

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, January 14, 2013

**CITY COUNCIL AGENDA
Monday, January 14, 2013**

TABLE OF CONTENTS

<u>Item Number</u>	<u>Page Number</u>	<u>Attachment Number</u>
5:00 P.M. Dinner Briefing		
Conference Center		
1. Mayor and Council Consent Item Questions	1	
2. Centralina Council of Governments: CONNECT Briefing	1	
3. I-277/I-77 Loop Study	2	1
4. Snow and Ice Control Program	2	2
5. Answers to Mayor and Council Consent Item Questions	3	
6. Closed Session	3	
6:30 P.M. Awards and Recognitions		
Meeting Chamber		
7. Charlotte-Mecklenburg Utility Department Award	3	
8. Boy Scouts Food Collection Day	3	
9. National Mentoring Month Recognition	3	
7:00 P.M. Council Business Meeting		
Consent		
10. Consent agenda items 19 through 38 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.	4	
Public Hearing		
11. Public Hearing on a Resolution to Close a Residual Portion of Steele Creek Road	5	3
Policy		
12. City Manager's Report	7	
13. Union Dues Payroll Deductions	7	4
Business		
14. Charlotte-Mecklenburg Regional Housing Consortium Grant	9	
15. Conclusion of Consent Agenda	9	
16. Nominations to Boards and Commissions	10	5-13
17. Mayor and Council Topics	11	
18. Closed Session	11	
Consent		
19. Fire Department Equipment Donation	13	14

<u>Item Number</u>	<u>Page Number</u>	<u>Attachment Number</u>
20. Assets Forfeiture Appropriation	13	15
21. Monroe Road Intelligent Transportation System Project	14	
22. Transportation Asphalt Paver Machine	14	
23. Transportation Metrolina External Travel Survey	15	
24. Street Maintenance Mini-Excavators	16	
25. Railroad Agreement for Louise Avenue Storm Drainage Improvements	17	
26. Highway 51 Median Landscaping	17	
27. Watershed Restoration Projects Grants	18	16
28. Landscape Maintenance Services	20	
29. Utility Pump Parts Replacement	21	
30. Franklin Water Treatment Plant Reservoir Change Order #1	22	
31. Airport Advertising Revenue Agreement	23	
32. Airport Display Maintenance Contract Extension	23	
33. Airport Conveyor and Passenger Loading Bridge Parts	24	
34. AT&T Telecommunications Services Agreement	24	
35. Printer Cartridges Contract	25	
36. Property and Business Privilege License Taxes	26	17
37. In Rem Remedy	27	18-19
38. Property Transactions	28	
Reference		
Small Business Opportunity Program Policy	34	

5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Resource: Eric Campbell, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Centralina Council of Governments: CONNECT Briefing

Resource: Jim Prosser, Centralina Council of Governments

Time: 30 minutes

Synopsis

- The Centralina Council of Governments (CCOG) leads "CONNECT Our Future", a project to develop a regional growth framework for the 14-county region. The project will span over three years during which communities, counties, businesses, educators, non-profits, and other organizations will create a growth framework to help maximize the benefits of growth, and to provide strategies to communities in order to address shared challenges.
- The regional growth framework will be developed through a collaborative process and extensive community engagement, based on shared values, some of which are "core values", identified by the CONNECT vision adopted from 2008-2010.
- The six CONNECT core values are: a strong, diverse economy; sustainable, well-managed growth; a safe and healthy environment; increased collaboration among jurisdictions; enhanced social equity; and high quality educational opportunities.
- It is supported by a \$4.9 million Housing Urban Development Sustainable Communities Grant and \$3 million in local in-kind public and private matching resources.
- One of the next steps is to convene open houses in order to provide the public an opportunity to share their input.

Future Action

The presentation is for information only.

3. I-277/I-77 Loop Study

Resource: Vivian Coleman, Transportation

Time: 20 minutes

Synopsis

- The I-277/I-77 loop includes the Belk and Brookshire Freeways and a portion of I-77 surrounding uptown Charlotte. The Belk Freeway was completed during the 1980's however; the initial design for the loop originated over 50 years ago.
- The Study is a recommendation from the Charlotte Center City 2020 Vision Plan, to address portions of the loop that have become obsolete, congested, and do not function as intended for today's traffic.
- The purposes of the study are to define current and future functions of the Loop; to evaluate current and future operational, capacity, and safety conditions; and to nominate projects for the 2040 Mecklenburg-Union Metropolitan Planning Organization (MUMPO) Long Range Transportation Plan.
- The City worked collaboratively with the North Carolina Department of Transportation, MUMPO, and Charlotte Center City Partners to evaluate existing and projected conditions.
- The Study is the first step in moving projects toward implementation. While some projects may be completed within 10 years, it is likely that others will be placed on hold for funding in subsequent years.
- The presentation provides an overview of the study process, overall conclusions and recommendations.

Future Action

The presentation is for information only.

Attachment 1

I-277 Loop Study PowerPoint Presentation
Question & Answer Handout

4. Snow and Ice Control Program

Resources: Phil Reiger, Transportation
Saleem Khattak, Transportation

Time: 15 minutes

Synopsis

- The presentation will provide an overview of the Snow and Ice Control Program. The Snow and Ice Control Plan has been tested and is ready to be executed.
- Information to be presented includes:
 - Program objective and scope
 - Treatment methods
 - Equipment and facilities
 - Preparation, coordination and communication
 - Road and weather information
 - Storm severity and response plans
 - Service levels
 - Budget

Future Action

The presentation is for information only.

Attachment 2

Snow & Ice Control Program PowerPoint Presentation

5. Answers to Mayor and Council Consent Item Questions

Resource: Eric Campbell, City Manager's Office

Time: 10 minutes

Synopsis

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

6. Closed Session

Action: Adopt a motion pursuant to North Carolina General Statute 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling of the case Athanasios Koutsaftis v. City of Charlotte (12-CVS-6064).

6:30 P.M. AWARDS AND RECOGNITIONS

Meeting Chamber

7. Charlotte-Mecklenburg Utility Department Award

Action: Mayor Foxx will recognize the Charlotte-Mecklenburg Utility Department for receiving the award for "best-tasting water in North Carolina".

8. Boy Scouts Food Collection Day

Action: Mayor Foxx will read a proclamation recognizing the Boy Scouts in Mecklenburg County for their upcoming food collection day on February 2, 2013.

9. National Mentoring Month Recognition

Action: Mayor Foxx will read a proclamation recognizing January as National Mentoring Month.

7:00 P.M. COUNCIL BUSINESS MEETING

CONSENT

10. **Consent agenda items 19 through 38 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

PUBLIC HEARING

11. Public Hearing on a Resolution to Close a Residual Portion of Steele Creek Road

Action: A. Conduct a public hearing to close a residual portion of Steele Creek Road, and

B. Adopt a resolution to close.

Staff Resource: Jeff Boenisch, Transportation

Policy:

To abandon right-of-way that is no longer needed for public use

Explanation

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

Petitioner

LJW Land, LLC & Ms. Georgia Ann Freeman, represented by Mr. Parks Helms

Right-of-Way to be abandoned

A residual portion of Steele Creek Road

Location

A residual portion of Steele Creek Road begins approximately 440 feet north of Shopton Road West, continuing north for approximately 496 feet on the western most edge of the old Steele Creek Road alignment to its terminus, and consists of 17,364 square feet.

Reason

To incorporate the right-of-way into the abutting properties owned by the petitioner, which is consistent with the Berewick development plan

Notification

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

Adjoining property owners - None

Neighborhood/Business Associations - None

Private Utility Companies – No objections

City Departments

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

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

Attachment 3

Map

Resolution

POLICY

12. City Manager's Report

13. Union Dues Payroll Deductions

Action: Approve the Governmental Affairs Committee's recommendation to authorize City employee payroll deductions for union dues subject to the union paying a \$1,000 annual fee.

Committee Chair: Andy Dulin

Staff Resources: Cheryl Brown, Human Resources
Bob Hagemann, City Attorney

Explanation

- The City offers employee payroll deductions for employee benefits, parking and bus passes, and eligible charitable organizations.
- Pursuant to the City's charitable organizations solicitation policy, United Way of Central Carolinas and the Arts and Science Council pay the City \$1,000 annually to help defray the administrative costs of the program.
- It is estimated that the initial set up cost for five union organizations would be \$31,358 with recurring annual costs of \$25,347.
- Several other North Carolina local governments authorize payroll deductions for employee union dues which include: Raleigh, Chapel Hill, Durham, Winston-Salem, and Durham County.
- The following employee unions are currently active:
 - Fraternal Order of Police
 - 1,800 eligible city employees
 - 1,300-1,600 members (actives and re-hired retirees)
 - 88.9% of eligible employees are members
 - Annual Dues - \$100
 - North State Law Enforcement Officers Association
 - 1,800 eligible city employees
 - 23 members
 - 1.3% of eligible employees are members
 - Annual Dues - \$70
 - International Association of Fire Fighters
 - 1,050 eligible city employees
 - 675 members
 - 64% of eligible employees are members
 - Annual Dues - \$299
 - Fraternal Order of Progressive Fire Fighters
 - 1,050 eligible city employees
 - 20 members
 - 1.9% of eligible employees are members
 - Annual Dues - \$390
 - UE 150 – NC Public Service Workers Union
 - 650 eligible employees
 - 35 members
 - 5% of eligible employees are members

- Annual Dues - \$204

Committee Discussion

- The Governmental Affairs Committee considered this issue at its November 5, 2012, December 3, 2012, and January 7, 2013 meetings.
- Issues considered by the Committee included:
 - Current use of payroll deductions
 - Constitutional issues regarding payroll deductions for union dues
 - Payroll deduction criteria for state employee payroll deductions
 - Criteria options for payroll deduction eligibility including whether to establish a minimum threshold (e.g., number of employees or percentage of eligible employee membership in union)
- On January 7, the Committee voted 4-1 (Fallon, Cannon, Mitchell, and Pickering in favor, Dulin against) to recommend that the Council authorize City employee payroll deductions for union dues. Cannon made the motion (seconded by Mitchell) to recommend that Council authorize City employee payroll deductions for union dues so long as the union pays an annual \$1,000 fee to help defray the City's administrative costs.

Attachment 4

Committee Power Point Presentations

BUSINESS

14. Charlotte-Mecklenburg Regional Housing Consortium Grant

Action: Authorize the City Manager to enter into a contract with the Town of Davidson in the amount of \$150,000 for the development of two affordable rental units.

Staff Resources: Zelleka Biermann, Neighborhood & Business Services
Pamela Wideman, Neighborhood & Business Services

Housing Consortium

- On June 26, 2000, City Council adopted a resolution for the City of Charlotte to enter into a cooperative agreement to form the Charlotte-Mecklenburg Regional Housing Consortium (Consortium).
- The Consortium was established for the purpose of cooperatively providing safe, affordable housing in Mecklenburg County.
- On July 1, 2012, City Council renewed the Consortium agreement and added the Town of Davidson as a Consortium member.
- Regional Consortium members include the City of Charlotte, Mecklenburg County, and the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville.
- The Consortium Agreement allows the County and surrounding towns to receive federal HOME funds to increase affordable housing opportunities.
- Under the agreement, the City of Charlotte is the lead entity for the Consortium and serves as a pass through agency for the federal HOME funding.

Town of Davidson

- Consortium members recommended an award of \$150,000 to the town of Davidson for the development of two affordable rental units located at 111 Mock Circle, Davidson, North Carolina.
- The Town of Davidson will partner with the Davidson Housing Coalition, Inc., a not-for-profit affordable housing corporation, to develop the two units.
- The two rental units will serve households at or below 60% (\$41,100) of the Housing Urban Development Area Median Income.
- Construction is expected to be completed by April 2013.
- After the \$150,000 allocation, there will be \$522,000 remaining for other Consortium member requests.

Funding

Federal HOME funds

15. Conclusion of Consent Agenda

Action: Approve consent items that Council members pulled for discussion or additional information.

16. Nominations to Boards and Commissions

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

A. BICYCLE ADVISORY COMMITTEE.

- One appointment for an unexpired term beginning immediately and ending December 31, 2013.
 - Harold (Hal) Bouton has resigned.

Attachment 5

Applications

B. BUSINESS ADVISORY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending April 28, 2014. Applicants are required to be employed in the industry sectors of energy, financial services, healthcare, technology, and/or transportation/logistics.
 - Dr. Wesley Carter has not met the City Council attendance requirement.

Attachment 6

Applications

C. HOUSING APPEALS BOARD

- One appointment for a representative of the housing industry for an unexpired term beginning immediately and ending December 31, 2013.
 - Shannon Boling has resigned.

Attachment 7

Applications

D. KEEP CHARLOTTE BEAUTIFUL

- Three appointments for unexpired terms beginning immediately with one ending June 30, 2013, and two ending June 30, 2015.
 - Stephen Scott and Stephanie Stenglein have resigned.
 - Matthew Vincent has not met the City Council attendance requirement.

Attachment 8

Applications

E. NEIGHBORHOOD MATCHING GRANTS FUND REVIEW TEAM

- One appointment for an unexpired term for a representative of a non-profit organization beginning immediately and ending April 15, 2014.
 - James Harrell has resigned.

Attachment 9

Applications

F. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

- Five appointments for a two-year term beginning March 2, 2013, and ending March 1, 2015.
 - Christopher Brown is eligible and would like to be reappointed.

- Rodney Faulkner, Kevin Gottehrer, Paul Hurlburt, and Erik Monroe are eligible, but do not wish to be reappointed.

Attachment 10

Applications

G. TRANSIT SERVICES ADVISORY COMMITTEE

- One appointment for a three-year term for a van pool rider beginning February 1, 2013, and ending January 31, 2016.
 - Marvis Holliday is eligible and would like to be reappointed.
- One appointment for a three-year term for a local service transit passenger beginning February 1, 2013, and ending January 31, 2016.
 - Anthony Wesley is eligible and would like to be reappointed.

Attachment 11

Applications

H. WASTE MANAGEMENT ADVISORY BOARD

- One recommendation for appointment by the Board of County Commissioners for an unexpired term beginning immediately and ending May 18, 2013, and then continuing for a three-year term ending May 18, 2016.
 - Richard Deming has resigned.

Attachment 12

Applications

I. ZONING BOARD OF ADJUSTMENT

- One appointment for a three-year term beginning January 31, 2013, and ending January 30, 2016.
 - Randall Dean Fink is eligible, but does not wish to be reappointed.

Attachment 13

Applications

17. Mayor and Council Topics

Council members may share information and raise topics for discussion.

18. Closed Session

Action: Adopt a motion pursuant to North Carolina General Statute 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of industries or businesses in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

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. The SBO Program Policy is referenced at the end of Consent.

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."

19. Fire Department Equipment Donation

Action: Adopt a resolution approving the donation of radios, batteries, and battery clips to the Matthews Police Department.

Staff Resource: Jeff Dulin, Fire

Explanation

- North Carolina General Statute §160A-280 authorizes the donation of personal property from a city to another government unit upon adoption of a resolution by City Council.
- Fire upgraded all radios to be compatible with the digit format of the City's system. The old radios design specification is not intended for use in fire departments, but more compatible to meet police communication needs. Fire recommends the donation of the old radios and their components: 30 XTS2500 model III radios, 60 Impres batteries, and 30 battery clips to the Matthews Police Department.
- The donation is to assist the Matthews Police Department with their migration to the Digital Radio System in order to maintain their interoperability with the Charlotte-Mecklenburg Police Department.
- The estimated value for all donated items is \$40,000.
- The Matthews Police Department will be responsible for all maintenance and replacement costs.

Attachment 14
Resolution

20. Assets Forfeiture Appropriation

Action: Adopt a budget ordinance appropriating \$50,000 in assets forfeiture funds for training of police officers.

Staff Resource: Vickie Foster, Police

Explanation

- Assets forfeiture funds can be used for Police equipment and training.
- A number of local agencies are partnering to fund racial equality training for employees delivered by the Racial Equality Institute. The partner agencies, which include Charlotte-Mecklenburg Schools, the Department of Social Services, Area Mental Health, and the Children's Law Center, are sharing the cost of the training. Police will pay for the sessions to be held in January through March 2013 with assets forfeiture funds.
- The training is delivered in two days of interactive sessions in which participants are exposed to the perspectives of a variety of cultures. Police command staff attended the training last year. This year, police officers hired within the last two years will receive the training.

Funding

Assets Forfeiture Funds

Attachment 15
Budget Ordinance

21. Monroe Road Intelligent Transportation System Project

Action: Award a low-bid contract of \$285,766 with Edwards Telecommunications, Inc. for construction of the Monroe Road Intelligent Transportation System (ITS) Project.

Staff Resource: Veronica Wallace, Transportation

Explanation

- An ITS consists of fiber optic cabling combined with traffic management cameras, dynamic message signs, highway advisory radio, and other traffic information devices.
- Fiber optic cabling and traffic signal interconnection provides the ability to remotely adjust traffic signals to quickly improve traffic flow in response to changing traffic volumes during normal conditions and emergency incidences.
- The Monroe Road ITS Project includes a fiber communication system with approximately 6.86 miles of fiber optic cable facilities and 10 traffic management cameras from north Sharon Amity Road to Sardis Road north.
- The project is part of the effort for a citywide traffic management system that will serve as a traffic mitigation mechanism for roadway congestion. The project is a critical link in completing a connected traffic management infrastructure system.

Small Business Opportunity

Established SBE Goal: 6.00%

Committed SBE Goal: 6.65%

Edwards Telecommunications, Inc. exceeded the established SBE goal and committed 6.65% (\$19,000) of the total contract amount to the following SBE firm: Carolina Traffic Controls (camera mounts and installation).

Funding

Transportation Capital Investment Plan

22. Transportation Asphalt Paver Machine

Action: A. Approve the purchase of a Leeboy asphalt paver as authorized by the cooperative purchasing exception of G.S. 143-129(e) (9), and

B. Approve a contract with Carolina Caterpillar in the amount of \$135,491.

Staff Resource: Charles Jones, Transportation

Cooperative Purchasing Exception

- G.S. 143-129 (e) (3), effective January 1, 2002, authorizes competitive group purchasing.
- Carolina Caterpillar is an approved provider of Leeboy equipment.
- Leeboy equipment was competitively solicited by the City of Staples, Minnesota, and awarded a national contract through the National Joint Purchasing Alliance on May 27, 2010, for a five-year term.
- The National Joint Purchasing Alliance offers better pricing than is available in the market for vehicles of this type.

Explanation

- Asphalt pavers are used to apply asphalt in a uniform manner over a prepared roadway surface. Pavers create a smoother patch than traditional methods, providing longer lasting patches and improved road quality.
- The paver machine will be used to provide patches in areas where cuts in the roadway are necessitated by utility, roadway, and drainage system repairs.
- As part of the FY2013 Capital Equipment Replacement Plan, the asphalt paver is replacing a motor grader that is 24 years old and is scheduled for replacement due to its age, mileage, and overall condition.

Small Business Opportunity

Competitive group purchasing contracts are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Capital Equipment Fund

23. Transportation Metrolina External Travel Survey

Action: Approve a nine-month contract with ETC Institute for the Metrolina External Travel Survey in an amount up to \$390,300.

Staff Resource: Anna Gallup, Transportation

Explanation

- In May and August of 2010, City Council approved municipal agreements with the North Carolina Department of Transportation (NCDOT) and Charlotte's regional partners to reimburse the Charlotte Department of Transportation to maintain the Metrolina Regional Travel Demand Forecasting Model.
- An External Travel Survey is one of the approved funding tasks outlined in the municipal agreements.
- The 2013 External Household Travel Survey is required to maintain an up-to-date travel demand model required by the United States Department of Transportation to use for air quality conformity determinations, highway travel forecasts, and transit ridership forecasts.
- This survey will be used to update the external travel data collected in the 2003 survey.
- The City manages the contract for Charlotte's regional partners who include: NCDOT, South Carolina Department of Transportation, Rock Hill, Gastonia, Concord, and the Mecklenburg-Union Metropolitan Planning Organization (MUMPO). Charlotte's local share is in the amount up to \$8,357, representing the 20% local match for the item in MUMPO's FY2013 Unified Planning Work Programs.

Selection Process

- On behalf of the transportation planning partners, the City released a Request for Proposals (RFP) for consulting services in October 2012. The City received one proposal.
- The total contract amount is estimated at \$390,300.

Disadvantaged Business Opportunity

The contract is subject to the Federal DBE Program, which neither requires nor permits goals for every contract. The City must meet its DBE goal through a mix of

contract specific goals and race-neutral means. ETC Institute is certified by the State of North Carolina as a DBE.

Funding
MUMPO

24. Street Maintenance Mini-Excavators

Action: A. Approve the purchase of three mini-excavators as authorized by the North Carolina Department of Transportation (NCDOT) contract exception of G.S. 143-129(e)(9), and

B. Approve a contract with Carolina Caterpillar in the amount of \$251,904.

Staff Resource: Charles Jones, Transportation

State Contract Exception

- G.S. 143-129(e)(9) provides that formal bidding requirements do not apply when:
 - Purchases from contracts established by the state or any agency of the state, if the contractor is willing to extend to a political subdivision of the state the same or more favorable prices, terms, and conditions as established in the state contract.
- The NCDOT contract offers better pricing than is available in the market for vehicles of this type.

Explanation

- Mini-excavators are small, versatile machines used to dig out sidewalk, curb and gutter, and roadways for repair.
- These smaller machines allow work to be done in space-limited locations with less damage to the surrounding area than larger machines.
- Street Maintenance evaluated the use of mini-excavators for more than a year and has determined that these machines provide time and fuel savings for many concrete and storm water repair projects given their mobility and functionality on the jobsite as follows:
 - Mini-Excavators can be hauled to construction sites using smaller trucks than required to haul backhoes or larger excavators resulting in fuel and equipment savings.
 - The maneuverability of mini-excavators limits the amount of traffic control needed on the jobsite and reduces work stoppages to reposition larger equipment resulting in time savings.
- As part of the FY2013 Capital Equipment Replacement Plan, the mini-excavators are replacing three dump trucks that are more than 15 years old and are scheduled for replacement due to their age, mileage, and overall condition.
- Each excavator will cost \$83,968.

Small Business Opportunity

Contracts purchased off of a State contract are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Capital Equipment Fund

25. Railroad Agreement for Louise Avenue Storm Drainage Improvements

Action: Approve an agreement with CSX Transportation, Inc. in the amount of \$109,034 for inspection and flagging services.

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- Under this agreement, CSX representatives will perform various inspection and flagging tasks during the construction of a culvert under the existing railroad tracks at milepost 329.07 in connection with the Louise Avenue Storm Drainage Improvements Project.
- Louise Avenue Storm Drainage Improvements Project was identified as a storm water capital improvement project through the ranking process that involves analysis of customer drainage requests including complaints of structure and road flooding.
- Construction will include grading, storm drainage pipe, culverts and structures, curb and gutter, driveways, sidewalks, milling, resurfacing, and landscaping.
- The project area includes neighborhoods to the east of Independence Boulevard, north of The Plaza, south of Seigle Avenue, and west of Parkwood Avenue.
- The construction contract for this project is not part of the agreement and is anticipated to be awarded within the next six months.

Small Business Opportunity

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

Funding

Storm Water Capital Investment Plan

26. Highway 51 Median Landscaping

Action: Approve a low bid contract with Southern Shade Tree in the amount of \$110,432.03 for landscaping services.

Staff Resource: Quin Hall, Engineering & Property Management

Explanation

- The contract includes the replacement of trees, shrubs, and ground cover in 18 medians along a 5.7 mile section of Highway 51 between Bannington Road and Schooner Lane.
- The contract excludes the medians between Ridgeloach Place and Arboretum Drive, which are maintained by The Arboretum.
- Collectively, Landscape Management completes more than \$200,000 of landscape replacement work annually. Most of the projects are smaller in scope and fall below the Council-approved cost requirement. The cost of this contract is higher due to the size and mileage of the project.

- Criteria for renovation includes: plant condition, traffic volume/visibility, safety and sight issues, re-occurring damage, cost, plant availability, and project size.
- Installation is expected to be completed by March 2013.
- This project is funded with Pay-As-You-Go Capital.

Small Business Opportunity

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

Funding

General Capital Investment Plan

27. Watershed Restoration Projects Grants

- Action:**
- A. Approve a grant application for \$600,000 from the North Carolina Clean Water Management Trust Fund (NCCWMTF) to fund 39% of the construction cost of the Briar Creek-Chantilly Water Quality Enhancement project,**
 - B. Approve a grant application for \$300,000 from the NCCWMTF to fund 85% of the construction cost of the Ashley Pond Water Quality Enhancement project,**
 - C. Authorize the City Manager to accept the NCCWMTF grants, and**
 - D. Approve a budget ordinance appropriating up to \$900,000 in grant funds to the Storm Water Capital Investment Plan.**

Staff Resource: Daryl Hammock, Engineering & Property Management

Policy

- Pond projects are implemented in accordance with the City Council-approved Pond and Dam Rehabilitation Policy, aimed at protecting as many existing ponds as possible prior to removal by private development or structural failure, and to use these ponds as a highly cost effective tool to achieve water quality and flood control goals.

Explanation

- The State's Clean Water Management Trust Fund provides local municipalities assistance to fund watershed restoration projects prior to them being mandated.
- The grants will fund 39% (\$600,000) of the estimated \$1,540,000 construction cost for the Briar Creek-Chantilly project and 85% (\$300,000) of the estimated \$354,820 construction cost for the Ashley Pond project.
- Enhancing existing ponds is a cost-effective means of improving water quality, averaging only one-fifth the cost of creating new water quality measures that provide equivalent environmental benefit.
- Briar Creek-Chantilly includes a 2.5-acre pond, located in the vicinity of Briar Creek Road, that will provide storm water runoff treatment for approximately 93 acres of developed land, and a 0.45-acre wetland that will provide storm water treatment for about 43 acres of developed land.
- Briar Creek-Chantilly drains directly into Briar Creek, which is designated as impaired according to Clean Water Act standards.

- Briar Creek-Chantilly includes newly constructed stormwater control measures on the site of Mecklenburg County's Doral Apartments Flood Plain Buyout and will be designed to improve the quality of stormwater runoff from this area prior to discharging into Briar Creek.
- This enhancement project also includes stabilizing and restoring stream channels in Briar Creek and Edwards Branch.
- Ashley Pond is a one-acre pond in the Ashley Farm subdivision located in south Charlotte and provides stormwater runoff treatment for approximately 82.6 acres of developed land.
- Ashley Pond drains to Irvins Creek, a tributary of McAlpine Creek, which is designated as impaired according to Clean Water Act standards.
- The enhancements to Ashley Pond will improve the quality of water passing through the pond before it discharges into Irvins Creek.
- Improvements to Ashley Pond may include:
 - Reconstructing the dam embankment to improve stability and safety,
 - Installing new outlet structures to enhance the water quality benefits of the ponds, and
 - Erosion control measures.
- Council will be asked to approve the construction contract for Ashley Pond at a future meeting.
- The budget ordinance will appropriate \$900,000 in state funds to provide approximately 47% of the total estimated funding (\$1,894,820) required for construction of these projects.
- Matching funds are included in the Storm Water Services Capital Investment Plan.
- City Council will be asked to approve a partnering agreement with Mecklenburg County in early 2013 for the Briar Creek-Chantilly Project that will describe cost-sharing and reimbursement specifics for construction activities, an easement agreement, and maintenance responsibilities.

Funding

Storm Water Services Capital Investment Plan and the North Carolina Clean Water Management Trust Fund

Attachment 16

Budget Ordinance

28. Landscape Maintenance Services

Action: Approve the following landscape maintenance contracts in the total amount up to \$1,328,981.96 over a three-year term:

1. Napper Services, LLC, \$193,500
2. Roundtree Companies, LLC, \$144,450
3. Samson Grounds Management, LLC, \$123,300
4. Taylor's Landscaping Services, Inc., \$232,271
5. Taylor's Landscaping Services, Inc., \$249,549.59
6. Taylor's Landscaping Services, Inc., \$385,911.37

Staff Resource: Quin Hall, Engineering & Property Management

Explanation

- These contracts will provide continuous landscape maintenance services on City-owned properties for three years.
- Contracted work areas are established by similar work activities, service levels, and geography to encourage more competition and smaller contractors to do this work.
- Three separate Requests for Proposals for the various work areas were advertised in October 2012: 1) City-owned facilities located in the east district, 2) City-owned cemeteries, and 3) City-owned properties along the CATS South Corridor Light Rail Transit, for a total of six contracts. Firms were able to submit proposals for any or all of the contracts being advertised.
- Firms were selected based on criteria that included capability to perform, past performance, and pricing using the Council-approved selection process.

Napper Services, LLC, \$193,500

- This contract includes mowing, edging, cleanup of grass clippings, minor tree pruning, minor shrub pruning, insect/disease/weed control, leaves/trash/debris removal and mulching for West Elmwood Cemetery.

Roundtree Companies, LLC, \$144,450

- This contract includes mowing, edging, cleanup of grass clippings, minor tree pruning, minor shrub pruning, insect/disease/weed control, leaves/trash/debris removal and mulching for East Elmwood Cemetery.

Samson Grounds Management, LLC, \$123,300

- This contract includes mowing, edging, cleanup of grass clippings, minor tree pruning, minor shrub pruning, insect/disease/weed control, leaves/trash/debris removal and mulching for Evergreen Cemetery.

Taylor's Landscaping Services, Inc., \$232,271

- This contract includes turf maintenance, shrub maintenance, groundcover maintenance, perennial maintenance, trash and debris removal, storm debris pickup, limited tree maintenance, snow and ice removal, and stormwater BMP maintenance for 13 facilities including the Belmont Center, Central Avenue Parking Lot, Charlotte Department of Transportation Street Maintenance Division (Orr Road), Fleet Management- Louise Avenue Facility, Fire Equipment Warehouse, Fire Prevention Bureau, Solid Waste Services Administration Office, Solid Waste Services Employee Parking Lots, Fleet Management Light Vehicle Facility, Charlotte-Mecklenburg Police Department – Providence Division, Solid

Waste Services –Truck Washing Station, Solid Waste Services–Sanitation Truck Parking Lot, and Solid Waste Services–Special Services Holding Lots.

Taylor’s Landscaping Services, Inc., \$249,549.59

- This contract includes turf maintenance, landscape maintenance and irrigation operation at CATS Light Rail Transit System Safety training, and managed vegetative areas ground maintenance for CATS South Corridor Light Rail Transit (north).

Taylor’s Landscaping Services, Inc., \$385,911.37

- This contract includes turf maintenance, landscape maintenance, snow and ice removal, and irrigation operation at CATS Light Rail Transit System Safety training, stormwater BMP maintenance and repair, and MVA ground maintenance for CATS South Corridor Light Rail Transit (south).

Small Business Opportunity

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

The SBO Office, in partnership with Engineering & Property Management, hosted an outreach session for landscaping SBEs to inform them of the bid opportunities and encourage SBE participation as Primes. As a result, all of the firms being awarded are certified SBE firms with the City of Charlotte (Roundtree Companies, LLC, Napper Services, LLC, Samson Grounds Management, LLC, and Taylor’s Landscaping Service Inc.).

Funding

Engineering & Property Management Operating Budget

29. Utility Pump Parts Replacement

Action: Approve a unit price contract with Pete Duty & Associates, Inc. for the purchase of Allis Chalmers Pump Parts for a three-year term.

Staff Resource: Barry Gullet, Utility

Explanation

- The Charlotte-Mecklenburg Utility Department (CMUD) operates 79 Sewage Lift Stations throughout the County. These stations move sewage through the wastewater collection system using pumps and various manufacturers, which were chosen because of design conditions when the stations were built.
- CMUD currently owns 10 Allis Chalmers pump units located at the three largest Regional Lift Stations.
- Over time, parts and accessories will wear down on these pump units due to normal wear and/or damage.
- The pumps need to be repaired in a timely fashion to help reduce the chance of a station failing and causing a sewage spill.
- The contract will allow CMUD to acquire the needed replacement parts in a timely and cost effective manner.
- An Invitation to Bid was issued in November 2012. Pete Duty & Associates, Inc. was the only bid received.

- The annual expenditure is anticipated to total \$150,000. Price adjustments will be annual based on the Producer Price Index for finished goods.

Small Business Opportunity

No SBE goals are established for purchases of goods & equipment (Section 18 of the SBO Policy).

Funding

Utility Capital Investment Plan

30. Franklin Water Treatment Plant Reservoir Change Order #1

Action: Approve change order #1 in the amount of \$405,000 to Thalle Construction for the Franklin Water Treatment Plant Reservoir Expansion Contract.

Staff Resource: Barry Shearin, Utility

Explanation

- In July 2009, City Council awarded the Franklin Water Treatment Plant Reservoir Expansion contract to Thalle Construction for \$18,717,000.
- The contract was for the expansion of two existing smaller water reservoirs (ponds) into a single larger reservoir to increase the amount of lake water the plant can store onsite.
- While under contract, a substantial volume of unsuitable soil was encountered during the excavation of the reservoir floor, which required additional work by Thalle to construct the new reservoir embankment and floor.
- Construction of the reservoir also consumed a significant volume of the onsite soil Thalle had planned to use in other portions of the project. Additional work was required to acquire adequate soil levels in order to be correctly compacted. The project was satisfactorily completed.
- Utility staff has been evaluating both the impact of the additional work caused to the project and the value of those impacts.
- Change order #1 will increase the contract amount by \$405,000 to cover the cost of the additional work. The revised total value of the contract will be \$19,122,000.
- The project will be completed under the project budget.

Small Business Opportunity

All additional work for this change order will be performed by Thalle Construction and their existing subcontractors (Part D: Section 6 of the SBO Policy).

Funding

Utility Capital Investment Plan

31. Airport Advertising Revenue Agreement

Action: Approve a one-year advertising agreement, to receive revenue in the amount of \$129,456, with Airport Marketing Income (AMI).

Staff Resource: Jerry Orr, Aviation

Explanation

- AMI will pay the Airport for the right to display advertising in five diorama displays, one on each concourse, in the Terminal building.
- AMI represents Verizon, the advertising client.
- The Airport operates the advertising program in the Terminal building through a partnership with the Charlotte Regional Visitors Authority.
- The agreement is from January 1, 2013 through December 31, 2013.

32. Airport Display Maintenance Contract Extension

Action: Approve a one-year contract extension with Signature Technologies, Inc. d/b/a ComNet in the amount of \$162,399 for maintenance of the Airport's Flight Information Display System.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport uses monitors throughout the Terminal to communicate information to passengers and Airport personnel. These monitors include Flight Information Displays, Baggage Information Displays, and Ramp Information Displays.
- Since 2003, the Airport has held contracts with Signature Technologies, Inc. d/b/a ComNet, to provide proprietary parts and maintenance for these displays.
- The contract extension will provide the proprietary parts and maintenance service on the 753 devices for a period of one year at a cost of \$162,399.
- Over the next year, the Airport has considerable construction plans which will expand the scope of the contract with the addition of more displays.

Small Business Opportunity

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

Funding

Aviation Operating Budget

33. Airport Conveyor and Passenger Loading Bridge Parts

- Action:**
- A. Approve a three-year, low-bid contract with Kaman Industrial Technologies Corporation for conveyor systems and passenger loading bridges equipment and repair parts, 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: Jerry Orr, Aviation

Explanation

- The Airport owns and maintains 58 passenger loading bridges and over 1.5 miles of conveyor systems.
- This contract will acquire replacement parts for the maintenance and repair of the Airport's bridges and conveyor systems.
- The Invitation to Bid included a standard list of often ordered parts. Each bidder submitted their price for these parts in quantities of one. The lowest total bundle was awarded the contract.
- The annual estimated expenditure is \$100,000.

Small Business Opportunity

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

Funding

Aviation Operating Budget

34. AT&T Telecommunications Services Agreement

- Action:** Approve a one year extension to the unit price contract with AT&T North Carolina for the continued provision of voice and data telecommunications services.

Staff Resource: Charles Robinson, Shared Services

Explanation

- The City of Charlotte and Mecklenburg County entered into a joint contract with BellSouth (now AT&T) for a broad range of voice and data communication services in the summer of 2000. In December 2006, the contract was extended through December 2013.
- AT&T provides telephone service for most City employees through the Centrex system and data connectivity to most City of Charlotte facilities.
- Shared Services and the Office of the Chief Information Officer are currently evaluating the replacement of the Centrex telephone system with a Voice over Internet Protocol system and are examining options for data services.
- It is unlikely that a migration of voice and/or data services on a citywide basis could be completed by the end of the current AT&T contract term, and therefore this extension is required to maintain continuity of telephone and data services.

- This extension allows the City of Charlotte to continue purchasing voice and data services from AT&T through December 2014, providing sufficient time for the implementation of updated voice and data infrastructure.
- In addition, the City will maintain the ability to migrate users and services from the existing contract as either the new infrastructure becomes available, or as they become obsolete.
- The subject contract with AT&T is a City of Charlotte and Mecklenburg County contract, and the extension is dependent on a similar action by Mecklenburg County.
- The City and County share the costs of these services based on each individual entity's usage.
- The existing contract has a seven-year term. The action will extend the contract by one additional year with an estimated annual expenditure of \$3,304,000.

Small Business Opportunity

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

Funding

Various Departments' Operating Budgets

35. Printer Cartridges Contract

Action:

- A. Award the low-bid unit price contract to SunBelt Office Suppliers, Inc. for the purchase of new and remanufactured printer cartridges for the term of two years, and**
- B. Authorize the City Manager to extend the contracts for three additional, one-year terms with possible price adjustments as authorized by the contract.**

Staff Resource: Charles Robinson, Shared Services

Explanation

- Shared Services/Procurement Management issued an Invitation to Bid (ITB) to provide new and remanufactured ink/laser printer cartridges for facsimile machines and desktop printers to the City of Charlotte and on behalf of the Charlotte Cooperative Purchasing Alliance (CCPA).
- The ITB included 401 original equipment manufacturer (OEM) printer cartridges that have been purchased by the City or other participating public agencies within the past year. Bidders were asked to identify alternative remanufactured cartridges for all OEM items that are environmentally preferred, sustainably produced, and cost less than the OEM product. City departments are encouraged to purchase remanufactured printer cartridges when feasible per the City Environmental Policy.
- Departments and participating public agencies may elect to order OEM or an alternate remanufactured printer cartridge as needed without guaranteed quantities.
- Two responsive bids and four non-responsive bids were received in response to the ITB.
- SunBelt Office Suppliers, Inc. was determined to be the lowest responsive bidder meeting all requirements including, but not limited to price, quality, performance, qualifications and experience, delivery, workmanship, ability to provide Products and Services to all potential participating public agencies, collection and recycling

programs offered, on-line ordering, reporting, administrative fees, incentives, and any applicable environmentally preferable attributes.

- The annual expenditure is estimated to be a total of \$200,000.

Background

- The CCPA is a cooperative purchasing program established by Shared Services/Procurement Management with the specific purpose of reducing procurement costs by leveraging aggregate purchasing volume to receive better pricing.
- CCPA contracts are available for the use and to the benefit of all entities that must comply with state purchasing laws (cities, counties, public and private schools, colleges and universities, non-profits, and all governmental entities). The City of Greenville, City of High Point, Greenville Utilities, Mecklenburg County, New Hanover County, and Town of Southern Pines have expressed interest in using the contracts.
- SunBelt Office Suppliers, Inc. offers proactive approaches to addressing the City's environmental initiatives. For example, the City of Charlotte and Mecklenburg County's FY2012 purchases from SunBelt Office Suppliers, Inc. resulted in the following:
 - A total of 4,469 recycled printer cartridges;
 - Avoidance of 26,814 pounds of plastic in our landfills; and
 - Production of 3,352 pounds of recycled cardboard into post-consumer products.

Small Business Opportunity

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

Funding

Various Departments' Operating Budgets

36. Property and Business Privilege License Taxes

Action: **A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$37.09, and**

B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$1,800.85.

Staff Resource: Teresa Smith, Finance

Explanation

- Property tax refunds are provided to the City by Mecklenburg County due to clerical or assessor error or as a result of appeals.
- Business privilege license refunds are provided to the City by Mecklenburg County.

Attachment 17

Resolutions
List of Refunds

37. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Field Observation:

- A. 624 I&J Billingsley Road (Neighborhood Statistical Area 60 – Wendover/Sedgewood Neighborhood)
- B. 2801 McCombs Street (Neighborhood Statistical Area 7 – Reid Park Neighborhood)

Field Observation:

A. 624 I&J Billingsley Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 624 I&J Billingsley Road (Neighborhood Statistical Area 60 – Wendover/Sedgewood Neighborhood).

Attachment 18

B. 2801 McCombs Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2801 McCombs Street (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

Attachment 19

PROPERTY ITEMS

38. Property Transactions

Action: Approve the following property transaction(s) (A-M) and adopt the condemnation resolution(s) (N-P).

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

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
 - Sending introductory letters via regular and certified mail
 - Making several site visits
 - Leaving door hangers and business cards
 - Seeking information from neighbors
 - Searching the internet
 - Obtaining title abstracts
 - Leaving voice messages
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If 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:** Beatties Ford Road Widening Phase 4, Parcel # 55
Owner(s): Currin Patterson Partners 1031 II, LLC
Property Address: 5021 Beatties Ford Road
Property to be acquired: 4,214 sq. ft. (.097 ac.) in Fee Simple, plus 5,027 sq. ft. (.115 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: B-1
Use: Commercial
Tax Code: 039-291-28
Total Parcel Tax Value: \$80,000
Purchase Price: \$65,000

- B. Project:** Blenheim Storm Drainage Improvement Project, Parcel # 5
Owner(s): Isiah Winchester and Wife, Virginia M. Winchester
Property Address: 4109 Blenheim Road
Property to be acquired: 11,233 sq. ft. (.258 ac.) in Fee Simple **(TOTAL TAKE)**
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-022-03
Total Parcel Tax Value: \$61,800
Purchase Price: \$61,900
- C. Project:** Blenheim Storm Drainage Improvement Project, Parcel # 9
Owner(s): Antonio Montgomery and Geneva Cecil Montgomery
Property Address: 4125 Blenheim Road
Property to be acquired: 10,003 sq. ft. (.23 ac.) in Fee Simple **(TOTAL TAKE)**
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-022-07
Total Parcel Tax Value: \$63,700
Purchase Price: \$61,850
- D. Project:** Blenheim Storm Drainage Improvement Project, Parcel # 17
Owner(s): Richard Stikeleather
Property Address: 4112 Blenheim Road
Property to be acquired: 9,780 sq. ft. (.225 ac.) in Fee Simple **(TOTAL TAKE)**
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-021-41
Total Parcel Tax Value: \$56,600
Purchase Price: \$52,250
- E. Project:** Blenheim Storm Drainage Improvement Project, Parcel # 19
Owner(s): Rhonda Michelle Washington and Tameka La'Faye Washington
Property Address: 430 Garfield Street
Property to be acquired: 17,516 sq. ft. (.402 ac.) in Fee Simple **(TOTAL TAKE)**
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-114-36
Total Parcel Tax Value: \$63,300
Purchase Price: \$57,750

- F. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 16
Owner(s): William N. Harris and Wife, Georgene L. Harris
Property Address: 1431 Scotland Avenue
Property to be acquired: 4,129 sq. ft. (.095 ac.) in Storm Drainage Easement, plus 3,419 sq. ft. (.078 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-123-30
Total Parcel Tax Value: \$700,600
Purchase Price: \$151,350
- G. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 17
Owner(s): Raleigh A. Shoemaker and Wife, Kathryn L. Shoemaker
Property Address: 1425 Scotland Avenue
Property to be acquired: 4,152 sq. ft. (.095 ac.) in Storm Drainage Easement, plus 74 sq. ft. (.002 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-123-31
Total Parcel Tax Value: \$674,900
Purchase Price: \$203,850
- H. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 19
Owner(s): Kurt E. Lindquist, II and Wife, Sherry C. Lindquist
Property Address: 919 Colville Road
Property to be acquired: 2,080 sq. ft. (.048 ac.) in Storm Drainage Easement, plus 450 sq. ft. (.010 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: 2 Large Screening Trees
20 Small Screening Trees
10 Large Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-123-33
Total Parcel Tax Value: \$957,100
Purchase Price: \$37,075
- I. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 30
Owner(s): Joseph E. Foster and Wife, Kristin M. Foster
Property Address: 1101 Bolling Road
Property to be acquired: 1,455 sq. ft. (.033 ac.) in Storm Drainage Easement, plus 20 sq. ft. (ac.) in Sanitary Sewer Easement, plus 963 sq. ft. (.022 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: R-3
Use: Single Family Residential

Tax Code: 155-101-44
Total Parcel Tax Value: \$1,271,600
Purchase Price: \$64,219

- J. Project:** Gaynor Storm Drainage Improvement Project, Parcel # 14
Owner(s): Robert J. Brietz and Wife, Jane C. Brietz
Property Address: 808 Queen Charlotte's Court
Property to be acquired: 2,558 sq. ft. (.059 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 157-134-10
Total Parcel Tax Value: \$356,300
Purchase Price: \$36,275
- K. Project:** Gaynor Storm Drainage Improvement Project, Parcel # 42
Owner(s): Tina C. Overcash
Property Address: 447 Hunter Lane
Property to be acquired: 2,100 sq. ft. (.048 ac.) in Sanitary Sewer Easement, plus 1,001 sq. ft. (.023 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-3
Use: Single Family Residential
Tax Code: 185-071-31
Total Parcel Tax Value: \$289,200
Purchase Price: \$18,975
- L. Project:** Park Road Pedestrian Crossing Sidewalk, Parcel # 5
Owner(s): Park Road Office, LLC
Property Address: 4108 Park Road
Property to be acquired: 1,939 sq. ft. (.045 ac.) in Sidewalk and Utility Easement, plus 2,344 sq. ft. (.054 ac.) in Temporary Construction Easement
Improvements: 2 Signs
Landscaping: None
Zoned: O-2
Use: Office
Tax Code: 149-204-16
Total Parcel Tax Value: \$2,600,600
Purchase Price: \$43,675
- M. Project:** Airport Master Plan Land Acquisition
Owner(s): Matlock Family Trust
Property Address: Wilkinson Boulevard
Property to be acquired: .77 acres
Improvements: vacant land
Purchase Price: \$196,000
Remarks: The purchase price was determined by two independent appraisals and was reviewed by a third 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: I-2 Use: vacant land

Tax Code: 061-262-06

Tax Value: \$67,000

Condemnations

- N. Project:** Blue Line Extension, Parcel # 3151
Owner(s): Allstates Construction Company, Inc. And Any Other Parties Of Interest
Property Address: 8011 North Tryon Street
Property to be acquired: 2,902 sq. ft. (.067 ac.) in Fee Simple, plus 5,248 sq. ft. (.12 ac.) in Temporary Construction Easement, plus 264 sq. ft. (.006 ac.) in Utility Easement
Improvements: Commercial Building
Landscaping: Planter
Zoned: O-2
Use: Office
Tax Code: 047-451-18
Total Parcel Tax Value: \$441,800
Appraised Value: \$152,350
Property Owner's Counteroffer: \$340,000
Reason For Condemnation: Staff began working with the property owner in May 2012 and has yet to reach an agreement regarding the acquisition. The property is an adult entertainment business and the property owner and tenant believe the property is being targeted for acquisition in order to put them out of business. Staff has explained the project's need for acquisition areas on multiple occasions. However, the property owner doesn't agree. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- O. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 29
Owner(s): Larry L. Martin, Jr. and Wife, Jill Best Martin And Any Other Parties Of Interest
Property Address: 1111 Bolling Road
Property to be acquired: 2,533 sq. ft. (.058 ac.) in Storm Drainage Easement, plus 57 sq. ft. (.001 ac.) in Sanitary Sewer Easement, plus 964 sq. ft. (.022 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-101-45
Total Parcel Tax Value: \$536,900
Appraised Value: \$122,075
Property Owner's Counteroffer: \$148,582
Reason For Condemnation: Staff began working with the property owners in February 2012 and has yet to reach an agreement regarding the acquisition and the appraisal amount. The property owners feel this project will create drainage issues on their property and the appraised value is too low. Staff has explained and met with the property owners on multiple occasions to

explain the project and the appraisal process. Staff has also agreed to several special provisions per the property owners' request. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- P. Project:** City Boulevard Extension- Phase I and III, Parcel # 10, 16, 17 and 58
Owner(s): Trustees Of The Sikh Heritage Society Of Greater Charlotte And Any Other Parties Of Interest
Property Address: 6518 Rumble Road, Rumble Road and 1760 Stoney Creek Lane
Property to be acquired: 141,558 sq. ft. (3.25 ac.) in Fee Simple, plus 15,707 sq. ft. (.361 ac.) in Storm Drainage Easement, plus 18,700 sq. ft. (.429 ac.) in Slope Easement, plus 42,824 sq. ft. (.983 ac.) in Temporary Construction Easement
Improvements: Partially constructed pole barn
Landscaping: None
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 047-471-06, 047-281-96, 047-471-07 and 047-311-50
Total Parcel Tax Value: \$2,185,000
Appraised Value: \$94,450
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owners in February 2011 and has yet to reach an agreement regarding the appraisal amount. The property owner feels the appraisal amount is too low. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

Reference

Small Business Opportunity Program Policy Reference

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

Part A: Administration & Enforcement

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

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

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

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

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

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

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

23.5. Federal Contracts Subject to DBE Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise

Program as set forth in 49 CFR Part 26 or any successor legislation shall be Exempt Contracts.

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

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

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

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

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

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

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

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

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

Part B: Formal Construction Bidding

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

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

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

Part C: Services Procurement

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

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

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

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

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

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