic Development Committee's review of the Disparity Study findings and recommended next steps.

Future Action

- For item 9, page 6, of this agenda, Council will be asked to:
 - Approve the Economic Development Committee recommendations to:
 - Direct staff to explore revising the Small Business Opportunity (SBO) Program to include all or a portion of MGT's Disparity Study recommendations.
 - Direct staff to retain Franklin Lee of Tydings & Rosenberg, LLC, for an estimated amount of \$15,000, to review MGT's findings and recommendations to determine if sufficient data exists to add Minority Business Enterprise (MBE) components to the SBO Program.
 - Adopt a budget ordinance appropriating \$10,450 from the City Council's Discretionary Account to be combined with \$4,550 in remaining funds from the Disparity Study contract, for a total of \$15,000.

3. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session 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.

7:00 P.M. AWARDS AND RECOGNITIONS MEETING CHAMBER

4. UNC CHARLOTTE MEN'S SOCCER TEAM

Action: Mayor Foxx will recognize the UNC Charlotte 49ers Men's Soccer team for their success in making it into the final game of the College Cup.

5. ENVISION CHARLOTTE

Action: Mayor Foxx will recognize members of Envision Charlotte, a unique public-private collaboration that is leading Charlotte to become a global model for environmental sustainability and measureable community results.

CONSENT

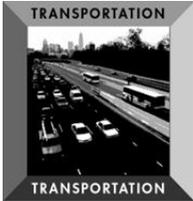
6. Consent agenda items 15 through 38 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting or City Manager during the noon agenda briefing.

Consideration of Consent Items shall occur in the following order:

- A. Consideration of Consent Items that have not been pulled
- B. Consideration of Consent Items that have been pulled for which responses are sufficient to allow a vote without further discussion
- C. Consideration of Consent Items with citizens signed up to speak to the item

PUBLIC HEARING

7. Public Comment on Midtown Morehead Cherry Area Plan



Action: Receive public comments on the *Midtown Morehead Cherry Area Plan*.

Committee Chair: David Howard

Staff Resource: Kent Main, Planning Department

Explanation

- The Midtown Morehead Cherry Area Plan includes three adjoining but diverse neighborhoods just outside of Uptown and I-277, centered on the Little Sugar Creek Greenway and encompassing about 455 acres.
- The plan is intended to establish a vision and provide policy direction for future growth and development, while preserving historic and natural features important to the community.
- Over the past year, staff worked with a Citizen Advisory Group through nine meetings and several public forums. A final public meeting was held September 15, 2011 with 42 people attending.
- Staff continued to work with citizens on specific concerns and developed the attached *Proposed Revisions to Draft Document* in response.

Plan Recommendations

- Land Use: Portions of the plan area lie within Growth Corridors as defined by the City's *Centers, Corridors and Wedges Growth Framework*. This plan will align the boundaries of Midtown with the Southeast Growth Corridor, Morehead with the South Growth Corridor, and Cherry with the South Wedge.
 - Midtown Area:
 - Preserve and enhance greenway connections and uses
 - Along Kings Drive, Third and Fourth Streets, encourage new mixed use development. Limit heights at the edge of Cherry.
 - Cherry Area:
 - Retain single family parts of Cherry at current densities; consider a historic district or conservation district to support preservation
 - Homes on Torrence Street currently zoned multi-family should remain single family to protect this vulnerable edge of Cherry
 - Retain small neighborhood commercial uses in historic buildings to blend in with the single family setting
 - New development extending toward the historic neighborhood or fronting narrow local streets should be designed with setbacks, heights and entrances that fit with Cherry's bungalow character
 - Morehead Area:
 - Preserve the dense tree canopy and setbacks along East Morehead Street with a mix of office and residential uses, plus retail at key locations. Limit heights along the Dilworth residential edge
 - Promote mixed use development along other area streets
 - Pedestrian Zone:

- Within portions of Midtown and Morehead, establish an urban fabric by promoting a pedestrian zone with a mixture of uses
- **Transportation & Streetscape Design:**
 - Provide pedestrian crossings to the greenway on Kings Drive
 - Make traffic and pedestrian improvements at key intersections
 - Make local street connections when redevelopment permits, with community input and appropriate traffic calming
 - Calm traffic on streets through Cherry with traffic circles
 - Extend Pearl Park Way west from the bridge along the edge of Pearle Street Park to Baxter Street, with on-street parking
- **Infrastructure and Environment:**
 - Make trees a feature of all streets, and reduce impervious surfaces
 - Design new buildings and parking areas to reduce stormwater runoff and improve water quality; protect Little Sugar Creek
 - Expand and improve access to greenway and park facilities

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Committee received public comments at their October 18, 2011 meeting. Several residents and property owners were in attendance. A Dilworth representative noted the vision of pedestrian friendliness, tree preservation, and setbacks along East Morehead Street, and support for the plan and a PED Overlay. Two Cherry representatives noted general support for the plan, but with some outstanding issues, especially related to street connections. Public comment was continued as staff worked through issues raised at the meeting.
- At the January 17 meeting, Cherry representatives noted their support for the draft plan with the most recent *Proposed Revisions to the Draft Document*. A representative of REBIC spoke of concerns over certain PED zoning standards should a PED Overlay later be implemented here or elsewhere. Planning Committee voted unanimously to recommend adoption of the plan with the Proposed Revisions.

Transportation & Planning Committee

- City Council's Transportation & Planning Committee received an overview of the plan at their January 9 meeting. An e-mail from REBIC concerning PED Overlay standards was briefly discussed. The Committee voted unanimously (Council members Howard, Autrey, Cooksey, and Kinsey) to forward the plan to Council for public comment on February 13.
- After public comment, the plan will be reviewed again by the Transportation & Planning Committee, with a subsequent recommendation to the City Council.

Attachment 2

Midtown Morehead Cherry Area Plan
 Proposed Revisions to Draft Document
 Staff Response to REBIC Concerns

POLICY

8. City Manager's Report

9. Disparity Study Findings and Recommendations



- Action:**
- A. Approve the Economic Development Committee recommendations to:**
- 1. Direct staff to explore revising the Small Business Opportunity (SBO) Program to include all or a portion of MGT's Disparity Study recommendations.**
 - 2. Direct staff to retain Franklin Lee of Tydings & Rosenberg, LLC, for an estimated amount of \$15,000, to review MGT's findings and recommendations to determine if sufficient data exists to add Minority Business Enterprise (MBE) components to the SBO Program.**
- B. Adopt a budget ordinance appropriating \$10,450 from the City Council's Discretionary Account to be combined with \$4,550 in remaining funds from the Disparity Study contract, for a total of \$15,000.**

Committee Chair: James Mitchell

Staff Resources: Brad Richardson, Neighborhood & Business Services
Nancy Rosado, Neighborhood & Business Services
Cindy White, City Attorney's Office

Background

- In October 2010, MGT of America, Inc. (MGT), was retained by the City to conduct a Minority and Women Business Enterprise (MWBE) Disparity Study.
- The main goals of the study were to:
 - Determine whether disparity exists between the number of MWBE firms that are qualified to perform on City contracts and the City's utilization of these firms;
 - Determine if a legally justified need exists for an MWBE Program; and to
 - Provide recommendations regarding suggested modifications to the City's SBO Program.
- The study was an update of the City's 2003 Disparity Study, also conducted by MGT, and reviewed the City's expenditures for the period beginning July 1, 2005 through June 30, 2010.
- City Council also established a Disparity Study Advisory Committee (DSAC) with a charge to:
 - Review and comment on data sources used in the Disparity Study
 - Assist MGT in outreach efforts to the community
 - Periodically meet with MGT to provide input as needed
 - Review and comment on MGT's findings and recommendations

MGT's Findings and Recommendations

- On September 26, 2011, MGT presented its findings to City Council.
- According to existing case law, the City must demonstrate the following in order to implement a race and gender based program:
 - Statistical data showing disparity
 - Anecdotal evidence of discrimination
 - Evidence that a race and gender neutral program will not be an adequate remedy
- In MGT's findings and recommendations, it concluded the following:
 - There is statistical evidence showing disparity
 - There is insufficient anecdotal evidence of discrimination
 - The City's race and gender neutral program has been effective in increasing the utilization of minority and women business enterprises
- With regard to the statistical analysis, MGT found disparity in several categories, most significantly in subcontractor participation in Construction and Architecture & Engineering (A&E) as follows:
 - In Construction Subcontracting, substantial disparity was found for African Americans, Hispanic Americans and Native Americans
 - In A&E Sub-consulting, substantial disparity was found for African Americans
- MGT concluded that while some evidence may support the restoration of race and gender conscious subcontracting goals for certain minority groups, the study's cumulative evidence did not support a legally defensible race and gender conscious program
- Finally, MGT provided several recommendations for suggested modifications to the current SBO Program, including:
 - Raising the informal threshold for construction contracts
 - Implementing a system of vendor rotation for service contracts
 - Requiring joint ventures on large construction projects
 - SBE subcontracting goals in categories other than Construction and A&E
 - Including an RFP provision requiring proposers to report prior MWBE utilization and future strategy
 - Raising the personal net worth threshold for SBE eligibility
- Council referred the item to the Economic Development Committee for further review.

DSAC Feedback

- In October 2010, the DSAC began meeting with City staff and MGT to receive an overview of the process used for conducting the study.
- Following the September 26, 2011 release of MGT's findings and recommendations, the DSAC met with MGT and City staff for detailed discussions of results.
- On November 1, 2011, the DSAC presented the following recommendations to the Economic Development Committee:
 - The City should further explore setting M/WBE goals where evidence supports it.
 - The City should explore implementing some of the policy modifications recommended by MGT, including raising the informal threshold; including SBE subcontracting goals in categories other than Construction and A&E; and increased outreach to MWBEs.

Committee Discussion

On October 11, 2011, the Economic Development Committee received a detailed

briefing from MGT on its findings and recommendations and discussed the DSAC's recommendations at its November 1st and November 15th meetings.

- The Committee discussed that adding an MBE component to the SBO Program would require the City to follow the State's MWBE statute (unless changes to the SBO enabling legislation are made), which would weaken the City's program, particularly in regard to the Good Faith Efforts (GFEs) requirements.
- In addition, the City Attorney recommended hiring a legal expert to review MGT's findings and recommendations to determine if sufficient data exists prior to adding an MBE component to the SBO Program.
- On January 19th, the Committee considered a recommendation to direct staff to explore revisions to the current SBO Program to include all or a portion of the MGT recommendations, and to explore the feasibility of adding a Minority Business Enterprise (MBE) component to the SBO Program.
- At the Committee's request, staff contacted Franklin Lee of Tydings & Rosenberg, LLC, a noted expert on MWBE Programs, and received an estimate of \$10,000 to review MGT's findings. Including travel and expenses, staff estimates the cost for retaining Mr. Lee to be approximately \$15,000.
- The Committee voted 4 -0 in favor of the recommendation (Mitchell, Cannon, Howard, Mayfield).

Next Steps

Franklin Lee Review of Disparity Report Findings	March/April
Economic Development Committee Review of Franklin Lee Findings	April/May
Disparity Study Advisory Committee Review of Franklin Lee Findings	April/May
Economic Development Committee Recommendation to Council	May/June

Funding

Remaining funds from Disparity Study contract - \$4,550
 Council Discretionary Account - \$10,450. The current balance is \$200,000. Upon approval of this action item the remaining balance will be \$189,550.

Attachment 3

DSAC Report to the Economic Development Committee
 Budget Ordinance

BUSINESS

10. Charlotte Liberty Walk

Action: **A. Accept an offer from the May 20th Society for specialty items to be placed in the right-of-way as part of the Charlotte Liberty Walk and accept maintenance and responsibility for the items, and**

B. Adopt a budget ordinance appropriating \$60,000 in discretionary tourism funding to Charlotte Center City Partners to support the installation, contingent upon proposed funding from Charlotte Center City Partners, Arts and Science Council and the May 20th Society.

Staff Resources: Ron Kimble, City Manager's Office
 Liz Babson, CDOT

Explanation

- At Council's January 23rd Dinner Briefing, the May 20th Society in partnership with other public and private partners gave a presentation on the Charlotte Liberty Walk (CLW).
- The CLW consists of the following:
 - A ¾ mile loop in the Center City to promote Revolutionary War historical places and events along the walking route
 - Three new and 12 existing historical markers at 15 historic sites, along Tryon, Church, Fifth and College Streets together with new sidewalk pavement markers every 30 feet to denote the walking route
- Total cost of the loop is estimated to be \$130,000 for the hardscape improvements, technology and publications, with partnership shares contributed as follows:
 - \$60,000 from City's occupancy tax reserves
 - \$30,000 from Charlotte Center City Partners
 - \$30,000 from Arts and Science Council
 - \$10,000 from May 20th Society private fundraising
- Goal is to have the CLW installed and operational by July 31, 2012.
- The City's estimated annual maintenance cost is \$1,000 and can be provided through existing funds for maintaining sidewalks and specialty items in the Tryon Street area.

Funding

- Capital Portion \$60,000 – City's discretionary tourism funding reserves
- Annual Maintenance Portion \$1,000 – Solid Waste Services Operating Budget and CDOT Operating Budget

Attachment 4

Map of Proposed Charlotte Liberty Walk
Budget Ordinance

11. Amendment to the 2012 Meeting Calendar

Action:	Amend the 2012 Meeting Calendar for City Council.
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Staff Resources: Curt Walton, City Manager
Robert Hageman, City Attorney
Stephanie Kelly, City Clerk

Background

- The current monthly schedule for City Council meetings is as follows:
 - First Monday night: Workshop from 5:15 pm to 7:30 pm, followed by the Citizen's Forum at 7:30 pm
 - Second Monday night: Dinner Briefing from 5:15 pm to 7:00 pm, with the Council business meeting beginning at 7:00 pm
 - Third Monday night: Zoning dinner from 5:00 pm to 6:00 pm, with the Zoning Meeting beginning at 6:00 pm
 - Fourth Monday night: Dinner briefing from 5:15 pm to 6:30 pm, Citizen's Forum from 6:30 pm to 7:00 pm, followed by the Council business meeting at 7:00 pm
- An unlimited number of citizens may speak on the first Monday night, while up to 10 citizens may speak on the fourth Monday night.
- Awards and Recognitions may be on both the second and fourth Monday nights and the number and duration of the Awards and Recognitions is unlimited.

Explanation

- At the annual retreat the City Manager presented an option (shown in the Attachment) to restructure the meeting calendar by relocating the workshop schedule across the second and fourth Mondays, as follows:
 - Beginning the meetings on the second and fourth Mondays one hour earlier (4:00 pm rather than 5:00 pm)
 - Designating Awards and Recognitions to the second Monday night and limiting the number to 5
 - Designating the Citizen's Forum to the fourth Monday night and limiting the number to 15
 - No change to the Zoning Meeting
- Approximately \$10,900 in annual cost for food, security, room set-up, etc. will be saved.
- The Citizen's Forum on the first Monday night currently allows for an unlimited number of speakers. The average number of speakers that spoke on these nights in 2010 was 5. The average number in 2011 was 8, with a majority of those speakers speaking to the Taxi Cab issues that were under consideration at that time.
- The current rule for the Citizen's Forum is retained, which is speakers who have spoken within the past 12 months are placed on the waiting list until citizens who have not spoken have an opportunity to speak.
- In months with only one business meeting, reasonable accommodations will be made to provide opportunities for Awards and Recognitions and Citizen's Forums to occur.
- Council Committees with standing meetings on the first Monday of each month may choose to retain those meetings or to reschedule to a different day.

Discussion at the Retreat

- The Mayor and Council discussed this option at the annual retreat February 1-3, 2012.
- The Mayor and Council indicated its willingness to consider adopting this alternative schedule for at least the balance of 2012.
- In addition to the changes recommended by the Manager, the Mayor and Council discussed the following options which may be considered:
 - Limiting Awards and Recognitions to no more than five minutes each
 - Retaining the current number of speakers at 10 for the Citizen’s Forum
 - Placing speakers who sign-up to speak but do not attend on the waiting list for a period of three months so that citizens who have not previously spoken or signed-up have the opportunity to speak

Attachment 5

Chart comparing new and old schedules
Amended Council Calendar

12. Conclusion of Consent Agenda

Action: Approve Consent items which Council members pulled for discussion or additional information after the noon briefing meeting.

13. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified.

A. BICYCLE ADVISORY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending December 31, 2012.
 - Eric Banks has not met the City Council attendance requirement for 2011.

Attachment 6

Applications

B. BUSINESS ADVISORY COMMITTEE

- One appointment for an applicant recommended by the Charlotte Chamber of Commerce for an unexpired term beginning immediately and ending April 28, 2014
 - Tunis Hunt resigned.

Attachment 7

Applications

C. CHARLOTTE HOUSING AUTHORITY

- One appointment for an unexpired term for a resident of public housing beginning immediately and ending December 17, 2012.
 - Lucille Puckett no longer meets the residency requirement.

Attachment 8
Applications

D. CHARLOTTE INTERNATIONAL CABINET

- Two appointments for unexpired terms in the open category beginning immediately with one ending June 30, 2012 and the other ending June 30, 2013.
 - Molly Hedrick and Aaron Sanders have not met the City Council attendance requirement for 2011.
- One appointment for an unexpired term in the education category beginning immediately and ending June 30, 2013.
 - Sue Gorman has not met the City Council attendance requirement for 2011.

Attachment 9
Applications

E. CHARLOTTE MECKLENBURG COALITION FOR HOUSING

- One appointment for an unexpired term for a financial services representative beginning immediately and ending June 30, 2014.
 - Patrick Scot Williams has not met the City Council attendance requirement for 2011.

Attachment 10
Applications

F. CHARLOTTE MECKLENBURG DEVELOPMENT CORPORATION

- One appointment for an unexpired term for a non-profit organization representative beginning immediately and ending October 31, 2012.
 - Stephen Magowan has not met the City Council attendance requirement for 2011.

Attachment 11
Applications

G. CITIZENS' REVIEW BOARD

- One appointment for an unexpired term beginning immediately and ending July 31, 2012.
 - Trevor Fuller has not met the City Council attendance requirement for 2011.

Attachment 12
Applications

H. COMMUNITY RELATIONS COMMITTEE

- One appointment for an unexpired term beginning immediately and ending June 30, 2013.
 - Joe Cooper resigned.

Attachment 13
Applications

I. HISTORIC DISTRICT COMMISSION

- One appointment for an unexpired term for a resident of Wesley Heights beginning immediately and ending June 30, 2013.
 - Colette Forrest resigned.

Attachment 14

Applications

J. KEEP CHARLOTTE BEAUTIFUL

- Two appointments for unexpired terms beginning immediately with one ending June 30, 2012 and the other ending June 30, 2014.
 - Murray Hines has not met the City Council attendance requirement for 2011.
 - Delores Holbrook Dixon resigned.

Attachment 15

Applications

K. NEIGHBORHOOD MATCHING GRANTS FUND REVIEW TEAM

- One appointment for an unexpired term for a business representative beginning immediately and ending April 15, 2012, and then continuing for a full two year term ending April 15, 2014.
 - Chaunta Jones-Hunter has not met the City Council attendance requirement for 2011.

Attachment 16

Applications

L. PASSENGER VEHICLE FOR HIRE BOARD

- One appointment for an unexpired term for a representative of the hospitality and tourism industry beginning immediately and ending July 1, 2012.
 - Susan Schwint has not met the City Council attendance requirement for 2011.

Attachment 17

Applications

M. TREE ADVISORY COMMISSION

- One appointment for a three year term beginning immediately and ending December 13, 2014.
 - J. Martin Sondey resigned.

Attachment 18

Applications

14. Mayor and Council Topics

Council members may share information and raise topics for discussion.

CONSENT

Introduction to CONSENT

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

The City's Small Business Opportunity (SBO) Program's purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts recommended for award as of March 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization. Professional service contracts recommended for award as of August 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization.

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

Contractors and Consultants

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

15. All-Terrain and Utility Vehicles

- Action:**
- A. Award the low bid unit price contract to Team Charlotte Motorsports for the purchase of All-Terrain and Utility Vehicles in the estimated annual amount of \$40,000 for the term of two years, and**
 - B. Authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments as authorized by the contract.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- This contract will provide all-terrain vehicles (ATV) and utility (UTV) vehicles which can access rugged areas where a standard vehicle would be too large. Charlotte-Mecklenburg Police Department (CMPD) and the Charlotte Fire Department (CFD) routinely use ATVs and UTVs for search and rescue and to support special events. In situations where transportation is required on and off road, these types of vehicles can easily navigate curbs, debris, and other obstacles.
- The unit prices range from \$4,759 to \$9,746 depending on size and engine type as follows:
 - Two wheel drive ATV includes a small 250cc engine
 - Medium four wheel drive ATV includes a 450cc engine
 - Large four wheel drive ATV includes a 680cc engine
 - Four wheel drive UTV includes a 500cc
- Business Support Services/Procurement Services Division (BSS/PSD), on behalf of the Charlotte Cooperative Purchasing Alliance (CCPA), issued an Invitation to Bid (ITB) for ATVs and UTVs. Only one bid was received in response to the ITB.
- In an effort to seek additional competition and bids, BSS/PSD extended the bid deadline and searched for additional vendors to participate in the opportunity. No additional vendors participated in the extended bidding, therefore, BSS/PSD determined that the one bid was valid due to the lack of participation from other vendors.
- The CCPA is a cooperative purchasing program established by BSS/PSD with the specific purpose of reducing procurement costs by leveraging aggregate purchasing volume to receive better pricing. All contracts are publicly solicited, awarded, held by the City, and can be used by other public agencies.

Small Business Opportunity

No SBE goals are established for purchases of goods and equipment (Appendix Section 18 of the SBO Policy) (see attachment).

Funding

Capital Equipment Fund

Attachment 19

SBO Policy Reference

16. Pipeline Investigation Construction Support Services

Action: Award the low bid, unit price contract of \$839,850 to Hall Contracting Company for pipeline investigation construction support services.

Staff Resource: Barry Shearin, Utilities

Explanation

- Utilities experienced a leak on the large water line that runs from the Franklin Water Treatment Plant on Brookshire Boulevard to the airport in March 2010. In repairing the leak, it was discovered that some of the pipe around the leak had sagged, possibly due to the leak. At that time, staff determined that it would be prudent to inspect some of the remaining pipe to determine if any sagging exists elsewhere.
- On November 14, 2011, City Council approved a \$228,140 professional services agreement with RedZone Robotics, Inc. for laser profiling of water and sewer pipelines which evaluates the overall condition of the pipes.
- The construction support services include:
 - Excavation of 20 access points along 33,000 feet of pipeline
 - Dewatering the pipeline
 - Providing “confined space” services required for personnel to enter the pipeline
 - Traffic control and backfilling access points
- The work is planned for winter months, when water demand is lower. Water service will not be disrupted.

Small Business Opportunity

No SBE goal was set for this contract because there are no subcontracting opportunities (Part C: Section 2.4 of the SBO Policy) (see attachment).

Funding

Utilities Capital Investment Plan

Attachment 19

SBO Policy Reference

17. Relocation and Adjustment of Utility Lines Municipal Agreement

- Action:**
- A. Adopt a resolution authorizing the Utilities Key Business Executive to execute a Municipal Agreement with the NC Department of Transportation for design and construction of water and sewer line relocations and adjustments along I-485 in the estimated amount of \$2,161,637, and**
 - B. Authorize the City Manager to approve the final pay request for the actual cost of the utility construction.**

Staff Resource: Barry Gullet, Utilities

Explanation

- NCDOT requires that the City enter into a municipal agreement for relocation of utility lines within NCDOT road way projects prior to construction.
- The amount of the agreement is based on an NCDOT engineer's estimate.
- Once completed, Utilities reviews the invoice, validating the charges and making corrections when needed.
- This agreement is for relocation of approximately 2,525 linear feet of municipally-owned water and sewer lines, ranging in size from 8"-36", within NCDOT's roadway improvements project along I-485 from Mallard Creek Road to the Westerly Ramps of The I-485/I-85 Interchange.
- The work includes a 490 linear foot 60 inch tunnel under I-85, and 1,250 linear feet of the 36" sewer line is at a depth of 40 feet with rock in the bottom half of the trench.
- Relocation of the water lines is in the scope of work covered by the contract between NCDOT and the prime construction contractor.
- At the end of the project, the City will reimburse NCDOT for actual construction costs associated with the utility relocation.
- Should the actual cost be different from the estimated amount of this Agreement, the City Manager will sign a Supplementary Agreement for the cost differential. Final invoice differences can be attributed to
 - Actual unit price bids being different than estimated;
 - Changes in material costs between when the estimate was prepared and the completion of the project; or
 - Required design modifications resulting from NCDOT project changes.

Small Business Opportunity

This contract is considered an interlocal agreement, and therefore considered exempt (Appendix Section 23.8 of the SBO Policy) (see attachment).

Funding

Utilities Capital Investment Plan

Attachment 19

SBO Policy Reference

Attachment 20

Resolution

18. 2009 Annexation Pump Station Improvements

Action: Award the low bid contract of \$793,650 to State Utility Contractors, Inc. for construction-related improvements to nine sanitary sewer pump stations.

Staff Resource: Barry Shearin, Utilities

Explanation

- This project will provide funding for construction-related improvements to nine existing sanitary sewer pump stations, which have been purchased from private water companies as a part of the 2009 Annexation private system purchase.
- Seven of the pump stations are in the Hood Road North and South Areas of the 2009 Annexation. Two of the pump stations are located in Matthews.
- This project is necessary in order to bring the acquired pump stations up to Utilities' operating standards.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 13.15%

State Utility Contractors, Inc. exceeded the established goal and committed 13.15% (\$104,392.00) of the total contract amount to the following SBE firms: Union Paving Contractors, Inc. (asphalt repair) and Vector Electric Company (electrical repairs).

Funding

Utilities Capital Investment Plan

19. Bio-Nomics Services Wastewater Treatment Plant Cleanup

Action: Award the low bid contract of \$193,540 to Bio-Nomic Services, Inc. for cleanup services at Forest Ridge and Cabarrus Woods wastewater treatment plants.

Staff Resource: Barry Shearin, Utilities

Explanation

- In the purchase of the of the Carolina Water Service and Aqua water and wastewater systems, CMUD acquired several small wastewater treatment plants. Utilities has now connected all of these plants to the CMUD system allowing them to be shutdown and decommissioned.
- The two smaller plants acquired from Aqua last summer have already been cleaned and prepared for salvage.
- The purchase from Carolina Water Service also included two treatment plants, Cabarrus Woods and Forest Ridge, which were recently connected to the CMUD system after the system purchase was completed at the end of January.
- The residual wastewater and sludge in these treatment plants needs to be cleaned to eliminate the risk of odors and prepare them for salvage.

Small Business Opportunity

No SBE goal was set for this contract because there are no subcontracting opportunities (Part C: Section 2.4 of the SBO Policy) (see attachment).

Funding

Utilities Capital Investment Plan

Attachment 19

SBO Policy Reference

20. Digital Media Content Management System

Action:

A. Approve a two-year contract with Advanced Digital Solutions for an Enterprise Digital Media Content Management System in the estimated amount of \$1,550,000, and

B. Authorize the City Manager to extend the contract one year and increase the initial contract by \$1,200,000 (for an estimated total of \$2,750,000).

Staff Resources: Katrina Graue, Police
Ron Horton, Police

Explanation

- The City's use of digital video includes recording video from cameras deployed in public locations throughout the City as well as video recorded in CMPD interview rooms during the course of a criminal investigation. The Enterprise Digital Media Content Management System will provide recording, storage, and content management for digital video at the citywide Enterprise level as well as meeting all regulatory and compliance requirements for video content.
- The safety of the city is enhanced by the use of cameras that provide surveillance of public areas. Uses of this surveillance include monitoring vehicular and pedestrian traffic and special events. The video aids management decisions on control of events in public areas. The video recordings can be used for later analysis, investigations, and court proceedings.
- Multiple City departments will use the Enterprise Digital Media Content Management System, including Police, CMU, CDOT, and CATS.
- The first phase of the system, at an estimated cost of \$1,550,000, will provide recording, storage, and content management for digital video from fixed cameras across the city and for replacement of the CMPD Digital Video Interview system which has been in service since 2003.
- Subsequent phases of the system will expand its capacity to manage video from additional cameras and departments including increased surveillance of park and ride lots and transit centers outside of the center city. It will also include interview rooms in police division offices as the new facilities are built. Enhancements will also further reduce or eliminate support costs associated with aging legacy systems.
- A formal Request for Proposals was issued by BSS/PSD on October 5, 2011. Advanced Digital Solutions was the only proposal received. The staff selection

committee determined that Advanced Digital Solutions satisfied or exceeded all of the project specifications.

Small Business Opportunity

No SBO goal was set for this contract because there are no subcontracting opportunities (Part C: Section 2.4 of the SBO Policy) (see attachment).

Funding

Technology Capital Fund, Federal and State Grants, and Various Operating Budgets

Attachment 19

SBO Policy Reference

21. Airport Agreement with Piedmont Natural Gas for Relocation of Pipelines

Action: Adopt a budget ordinance appropriating \$1,595,805 from the Airport Fund Balance to reimburse Piedmont Natural Gas for the relocation of underground pipelines under the Intermodal Yard at Charlotte Douglas International Airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- In June 2010 Council approved a Master Development Agreement (MDA) with Norfolk Southern Corporation (NS) providing for the lease of Airport land upon which NS is to construct a truck/rail container transfer facility (Intermodal Yard) at the Airport to replace the current NS intermodal yard along North Brevard Street in North Charlotte. Under the MDA, when NS presents an executed Lease the Aviation Director is authorized and obligated to execute the Lease.
- The MDA also requires the City to develop agreements to contract with Piedmont Natural Gas (PNG) to relocate underground pipelines at the Airport to facilitate construction and operation of the Intermodal Yard at the Airport, at the cost of the City.
- The Airport has prepared the required agreements with PNG, at an estimated cost of \$1,595,805, subject to execution by both PNG and the Aviation Director. The agreement requires the City to advance the estimated cost of the pipeline relocation within 15 days of execution of the pipeline agreement. It also provides that PNG will reimburse the amount of any cost under-runs and the City will reimburse PNG the amount of any cost over-runs.
- The Airport has been notified by NS that it intends to send the Lease to the City for execution in time to enable NS to commence construction at the Airport on February 13, 2012.

Funding

Aviation Capital Investment Plan

Attachment 21

Budget Ordinance

22. Airport HMS Host Concessionaire Contract Amendment

Action: Approve Amendment #5 to the food & beverage concession contract with Host International, Inc. in which the City will reimburse Host up to \$495,000 for construction costs resulting from the build-out of additional food and beverage concession space in Concourse E at the Passenger Terminal.

Staff Resource: Jerry Orr, Aviation

Explanation

- In 2002, Council approved an eight-year agreement allowing Host International, Inc. to operate food and beverage and merchandise facilities at the Airport.
- In June 2009, Council approved an amendment of the agreement under which Host agreed to surrender its right to operate merchandise concession, and changed the business terms to a payment of fixed rental plus 50% of profits to the City. It also extended the term to 2015.
- Under the current agreement, the City may fund and construct additional concession space and Host will fund and construct improvements to the new concession space.
- Host has proposed that the City construct a 2,700 square foot expansion to concourse E to permit it to expand its food and beverage concessions on concourse E to better serve the growing traffic in that area. The project cost that would be the City's responsibility is \$495,000.
- Host has also proposed that it be permitted to up-fit the new space and refurbish 3,816 square feet of existing space into a new, updated food and beverage concept. The up-fit would be Host's responsibility and is estimated to cost \$3,810,000.
- Due to the impracticality of two contractors working in the same space to create the build-out and up-fit, staff recommended Host award and administer the construction contract and be reimbursed for the Airport's share of construction (up to \$495,000) from future rental payments.
- Under the proposed arrangement Host will employ competitive bidding and will comply with all state and local laws just as if the City were to be awarding the contract.

Small Business Opportunity

Host International, Inc. committed to a 12% SBE Goal on the entire project.

23. Airport Landscape Maintenance Service Contracts

- Action:**
- A. Award a three year contract in the amount of \$314,010.45 to Denver Landscape Services for Landscape Maintenance of Zones 1 and 8,**
 - B. Award a three year contract in the amount of \$352,027.50 to Accolade Design for Landscape Maintenance of Zones 2, 4, and 7,**
 - C. Award a three year contract in the amount of \$77,840.40 to Southern Shade Tree Company, Inc. for Zone 3 Landscape Maintenance,**
 - D. Award a three year contract in the amount of \$123,797.68 to The Grass Is Greener for Zone 5 Landscape Maintenance, and**
 - E. Award a three year contract in the amount of \$103,098.45 to Tru Green for Zone 6 Landscape Maintenance.**

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1998, the Aviation Department began contracting for the landscaping maintenance work outside of the perimeter security fence on a lump sum basis.
- In August 2008, City Council approved a contract with Valleycrest Landscape Maintenance for landscaping maintenance services in the amount of \$1,420,000 for 40 months (\$35,500 per month).
- The total amount of the contracts included in this action is \$970,774.50 for three years (\$26,965.96 per month), representing a 24% reduction in costs.
- This contract was unbundled to provide more opportunities for SBE's to bid for the work. As part of this initiative, city-certified SBE's received email notification of the bid. The Airport also waived labor and performance bonds which would have normally been required in order to bid.
- An invitation to bid (ITB) was advertised on November 29, 2011.
- Thirteen vendors replied to the ITB, two were certified SBE's, although neither were low-bid.

Contract Terms

- The contracts were bid on a unit-price basis with estimated quantities and frequencies of work.
- Each contract is a three year term and 60 day termination clause.

Small Business Opportunity

No SBE goals were set for these contracts because there are no subcontracting opportunities (Part C: Section 2.4 of the SBO Policy) (see attachment).

However, Aviation staff, in coordination with the SBO Office, conducted a broad outreach campaign targeted to City SBEs to consider participation as Primes. In

addition, certain contract parameters were minimized for participating SBEs, such as bonding requirements.

Funding

Airport Operating Fund

Attachment 19

SBO Policy Reference

24. General Obligation Bonds

Action: Adopt a series of resolutions to:

- 1. Introduce and adopt a bond order, adopt a findings resolution and adopt an issuing resolution to provide for the issuance of General Obligation Refunding Bonds in an amount not to exceed \$150,000,000 to refund outstanding Commercial Paper,**
- 2. Introduce and adopt a bond order, adopt a findings resolution and adopt an issuing resolution to provide for the issuance of General Obligation Refunding Bonds in an amount not to exceed \$55,000,000 to refund outstanding 2002 bonds, and**
- 3. Adopt a resolution for the reauthorization and issuance of General Obligation Commercial Paper in an amount not to exceed \$150,000,000.**

Staff Resource: Greg Gaskins, Finance

Explanation

- The City issues short term debt in connection with the City Council's Capital Improvement Plan for streets and neighborhood improvements initiatives. This allows the City to take advantage of lower interest rates and only issue debt in accordance with actual expenses.
- The City will periodically replace short term debt with long term debt to reduce its variable rate exposure.
- This action sets the terms of refunding bonds to:
 - Replace the short-term financing (commercial paper) program, which was reauthorized in 2009 with a permanent long-term financing in the form of General Obligation Refunding Bonds
 - Reauthorize the short-term financing program, which will be used for ongoing streets and neighborhood improvement initiatives
- Additionally, this action will refund \$55,000,000 of outstanding 2002 General Obligation Bonds. Any savings from the refunding will be used to offset future funding needs.

Funding

Municipal Debt Service Fund

Attachment 22

Resolutions

25. Barringer Drive and Michael Baker Bridge Replacements

- Action:**
- A. Adopt a resolution to authorize the Transportation Director to execute Municipal Agreements with North Carolina Department of Transportation (NCDOT) for preliminary engineering work for the replacement of Barringer Drive Bridge and Michael Baker Bridge, and**
 - B. Adopt a budget ordinance appropriating \$320,000 in federal funding administered by NCDOT.**

Staff Resource: Leon Howe, Engineering & Property Management

Explanation

- The 50 year old bridges are in need of replacement based on a ranking using a combination of sufficiency ratings and current conditions. The Michael Baker Bridge spans Briar Creek and is located at the intersection of Michael Baker Place and Runnymede Lane. The Barringer Drive Bridge spans Irwin Creek and is on Barringer Drive adjacent to Revolution Golf Course.
- Contingent upon Council approval of the resolution, the City will be reimbursed up to \$320,000 of federal funding to be administered through NCDOT to pay for a portion of the preliminary engineering of the bridge replacements.
- The total budget for the preliminary engineering for both bridges is estimated to be \$400,000. Contributions from NCDOT total \$320,000 with the balance being paid by the City's Bridge Replacement Program (\$80,000).
- City Council will be asked to approve supplemental agreements to pay for real estate acquisition and construction which will be prepared after the preliminary engineering is completed.
- The City will perform the preliminary engineering, real estate acquisition and construction. NCDOT will administer the money from the federal government and reimburse the City.
- The format and cost sharing of this agreement is consistent with past bridge Municipal Agreements (80% state funding; 20% City finding).

Small Business Opportunity

This contract is considered an interlocal agreement, and therefore considered exempt (Appendix Section 23.8 of the SBO Policy) (see attachment).

Funding

Transportation Capital Investment Plan

Attachment 19

SBO Policy Reference

Attachment 23

Resolutions

Budget Ordinance

26. Landscape Administration Building Roof Renovations

Action:

A. Reject the low bid of \$168,900 from Interstate Roofing Company, Inc. for failure to comply with the Small Business Opportunity Program, and

B. Award a contract to the lowest, responsive bidder Nations Roof of the Carolinas LLC in the amount of \$187,000 for the replacement of the Landscape Administration Building Roof.

Staff Resource: Steve Marlowe, Engineering & Property Management

Explanation

- This contract will provide funding for a planned roof re-covering project at the Landscape Management Administration Building at 701 Tuckaseegee Road.
- The existing roof is 31 years old, has exceeded its life expectancy and has numerous leaks.
- The roof will have a 20-year warranty.
- Work is anticipated to be complete in the second quarter of 2012.

Award to Second Low Bidder

- Staff recommends the contract be awarded to the second lowest responsible bidder, Nations Roof of the Carolinas LLC.
- The low bidder, Interstate Roofing Company, Inc. is being recommended for rejection for failure to meet the minimum SBO requirements.
- Interstate Roofing Company, Inc. did not meet the established SBE goal of 5%.
- Interstate Roofing Company, Inc. then submitted their good faith effort (GFE) documentation, and after review, staff determined they also did not meet the minimum required GFE points.
- Interstate failed to achieve compliance with the SBO Program by achieving neither the SBE Goal nor the minimum GFE points (Part B: Section 2.1 of the SBO Policy) (see attachment).

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 10.27%

Nations Roof of the Carolinas, LLC exceeded the established SBE goal and committed 10.27% (\$19,200) of the total contract amount to the following SBE firm: Pierce Roofing Supply (roofing/insulation).

Funding

General Capital Investment Plan

Attachment 19

SBO Policy Reference

27. Demolition of Structure at 1315 North Graham Street

Action: Award the low bid contract of \$231,000 to D.H. Griffin Wrecking Company for the demolition of a warehouse at 1315 North Graham Street.

Staff Resources: Rich Granger, Fire
William Haas, Engineering & Property Management

Explanation

- This project includes asbestos abatement and demolition of a 119,000-square-foot warehouse formerly known as Parnell Martin Supply.
- On November 22, 2010, City Council approved the purchase of this seven acre site for a co-located 911 Communications Center located at 1315 and 1419 N. Graham Street.
- The facility will house Police and Fire 911 Dispatch Centers, Mecklenburg County Sheriff's communications division, the Emergency Operations Center, 311 Call Center, CDOT traffic cameras and BSS IT Data Backup center.
- This new facility will allow departments to:
 - Share technology and resources
 - Eliminate the need to transfer 911 calls
 - Improve response time to emergencies
 - Unify tracking of mobile resources
 - Eliminate costs associated with lease payments for 311 and the BSS IT Data Center
- The demolition contract has a waste management plan, with minimal waste disposal to landfills.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 6.06%

D.H. Griffin Wrecking Co. exceeded the established SBE goal and committed 6.06% (\$14,000) of the total contract amount to the following SBE firms: Access Services (labor), MUGO Gravel & Grading (hauling), Stinson Trucking (hauling) and Gadson Construction Corporation (demolition).

Funding

General Capital Investment Plan

28. Rea Road Widening – AT&T Utility Relocation Costs

Action: Authorize the City Manager to execute an agreement with BellSouth Telecommunications, Inc. d/b/a AT&T Southeast (“AT&T”) in an amount up to \$175,000 to relocate AT&T infrastructure for the Rea Road Widening Project.

Staff Resource: Theresa Watley, Engineering & Property Management

Explanation

- AT&T will be required to relocate existing utility infrastructure in conflict with the Rea Road Widening Project. This includes AT&T cabinets and associated underground cable adjacent to Rea Road.
- Payment of these utility relocation expenses is consistent with the City’s practices for relocating utility infrastructure.
- Funding for this work was included in the original project budget.
- Authorization for this Council action will enable AT&T to proceed with its utility relocations without delay to the project.
- The Rea Road Widening Project will improve Rea Road between Highway 51 and Colony Road by constructing a two-lane, median-divided roadway with bicycle lanes, sidewalk and planting strip.
- Construction is expected to begin second quarter 2012, pending completion of all utility relocations. Construction is anticipated to be complete by fourth quarter of 2014.

Small Business Opportunity

No SBE goal was set for this contract because there are no subcontracting opportunities (Part B: Section 2.4 of the SBO Policy) (see attachment).

Funding

Transportation Capital Investment Plan

Attachment 19

SBO Policy Reference

29. Charlotte Mecklenburg Government Center Security Upgrades

Action: Award a contract to Edison Foard, Inc. in the amount of \$258,880.20 for security upgrades at the Charlotte Mecklenburg Government Center (CMGC).

Staff Resource: Sue Rutledge, Engineering & Property Management

Award to Second Low Bidder

- Staff recommends the contract be awarded to the second low bidder, Edison Foard, Inc.
- The low bidder, M.V. Momentum Construction, LLC requested withdrawal of their bid (\$151,193) due to omitting a major component of the work.
- After careful review, Staff determined the withdrawal to be in the City's best interest.

Explanation

- This contract will fund architectural modifications to five CMGC entrances to accommodate the installation of security improvements.
- Public entrances will be modified to accommodate permanently installed metal detectors, staff entrances will be fitted with optical turnstiles requiring badge credentials and improved directional signage.

Background

- CMGC security improvements were planned by a staff team, including representation from Police, the City Manager's Office, the County Manager's Office and Charlotte-Mecklenburg Schools Administration.
- The CMGC security changes will improve security for CMGC visitors, employees and elected officials.
- Security equipment, such as metal detectors and optical turnstiles, will be purchased from Government Technology Services, Inc. (GTSI) through the US Communities cooperative purchasing agreement which was previously approved by Council. The security equipment cost will be \$209,500. The total value of the security project will be \$468,380.20, including architectural modifications and equipment.
- The US Communities cooperative agreement contracts are competitively solicited on a national basis, meet City statutory requirements and deliver commitments to be the lowest available pricing to local agencies nationwide.
- Per the CMGC lease contract between the City of Charlotte and Mecklenburg County, the County will reimburse the City for half of the total project costs.
- The project is expected to be complete by second quarter 2012.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 9.49%

This contract was estimated to be less than \$200,000 and considered informal, and therefore is exempt from establishing SBE goals (Appendix Section 23.1 and 29.1 of the SBO Policy) (see attachment).

Edison Foard, Inc., however, committed 9.49% (\$24,561) of the total contract amount to the following SBE firm: D.E. Walker Construction Co. (finishes and fixtures).

Funding

General Capital Investment Plan

Attachment 19

SBO Policy Reference

30. Traffic Loop Sealant

Action: A. Award the low bid unit price contract to RAI Products Inc. for the purchase of Traffic Loop Sealant for a term of two years not to exceed \$240,000, and

B. Authorize the City Manager to extend the contract for three additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract.

Staff Resource: Ronnie Ashburner, Transportation

Explanation

- Traffic loop detectors are located in the asphalt and inform traffic signals when vehicles are present at intersections.
- Loop detector sealant is a product used during the installation of in-pavement loop detectors.
- This product encapsulates, insulates and protects the loop wire from moisture and road debris.

Small Business Opportunity

No SBE goals are established for purchases of goods and equipment due (Appendix Section 18 of the SBO Policy) (see attachment).

Funding

Transportation Operating Budget

Attachment 19

SBO Policy Reference

31. Street Maintenance Resolution for Reagan Drive

Action: Approve a resolution to transfer maintenance of Reagan Drive from the North Carolina Department of Transportation to the City of Charlotte.

Staff Resource: Veronica Wallace, Transportation

Explanation

- The City recently completed the US 29/NC 49 Roadway Improvement Project from north of City Boulevard to south of I-85. Improvements were also included along I-485, City Boulevard, and minor side streets.
- The plan proposed to close a section of Reagan Drive from I-85 Connector Road to N. Tryon Street (US 29).
- The decision was made to maintain this 725 foot section of roadway for emergency use only. The road was reconstructed with collapsible paddle markers on either end to deter use by local traffic.
- The alternative emergency response route would be N. Tryon Street to Tom Hunter Road and through a residential street network.
- Coordination efforts with the Fire Department concluded:
 - This is a high emergency call area.
 - Utilizing the alternative emergency response route would increase response times by approximately three minutes, triggering the need for assistance from another fire station and call area.
 - The current connection was determined to be essential for minimizing emergency response times along Reagan Drive.
- City responsibility for maintenance of this street will take place after approval by the North Carolina Board of Transportation on March 8, 2012.

Attachment 24

Resolution
Map

32. Albemarle Road Park-and-Ride Construction

Action: Award the low bid of \$1,243,000 to Southside Constructors, Inc. for the construction of the Albemarle Road Park-and-Ride.

Staff Resource: John Muth, Transit

Explanation

- This contract is for the construction of a new three-acre Park-and-Ride facility located on the northwest corner of the Albemarle Road and Lawyer's Road intersection.
- The new facility will serve several of the City's higher ridership routes including:
 - #9 Central Avenue
 - #40 Albemarle Road Express
 - #222 Pence Road Neighborhood Circulator
- Park and Ride facilities are parking areas with connections to public transit. They are designed to encourage and allow riders (particularly commuters) to park their vehicles and use bus, light rail and/or vanpool.

- The Albemarle Road Park and Ride will be located on City property. This new Park and Ride will provide:
 - 231 parking spaces
 - Covered waiting area, benches, trash and recycling receptacles, bicycle racks and lockers
 - Variable message signs for routes and information
 - Enhanced security presence including multiple blue light emergency phones and security cameras
- This is an 80% federal, 10% state, and 10% locally funded project. The City's contribution will be \$124,300.
- The bid was advertised on December 9, 2011. Ten bids were received on January 11, 2012.

Disadvantaged Business Enterprise Opportunity

Established DBE Goal: 13.3%

Committed DBE Goal: 31.5%

Southside Constructors, Inc. exceeded the established DBE goal and committed 31.5% (\$391,908) of the total contract amount to the following DBE firms: Mugo Gravel & Grading, Inc. (Site-work and curbing).

Funding

Transit Capital Fund

33. Blue Line Extension-UNCC Easement Rights

Action: Authorize the City Manager to execute all necessary documents to complete the acquisition of easement rights from the State, within the University of North Carolina at Charlotte (UNCC) campus, for purposes of the Blue Line Extension (BLE) Project.

Staff Resources: Danny Rogers, Transit
Brad Thomas, City Attorney's Office

Explanation

- City staff has been engaged in discussions with UNCC regarding the extension of light rail service to the UNCC campus throughout the preliminary engineering of the BLE Project.
- Due to the recent issuance of the Record of Decision (ROD) by the Federal Transit Administration (FTA) indicating the City's fulfillment of the environmental assessment process, the City is now authorized to begin the acquisition of right of way needed for the construction, operation and maintenance of the BLE Project.
- On November 3, 2009, the UNCC Board of Trustees authorized the grant of easement rights to the City for purposes of the BLE Project. The benefit of light rail service to the UNCC Campus was cited as the reason.
- It is anticipated that the easement rights will be donated (at no cost) to the BLE. The easements will be as follows:
 - Permanent easement (corridor) – approximately 7.38 acres
 - Permanent easement (utility purposes) – approximately 0.76 acres
 - Temporary easements (total of three) – approximately 5.88 acres
- City Council is scheduled to receive an update on the BLE project at the February 27 dinner briefing.

34. In-Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety:

- A. 7608 Fallow Lane (Neighborhood Statistical Area 101 – Old Whitehall Neighborhood)
- B. 324 Houston Street (Neighborhood Statistical Area 110 – Wildwood Neighborhood)
- C. 10971 Painted Tree Road (Neighborhood Statistical Area 188 – Johnston Rd/McAlpine Neighborhood)

Complaint:

- D. 2935 Capitol Drive (Neighborhood Statistical Area 4 – Capitol Drive Neighborhood)

Field Observation:

- E. 3328 Amay James Avenue (Neighborhood Statistical Area 7 – Reid Park Neighborhood)
- F. 7822 Carelock Circle (Neighborhood Statistical Area 146 – Bradfield Farms Neighborhood)
- G. 1609-1, 2 Beatties Ford Road (Neighborhood Statistical Area 23 – Washington Heights Neighborhood)
- H. 2209 Hart Road (Accessory Building) (Neighborhood Statistical Area 116 – Harwood Lane Neighborhood)
- I. 2900-4 Seymour Drive (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood)
- J. 100 Walnut Avenue (Neighborhood Statistical Area 24 – Seversville Neighborhood)

Public Safety:

A. 7608 Fallow Lane

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7608 Fallow Lane (Neighborhood Statistical Area 101 – Old Whitehall Neighborhood).

Attachment 25

B. 324 Houston Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 324 Houston Street (Neighborhood Statistical Area 110 – Wildwood Neighborhood).

Attachment 26

C. 10971 Painted Tree Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to Demolish and remove the structure at 10971 Painted Tree Road (Neighborhood Statistical Area 188 – Johnston Rd/McAlpine Neighborhood).

Attachment 27

Complaint:

D. 2935 Capitol Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2935 Capitol Drive (Neighborhood Statistical Area 4 – Capitol Drive Neighborhood).

Attachment 28

Field Observation:

E. 3328 Amay James Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3328 Amay James Avenue (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

Attachment 29

F 7822 Carelock Circle

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7822 Carelock Circle (Neighborhood Statistical Area 146 – Bradfield Farms Neighborhood).

Attachment 30

G. 1609-1, 2 Beatties Ford Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1609-1, 2 Beatties Ford Road (Neighborhood Statistical Area 23 – Washington Heights Neighborhood).

Attachment 31

H. 2209 Hart Road (Accessory Building)

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2209 Hart Road (Accessory Building) (Neighborhood Statistical Area 116 – Harwood Lane Neighborhood).

Attachment 32

I. 2900-4 Seymour Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2900-4 Seymour Drive (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood).

Attachment 33

J. 100 Walnut Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 100 Walnut Avenue (Neighborhood Statistical Area 24 – Seversville Neighborhood).

Attachment 34

35. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$1,311,758.19.

Staff Resource: Greg Gaskins, Finance

Explanation

- Mecklenburg County reported that refunds are unusually high due to the number of informal and formal appeals that went before the Board of Equalization & Review, resulting in reduced taxes due from the taxpayer.

Attachment 35

Resolution

List of property tax refunds

36. Settlement of Workers' Compensation Lien

Action: Approve a payment of \$185,000 in full and final settlement of a Workers' Compensation claim for City of Charlotte Equipment Management employee, Frank Barker III.

Staff Resource: Daniel Pliszka, Finance

Explanation

- This payment will be a full and final settlement.
- On May 21, 2009 Mr. Barker sustained an injury while performing his job duties.
- A confidential memo has been sent to City Council.

Funding

Risk Fund

PROPERTY ITEMS

37. Property Transactions

Action: Approve the following property transaction(s) (A-B) and adopt the condemnation resolution(s) (C-F).

- 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.
- 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 City Council approves the resolutions, the City Attorney's Office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.

Acquisitions

- A. Project:** Robinhood/Dooley Storm Water Capital Improvement Project, Parcel # 59
Owner(s): Selena Abraham and Spouse, Christopher Abraham
Property Address: 1132 Dooley Drive
Property to be acquired: 5,389 sq. ft. (.124 ac.) in Storm Drainage Easement, plus 16,476 sq. ft. (.378 ac.) in Conservation Easement
Improvements: None
Landscaping: Large Shrubs
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 109-211-32
Total Parcel Tax Value: \$184,900
Purchase Price: \$14,825
- B. Project:** Airport Master Plan Land Acquisition
Owner(s): Roy and Carole Reeves, Garvin and Jeni Keener
Property Address: 3101 and 3109 Barry Drive
Property to be acquired: .952 acres
Improvements: vacant land
Purchase Price: \$100,000.00
Remarks: The purchase price was determined by an independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land.

The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

Zoned: R3 Use: single family residence

Tax Value: \$46,000

Tax Code: 055-369-07 and 055-369-08

Condemnations

- C. Project:** Brookshire-Hovis-Oakdale Intersection Improvement, Parcel # 8
Owner(s): 5455 Brookshire, LLC And Any Other Parties Of Interest
Property Address: Salem Church Road
Property to be acquired: 13,605 sq. ft. (.312 ac.) in Fee Simple, plus 1,790 sq. ft. (.041 ac.) in Storm Drainage Easement, plus 620 sq. ft. (.014 ac.) in Utility Easement, plus 4,747 sq. ft. (.109 ac.) in Temporary Construction Easement
Improvements: Sign
Landscaping: Trees and Shrubs
Zoned: I-2
Use: Industrial
Tax Code: 039-172-04
Total Parcel Tax Value: \$1,822,500
Appraised Value: \$205,625
Property Owner's Counteroffer: \$236,230
Reason For Condemnation: The property owners had concerns about the project and staff made the following accommodations:
- To allow the long term lease holder, Sam's Mart, to relocate sign prior to construction
 - To install construction fencing along boundaries of temporary construction easement area
- Staff could not accommodate the following requests:
- To guarantee access at all three entrances; however, sufficient access will be maintained
 - To guarantee that the proposed detention pond will satisfy all future development requirements; however it satisfies current site requirements
- A condemnation process is recommended during which negotiation and mediation can continue, and if necessary, just compensation for the property owner can be determined by the court.
- D. Project:** Lombardy Circle Proposed 12" Sanitary Sewer Replacement, Parcel # 1
Owner(s): The Charlotte-Mecklenburg Hospital Authority And Any Other Parties Of Interest
Property Address: South Kings Drive
Property to be acquired: 1,514 sq. ft. (.035 ac.) in Utility Easement, plus 4,384 sq. ft. (.101 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: O-2

Use: Office

Tax Code: 153-021-09

Total Parcel Tax Value: \$4,801,200

Appraised Value: \$16,075

Property Owner's Counteroffer: None

Reason For Condemnation: The property owners have agreed to the acquisition and staff offered the following accommodations:

- To restore the sidewalk and gravel parking lot back to their original condition and location upon completion of the project
- To protect maple tree and light poles during construction

The property owners have requested three deadline extensions to submit executed documents to which staff agreed. To date, staff has not received the executed documents. A condemnation process is recommended during which negotiation and mediation can continue, and if necessary, just compensation for the property owner can be determined by the court.

- E. Project:** Pawtuckett Neighborhood Improvement Project, Parcel # 127
Owner(s): Richard V. Barber and Wife, Anita N. Barber And Any Other Parties Of Interest
Property Address: 6754 Glenmoor Drive
Property to be acquired: 417 sq. ft. (.010 ac.) in Storm Drainage Easement, plus 267 sq. ft. (.006 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 055-159-53
Total Parcel Tax Value: \$93,300
Appraised Value: \$2,775
Property Owner's Counteroffer: None
Reason For Condemnation: After an initial meeting, the property owners have not responded to staff communication including certified and regular mailed letters, property visits and door hangers. The title abstract revealed issues that may prevent the City from obtaining clear title. A condemnation process is necessary in this case in order to obtain clear title.
- F. Project:** Pawtuckett Neighborhood Improvement Project, Parcel # 134
Owner(s): Anthony Nance and Wife, Zina Andretia Nance And Any Other Parties Of Interest
Property Address: 6216 Eagle Peak Drive
Property to be acquired: 2,088 sq. ft. (.048 ac.) in Storm Drainage Easement, plus 413 sq. ft. (.009 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 055-168-34
Total Parcel Tax Value: \$95,700
Appraised Value: \$475

Property Owner's Counteroffer: \$710

Reason For Condemnation: The property owner had concerns regarding the impact to an existing fence. Staff agreed to move and reset the fence. Since that time, the property owner has not responded to staff communication including certified and regular mailed letters, e-mails, phone calls, property visits and door hangers. A condemnation process is recommended during which negotiation and mediation can continue, and if necessary, just compensation for the property owner can be determined by the court.

38. Meeting Minutes

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

- **October 10, 2011 Business Meeting**
- **October 10, 2011 Special Meeting**
- **October 17, 2011 Zoning Meeting**
- **November 14, 2011 Zoning and Business Meeting**
- **November 28, 2011 Business Meeting**
- **November 30, 2011 Special Meeting**
- **December 5, 2011 Oath of Office Ceremony**