

**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 23, 2012**

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

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**CITY COUNCIL AGENDA  
Monday, January 23, 2012**

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

### 1. Update on City Code Amendments

**Resource:** Bob Hagemann, City Attorney

**Time:** 15 minutes

**Synopsis**

- After the January 9 public hearing, staff made revisions to the proposed amendments to the City Code. Staff will present the revisions during the dinner meeting and also during the business meeting.

**Future Action**

The City Code Amendments are item 7, page 4 of this agenda.

### 2. Charlotte Liberty Walk

**Community Resources:** Tony Zeiss, Central Piedmont Community College  
Scott Syfert, Moore & Van Allen

**Staff Resources:** Ron Kimble, City Manager's Office  
Liz Babson, Charlotte Department of Transportation

**Time:** 30 minutes

**Synopsis**

- The Charlotte Liberty Walk (CLW) is a project being advocated and shepherded by the non-profit, May 20<sup>th</sup> Society, in partnership with other public and private partners.
- It consists of the following:
  - The CLW will be a 3/4 mile walking loop in the Center City to promote Revolutionary War historical places and events along the walking route.
  - The loop utilizes Tryon, Church, Fifth and College Streets with 12 existing and three new historical markers at 15 historic sites, together with new sidewalk pavement markers every 30 feet to denote the walking route.
  - The total cost of the loop is estimated to be \$130,000, with partnership shares contributed from the private sector, the Arts & Science Council, Center City Partners, and hotel/motel tax dollars from the City.
  - The goal is to have the CLW officially announced on May 20, 2012, and installed and operational by July, 2012.

**Future Action**

- This item, if determined to be ready by City Council, will be scheduled for action on the February 13, 2012 City Council agenda.

**Attachment 1**

Proposed Walking Route Map

### **3. Economic Impact Study of Sports in the Charlotte Region**

**Resources:** Jeff Beaver, Executive Director  
Charlotte Regional Sports Commission

John Connaughton, Professor of Economics  
Belk College of Business, UNC Charlotte

**Time:** 20 minutes

#### **Synopsis**

- In 2011, the Charlotte Regional Sports Commission commissioned a study of the Economic Impact of Sports in the Charlotte Region.
- That effort consists of the following:
  - A collaboration of several public, nonprofit, and private partners to accomplish the Study
  - The Study is nearing completion, and will be ready for dissemination within the next few weeks.
  - This presentation will detail the process that has been followed, and the information that will be detailed in the Final Report.
  - The Report will be useful in guiding future discussion, evaluation and recommendations regarding opportunities in sports and sports related activities.

#### **Future Action**

- Staff recommends referral of this Report to the Economic Development Committee for evaluation and follow-up.

**6:30 P.M. CITIZENS' FORUM  
MEETING CHAMBER**

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

**4. National Mentoring Month Recognition**

**Action:** Mayor Foxx will present proclamation to Lotticia M. Mack, Senior Program Director of High School Initiatives, YMCA of Greater Charlotte, recognizing January as National Mentoring Month, which is an opportunity to raise public awareness of the importance of mentoring, to recognize the dedicated individuals who serve as mentors, and to encourage more citizens to build a brighter future for Charlotte's youth through mentoring.

**CONSENT**

**5. Consent agenda items 15 through 37 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

## POLICY

### 6. City Manager's Report

### 7. City Code Amendments

**Action:**

- A. Adopt an Ordinance amending Chapter 15 of the City Code (no camping on City property and other prohibited conduct),**
- B. Adopt an Ordinance amending Chapter 15 of the City Code (Extraordinary Events), and**
- C. Adopt an Ordinance amending Chapter 19 of the City Code (technical changes to the Picketing and Public Assembly Ordinances).**

**Staff Resources:** Harold Medlock, Police  
 Mark Newbold, Attorney's Office  
 Bob Hagemann, City Attorney

#### Explanation

- After Charlotte was awarded the 2012 Democratic National Convention, the Charlotte-Mecklenburg Police Department, the Police Attorney's Office, and the City Attorney's Office began reviewing the Charlotte City Code and researching other cities' regulations pertaining to large scale events.
- Based upon this review and research, staff prepared a number of proposed amendments intended to give CMPD and the City Manager additional tools intended to assist in maintaining public order and the safety of citizens and the community while at the same time respecting and protecting citizens' First Amendment rights.
- The draft ordinances were presented to the Mayor and City Council at the Council's January 3, 2012 workshop.
- Following the workshop presentation, the Council requested a public hearing on the proposed amendments.
- On January 9, 2012, the Council held a public hearing on the proposed ordinances.
- In consideration of comments made at the public hearing, staff has modified the proposal as described in the following sections.

#### Original Proposed Amendments

Following is a description of the original proposed amendments:

##### Chapter 2

- Authorizes the City Manager to:
  - o Designate events in the City of international or national significance as an Extraordinary Event
  - o Establish the time period and location of the Extraordinary Event
  - o Establish deadlines for specified permit applications and a content-neutral process for issuing permits

Chapter 15

- Prohibits camping on City property
- Prohibits obstruction devices (e.g., "lock boxes", "sleeping dragons", tripods) in the right of way
- Prohibits the possession and dispersal of "noxious substances" to interfere with a lawful assembly or emergency services
- Authorizes CMPD to establish police lines and barricades
- Prohibits bonfires in the right of way or on public property
- Prohibits unauthorized attachments to public and private property

Chapter 19

- Makes technical changes to public assembly and picketing ordinances
- Prohibits certain dangerous conduct at a public assembly or picket
- Prohibits the possession of specified dangerous items at a public assembly or picket

**Revised Proposed Amendments**

Changes to the original proposals are as follows:

Chapter 2 (eliminated)

- The Extraordinary Event mechanism has been moved from Chapter 2 to Chapter 15 and has been coupled with the prohibition on certain dangerous conduct and possession of specified dangerous items as further described below.

Chapter 15 (no camping on City property and other prohibited conduct)

- The only change to these provisions is the addition of language in the definition of "camping" that makes it clear that tents and temporary shelters on City property are prohibited only when erected for living accommodation purposes.

Chapter 15 (Extraordinary Events)

- This new ordinance takes the Extraordinary Events concept previously included in the proposed Chapter 2 ordinance and couples it with the prohibition on certain dangerous conduct and possession of specified dangerous items at a public assembly or picket.
- The primary effect of these change is that the regulations would be triggered only at and upon declaration of an Extraordinary Event rather than at any public assembly or picket .
- The prohibition on possession of an obstruction object or instrument has been removed since it is redundant of provisions proposed in the other Chapter 15 (no camping, etc.) ordinance.
- Finally, but significantly, a defense to prosecution provision has been added that protects a person charged if:
  - o The person was engaged in, or on the way to or from, an activity in which he or she legitimately used the device or object ; and
  - o The person possessed that object for that legitimate use; and
  - o The person did not use or attempt to use the object as a weapon or to injure another person or damage property

Chapter 19

- With the removal of the prohibition on dangerous conduct and possession of dangerous items provisions to Chapter 15, the remaining provisions are technical in nature.

**Attachment 2**

Ordinance Amending Chapter 15 of the City Code (no camping, etc.)

Ordinance Amending Chapter 15 of the City Code (Extraordinary Events)

Ordinance Amending Chapter 19 of the City Code (technical amendments)

## BUSINESS

### 8. Multifamily Solid Waste Collection Service Options

**Action:** Authorize the City Manager to execute contracts with solid waste haulers for reimbursement of supplemental waste landfill disposal fees if the City is not able to obtain a stay of a December 14, 2011 Judgment against the City by February 2, 2012.

**Staff Resources:** Victoria Johnson, Solid Waste Services  
Thomas Powers III, City Attorney's Office

#### Background

- At the January 3, 2012 Council Workshop, staff briefed Council on this topic.
- Through a contractor, the City provides garbage, recycling and bulky item collection service to multifamily communities having 30 or more residential units and to designated public facilities such as City fire stations and other City sites.
- As part of the FY2006 budget process, Council adopted a change in collection frequency for multifamily communities, from twice to once a week (or 50%).
- Multi-family communities had the choice of making up for the reduced City service by independently contracting with solid waste haulers for supplemental service.
- At the time of the frequency reduction, the Charlotte Apartment Association expressed to the City their concerns about unstable supplemental collection rates that could be charged by various waste haulers and also the requirement to pay for supplemental waste disposal.
- To be responsive to these concerns, the City agreed to pay landfill disposal fees for supplemental collections for those complexes that contracted with the City's contractor. The City's contractor (now Republic) agreed to charge the various complexes uniform supplemental collection rates, use dedicated vehicles, and be subject to City monitoring.
- The City also decided to not pay landfill disposal charges for any supplemental collections by solid waste haulers other than Republic because the City did not have the ability to sufficiently monitor the waste collection activities of all waste haulers (currently 20 or more) licensed to operate within the City.
- Currently, 740 multifamily complexes receive primary collection through the City's contract with Republic. Approximately 300 of those complexes have chosen to receive supplemental collection service from Republic. In 2011, the City paid \$497,823 in landfill disposal fees for the supplemental collections.

#### Litigation

- In 2011, *Cedar Greene, LLC and O'Leary Group Waste Systems* filed a lawsuit claiming that paying landfill disposal fees for the City's primary collection contractor but not offering to do so for other haulers was discriminatory.
- In December 2011, a Superior Court Judge ruled that the City's practice was discriminatory and in violation of State law, and ordered the City to begin reimbursing supplemental waste landfill disposal fees for all service providers that meet City requirements beginning on February 2, 2012.
- Because the City Attorney's Office does not believe that the judge has the authority to determine the precise manner in which the City must eliminate the

discriminatory conduct (e.g., eliminating supplemental collection completely would also not be discriminatory), and due to the expense and logistical difficulty in monitoring potentially many haulers, the City Attorney's Office has filed a notice of appeal and is seeking a stay from the order directing the City to offer to reimburse other haulers.

**Recommendation**

- In the event that a stay is denied or cannot be obtained by February 2, the City will be under a court order to offer to pay the landfill disposal fees for other haulers. This action would authorize the City Manager to enter into contracts to do so.
- The initial budgetary impact of having multiple contracts will be the added expense from expanded staff monitoring of waste haulers' collection activities. Also, supplemental waste disposal fees could increase beyond the \$497,823 paid in 2011 if there is a significant increase in demand by complexes for supplemental waste collection.
- For the remainder of FY2012, expenses generated by compliance with the Judgment will be managed within the current Solid Waste Services Operating Budget. Estimated cost for remainder of FY2012 is \$80,000 for contract monitoring, including personnel and operating expenses.
- Estimated annual recurring costs for monitoring multiple supplemental contracts are \$190,000. This amount does not include the potential increase to disposal fees. Staff will evaluate long-term options available under the court order.
- Even if not successful in obtaining a stay, the City Attorney's Office will press forward with the appeal to give the City flexibility to change collection policy if desired.
- If a stay is obtained, the City will continue under the current arrangement with Republic, and staff will evaluate long-term options for multi-family collections during the FY2013 budget process.

**Funding**

Solid Waste Services Operating Budget

## 9. Briar Creek Relief Sewer Phase II Construction

**Action: Award the low bid contract of \$17,634,280 to Oscar Renda Contracting, Inc. for construction of the Briar Creek Relief Sewer Phase II.**

**Staff Resource:** Barry Shearin, Utilities

### Project Description

- The Briar Creek Relief Sewer Project extends from the Sugar Creek Wastewater Treatment Plant to The Plaza, and is being designed and constructed in phases. This relief sewer in some locations replaces and in other locations parallels existing sewer pipes that are more than 50 years old.
- Construction on Phase I of the project from Sugar Creek Treatment Plant up to Randolph Road is complete.
- This phase involves the construction of approximately 16,000 linear feet of relief sewer, extending from the end of Phase I at Randolph Road to Country Club Road near the Plaza-Midwood area.
- Construction is scheduled to be completed by mid-January 2014.
- The bids ranged from \$17.6 million to \$26.9 million. The second lowest bid was \$3.9 million more than the low bid.

### Explanation

- At the January 9 Business Meeting, City Council had several SBE related questions on the item and voted to defer action until the January 23<sup>rd</sup> Business Meeting. This was to allow staff time answer questions and work with Oscar Renda on identifying additional SBE participation.
- Since that time staff has been working with Oscar Renda to identify additional SBE subcontractors for the project. To date, no additional SBE subcontractors have been enlisted by Oscar Renda.

### Small Business Opportunity

Established SBE Goal: 4 %

Committed SBE Goal: 2.59%

- At the time of bid, Oscar Renda Contracting failed to meet the established goal, but earned the required number of Good Faith Effort Points (Part B: Section 2.1 of the SBO Policy) (see attachments).
- In their bid, they committed 2.59% (\$456,079) of the total contract amount to the follow SBE firms:
 

D's Trucking, (hauling)	\$260,000
P&TL, Inc. (erosion control)	\$55,000
Abram Construction (concrete sidewalk & curb)	\$141,079
- Subsequent to bid opening, Oscar Renda Contracting committed an additional \$37,050 to Surveying & Mapping Control, Inc. (surveying) increasing the overall SBE utilization to 2.80% for a total of \$493,129.

### Funding

Utilities Capital Investment Plan

### Attachment 3

Good Faith Efforts Summary

**Attachment 8**

SBO Policy Reference

**10. Purchase Agreement Amendment with Carolina Water Service, Inc./Bradfield Farms Water Company**

- Action:**
- A. Approve contract amendments with Carolina Water Service, Inc./Bradfield Farms Water Company to increase the purchase price for water and sewer systems in Mecklenburg and Cabarrus Counties by \$925,000, and**
  - B. Approve contract amendment with Carolina Water Service, Inc./Bradfield Farms Water Company for the purchase of the Woodbury sewer system to acknowledge that sewer capacity fees previously paid to Bradfield Farms Water Company are credited to the Woodbury Subdivision owner in lieu of payment of future sewer capacity fees.**

**Staff Resource:** Barry Gullet, Utilities**2009 and 2011 Hood Road/Camp Stewart Annexations**

- Annexation law and City policy require Utilities to provide basic water and sewer service to all annexed property which consists of a fire hydrant within 750 feet of each residence and sewer trunks to all public streets.
- When an annexed area is served by an existing private water and/or sewer system, either a new system is constructed or the system may be purchased to meet the annexation requirements. If the existing system basically meets the size and quality standards of the City, purchasing is typically more cost effective for the City and the residents.
- The 2009 and 2011 Hood Road/Camp Stewart Annexation Areas contain several private water and sewer systems serving existing subdivisions. These systems are owned by Carolina Water Service, Inc./Bradfield Farms Water Company (owned by the same parent company as Carolina Water Service), and Aqua, Inc.
- Carolina Water Service owns systems within the approved 2011 Annexation area as well as other systems in Mecklenburg and Cabarrus County which were included in the purchase agreements in order to improve per account cost of the purchase.
- These systems include a total of 3,198 water accounts and 4,608 sewer accounts in the following categories:
  - Annexation Areas (2009 & 2011)
    - o Water 2,280
    - o Sewer 3,119
  - Non-annexation Areas (Mecklenburg)
    - o Water 196
    - o Sewer 678
  - Cabarrus County
    - o Water 722
    - o Sewer 811
- The Cabarrus County portions will be purchased by the Town of Harrisburg for \$5.95 million per a previously approved agreement by Harrisburg and the City.

- On February 28, 2011, City Council approved contracts for the purchase of the Carolina Water Service/Bradfield Farms Water Company systems for \$26,100,000 and the Aqua North Carolina systems for \$4,167,500.
- In order to acquire a private water and/or sewer system, the purchase must also be approved by the North Carolina Utilities Commission, which regulates these systems.

#### **Utilities Commission Action**

- The Utilities Commission's policy for many years has been to support the sale of the private systems to public systems and that the private system owners could use the proceeds from the sale however they chose.
- The Utilities Commission also has policies that strongly encourage private utility companies with water and sewer systems throughout the state to put those systems on a single rate structure such that all customers pay the same rate. The effect of that is that the larger, lower cost systems subsidize the smaller, higher cost ones. In this purchase, the primary system being purchased from Carolina Water Service (the Cabarrus Woods system) is one of their largest and lowest cost systems to operate.
- The Public Staff of the Utilities Commission took exception to the Commission policy that allowed Carolina Water Service to use the total sale proceeds as they wished and requested that the Commission change the policy and require them to escrow part of the money to be used to reduce operating costs for the remaining Carolina systems around the state. The Commission held hearings in August 2011 to hear the Public Staff's concerns.
- In the City's contract with Carolina, a provision was included at Carolina's insistence allowing them to terminate the contract if the Commission did not allow Carolina full use of the proceeds from the sale.
- The Aqua contract did not include such a provision and that sale was closed in June and the customers transferred to the Charlotte Mecklenburg Utility Department (CMUD) system prior to the completion of the Commission hearings on the policy.
- The Carolina sale and system transfer was put on hold pending the outcome of the Commission review.
- Carolina, Aqua, and the City provided testimony to the Commission requesting the Commission not change its policy.
- On December 23, 2011, the Commission issued a decision that did not literally change its policy but applied the policy in a way that allowed Aqua full use of the proceeds as they wish but required Carolina to put \$3.36 million of their sale proceeds in escrow to minimize the impacts of future rate increases for Carolina's remaining customers around the state. Carolina has indicated they will appeal the Commission's decision to the NC Court of Appeals but that is anticipated to take 12 months or more.
- Therefore under the contract, Carolina can terminate the contract since it had previously indicated to the City that the original contract price was based on the Commission allowing Carolina to use the sale proceeds as they wish.

#### **Staff Recommendation**

- Staff has explored the best options for moving the system transfer forward with Carolina. The two primary options to move forward and complete the transfer of the systems now involve an agreement to increase the purchase price. Carolina was agreeable to either:
  - Option One, an increase in the contract that was refundable if the appeal was successful, or

- Option Two, a non-refundable price adjustment that would be substantially smaller than the refundable one but places all the risk of an unsuccessful appeal on Carolina.
- In the interest of expeditiously moving those customers to the CMUD system and in light of the uncertainties of an appeal, staff is recommending Option Two, a non-refundable contract amendment of \$925,000 with Carolina assuming the risk on the appeal. If this contract amendment is approved, this would allow the Carolina customers to be transferred to the CMUD system by the end of January or early February. The Bradfield Farms system in Woodbury (part of the 2011 annexation) must still be submitted for Utilities Commission review, with final approval and transfer to occur within a few months.
- In the purchase of the Woodbury system, the developer, Centex/Pulte, paid Carolina sewer capacity fees for a total of 681 lots but only about 200 homes have been built. Typically in the purchase of a private system CMUD would charge its capacity fees for any new connections requested after the sale of the system to CMUD. However in the case of Woodbury, the purchase price of that system has reflected that the developer paid those fees to Carolina and would be credited by CMUD as if the homes had already been constructed. Such a waiver would also facilitate approval of the transfer of the Woodbury system by the Commission.

#### **Funding**

Utilities Capital Investment Plan

### **11. Incentive Grants for Marbach America Inc.**

- Actions:**
- A. Approve a contract between the City of Charlotte, the North Carolina Department of Commerce and Marbach America Inc. for a \$50,000 One North Carolina Fund Grant from the State to Marbach,**
  - B. Adopt a budget ordinance appropriating \$50,000 from the NC Department of Commerce One North Carolina Fund to Marbach, and**
  - C. Approve the City share of a Business Investment Grant to Marbach for a total estimated amount of \$28,081 over three years (total City/County grant estimated at \$80,556).**

**Staff Resource:** Peter Zeiler, Neighborhood & Business Services

#### **Policy**

Support the development of an economic environment that attracts new businesses, retains existing businesses and offers a diverse economic mix

#### **Explanation**

- Marbach is a manufacturer of machinery and steel cutting tools for the packaging industry.
- Marbach is headquartered in Germany with 1,100 employees worldwide including a plant in Elkhart, Indiana.

- On December 1, 2011, the company announced it would open a new U.S. subsidiary in southwest Charlotte.
- Operations at this facility will include manufacturing, engineering, sales and distribution.

One NC Grant

- On December 1, 2011, the State awarded a One North Carolina Grant to Marbach in an amount not to exceed \$50,000 as a part of the company’s relocation.
- By statute, the City is required to administer a performance contract with Marbach to ensure compliance with job creation and capital investment standards.
- One North Carolina Grants require a local match.
- This project meets all of the Council-approved criteria for a three-year 90% Business Investment Grant except the average wage standard.
  - \$3 million capital investment
  - 30 new jobs over three years with an average wage of \$38,500
    - The average wage of \$38,500 doesn’t meet the average regional wage of \$44,630, however it is greater than the average wage for manufacturing of \$32,408.
- On November 14, 2011, City Council indicated its intent to approve a Business Investment Grant to Marbach.
- On February 7, 2012, the Board of County Commissioners will consider approval at their regularly scheduled Board meeting.
- If approved, the following is a schedule of the Investment Grant payments to Marbach:

Year	City	County	Totals
1	\$10,501	\$19,623	\$30,124
2	\$9,321	\$17,418	\$26,739
3	\$8,259	\$15,434	\$23,693
Total	\$28,081	\$52,475	\$80,556

- The general terms and condition of this grant include:
  - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
  - All property taxes due from the company must be paid before a grant payment is made.

**Funding**

State of North Carolina One North Carolina Fund; Business Investment Grant Account; first payment is estimated to occur in FY2013.

**Attachment 4**

Budget Ordinance

**12. Conclusion of the Consent Agenda**

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

### 13. Appointments to Boards and Commissions

**Action: Vote on blue paper ballots and give to Clerk at dinner.**

#### A. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE.

- Three appointments for two-year terms beginning March 2, 2012.
  - Emma Allen by Council member Howard
  - Steven Bock by Council member Dulin
  - Robert Diamond by Council members Cooksey, Dulin and Mayfield
  - Randall S. Miller, incumbent, by Council members Autry, Barnes, Cannon, Cooksey, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering
  - Heather Myers by Council member Autry
  - Katherine Payerle by Council members Kinsey, Mitchell and Pickering
  - Eric Sieckmann by Council members Dulin and Fallon
  - Owen Sutkowski by Council members Autry and Cannon
  - Brigit Taylor by Council members Barnes, Fallon, Mayfield, Mitchell and Pickering
  - Alexander Vuchnich by Council member Cooksey
  - Adrian Woolcock by Council members Barnes, Cannon and Howard
  - Julian Wright by Council member Kinsey

#### Attachment 5

Applications

#### B. ZONING BOARD OF ADJUSTMENT

- One appointment for a three-year term beginning January 31, 2012 for a regular member.
  - Paul Arena by Council member Autry
  - Jennifer Coble by Council members Barnes, Cannon, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering
  - Mark Loflin by Council members Cooksey and Dulin
- Two appointments for three-year terms beginning January 31, 2012 for alternate members.
  - Paul Arena by Council members Barnes, Cannon, Cooksey, Dulin, Fallon, Mayfield, Mitchell and Pickering
  - Jennifer Coble by Council members Autry, Cooksey, Dulin and Mayfield
  - Rod Garvin by Council member Howard
  - Mark Loflin by Council members Barnes, Cannon, Fallon, Howard, Kinsey, Mitchell and Pickering
  - Lloyd Scher by Council members Autry and Kinsey

#### Attachment 6

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. Resurfacing FY2012-A

**Action: Award the low bid contract of \$4,204,466.47 to Blythe Construction, Inc. for Resurfacing Contract FY2012-A.**

**Staff Resources:** Bryan Tarlton, Engineering & Property Management  
Charles Jones, Transportation

### Explanation

- This is the first of two planned resurfacing contracts for FY2012.
- The contract work includes:
  - Traffic control
  - Asphalt and concrete pavement milling
  - Base failure repair
  - Asphalt surface treatment
  - Utility adjustments
  - Manhole frame and cover replacements
  - Wheelchair ramp construction and repair
  - Sidewalk repair and maintenance
  - Asphalt paving
  - Pavement marking
- The two FY2012 resurfacing contracts will focus on paving an estimated 59 street miles throughout the City. The 2012-A contract will pave approximately 19 of the 59 miles. In the Spring, Council will consider award of the 2012-B contract.
- Mileage paved is dependent upon asphalt price stability throughout the contract.
- Resurfacing positively affects the overall condition of the City's roadways. The condition of the City's roadway infrastructure is a strategic initiative for the Charlotte Department of Transportation. Currently, the City's pavement condition is rated 88 on a 100-point scale.
- Contract FY2012-A will target many streets with pavement failures contributing to the development of potholes.
- This contract is scheduled for completion by August 2012.

### Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7.05%

Blythe Construction, Inc. exceeded the established SBE goal, and committed 7.05% (\$296,312) of the total contract amount to the following SBE firm: All Points Trucking, Inc. (Hauling Services)

### Funding

Powell Bill Street Maintenance Fund

### Attachment 7

List of streets

## 16. North Hoskins Road Sidewalk

**Action:** Award the low bid contract of \$645,382.50 to Blythe Development Company for the North Hoskins Road Sidewalk.

**Staff Resource:** Bette Frederick, Engineering & Property Management

### Explanation

- The North Hoskins Road Sidewalk Project will support the City's Sidewalk Program to enhance connectivity, offer transportation choices and improve pedestrian safety.
- This project will include construction of a new sidewalk, curb and gutter and storm water improvements along North Hoskins Road (approximately .70 mile).
- North Hoskins Road is a higher volume thoroughfare with the need for sidewalk to separate pedestrians from traffic.
- Construction is expected to be complete first quarter 2013.

### Small Business Opportunity

Established SBE Goal: 7.00%

Committed SBE Goal: 7.00%

Blythe Development Company met the established SBE goal and committed 7.00% (\$45,200) of the total contract amount to the following SBE firms: Express Logistics Services, Inc. (Hauling), P&TL, Inc. (Erosion Control), Ground Effects, Inc. (Pavement Marking) and R. Broome Jr. Trucking (Hauling).

### Funding

Transportation and Storm Water Capital Investment Plans

## 17. Tree Pruning Arborist Services

**Action:** A. Approve the following contracts for tree pruning services:

1. AAA Tree Experts, Inc., up to \$100,000
2. Arboguard Inc., dba Arboguard Tree Specialists, up to \$100,000
3. E. Schneider Enterprise dba Schneider Tree Care, up to \$100,000
4. The Davey Tree Expert Company, up to \$100,000

B. Authorize the City Manager to approve one renewal to each of the above contracts for a combined renewal total of \$400,000.

**Staff Resource:** John Lojko, Engineering & Property Management

### Explanation

- These contracts provide for systematic tree pruning services throughout the City. There are approximately 180,000 street trees along the streets of Charlotte.

- These contracts represent an improved process for completing street tree pruning. Multiple crews can be retained for faster, ongoing pruning services as well as quick response to storm events.
- Systematic tree pruning is important to maintain healthy trees and to reduce potential safety issues.
- Four firms are required to complete the volume of work in a timely manner.
- Firms were selected based on criteria that included capability to perform, past performance and pricing using the Council approved selection process.
- The City may renew these contracts one time.
- The renewals are the City's option as an incentive to the contractor for good performance, productivity and quality work.

#### **Small Business Opportunity**

No SBE goal was set for this contact because subcontracting opportunities were not identified (Part B: Section 2.4 of the SBO Policy) (see attachment).

#### **Funding**

General Government Capital Investment Plan

#### **Attachment 8**

SBO Policy Reference

## **18. Landscape Maintenance**

**Action: Approve the following three-year landscape maintenance contracts totaling \$2,218,898.84:**

1. Southern Shade Tree Co., Inc., \$314,391.48
2. Southern Shade Tree Co., Inc., \$195,854.36
3. Southern Shade Tree Co., Inc., \$28,883.71
4. Accolade Designs, \$153,660
5. Accolade Designs, \$97,560
6. Roundtree Companies, LLC, \$245,744.93
7. Roundtree Companies, LLC, \$122,004
8. Roundtree Companies, LLC, \$76,510.80
9. The Byrd's Group, Inc., \$186,433.92
10. The Byrd's Group, Inc., \$175,588.32
11. The Byrd's Group, Inc., \$186,276.84
12. Caddell Turf Management, Inc., \$54,054
13. A-1 Services and John Todd Landscaping, \$155,052
14. Edward's Landscape Co., Inc., \$131,988.48
15. TruGreen Landcare, L.L.C., \$94,896

**Staff Resource:** John Lojko, Engineering & Property Management

#### **Explanation**

- Firms were selected based on criteria that included capability to perform, past performance and pricing using the Council-approved selection process.
- Contracted work areas are established by similar work activities, service levels and geography to encourage more competition and smaller contractors to do this

work. Contractors may submit proposals for any or all of the contracts being advertised. Contracts are awarded based on the ability of the contractors to perform the work.

- 1. Southern Shade Tree Co., Inc., \$314,391.48**
  - This contract includes turf maintenance, landscape maintenance, snow and ice removal and irrigation operation, maintenance and repair for five City-owned facilities in the West District: Animal Control Center, Charlotte Vehicle Operations Center, Equipment Management Decommission Facility, Policy and Fire Training Academy and West Service Center.
- 2. Southern Shade Tree Co., Inc., \$195,854.36**
  - This contract includes turf maintenance, landscape maintenance, snow and ice removal and irrigation operation, maintenance and repair for the following five City-owned facilities within the Government District Area: Charlotte-Mecklenburg Government Center, CMGC Parking Deck, Old City Hall, Old City Hall Park and CMPD Headquarters.
- 3. Southern Shade Tree Co., Inc., \$28,883.71**
  - This contract includes turf maintenance, landscape maintenance, snow and ice removal, and irrigation operation, maintenance and repair for the CATS South Boulevard Light Rail Facility.
- 4. Accolade Designs, \$153,660**
  - This contract includes turf maintenance and landscape maintenance for medians, rights-of-way and green spaces within the Center City East District Area.
- 5. Accolade Designs, \$97,560**
  - This contract includes mowing, bed maintenance and trash removal in the North District "B" area, bounded by I-85, W.T. Harris Boulevard, IBM Drive, Mallard Creek Road, Nevin Road, West Sugar Creek Road, North Tryon Street and University City Boulevard.
- 6. Roundtree Companies, LLC, \$245,744.93**
  - This contract includes turf maintenance, landscape maintenance, snow and ice removal, irrigation operation, maintenance and repair and stormwater BMP maintenance and operation for bioretention, dry detention and wet retention basins for the eight (8) CATS Bus Park and Ride lots: Matthews Park and Ride, Lawyers Road Park and Ride, Old Sardis Road Park and Ride, Mallard Creek Park and Ride, Northcross Drive Park and Ride in Huntersville, Compass Street Park and Ride in Huntersville, Rosa Parks Community Transit Center and Eastland Community Transit Center.
- 7. Roundtree Companies, LLC, \$122,004**
  - This contract includes mowing, bed maintenance and trash removal for the Oaklawn Cemetery property located at 1612 Oaklawn Avenue.
- 8. Roundtree Companies, LLC, \$76,510.80**
  - This contract includes mowing, bed maintenance and trash removal for three Pinewood Cemetery locations: Ninth Street Pinewood Cemetery, North Pinewood Cemetery and West Pinewood Cemetery.

**9. The Byrd's Group, Inc., \$186,433.92**

- This contract includes mowing, bed maintenance and trash removal in the North District "A" area, bounded by Brookshire Boulevard, North Tryon Street, West Sugar Creek Road, Gibbon Road, Old Statesville Road, Sunset Road and Beatties Ford Road.

**10. The Byrd's Group, Inc., \$175,588.32**

- This contract includes mowing, bed maintenance and trash removal in the North District "C" area, bounded by I-85, W.T. Harris Boulevard, IBM Drive, Mallard Creek Road, Nevin Road, West Sugar Creek Road, Gibbon Road, Old Statesville Road and Sunset Road.

**11. The Byrd's Group, Inc., \$186,276.84**

- This contract includes mowing, bed maintenance and trash removal in the South District "C" area, bounded by South Tryon Street, Tyvola Road, Fairview Road and Carmel Road.

**12. Caddell Turf Management, Inc., \$54,054**

- This contract includes turf maintenance, landscape maintenance, snow and ice removal, trash and debris pickup for the CATS North Davidson Bus Facility.

**13. A-1 Services and John Todd Landscaping, \$155,052**

- This contract includes mowing, bed maintenance and trash removal in the South District "D" area, bounded by Pineville-Matthews Road, Carmel Road, Fairview Road, Sardis Road, Rama Road and Independence Boulevard.
- A-1 Services and John Todd Landscaping is an SBE firm.

**14. Edward's Landscape Co., Inc., \$131,988.48**

- This contract includes turf maintenance, landscape maintenance, snow and ice removal and irrigation operation, maintenance and repair for medians, right-of-way and green spaces within the Center City West District Area.
- Edward's Landscape Co., Inc. is an SBE firm.

**15. TruGreen Landcare, L.L.C., \$94,896**

- This contract includes mowing, bed maintenance and trash removal in the South District "E" area, bounded by Carmel Road and Pineville-Matthews Road.

**Small Business Opportunity**

No SBE goals were set for these contracts because subcontracting opportunities were not identified (Part B: Section 2.4 of the SBO Policy) (see attachment).

The SBO Office, in partnership with E&PM, did however host an outreach session for landscaping SBEs to inform them of the bid opportunities and encourage SBE participation as Primes. As a result, two of the firms being awarded are certified SBE firms with the City of Charlotte (A-1 Services and John Todd Landscaping; & Edward's Landscape Co., Inc.).

**Funding**

General Fund Landscape Maintenance Program

**Attachment 8**

SBO Policy Reference

**19. Police Headquarters Roof Replacement**

**Action: Award the low bid contract of \$455,800 to Weathergard, Inc. for the Police Headquarters roof replacement.**

**Staff Resource:** Steve Marlowe, Engineering & Property Management

**Explanation**

- This contract will provide funding for a planned roof replacement project at the CMPD Headquarters at 601 East Trade Street.
- The existing roof has exceeded its life expectancy and is experiencing leaks.
- The roof will have a 20-year warranty.
- Work is anticipated to be complete in the second quarter of 2012.

**Small Business Opportunity**

Established SBE Goal: 3%

Committed SBE Goal: 5.77%

Weatherguard Inc. exceeded the established SBE goal and committed 5.77% (\$26,300) of the total contract amount to the following SBE firms: Design Conditions (HVAC).

**Funding**

General Capital Investment Plan

**20. Geospatial Aerial Imagery Package 2012**

**Action: Approve payment of up to \$292,000 to Pictometry International Corp. for countywide geospatial aerial imagery package.**

**Staff Resources:** David Snider, Engineering & Property Management  
Jeff Dulin, Fire

**Explanation**

- Geospatial aerial imagery has been under an interlocal agreement with Mecklenburg County since 1997. The County has had a contract with Pictometry International Corporation since 2009 which states the imagery would be updated three times in six years, with the next update originally planned for 2013. Due to current public safety needs and the availability of an Urban Areas Security Initiative grant, the City has chosen to do the update in 2012.
- The total project cost is \$342,000. This year's package is timed to take advantage of the availability of multiple funding sources, including a \$115,000 UASI Grant and \$50,000 from Mecklenburg County.
- Mecklenburg County and City of Charlotte staff worked together to develop the list of priority products for FY2012 geospatial data.
- This geospatial aerial imagery package will update the current inventory of aerial photos, which are used daily by many City departments for field operations, public safety, capital planning, analysis and data maintenance.

- The images are available to citizens on City and County public web sites, including POLARIS, 3D Floodzone, Geoportal and Virtual Charlotte.
- Three products are included in the package:
  - High resolution aerial imagery
  - Oblique photos (shot at lower angles than aerials)
  - Light Detection and Ranging data (for mapping topography)
- These products support current work management systems and will support the 911 computer-aided dispatch system going online spring 2012, making it possible to identify infrastructure and topography such as streets, streams, buildings, manholes and sidewalks.

**Small Business Opportunity**

Contracts entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the City shall be considered an exempt contract (Appendix Section 23.2 of the SBO Policy) (see attachment). This contract currently exists with Mecklenburg County.

**Funding**

Urban Areas Security Initiative Grant	\$ 115,000
Technology Investments	\$ 75,000
Utilities Operating Budget	\$ 67,000
Storm Water Operating Budget	\$ 27,500
Office of CIO Operating Budget	\$ 7,500

**Attachment 8**

SBO Policy Reference

## 21. Grant Applications for Watershed Restoration Projects

- Action:**
- A. Authorize the City to apply for a grant of \$200,000 from the North Carolina Clean Water Management Trust Fund (NCCWMTF) to fund 50% of the construction cost of the Shadowlake Pond Water Quality Enhancement project,**
  - B. Authorize the City to apply for a grant of \$600,000 from the NCCWMTF to fund 50% of the construction cost of the Wilson Pond Water Quality Enhancement project,**
  - C. Authorize the City to accept the NCCWMTF grants if awarded, and**
  - D. Adopt a budget ordinance appropriating up to \$800,000 in grant funds if awarded.**

**Staff Resource:** Daryl Hammock, Engineering & Property Management

### Policy

- Pond projects are implemented in accordance with the 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 (CWMTF) partners with local municipalities to help fund watershed restoration projects prior to them being mandated.
- The grant will fund 50% (\$200,000) of the estimated \$400,000 total for the Shadowlake Pond project and 50% (\$600,000) of the estimated \$1,200,000 total for the Wilson Pond project.
- Shadowlake Pond is an approximately 2.5-acre pond near Carmel Road and Pineville-Mathews Road providing stormwater runoff treatment for approximately 55 acres of developed land.
- Shadowlake Pond drains to an unnamed tributary of McAlpine Creek, which is designated as impaired according to Clean Water Act standards.
- Wilson Pond is an approximately 2.8-acre pond in northwest Charlotte near the intersection of Brookshire Boulevard and Belhaven Boulevard. It provides stormwater runoff treatment for approximately 181 acres of developed land.
- Wilson Pond drains to an unnamed tributary of Gum Branch, which drains to Long Creek and is designated as impaired according to Clean Water Act standards.
- The enhancements to both ponds will improve the quality of water passing through the ponds before it discharges into the respective streams.
- 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.
- Improvements may include:

- Repairing and improving the spillways
- Installing new outlet structures to enhance the water quality benefits of the ponds
- Erosion control measures
- Council will be asked to approve the construction services contract for these projects at a later date.

#### **Budget Ordinance**

- Appropriate \$800,000 in state funds to provide approximately 50% of the total estimated funding (\$1,600,000) required for construction of these projects.
- Matching funds are included in the Storm Water Services Capital Program.

#### **Funding**

Storm Water Services Capital Investment Plan and the NC Clean Water Management Trust Fund (CWMTF)

#### **Attachment 9**

Budget Ordinance

## **22. Airport Parking and Ground Transportation Services**

**Action: Approve a contract extension with EJ Services, Inc., (doing business as Balance Staffing Services) in the amount of \$500,000 for temporary personnel services.**

**Staff Resource:** Jerry Orr, Aviation

#### **Explanation**

- The Aviation Department manages the public parking operation at the Airport using a temporary personnel services agency for cashiers and customer service representatives.
- After a competitive process, Council approved a contract in January 2005, with EJ Services, Inc. (Balance Staffing) to provide various temporary personnel services as required to operate the Airport's parking lots.
- In January 2010, Council approved an extension not to exceed 24 months as the Airport reviewed, purchased, and installed a new parking revenue control system. This extension expires January 31, 2012.
- Installation of the new parking revenue control system is currently underway and will be completed by June 2012. The new system will substantially reduce the need for temporary personnel as cashiers.
- This contract extension until June 30, 2012 will allow the Airport to complete the installation of the system without the additional cost of bidding and training a new provider for a short period of time.
- The Airport anticipates rebidding this public parking operation contract in the Spring of 2012.
- The total airport parking revenue in FY2011 was \$37 million.

#### **Contract Terms**

- Balance Staffing will provide personnel on a man-hour basis as required by the Airport.
- This extension will increase the total contract amount by \$500,000.

- Hourly rates are set by the Airport and vary from \$9.57 to \$22.22 depending on job responsibilities.
- Balance provides the employees:
  - Earned wages
  - Holiday
  - Vacation Pay
  - Limited health benefits

**Small Business Opportunity**

No SBE goal was set for this contract extension because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy) (see attachment).

**Funding**

Airport Operating Fund

**Attachment 8**

SBO Policy Reference

## 23. Airport Waste Hauling Contract

**Action: Approve a three-year contract with Waste Management in the amount of \$959,706 for the hauling of waste from the terminal to the Airport Recycling Center.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- This will be a three-year contract for the hauling of waste to the Airport Recycling Center (ARC) and the residual waste of the ARC to the landfill.
- The ARC will sort the waste into different grades of recyclables for sale. This will reduce the waste going to the landfill by approximately 70%, reducing landfill fees by approximately \$130,000 and reducing operational costs by approximately \$220,000.
- The contract includes the rental of the equipment, hauling fees and tipping fees at the landfill.

**Small Business Opportunity**

No SBE goal was set for this contract because subcontracting opportunities were not anticipated (Part C: Section 2.4 of the SBO Policy) (see attachment).

**Funding**

Airport Operating Fund

**Attachment 8**

SBO Policy Reference

## 24. Utility Relocation for Airport Entrance Road Bridge

**Action:** Approve an agreement with Duke Energy in an amount not to exceed \$305,815.06 for the relocation of an existing power distribution line in conflict with the Airport Entrance Road Bridge project.

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- Duke Energy owns and maintains the power lines, which feed power to the terminal building. These lines currently run down Little Rock Road and cross over the Norfolk Southern mainline and continue on to the terminal.
- Ultimately these power lines will be placed in conduits on the new bridge under construction for the Airport Entrance Road.
- This agreement reimburses Duke Energy for relocating a distribution line that is currently where the new bridge is to be built in preparation for the Airport Entrance Road relocation project.

### Funding

Airport Capital Investment Plan

## 25. Utility Centrifuge Preventative Maintenance and Repair

**Action:** Award contracts to the following companies to provide centrifuge preventative maintenance and repair services at Mallard Creek and McAlpine Creek Wastewater Treatment Facilities for a combined estimated amount of \$1,322,460:

- Decanter Machine Inc. (\$455,280)
- Centrifuge and Pump Services Corp. (\$867,180)

**Staff Resource:** Barry Gullet, Utilities

### Explanation

- Biosolids are the treated sludge produced during the wastewater treatment process. The majority of the biosolids are recycled as fertilizer on agricultural fields. Biosolids need to be partially dried to remove the excess water in order to reduce hauling costs.
- Currently, the Mallard Creek and McAlpine Creek Wastewater Treatment plants use centrifuge equipment for their dewatering needs. Centrifuges require specialized equipment and staff for repairs and heavy maintenance which most utilities do not have in-house.
- A request for proposals was issued on November 7, 2011 to firms specializing in the maintenance of centrifuges. The firms were selected based on their price, experience, references, and qualifications. Decanter Machine Inc. and Centrifuge and Pump Services Corp. were the most cost effective proposals received.
- Decanter Machine will provide services at Mallard Creek, and Centrifuge and Pump Services will provide services at McAlpine Creek.

- The services of these firms will be based on time and materials of repairs and services performed on the machinery. Dollar amounts are based on historical spend data for the past several years.

**Small Business Opportunity**

No SBE goal was set for this project because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy) (see attachment).

**Funding**

Utilities Operating Budget and Capital Investment Plan

**Attachment 8**

SBO Policy Reference

**26. Utility Laboratory Supplies, Equipment and Chemicals**

**Action:**

- A. Approve the purchase of laboratory supplies, equipment and chemicals, as authorized by the previously bid or “piggybacking” exception of G.S. 143-129(g),**
- B. Approve a unit price contract with Thermo Fisher Scientific for the purchase of lab supplies in the amount of \$300,000 for the term of two years, and**
- C. Authorize the City Manager to extend the contract for two years with possible price adjustments at the time of renewal as authorized by the contract.**

**Staff Resource:** Barry Gullet, Utilities

**Piggybacking Exception**

- G.S. 143-129(g) allows local governments to purchase from any supplier that has, within the past 12 months, contracted to furnish the item to any federal, state or local agency.
- The contract must be one that was entered into following a public, formal bid process substantially similar to the one set forth in the North Carolina statutes.

**Explanation**

- CMUD purchases microscopes, beakers, test tubes, testing reagents, i.e. basic laboratory supplies.
- These products will be used at all of CMUD’s various water and wastewater treatment plants and the Laboratory Services Facility.
- The University of North Carolina at Chapel Hill recently solicited laboratory supplies and awarded the contract to the lowest bidder, Thermo Fisher Scientific. UNC currently has the most cost-effective contract with Thermo Fisher Scientific of any government entity in the state.

**Small Business Opportunity**

Piggyback contracts are exempt (Appendix section 23.2 of the SBO Policy) (see attachment).

**Funding**

Utilities Operating Budget

**Attachment 8**

SBO Policy Reference

**27. North Poplar Street Water Main**

**Action: Award the low bid contract of \$451,765.60 to R. H. Price Company for construction of larger water lines along North Poplar Street.**

**Staff Resource:** Barry Shearin, Utilities

**Explanation**

- Much of the area around Poplar Street is served by a network of smaller diameter water mains. As changes have occurred in the types of buildings constructed through redevelopment, there is a need to improve the flows to fire hydrants in the area. This waterline will improve water flows and fire hydrant performance in the area around Edwin Towers.
- This project consists of new 16" and 12" water lines on Poplar from 11<sup>th</sup> Street to 9<sup>th</sup> Street and on 9<sup>th</sup> Street from Poplar to Church.

**Small Business Opportunity**

Established SBE Goal: 6%

Committed SBE Goal: 6.20%

R.H. Price exceeded the SBE established goal and committed 6.20% (\$28,000) of the total contract amount to the following firm: Union Paving (asphalt paving).

**Funding**

Utilities Capital Investment Plan

**28. Water Main Replacement Engineering Design Services**

**Action: Approve an Engineering Services contract with Mahnaz, Inc. in the amount of \$300,000 for the water main replacement program.**

**Staff Resource:** Barry Shearin, Utilities

**Explanation**

- CMUD has a water main replacement program that responds to water quality, low pressure, and low fire capacity issues throughout Mecklenburg County. Many of these issues are caused by water mains that have reached the end of their service life and are in need of replacement or upsizing.

- Most of the water mains replaced under this program are smaller lines ranging from two through eight inches in diameter.
- This contract provides engineering design services on an as-needed basis to supplement in-house design staff within Utilities Engineering.
- Mahnaz, Inc. was selected using the Council approved qualifications-based selection process.

#### **Small Business Opportunity**

For professional service contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy) (see attachment). Mahnaz committed 5.00% of the total contract amount (\$15,000) to the following SBE firm: Gavel & Dorn (surveying services). Mahnaz, Inc. is also a certified SBE firm.

#### **Funding**

Utilities Capital Investment Plan

#### **Attachment 8**

SBO Policy Reference

## **29. Transit Bus Parts**

**Action:**

- A. Approve the purchase of parts as authorized by the sole source purchasing exception of G.S. 143-129 (e) (6),**
- B. Award a contract for bus parts to Cummins Atlantic, Inc. for the estimated annual amount of \$475,000, and**
- C. Authorize the City Manager to exercise two additional, annual options at \$475,000 per year. The total estimated amount is \$1,425,000 for all three years.**

**Staff Resource:** Larry Kopf, Transit

#### **Sole Source Exception**

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:
  1. Performance or price competition are not available;
  2. A needed product is available from only one source or supply; or
  3. Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary as these parts must be interchangeable and compatible with CATS' bus fleet. The only source of supply for these parts is the bus manufacturer.

#### **Explanation**

- CATS Bus Operations Division uses proprietary original equipment manufacturer (OEM) bus parts in the daily maintenance and repair of the CATS bus fleet.
- The proprietary OEM parts meet the required specifications and standards to keep the buses in the proper operating condition and to maintain the bus warranty.

- Bus parts will be ordered on an “as needed” basis. Contract amount is based on prior usage and required inventory stock levels.
- This contract includes discounted pricing below the published manufacturer’s listed pricing.
- There may be annual price adjustments, after the first year, but any adjustments will require manufacturer supported documentation.

#### **Small Business Opportunity**

Sole source contracts are exempt (Appendix Section 23.2 of the SBO Policy) (see attachment).

#### **Funding**

Transit Operating Budget

#### **Attachment 8**

SBO Policy Reference

### **30. Transit Automatic Vehicle Location System Maintenance**

**Action:**

**A. Authorize the City Manager to enter into a three-year contract with Trapeze, Inc. for maintenance services for the software system that provides automatic vehicle location (AVL) functions for buses; for a total amount of \$603,720 (at \$201,240 annually), and**

**B. Authorize the City Manager to exercise two additional, annual options at \$201,240 per year.**

**Staff Resource:** Larry Kopf, Transit

#### **Previous Council Action**

- On April 22, 2002, City Council approved the purchase of the AVL system for installation on CATS’ buses.

#### **Explanation**

- The AVL system tracks the location of all 323 fixed route buses.
- The system’s benefits include:
  - Ability to track buses in the event of an emergency
  - Monitoring of buses to keep them running on time
  - Ability to provide customer information regarding bus location
  - Radio communications between operator and dispatch
  - On-board announcements, programmable and ad hoc
  - Automatic passenger counting module that CATS uses to track ridership by route and by stop
- The system maintenance that Trapeze, Inc. will provide includes the following services:
  - Hardware maintenance
  - Software upgrades
  - On-call issue resolution and monitoring (24 hours and 7 days a week)
  - Online training sessions

- Trapeze's system is proprietary (sole source), and maintenance services are limited to Trapeze, Inc.
- The contract price will be fixed during the entire term of the contract including extensions.

#### **Small Business Opportunity**

No SBE goal was set for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy) (see attachment).

#### **Funding**

Transit Operating Fund

#### **Attachment 8**

SBO Policy Reference

### **31. 2011 Assistance to Firefighters Grant Acceptance**

**Action: A. Authorize the City Manager to accept the 2011 Assistance to Firefighters Grant award of \$80,000, and**

**B. Adopt a budget ordinance appropriating \$80,000 in Assistance to Firefighters Grant funding.**

**Staff Resource:** Rich Granger, Fire

#### **Explanation**

- On September 12, 2011 City Council approved the Fire Department's application for the 2011 Assistance to Firefighters Grant (AFG).
- On December 30, 2011 the Fire Department was notified of the grant award.
- The AFG grant will provide 80% of funding (\$80,000) and the City will pay the 20% (\$20,000) matching portion of the grant, which is appropriated in the General Capital Investment Plan.
- The grant funded project is as follows:
  - Fire protection sprinkler system: Installing sprinkler systems into fire stations is now required. Station 5 is the last of our two-story facilities that does not have a sprinkler system. Station 5 is located at 224 Wesley Heights Way.

#### **Funding**

2011 Assistance to Firefighters Grant awarded by U.S. Department of Homeland Security and General Capital Investment Plan

#### **Attachment 10**

Budget Ordinance

### **32. Resolution of Intent to Abandon a Residual Portion of Independence Boulevard and Pecan Avenue**

**Action:** A. Adopt the Resolution of Intent to abandon a residual portion of Independence Boulevard and Pecan Avenue, and  
B. Set a public hearing for February 27, 2012.

**Staff Resources:** Jeff Boenisch, Transportation  
Kruti Desai, Transportation

#### **Attachment 11**

Map  
Resolution

### **33. Refund of Property and Business Privilege License Taxes**

**Action:** A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$43,062.38, and  
B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$472.45.

**Staff Resource:** Robert Campbell, Finance

#### **Attachment 12**

Resolutions  
List of property tax refunds  
List of business privilege license refunds

### 34. Charlotte Mecklenburg Regional Housing Consortium Grants

- Action:**
- A. Authorize the City Manager to enter into a memorandum of understanding with Mecklenburg County’s Department of Social Services (DSS) allowing the City to provide senior citizen housing rehabilitation services in an amount of \$150,000, and**
  - B. Authorize the City Manager to enter into a memorandum of understanding with DSS allowing the City to provide tenant-based rental assistance for up to 35 households in an amount up to \$150,000.**

**Staff Resources:** Diane Adams, 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 cooperation 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.
- The Regional Consortium members are 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 become “entitlement communities” for receipt of federal HOME funds to increase affordable housing opportunities.
- Under this agreement, the City of Charlotte is the lead entity for the Consortium and the City serves as a pass through agency for the federal HOME funding. The City does not have the option to retain this money.

#### Housing Rehabilitation Services

- Mecklenburg County is a Consortium member and desires to provide housing rehabilitation services for senior homeowners, residing in Mecklenburg County.
- The scope of work will be limited to City Housing Code Chapter 11- Minimum Housing Standards and will avoid relocating the senior citizens.
- Neighborhood & Business Services (N&BS) will provide rehabilitation services to eligible homeowners as referred by the County’s Department of Social Services (DSS).
- All work will be completed by contractors hired through N&BS. N&BS will seek to contract with SBEs in the provision of this work.
- DSS will provide to N&BS referrals meeting the following criteria:
  - The applicant must be the Head of Household and must be over 60 years of age.
  - The household income must be under 40% (\$27,000) of HUD’s Area Median Income Limits.
  - The house must be located within Mecklenburg County.
  - All property taxes and the homeowner’s insurance must be current.

- A minimum of 10 units will be completed under this contract. The estimated cost per unit is \$15,000.

#### **Tenant-Based Rental Assistance**

- Mecklenburg County is a Consortium member and desires to provide tenant-based rental assistance (TBRA) for up to 35 eligible households.
- TBRA will be provided to households meeting the following eligibility criteria:
  - The Household income must be at or below 40% (\$27,000) HUD's Area Median Income.
  - Individuals receiving assistance must reside in Mecklenburg County.
- DSS will provide on-going supportive services and referrals; examples may include vocational training, substance abuse, and mental health counseling, for households receiving tenant based rental assistance to assist them in moving toward self sufficiency.
- Rental assistance will be paid directly to the property owner.

#### **Funding**

HOME – Federal Funding

### **35. Sale of 6336 Carver Boulevard**

- Action: A. Approve the sale of city-owned real property (043-011-07) located at 6336 Carver Blvd, Charlotte to Donald Young for \$45,000, and**
- B. Authorize the City Manager to execute the sale documents for this transaction.**

**Staff Resource:** Pamela Wideman, Neighborhood & Business Services

#### **Explanation:**

- The City owns a vacant, single-family residential parcel located at 6336 Carver Blvd in the Rockwell Park neighborhood. The parcel has a total area of 0.55 acres.
- The property was acquired by default of a rehabilitation loan after the death of the owner. Heirs were given the opportunity, but chose not to acquire the property.
- The property was also offered to non-profit development partners, to be reused as affordable housing, but none of the partners were interested in assuming the property.
- The property has been in City inventory for 1.5 years with no additional interest expressed by the non-profit community.
- On October 19, 2010, the Charlotte Mecklenburg Planning Commission Planning Committee approved Mandatory Referral #10-16 in favor of the sale or transfer of the property for residential development to the open market.
- Proceeds from this sale will go into N&BS Program Income Fund to be reused for affordable housing programs.
- This property went through the upset bid process (the entity offering the largest amount for the property is awarded the property), which was initiated on November 9, 2011 and ended on November 21, 2011. The final purchase price was \$45,000.

**Attachment 13**

Photo

**36. Communication Tower Ground Lease Extension**

**Action: Adopt a resolution approving an extension to the ground lease with Crown Castle and a sublease to AT&T for antenna and ground space at 8700 South Boulevard.**

**Staff Resource:** Robert Drayton, Engineering & Property Management

**Explanation**

- The City of Charlotte owns a parcel of land with a communication tower located at 8700 South Boulevard.
- Crown Castle owns the communications tower on this land that they lease from the City. Crown Castle plans to sublease space on the tower and additional ground space for a larger equipment building to AT&T.
- Crown Castle needs to relocate the existing equipment on the property to comply with setback requirements.
- The Planning Department and Land Development have reviewed and approved the new location for the relocated building.
- Telecommunications leases are a revenue source for the City. The FY2012 revenue from telecommunications leases is approximately \$761,500.
- The City receives half the revenue generated by Crown Castle from any sub-leases on the tower.
- Terms of the Agreement are as follows:
  - The current ground lease expires March 17, 2017.
  - The extension includes four five-year renewal periods commencing March 18, 2017 and ending March 17, 2037.
  - Base rent of \$962.28 per month commencing at installation of equipment, projected to be March 1, 2012.
  - Rent increases 3% every year.
  - City will have the right to terminate the ground lease by providing a two-year notice of intent to terminate in the event the City needs the property for another purpose. There will be no cost to the City for termination.
  - The City may add public safety communication equipment to this tower at no cost, provided there is space available.

**Attachment 14**

Resolution

## PROPERTY ITEMS

### 37. Property Transactions

**Action: Approve the following property transactions (A-D) and adopt the condemnation resolution (s) (E-Q).**

- 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:** Fire Station # 9 Expansion, Parcel # 1  
**Owner(s):** K & P Development, LLC  
**Property Address:** 4517 McKee Road  
**Property to be acquired:** 61,981 sq. ft. (1.423 ac.) in Fee Simple  
**(TOTAL TAKE)**  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 231-041-25  
**Total Parcel Tax Value:** \$337,600  
**Purchase Price:** \$195,000
- B. Project:** Briar Creek Relief Sewer - Phase II, Parcel # 37  
**Owner(s):** Charlotte Country Club, Inc.  
**Property Address:** 2465 Mecklenburg Avenue  
**Property to be acquired:** 194,499 sq. ft. (4.465 ac.) in Sanitary Sewer Easement, plus 98,709 sq. ft. (2.266 ac.) in Temporary Construction Easement  
**Improvements:** Restroom Facility  
**Landscaping:** Trees & Various Plantings  
**Zoned:** R-4  
**Use:** Golf Course Class 1 - Championship  
**Tax Code:** 095-151-47  
**Total Parcel Tax Value:** \$17,314,500  
**Purchase Price:** \$1,080,572

- C. Project:** City Boulevard Extension- Phase III, Parcel # 19  
**Owner(s):** Charles Montgomery and Wife, Barbara Mack Montgomery  
**Property Address:** 7305 Balancing Rock Court  
**Property to be acquired:** 256 sq. ft. (.006 ac.) in Fee Simple, plus 2,279 sq. ft. (.052 ac.) in Storm Drainage Easement, plus 4,236 sq. ft. (.097 ac.) in Slope Easement, plus 522 sq. ft. (.012 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees & Various Plantings  
**Zoned:** R-6  
**Use:** Single Family Residential  
**Tax Code:** 047-074-41  
**Total Parcel Tax Value:** \$106,500  
**Purchase Price:** \$23,575
- D. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Angela L Corti  
**Property Address:** 8010 Tuckaseegee Road  
**Property to be acquired:** 1.42 acres  
**Improvements:** single family residence  
**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 Code:** 055-381-31  
**Tax Value:** \$157,500  
**Purchase Price:** \$111,000

### Condemnations

- E. Project:** 2009 Annexation - Hood Road North Sanitary Sewer Improvements, Parcel # 75.1  
**Owner(s):** Eric R. Alfred and Wife, Pamela E. Alfred And Any Other Parties Of Interest  
**Property Address:** 5128 Rocky River Road  
**Property to be acquired:** 223 sq. ft. (.005 ac.) in Sanitary Sewer Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 105-192-05  
**Total Parcel Tax Value:** \$185,700  
**Appraised Value:** \$100  
**Property Owner's Counteroffer:** None

**Reason For Condemnation:** The property owners support the project; however, staff and the owners have been unable to reach agreement regarding the appraisal. 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.

- F. Project:** Bay and Pecan Intersection Improvements, Parcel # 7  
**Owner(s):** Ayesha Z. Jahi And Any Other Parties Of Interest  
**Property Address:** 2021 Bay Street  
**Property to be acquired:** 133 sq. ft. (.003 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 127-023-35  
**Total Parcel Tax Value:** \$225,800  
**Appraised Value:** \$300  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** The property owners support the project and have agreed to the acquisition. A condemnation process is necessary in this case in order to achieve clear title.
- G. Project:** Beatties Ford Road Business Corridor Improvements, Parcel # 23  
**Owner(s):** McDonald's Corporation And Any Other Parties Of Interest  
**Property Address:** 2518 Beatties Ford Road  
**Property to be acquired:** 1,816 sq. ft. (.042 ac.) in Sidewalk and Utility Easement, plus 44 sq. ft. (.001 ac.) in Utility Easement, plus 36 sq. ft. (.001 ac.) in UE, TCE and SUE overlap, plus 2,690 sq. ft. (.062 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 075-011-03  
**Total Parcel Tax Value:** \$989,400  
**Appraised Value:** \$17,550  
**Property Owner's Counteroffer:** \$21,320  
**Reason For Condemnation:** The property owners support the project; however, staff and the owners have been unable to reach agreement regarding the acquisition. Staff has made the following accommodations: maintain access and provide "Open" signs during construction, provide "Do not disturb" signs on all business signs and provide advance notice seven days prior to beginning construction. 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.
- H. Project:** Beatties Ford Road Business Corridor Improvements, Parcel # 28

**Owner(s):** James K. Fowler and Wife, Eugenia Fowler And Any Other Parties Of Interest

**Property Address:** 2425 Beatties Ford Road

**Property to be acquired:** 834 sq. ft. (.019 ac.) in Sidewalk and Utility Easement, plus 13 sq. ft. in Utility Easement, plus 1,641 sq. ft. (.038 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** Tree

**Zoned:** B-1

**Use:** Commercial

**Tax Code:** 069-172-36

**Total Parcel Tax Value:** \$256,100

**Appraised Value:** \$9,775

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** The property owners have concerns about the project. Staff and the owners have been unable to reach agreement regarding the acquisition. Staff has made the following accommodations: redesign to remove proposed bus shelter and maintaining two property entrances. 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. It is also recommended in this case in order to achieve clear title.

**I. Project:** Beatties Ford Road Business Corridor Improvements, Parcel # 31

**Owner(s):** First States Investors 4100A, LLC And Any Other Parties Of Interest

**Property Address:** 2249 Beatties Ford Road

**Property to be acquired:** 45 sq. ft. (.001 ac.) in Existing Right-of-Way, plus 1,755 sq. ft. (.040 ac.) in Sidewalk and Utility Easement, plus 933 sq. ft. (.021 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** Tree

**Zoned:** B-1

**Use:** Commercial

**Tax Code:** 069-171-23

**Total Parcel Tax Value:** \$599,400

**Appraised Value:** \$14,500

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** The property owners support the project and have agreed to the acquisition. There has been a delay in the property owners ability to execute the documents. City staff and the property owner have agreed that condemnation is the most efficient course of action.

**J. Project:** Farm Pond Neighborhood Improvement Project - Phase I, Parcel # 29

**Owner(s):** Charles A. Norwood And Any Other Parties Of Interest

**Property Address:** 5145 Lawrence Orr Road

**Property to be acquired:** 318 sq. ft. (.007 ac.) in Fee Simple, plus 4,303 sq. ft. (.099 ac.) in Existing Right-of-Way, plus 6,450 sq. ft.

(.148 ac.) in Storm Drainage Easement, plus 2,760 sq. ft. (.063 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** Trees and Various Landscaping

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 103-221-07

**Total Parcel Tax Value:** \$129,800

**Appraised Value:** \$6,075

**Property Owner's Counteroffer:** \$10,000

**Reason For Condemnation:** This parcel was on the 1/9/12 agenda and pulled by staff. The property owner has concerns about the project. Staff and the property owner have been unable to reach agreement regarding the acquisition. Staff has made the following accommodation: Revise plans to include valley gutter extending past the property owner's driveway. Staff could not accommodate paying 100% Fee Simple value for the property located in the current road right-of-way. 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.

**K. Project:** McDonald Avenue Sidewalk, Parcel # 22

**Owner(s):** Boyd P. Falls and Wife, Maxine G. Falls And Any Other Parties Of Interest

**Property Address:** 613 McDonald Avenue

**Property to be acquired:** 216 sq. ft. (.005 ac.) in Sidewalk and Utility Easement, plus 456 sq. ft. (.010 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-5

**Use:** Single Family Residential

**Tax Code:** 121-093-12

**Total Parcel Tax Value:** \$274,200

**Appraised Value:** \$2,275

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** This parcel was deferred from the January 9, 2012 business agenda. Staff and the property owner have been unable to reach agreement regarding the acquisition of Parcels 22, 27 and 35. The property owner's expectations for compensation differ significantly from the appraised value and are therefore beyond the City's ability to negotiate. Additionally, the City could not support the property owner's request to remove two mature, healthy trees from the front of Parcel #22. These trees are in the City's right-of-way. Staff designed the project to place the sidewalk as close to the trees as possible by utilizing bridging to minimize damage to the tree roots. The result is that the sidewalk will be 30 feet from the house. On other parcels along McDonald Avenue the sidewalk will be between 17 and 40 feet from houses. 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. See photo and site plan attached.

**Attachment 15**

Photo  
Site plan

- L. Project:** McDonald Avenue Sidewalk, Parcel # 27  
**Owner(s):** Boyd P. Falls and Wife, Maxine G. Falls And Any Other Parties Of Interest  
**Property Address:** 525 McDonald Avenue  
**Property to be acquired:** 656 sq. ft. (.015 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 121-093-07  
**Total Parcel Tax Value:** \$279,500  
**Appraised Value:** \$1,975  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** This parcel was deferred from the January 9, 2012 business agenda. Staff and the property owner have been unable to reach agreement regarding the acquisition of Parcels 22, 27 and 35. The property owner's expectations for compensation differ significantly from the appraised value and are therefore beyond the City's ability to negotiate. Additionally, the City could not support the property owner's request to remove two mature, healthy trees from the front of Parcel #22. These trees are in the City's right-of-way. Staff designed the project to place the sidewalk as close to the trees as possible by utilizing bridging to minimize damage to the tree roots. The result is that the sidewalk will be 30 feet from the house. On other parcels along McDonald Avenue the sidewalk will be between 17 and 40 feet from houses. 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. See photo and site plan attached.

**Attachment 15**

Photo  
Site plan

- M. Project:** McDonald Avenue Sidewalk, Parcel # 35  
**Owner(s):** Boyd P. Falls and Wife, Maxine G. Falls And Any Other Parties Of Interest  
**Property Address:** 421 McDonald Avenue  
**Property to be acquired:** 334 sq. ft. (.008 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 121-093-81  
**Total Parcel Tax Value:** \$262,600  
**Appraised Value:** \$1,075  
**Property Owner's Counteroffer:** None

**Reason For Condemnation:** This parcel was deferred from the January 9, 2012 business agenda. Staff and the property owner have been unable to reach agreement regarding the acquisition of Parcels 22, 27 and 35. The property owner's expectations for compensation differ significantly from the appraised value and are therefore beyond the City's ability to negotiate. Additionally, the City could not support the property owner's request to remove two mature, healthy trees from the front of Parcel #22. These trees are in the City's right-of-way. Staff designed the project to place the sidewalk as close to the trees as possible by utilizing bridging to minimize damage to the tree roots. The result is that the sidewalk will be 30 feet from the house. On other parcels along McDonald Avenue the sidewalk will be between 17 and 40 feet from houses. 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. See photo and site plan attached.

**Attachment 15**

Photo

Site plan

- N. Project:** Milhaven Lane Sidewalk Improvement, Parcel # 37  
**Owner(s):** Von Patel (aka Vallabhbhai N. Patel) and Wife, Hansa Patel And Any Other Parties Of Interest  
**Property Address:** 6303 Milhaven Lane  
**Property to be acquired:** 266 sq. ft. (.006 ac.) in Storm Drainage Easement, plus 222 sq. ft. (.005 ac.) in Sidewalk and Utility Easement, plus 1,130 sq. ft. (.026 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-4  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 041-231-08  
**Total Parcel Tax Value:** \$42,800  
**Appraised Value:** \$225  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** The property owners have concerns about the project. The property owner owns parcels 37, 38 and 39 on this project. Staff and the owners have been unable to reach agreement regarding the acquisition. Staff has made the following accommodations: redesigned and revised plans to include a curb cut on vacant parcel 37, move sidewalk out of an existing planting area, reset fence and bollards upon construction completion on parcel 38 and planting "sticky bushes" to deter pedestrians from entering property on parcel 39. Since agreeing to the changes, the property owner has become non-responsive. 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.
- O. Project:** Milhaven Lane Sidewalk Improvement, Parcel # 38  
**Owner(s):** Von Patel (aka Vallabhbhai N. Patel) and Wife, Hansa Patel And Any Other Parties Of Interest

**Property Address:** 4930 Milhaven Lane  
**Property to be acquired:** 500 sq. ft. (.011 ac.) in Sidewalk and Utility Easement, plus 2,741 sq. ft. (.063 ac.) in Temporary Construction Easement  
**Improvements:** Bollards  
**Landscaping:** Various Plantings  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 041-231-09  
**Total Parcel Tax Value:** \$205,300  
**Appraised Value:** \$14,050  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** The property owners have concerns about the project. The property owner owns parcels 37, 38 and 39 on this project. Staff and the owners have been unable to reach agreement regarding the acquisition. Staff has made the following accommodations: redesigned and revised plans to include a curb cut on vacant parcel 37, move sidewalk out of an existing planting area, reset fence and bollards upon construction completion on parcel 38 and planting "sticky bushes" to deter pedestrians from entering property on parcel 39. Since agreeing to the changes, the property owner has become non-responsive. 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.

- P. Project:** Milhaven Lane Sidewalk Improvement, Parcel # 39  
**Owner(s):** Sunset Systems, LLC (D/B/A Days Inn-Sunset) And Any Other Parties Of Interest  
**Property Address:** 4930 Sunset Road  
**Property to be acquired:** 997 sq. ft. (.023 ac.) in Storm Drainage Easement, plus 767 sq. ft. (.018 ac.) in Sidewalk and Utility Easement, plus 2,010 sq. ft. (.046 ac.) in Temporary Construction Easement  
**Improvements:** Light Pole & Bollard  
**Landscaping:** Trees & Various Plantings  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 041-231-05  
**Total Parcel Tax Value:** \$2,612,200  
**Appraised Value:** \$24,625  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** The property owners have concerns about the project. The property owner owns parcels 37, 38 and 39 on this project. Staff and the owners have been unable to reach agreement regarding the acquisition. Staff has made the following accommodations: redesigned and revised plans to include a curb cut on vacant parcel 37, move sidewalk out of an existing planting area, reset fence and bollards upon construction completion on parcel 38 and planting "sticky bushes" to deter pedestrians from entering property on parcel 39. Since agreeing to the changes, the property owner has become non-responsive. 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.

- Q.**    **Project:** Nations Ford Road Sidewalk / Bike Lane, Parcel # 20  
**Owner(s):** Trustees of Adams Metropolitan African Methodist Episcopal Church And Any Other Parties Of Interest  
**Property Address:** 5520 Nations Ford Road  
**Property to be acquired:** 12,758 sq. ft. (.293 ac.) in Existing Right-of-way, plus 501 sq. ft. (.012 ac.) in Storm Drainage Easement, plus 2,185 sq. ft. (.050 ac.) in Sidewalk and Utility Easement, plus 34 sq. ft. (.001 ac.) in Utility Easement, plus 9,589 sq. ft. (.220 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 167-034-14  
**Total Parcel Tax Value:** \$901,300  
**Appraised Value:** \$4,275  
**Property Owner's Counteroffer:** \$6,000  
**Reason For Condemnation:** The property owner has concerns about the project. Staff and the property owner have been unable to reach agreement regarding the acquisition. 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.