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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 28, 2013

CITY COUNCIL AGENDA
Monday, January 28, 2013

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3:00 P.M. CITY MANAGER RECRUITMENT PROCESS CH-14

5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Resource: Ruffin Hall, 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. Democratic National Convention Update

Resource: Harold Medlock, Police

Time: 30 minutes

Synopsis

- The presentation will share CNA Associates' assessment of Charlotte as host of the Democratic National Convention (DNC).
- CNA Associates, a company hired by the U.S. Department of Justice, is responsible for assessing the Democratic National Convention and Republican National Convention to identify best practices for future host cities of these events.
- A report will be shared on the use of grant funding for DNC expenditures, and the purchase of equipment for the DNC, which will be given to law enforcement agencies that assisted in providing security during the event.

Future Action

Council will be requested to approve the gift of equipment to law enforcement agencies at its February 25 meeting.

3. Democratic National Convention Economic Impact

Resources: Tom Murray, Charlotte Regional Visitor's Authority
Adam Sacks, Tourism Economics

Time: 45 minutes

Synopsis

- Tourism Economics was engaged by the Charlotte Regional Visitor's Authority (CRVA), the City of Charlotte, The Charlotte Chamber, Center City Partners, and the Charlotte Regional Partnership to prepare a report on the Economic Impact of the 2012 Democratic National Convention.
- The findings of the report will be reviewed with the Mayor and Council.

Future Action

The presentation is for information purposes only.

4. Answers to Mayor and Council Consent Item Questions

Resource: Ruffin Hall, City Manager's Office

Time: 10 minutes

Synopsis

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

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

7:00 P.M. COUNCIL BUSINESS MEETING

CONSENT

- 5. Consent agenda items 14 through 33 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

6. Public Hearing on Equipment and Facilities Financing

- Action:**
- A. Conduct a public hearing on an installment financing contract to finance the City's acquisition of certain equipment and capital projects, and**
 - B. Adopt a resolution that makes certain findings for the proposed financing and calls for the execution and delivery of various documents necessary to complete the sale.**

Staff Resource: Greg Gaskins, Finance

Explanation

- The City is planning to issue up to \$52 million of bonds in March 2013 in order to finance equipment, including fleet vehicles, and certain projects, including police and fire facilities.
- The City's obligation to repay the debt will be secured by real property and security interest in the equipment.
- The financing also includes a \$2.3 million refunding of the outstanding bonds related to the 2001D facilities financing. The refunding will save the City over \$120,000.
- The current action will:
 - Conduct and close a public hearing on the projects to be financed
 - Make certain findings required for Local Government Commission approval of the financing
 - Give approval to the City Manager and the Chief Financial Officer to take necessary actions to complete the financing.

Funding

Municipal Debt Service Fund and Capital Equipment Fund

Attachment 1

Resolution

List of projects/equipment

POLICY

7. City Manager's Report

8. Regional Wastewater Treatment Project



- Action:**
- A. Approve the Economic Development Committee's recommendation to purchase 181.25 acres of land and nutrient allocation from ReVenture Park Investments I, LLC and Clariant Corporation for a price of \$12,695,432,**
 - B. Approve the Economic Development Committee's recommendation to authorize a Memorandum of Agreement with City of Mount Holly, and**
 - C. Approve the Economic Development Committee's recommendation to authorize a Nutrient Allocation Purchase Agreement with City of Mount Holly.**

Committee Chair: James Mitchell

Staff Resource: Barry Gullet, Utility

Explanation

- Feasibility studies show that future wastewater treatment needs for Charlotte-Mecklenburg, Mount Holly, and Belmont are best met by a regional wastewater treatment plant near the confluence of Long Creek and Lake Wylie.
- The requested action is needed to:
 - Allow the planning process to continue,
 - Secure the land needed for the future treatment plant; and
 - Establish how environmental protection requirements related to the discharge of regulated nutrients (nitrogen and phosphorus) will be satisfied.
- On August 22, 2011, Charlotte City Council and Belmont City Council approved a similar Memorandum of Agreement (MOA) related to this project.
- A regional agreement provides a foundation for future construction when growth and development drive the need for wastewater treatment capacity.
 - State regulations previously established specific allocations for the amount of nutrients (nitrogen & phosphorus) that wastewater systems can discharge into Lake Wylie.
 - The regional opportunity allows the cities and towns to manage the nutrient allocations, better protect the environment, and provide wastewater treatment capacity that is needed now and in the future
- On January 14, 2013, the Mount Holly City Council approved the MOA and is expected to approve the Nutrient Allocation Purchase Agreement in February.
- Because the Nutrient Allocation Purchase Agreement with Mount Holly is a key financial component to the overall regional plan, execution of this land and nutrient purchase agreement with ReVenture/Clariant is contingent on Mount Holly City Council approving the Nutrient Allocation Purchase Agreement.
- The Economic Development Committee received an update on the regional wastewater planning activities and developments at its December 3, 2012, and January 22, 2013 meetings. On January 22, the Committee voted 3-0 (Mitchell, Cooksey, and Howard) to recommend City Council Approval of the land and

nutrient allocation purchase, and to approve both the Memorandum of Agreement and Nutrient Allocation Purchase Agreement with the City of Mount Holly.

Purchase of 181.25 acres of land and nutrient allocation, \$12,695,432

- The Charlotte-Mecklenburg Utility Department (CMUD) proposes to purchase approximately 181 acres of land from ReVenture Park Investments I, LLC (ReVenture) and Clariant Corporation (Clariant) for \$6,845,432. This property adjoins other land owned by Clariant Corporation that is known to have soil and groundwater contamination resulting from years of industrial operation. The land to be purchased was not occupied by those industrial facilities; it has been tested for contamination and test results indicate no contamination is present on the land to be purchased.
- In addition to the land, the purchase includes the nutrient allocation rights related to the existing industrial wastewater treatment plant formerly operated by Clariant. Initially, CMUD will acquire 90% of the total nutrient allocation for the price of \$5,850,000.
- ReVenture/Clariant will continue to use the remaining 10% to continue ongoing contaminated groundwater treatment and for other wastewater treatment needs at the remaining ReVenture/Clariant property.
- The agreement provides for CMUD to acquire the remaining 10% allocation for the price of \$650,000 at the point ReVenture/Clariant will no longer need
- Approval of the \$650,000 purchase is not included in this action and will be a future action to be considered by City Council.

Memorandum of Agreement with the City of Mount Holly

- Two agreements are needed with the City of Mount Holly. The MOA is the first, confirming both parties' intent to continue the planning process and describing the tentative terms and provisions for development of a final interlocal agreement. The interlocal agreement would be subject to future approval by both Charlotte and Mount Holly City Councils and is anticipated within the next 12 months.
- The MOA describes a scenario whereby Charlotte provides wastewater treatment capacity for Mount Holly in exchange for Mount Holly's nutrient allocations, which allows the future regional treatment plant to be constructed and Mount Holly's existing plant to be decommissioned. The terms of the MOA are subject to change in the interlocal agreement and are non-binding. However, approval of the MOA is necessary to allow the N.C. Department of Environment and Natural Resources to continue processing an Environmental Impact Statement needed for the planning process to continue.

Nutrient Allocation Purchase Agreement with City of Mount Holly

- The second agreement provides that Mount Holly will purchase the nutrient allocation CMUD is acquiring from Clariant/ReVenture in the event that the future plant at Long Creek cannot be completed for environmental, financial or other reasons. This would allow CMUD to recover its investment in the nutrient allocation purchased from Clariant/ReVenture. Mount Holly would buy the allocation from CMUD for the same dollar amount that CMUD pays Clariant/ReVenture. Mount Holly could use that allocation in conjunction with its existing allocation to facilitate the upgrade/expansion of Mount Holly's existing treatment plant.

Funding

Utility Capital Investment Plan

BUSINESS

9. Brooklyn Village Contract Amendment

Action: Adopt a resolution ratifying amendments to (a) the 2007 Brooklyn Village/Knights Baseball Stadium Interlocal Agreement and (b) the Brooklyn Village Affordable Housing Agreement and Declaration of Restrictive Covenants to preserve the affordable housing requirements agreed to in 2007 by the City, Mecklenburg County, the Developer and Charlotte Housing Authority.

Staff Resources: Cindy White, City Attorney's Office
Pamela Wideman, Neighborhood & Business Services

Explanation

- In 2007, the City conveyed Marshall Park to Mecklenburg County under a May 14, 2007 interlocal agreement requiring that the site be sold for construction of Brooklyn Village, a mixed use development that would include 30 units of affordable housing (the "Interlocal"). The Interlocal required that the County sell the site by May 1, 2009, and gave the City a reversion option to take Marshall Park back if the sale did not occur by that date.
- Due to the Jerry Reese lawsuits, City Council and the Board of County Commissioners voted to amend the Interlocal as of December 7, 2007, to extend the date for the County to sell the Brooklyn Village site to December 1, 2012. As amended, the reversion option provided that if the County did not sell the Brooklyn Village site by December 1, 2012, the City could within 60 days following that date require the County to convey the Marshall Park property back to the City.
- To implement the affordable housing requirements set forth in the Interlocal, the parties executed the December 7, 2007 Brooklyn Village Affordable Housing Agreement and Declaration of Restrictive Covenants ("Affordable Housing Agreement"). The Affordable Housing Agreement, as written, is not effective except for a sale prior to December 1, 2012. The housing requirement is for 30 units of affordable housing serving households earning 30% (\$19,550) and below the area median income.
- Pursuant to the Interlocal and Affordable Housing Agreement, the County entered into a contract to sell the Brooklyn Village site to Brooklyn Village LLC on January 17, 2008, (the "Sales Agreement"). Brooklyn Village LLC subsequently assigned its rights under the Sales Agreement to Spectrum Investment Services, Inc. ("Spectrum").
- On November 7, 2012, Spectrum requested that the County extend the time for closing under the Sales Agreement from December 1, 2012, to June 1, 2013 to allow Spectrum adequate time to finish raising the capital to proceed with development, in light of how long it took to resolve the Jerry Reese lawsuits.
- On November 20, 2012, the Board of County Commissioners approved an amendment to the Sales Agreement extending the deadline for Spectrum to purchase the Brooklyn Village site from December 1, 2012 until June 1, 2013.
- In order to preserve the affordable housing provisions that were agreed to in 2007, it is necessary to amend the Interlocal Agreement and the Affordable

Housing Agreement to match the extension granted under the Sales Agreement. Specifically, the amendments will:

- Revise the Interlocal to extend the time for Spectrum to close on purchase of the Brooklyn Village site until June 1, 2013, and preserve the City's ability to have the Marshall Park property revert back to the City if the sale does not occur by that date; and
- Extend the Affordable Housing Agreement to cover any sale of the Brooklyn Village site that occurs on or before June 1, 2013.
- The amendments were approved by the Board of County Commissioners at its January 15, 2013 meeting.

Attachment 2

November 7, 2012 letter from Jim Dulin at Spectrum to Bobbie Shields
Resolution Approving Amendments to Interlocal Agreement, and Affordable Housing Agreement
Proposed Second Amendment to Interlocal Agreement
Proposed Restated Affordable Housing Agreement

10. Conclusion of Consent Agenda

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

11. Appointments to Boards and Commissions

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

A. BICYCLE ADVISORY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending December 31, 2013.
 - Matt Fowler by Council Members Dulin and Mayfield
 - Terry Lansdell by Council Member Kinsey
 - Keith Sorensen by Council Members Autry, Cannon, Howard, Mitchell, and Pickering
 - Michael van Zytow by Council Member Cooksey
 - Martin Zimmerman by Council Members Barnes and Fallon

Attachment 3

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, manufacturing, technology, or transportation/logistics.
 - Mary Boyd by Council Members Barnes, Cannon, Fallon, and Pickering
 - Robert Cox by Council Members Dulin and Mitchell
 - Andrew Golomb by Council Member Kinsey
 - Nathaniel Lewis by Council Member Cooksey
 - Stephen Rosenburgh by Council Member Howard

- Gregory Wiley by Council Members Autry and Mayfield

Attachment 4
Applications

C. KEEP CHARLOTTE BEAUTIFUL

- Two appointments for unexpired terms beginning immediately with one ending June 30, 2013 and one ending June 30, 2015.
 - Larissa DiMaria by Council Members Autry, Kinsey, and Mayfield
 - Joseph Franco by Council Member Cannon
 - Kelley Hyland by Council Members Barnes, Cooksey, Dulin, Fallon, Kinsey, and Pickering
 - Charles Jewett by Council Members Dulin, Fallon, and Pickering
 - Stephen Marcus by Council Member Cooksey
 - Eric Netter by Council Member Mitchell
 - Robert Rapp by Council Members Autry and Mayfield
 - James Rhodes by Council Members Cooksey, Kinsey, and Mitchell

Attachment 5
Applications

D. 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.
 - Kellie Anderson by Council Members Barnes, Howard, Mayfield, and Mitchell
 - Ezekiel Burns by Council Members Autry, Fallon and Pickering
 - Michael Ranken by Council Members Cooksey and Kinsey

Attachment 6
Applications

E. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

- Three appointments for a two-year term beginning March 2, 2013 and ending March 1, 2015.
 - Jaye Alexander by Council Members Autry, Barnes, Dulin, Fallon, and Mayfield
 - Antonio Briceno by Council Members Autry, Cooksey, Mitchell, and Pickering
 - Robert Diamond by Council Members Cooksey, Dulin, Fallon, Kinsey, Mayfield, and Pickering
 - D. Franklin Freeman by Council Member Autry
 - Frederick Hammermann by Council Members Barnes, Cooksey, and Fallon
 - Michael Ranken by Council Members Barnes, Kinsey, and Mitchell
 - Eric Seckinger by Council Members Cooksey, Dulin, and Kinsey
 - Cardiff Shea by Council Members Dulin, Howard, and Mitchell
 - Alexander Vuchnich by Council Members Cooksey, Dulin, Mayfield, and Pickering

Attachment 7
Applications

F. ZONING BOARD OF ADJUSTMENT

- One appointment for a three-year term beginning January 31, 2013 and ending January 30, 2016.
 - Mark Loflin by Council Members Autry, Barnes, Cannon, Cooksey, Fallon, Howard, Mitchell, and Pickering
 - Jason Mathis by Council Members Dulin and Mayfield
 - Melanie Sizemore by Council Member Kinsey

Attachment 8
Applications

12. Mayor and Council Topics

Council members may share information and raise topics for discussion.

13. 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 an industry or business in the City of Charlotte

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."

14. Fire Department Equipment Donation

- Action:**
- A. Adopt a resolution approving the donation of a John Deere Gator and Trailer to the CoulOak Little League, a nonprofit organization, and**
 - B. Adopt a resolution approving the donation of a smokehouse to the Harrisburg Fire Department.**

Staff Resources: Rich Granger, Fire
Robert Kinniburgh, Fire

Explanation

North Carolina General Statute §160A-280 authorizes the donation of personal property from a city to a non-profit organization, or another government unit upon adoption of a resolution by City Council.

John Deere Gator and Trailer

- The Fire Department received a John Deere Gator and Trailer, as a donation from the Charlotte Firefighters Association in 1999, which is no longer used by the department.
- CoulOak Little League will use the equipment to maintain and prepare their ball fields.
- The total estimated value of the equipment is \$1,100.
- The CoulOak Little League will be responsible for all maintenance and replacement costs.

Smokehouse

- The Fire Department received the smokehouse as a donation from the Charlotte Firefighters Association in 2001, which is no longer used by the department.
- The smokehouse is trailer that simulates a house fire and is used as a tool used to promote community fire education.
- The estimated value of the equipment is \$22,000.
- The Harrisburg Fire Department will be responsible for all maintenance and replacement costs.

Attachment 9

Resolutions

15. Fire Department Records Management System

Action: Approve a five-year term contract with FDM Software, Ltd to provide maintenance and support for the records management system, in an amount up to \$325,000.

Staff Resource: Robert Kinniburgh, Fire

Explanation

- The Fire Department's records management system holds essential information such as:
 - Permits
 - Hydrant location
 - Incident information
 - Personnel information
 - Training certificates
- On May 28, 2002, City Council approved a contract with FDM Software, Ltd, for the purchase of a records management system to include the annual provision of maintenance and support.

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

Fire Operating Budget

16. Romare Bearden Park Trellis Structure

Action: Approve Mecklenburg County Code Enforcement's permit, in accordance with North Carolina General Statute 160A-436, for the construction of a wooden trellis structure within Romare Bearden Park.

Staff Resources: Robert Kinniburgh, Fire
Anna Schleunes, City Attorney's Office

Explanation

- State statute prohibits the construction of wooden structures in central business areas as a preventative measure to mitigate potential fire hazards.
- Municipalities are required to create a primary fire district to define the central business area, and shortly after the turn of the 20th Century, what is now Uptown Charlotte was created as Charlotte's Primary Fire District. Because the law is still effective, the City must follow the statutory procedure for obtaining approval to construct any wooden structure within the Primary Fire District.
- North Carolina General Statute 160A-436 requires that the City Council and the Commissioner of Insurance approve any building permit issued by the local building standards department that contains a planned wooden structure.
- Mecklenburg County is developing and paying for the construction of the Romare Bearden Park, an urban park, which is within Charlotte's Primary Fire District. The

plans for Romare Bearden Park call for the construction of a wooden trellis within the park.

- Mecklenburg County Code Enforcement, the Charlotte Fire Department, and the Commissioner of Insurance believe that the proposed trellis presents no danger of fire being spread to adjacent buildings and, as such, Mecklenburg County approved the park plan that includes the wooden trellis and issued a building permit.
- Until the City Council and the Commissioner of Insurance approve the permit, the as-built trellis and subsequently the project as a whole, cannot be approved for public use.
- The Deputy Commissioner of Insurance, on behalf of the Commissioner of Insurance, has given approval of the permit.

Attachment 10

Trellis Rending and Construction Image

Deputy Commissioner of Insurance Approval Letter

Mecklenburg County Building Permit

17. Nevin-Gibbon Sidewalk Grant Agreement

Action:

- A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation to construct a sidewalk,**
- B. Authorize the City to accept the grant, and**
- C. Adopt a budget ordinance appropriating \$994,000 of State grant funding.**

Staff Resources: Malisa McCreedy, Transportation
Scott Correll, Transportation

Explanation

- The Nevin-Gibbon Sidewalk Project will:
 - Construct .75 miles of sidewalk on the north side of Nevin Road from Alpine, Drive to Gibbon Road, and on the south side of Gibbon Road from Nevin Road to W. Sugar Creek Road, and
 - Fill several gaps in the sidewalk network on the east side of W. Sugar Creek Road between Bisaner Street and Mallard Creek Road.
- The purpose for the project is to provide safer accommodations for pedestrians in the area, and to improve pedestrian access to transit.
- The planning phase of the project is estimated to be complete during the first quarter of 2013.
- The City is eligible for up to \$994,000 from the State; the City's contribution for the grant is \$331,000.
- The total project cost is estimated at \$1.325 million.
- The sidewalk project was selected by using the process established in the Council-approved Sidewalk Retrofit Policy.

Funding

Congestion Mitigation Air Quality Grant and Transportation Capital Investment Plan

Attachment 11
 Resolution
 Budget Ordinance
 Map

18. South Tryon Street Sidewalk Grant Agreement

Action:

- A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation to construct a sidewalk,**
- B. Authorize the City to accept the grant, and**
- C. Adopt a budget ordinance appropriating \$1,075,000 of State grant funding.**

Staff Resources: Malisa McCreedy, Transportation
 Scott Correll, Transportation

Explanation

- The South Tryon Street Sidewalk Project will construct 1.00 miles of sidewalk on the southeast side of South Tryon Street between Queen Anne Drive and Nations Ford Road.
- The purpose of the project is to address pedestrian safety concerns along the impacted streets. With the installation of a sidewalk, pedestrians will be able to safely walk to a variety of land uses and have improved access to transit.
- The design phase of the project is estimated to be complete during the second quarter of 2013.
- The City is eligible for up to \$1.075 million from the State; the City's contribution for the grant is \$1.075 million.
- The total project cost is estimated at \$2.15 million.
- The sidewalk project was selected by using the process established in the Council-approved Sidewalk Retrofit Policy.

Funding

Congestion Mitigation Air Quality Grant and Transportation Capital Investment Plan

Attachment 12
 Resolution
 Budget Ordinance
 Map

19. Pedestrian Push Buttons

- Action:**
- A. Approve the purchase of Polara pedestrian push buttons as authorized by the sole source purchasing exception of G.S. 143-129(e)(6), and
 - B. Approve a two-year, unit price contract with Temple, Inc. for the purchase of Polara pedestrian push buttons and associated parts.

Staff Resource: Charles Abel, Transportation

Sole Source Exception

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available
 - A needed product is available from only one source of supply
 - Standardization or compatibility is the overriding consideration
- Sole sourcing is necessary for compatibility to existing equipment in order to adequately operate; or it is not possible to obtain competition because only one source is capable of supplying the item.

Explanation

- The City maintains 730 signalized intersections and approximately 500 have pedestrian push buttons.
- Pedestrian push buttons are used at signalized intersections to provide adequate pedestrian crossing time.
- The push buttons will be used to upgrade existing push buttons and to install new pedestrian signals.
- The estimated expenditure for the first year is \$125,000.
- The estimated contract total is \$250,000.

Small Business Opportunity

Sole Source contracts are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Transportation Capital Investment Plan

20. Private Developer Funds for Traffic Signal Improvements

- Action:** Adopt a budget ordinance appropriating \$76,637 in Private Developer Funds for traffic signal improvements.

Staff Resource: Scott Putnam, Transportation

Explanation

- The following developer is fully funding traffic signal installations and improvements to mitigate traffic impacts related to work associated with the Circle at the University of Charlotte at North Carolina mixed-use development project:

- Crescent Resources, LLC, contributed \$76,637 for traffic signal modifications that include relocating an existing mast arm at the intersection of University City Boulevard (NC 49) and Broadrick Boulevard, and adding a fourth leg to access the development.
- Payments made by the developer are in response to estimates of work prepared by the Charlotte Department of Transportation (CDOT) and supplied to the developer.
- The \$76,637 in private developer funding is restricted to these projects. Any funding that is unused will be refunded after project completion.
- CDOT will be installing and operating the new traffic signals as part of the existing signal systems in the area.

Funding

Developer Contributions

Attachment 13

Budget Ordinance

21. Electrical Supplies

Action: Approve a low-bid, unit price contract with City Electric Supply, for the purchase of electrical supplies for a three-year term.

Staff Resource: Barry Gullet, Utility

Explanation

- The Charlotte-Mecklenburg Utility Department (CMUD) and Engineering & Property Management (E&PM) uses electrical supplies for routine maintenance and repairs to equipment and facilities.
- This contract will supplement existing contracts with other vendors, and allow for needed parts to be available locally, which reduces the cost of purchase.
- CMUD issued an Invitation to Bid on December 11, 2012; City Electric Supply was the only bid received.
- Under this contract, CMUD and E&PM will make purchases of supplies on an as-needed basis according to unit prices established by the bid.
- Annual expenditures are estimated to total \$200,000.
- Future possible price adjustments will be based on the Producer Price Index.

Small Business Opportunity

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

Funding

Utility Operating Budget and E&PM Operating Budget

22. Airport Janitorial Services Contract Amendment #2

Action: Approve contract amendment #2 with Sunshine Cleaning Systems, Inc. for Airport janitorial services, exercising the first one-year contract extension.

Staff Resource: Jerry Orr, Aviation

Explanation

- On November 23, 2009, City Council approved a three-year contract and authorized the City Manager to execute two, one-year extensions with Sunshine Cleaning Systems, Inc. for janitorial services at the Airport. Services are paid on a unit cost basis (i.e. time and materials) in an amount up to \$16,883,156.10 for the initial three-year term.
- On May 9, 2011, City Council approved amendment #1 in an amount not to exceed \$532,166.62 for additional janitorial supplies and services needed due to higher than projected passenger volume.
- Contract amendment #2 will cover costs associated with the following:
 - In 2012, approximately 55,871 square feet were added to the Terminal and passenger numbers for 2013 are estimated to rise to 41,600,000. These increases require additional janitorial supplies and staff time to maintain the Terminal's housekeeping functions.
 - Adjust for the personnel costs associated with the Payroll Taxes and Insurance reimbursement rate for 2012, and the 2013 State Unemployment Tax (SUT) rate increase. In 2012, the SUT increased from 1.15% to 3.00% and in 2013 the SUT rate is 2.52%, and
 - The cost associated with the first one-year contract extension of the initial contract.
- The estimated expenditure of contract amendment #2 is in the amount of \$6,151,276.
- The total value of the contract, including the one-year extension is estimated at \$23,566,598.72.

Small Business Opportunity

All additional work associated with this amendment will be performed by the contractor and their current SBE subcontractors: GDC Supplies Equipment (janitorial supplies) and PMG, Inc. (janitorial services).

Funding

Aviation Operating Budget

23. Airport Concourse Electrical Upgrades

- Action:**
- A. Award the low bid contract of \$3,082,000 with The Bowers Group, LLC for the installation of cabling along Concourses B and C,**
 - B. Award the low bid contract of \$364,000 with EDI Electric for the purchase of switch gear panels, and**
 - C. Adopt a budget ordinance appropriating \$3,446,000 from the Airport Discretionary Fund to the Aviation Capital Investment Plan Fund.**

Staff Resource: Jerry Orr, Aviation

Explanation

- Over the years, US Airways has changed the type of aircraft stationed at their mainline gates. During the summer months, these aircraft require air conditioning units to keep the aircraft cool while on the ground.
- US Airways has asked the Airport to provide additional power to run larger air conditioning units on the Concourse B and Concourse C gates.
- In November 2012, City Council approved a contract with RDK Engineering in the amount of \$177,150 to design electrical upgrades to Concourses B and C to accommodate the larger air conditioning units.
- In December 2012, City Council approved a contract to JBT AeroTech in the amount of \$1,365,302 to purchase aircraft air conditioning units.
- In order to complete the electrical upgrades to the concourses to power the new air conditioning units, additional cabling for the terminal building is needed.
- Action A will provide new electrical distribution cables from the Duke Energy transformers to the aircraft gates around the concourses.
- Action B will provide the necessary switch gear panels for the electrical rooms to distribute the power to the proper areas around the concourses. These panels were bid separately in order to expedite the delivery for purposes of meeting the project schedule.

Small Business Opportunity

Action A:

Established SBE Goal: 8.00%

Committed SBE Goal: 32.37%

The Bowers Group, LLC exceeded the established goal and committed 32.37% (\$997,700) of the total bid amount to the following SBE firm: Area Drywall (studs, drywall), Kelby Construction, Inc. (demo), and COED Electrical Services, Inc. (electrical)

Action B:

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

Funding

Aviation Capital Investment Plan

Attachment 14

Budget Ordinance

24. Airport Operations Control Room Upfit

Action: Award the low bid contract of \$159,800 to The Bowers Group, LLC for the upfit of the Airport Operations Control Room.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Operations Control Room serves as the 24/7 Communications Center and Incident Command Center for all Airport operations and emergencies.
- The Operations Control Room receives all police, fire, and medical calls for service. Control room staff is responsible for operating and monitoring security camera equipment, fire and burglary alarm receivers, communications equipment, data terminals, computers, and building automation systems.
- The Operations Control Room has been in the same facility space for over 20 years, and now requires expansion to accommodate the increase in operations at the Airport.
- The contract will construct interior walls and provide the necessary power and communications infrastructure for the control room workstations.

Small Business Opportunity

Construction contracts under \$200,000 are considered informal with regard to the SBE subcontracting goal setting process, therefore establishing SBE goals are not required (Appendix Section 29.1 of the SBO Policy)

Funding

Aviation Operating Budget

25. Airport Electrical Infrastructure

Action:

- A. Authorize an agreement with Duke Energy in the amount of \$268,175.15 to construct a temporary overhead distribution line needed to provide additional power to the Airport Terminal, and
- B. Authorize an agreement with Duke Energy in the amount of \$620,345.51 to convert overhead electric lines to underground lines on Wilkinson Boulevard for the Airport Entrance Road project.

Staff Resource: Jerry Orr, Aviation

Explanation

- Duke Energy owns and maintains the power lines which provide power to the Terminal building. These lines currently run down Little Rock Road, cross over the Norfolk Southern mainline, and continue on to the Terminal building.
- The agreement in Action A will authorize Duke Energy to temporarily place an overhead distribution line across the rental car parking lots. This line will

- ultimately be placed underground when the rental car companies move into the new hourly/rental car parking deck currently under construction.
- The temporary distribution line is needed to provide additional power to the Terminal building for projects currently underway, such as the in-line baggage system and the upgraded aircraft air conditioning units being installed on the Concourses B and C gates.
 - Duke Energy also owns and maintains the electrical distribution lines that run along Wilkinson Boulevard in the vicinity of the Airport Entrance Road project.
 - The agreement in Action B will authorize Duke Energy to convert the overhead electric distribution lines to underground lines that will run underneath the new intersection of the Airport Entrance Road with Wilkinson Boulevard.
 - Funding for these agreements come from the 2004 General Airport Revenue Bonds, and the 2010 General Airport Revenue Bonds; the debt service of which is paid for with Passenger Facility Charge revenues.

SBE Business Opportunity

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

Funding

Aviation Capital Investment Plan

26. Transit Bus Engine Coolant

- Action:**
- A. Award a low-bid, unit price contract with Cummins Atlantic for the purchase of bus engine coolant for a one-year term, and**
 - B. Authorize the City Manager to approve up to two, one-year renewals with possible price adjustments as stipulated in the contract.**

Staff Resource: Larry Kopf, Transit

Explanation:

- On November 30, 2012, Transit issued a formal Invitation to Bid for bus engine coolant, which is used in all Transit buses.
- Cummins Atlantic submitted the lowest responsive bid of the seven bids received.
- The prices are considered to be fair and reasonable, and the vendor was determined to be qualified to supply the product.
- The estimated annual expenditure is \$35,070.

Small Business Opportunity

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

Funding

Transit Operating Budget

27. North Davidson Street Fuel, Fare and Wash Facility Contract Amendment

Action: Approve a contract amendment with Gannett Fleming, in an amount up to \$160,000, for architectural and engineering design services.

Staff Resource: David McDonald, Transit

Explanation

- The Fuel, Fare and Wash Facility at the North Davidson Street campus is over 25 years old and is in need of physical renovation to incorporate modern environmental and efficiency standards, and technology upgrades to replace equipment that is increasing in maintenance, repair and parts costs. The Fuel, Fare and Wash Facility is used daily to retrieve the fares paid by customers from each bus operated at this campus, fuel buses, and wash/clean buses prior to returning them to service the following day.
- On September 27, 2010, City Council authorized a contract for \$560,000 with Gannett Fleming for architectural and engineering design services for the North Davidson Street Fuel, Fare and Wash Facility.
- The contract provided for the design and construction administration services related to the replacement of the fuel tanks, pumps, and fuel tracking system, as well as, the preliminary scoping and development of conceptual designs for the building renovation.
- The amendment will provide the final funding necessary to complete the design work and provide construction administration associated with the renovation of the Fuel, Fare and Wash building. Design work will include:
 - Replace exterior building facade with a consistent appearance to other buildings on the campus,
 - Renovate interior spaces to meet the American Disabilities Act requirements,
 - Upgrade and/or replace building HVAC, bay ventilation, communication systems, and fire alarm systems, and
 - Renovate employee spaces to standards consistent with remainder of campus.
- The amendment will bring the total contract amount to \$720,000.

Disadvantaged Business Enterprise - DBE

Established DBE Goal: 11.60%

Committed DBE Goal: 19.00%

Gannett Fleming proposes to assign approximately \$136,700 of the total contract amount to the following DBE firms: SEPI Engineering (surveying, civil engineering, and construction Inspection services) and Elm Engineering (mechanical, electrical, and plumbing engineering services).

Funding

Transit Capital Investment Plan

28. Transit Vending Machine Roll Stock

- Action:**
- A. Approve a unit price contract with Electronic Data Magnetics, Inc. (EDM) for a three-year term, to print magnetic transit passes, transfers and ticket vending machine roll stock, and**
 - B. Authorize the City Manager to renew the contract for two, additional one-year terms.**

Staff Resource: Kim Taylor, Transit

Explanation

- In FY1998, Transit installed a new fare collection system across its bus fleet which uses magnetic technology. This technology requires the use of magnetically encoded passes and transfers to validate and record pass usage and ridership.
- In FY2007, the transit system installed ticket vending machines at all LYNX Light rail platforms for customers to purchase tickets in order to provide customers a seamless transfer to the Transit bus service.
- The goal of transit passes, transfers, and ticket vending machine roll stock is to provide customers with a variety of magnetic fare media to use when using public transportation.
- Aside from sales at the Charlotte Transportation Center and at LYNX ticket vending machines, Transit passes can be purchased at over 100 businesses, major private employers, and non-profit agencies throughout the Charlotte area. Ticket purchases also are available online via the Transit website.
- In FY2012 over 2 million passes and tickets of varying types, generating over \$14 million dollars of revenue, were sold and over 5.3 million transfers were issued.
- EDM, Inc. was selected pursuant to a competitive Request for Proposal (RFP) procurement process. The RFP was advertised on the North Carolina Interactive Purchasing System, and notification was sent to 11 potential vendors. Two firms responded to the RFP:
 - Electronic Data Magnetics, Inc.
 - Magnadata USA, Inc.
- A technical evaluation committee, comprised of Transit's Marketing, Technology, and Quality Assurance staff, evaluated the proposals using the following criteria:
 - Experience in producing magnetic strip passes, transfers, and ticket vending machine roll stock for public transportation systems
 - Ability to produce magnetic strip passes and transfers that integrate with Transit's GFI Fare Collection System; and ability to produce magnetic strip ticket vending machine roll stock ACS machines
 - Ability to meet delivery deadlines and specifications
 - Cost
- The evaluation committee selected Electronic Data Magnetics, Inc. based on their technical capability and cost.
- The estimated annual expenditure is \$160,120.

Small Business Opportunity

For service-based contracts, the City negotiates SBE commitments after the proposal selection process (Part C: Section 2.2 of the SBO Policy). For this contract, no SBEs were selected as part of the overall consultant project team.

Funding

Transit Operating Budget

29. Donation of Surplus Computers and Related Equipment to Goodwill

Action: Adopt a resolution approving the donation of surplus computers and related equipment to Goodwill Industries of the Southern Piedmont.

Staff Resource: Charles Robinson, Shared Services

Explanation

- On April 11, 2011 City Council approved a partnership with Goodwill Industries for the management of surplus electronic disposal.
- Since initiation of the partnership, City donated electronics have directly impacted the community by:
 - Making refurbished electronics such as computers and laptops available at discount pricing,
 - Creating opportunities for 1,200 hours of on-the-job training, and
 - Making available employment opportunities in Goodwill electronic recycling and refurbishing operations.
- G.S. 160A-280 requires that City Council adopt a resolution approving all donations. A list of surplus computers and related electronic equipment will be created for each donation cycle and brought to Council for review and approval.
- Throughout the year, donations will be made as surplus equipment accumulates.

Attachment 15

List of Computers and Related Equipment for Donation Resolution

30. Blue Line Extension Project Property Transactions

- Action:**
- A. Accept the transfer of the following properties from Mecklenburg County in accordance with the Governmental Real Estate Transfer Ledger System Agreement, for a total of \$860,225.**
- 1. A portion of Tax Parcel 08004101 (0.1276 acres in fee) and associated Temporary Construction Easement (0.075 acres) located at 624 North College Street at the appraised value of \$317,000,**
 - 2. A portion of Tax Parcel 04933601A (0.2621 acres in fee) and associated Temporary Construction Easement, Permanent Easement and site improvements (0.2029 acres) located at 8446 North Tryon Street for an appraised value of \$105,725,**
 - 3. All of Tax Parcel 04924105 (1.18 acres in fee), located at 7738 North Tryon Street for an appraised value of \$437,500, and**
- B. Pass a resolution authorizing the transfer of a portion of the property, Tax Parcel 04924105 located at 7738 North Tryon Street to Duke Energy Carolinas, LLC subject to the terms and conditions pursuant to section 8.22 of the City Charter.**

Staff Resources: Laura Rushing, Engineering & Property Management
 Danny Rogers, Transit

Explanation

- These transfers are part of the Right-Of-Way Acquisition and Relocation Program for the Blue Line Extension (LYNX BLE) Light Rail Project.
- All of the properties will be transferred from the County to the City via a real estate ledger transaction, and then part of one property will be transferred from the City to Duke Energy.
- The City requires the property located at 624 North College Street to construct the 9th Street Station and associated improvements, such as sidewalks and landscaping.
- The City requires the property located at 8446 North Tryon Street to accommodate LYNX BLE-associated improvements along North Tryon Street, such as sidewalks and landscaping.
- Duke Energy requires a portion of the property located at 7738 North Tryon Street for the relocation of Duke Energy's transmission facilities, necessary for the LYNX BLE project.
- Duke Energy must be able to accomplish this transmission line relocation before it can begin any distribution line relocation which is also necessary for the LYNX BLE project.
- The deed will specify that the property may only be used by Duke for the relocation, operation and maintenance of their transmission facilities.
- Duke Energy will be responsible for paying all property tax levies and maintenance of the grounds.

- The City will retain the portion of the property at 7738 North Tryon Street to accommodate BLE-associated improvements such as road widening, sidewalks, and landscaping.

Background

- On October 2, 2001, the City of Charlotte and Mecklenburg County entered into an agreement to establish a "Real Estate Transfer Ledger System". On September 26, 2001, City Council approved the agreement.
- The agreement established a system of credits and debits to transfer property, at fair market value, between the County and the City, without monetary reimbursement of compensation.
- The balance on the ledger prior to this transaction is \$3,242,374 to the City's credit. After these transactions, and after completion of the \$730,000 transaction which was described to Council as part of the acquisition of the Independence Boulevard hotels, the balance will be \$1,652,149 to the City's credit.
- These transfers were approved by the Board of County Commissioners at their November 7, 2012, and January 2, 2013 meetings.
- The transfer of the property from the City to Duke Energy was publicly advertised for 10 days pursuant to section 8.22 of the City Charter.

Attachment 16

Resolution

31. 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 \$352.64, and**
 - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$593.04.**

Staff Resource: Henry Simmons, 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

32. Property Transactions

Action: Approve the following property transaction(s) (A-T) and adopt the condemnation resolution(s) (U-AE).

For property transactions G-K and W-AA, 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:** Blenheim Storm Drainage Improvement Project, Parcel # 3
Owner(s): Alfred Dean Bennett, Sr.
Property Address: 4124 Welling Avenue
Property to be acquired: 11,305 sq. ft. (.26 ac.) in Fee Simple
(TOTAL TAKE)
Improvements: Single Family Residence, Aluminum, Carport, and Storage Building
Landscaping: Trees and Bushes
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-022-26
Total Parcel Tax Value: \$69,700
Purchase Price: \$61,600
- 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: \$68,090
- C. **Project:** Blenheim Storm Drainage Improvement Project, Parcel # 10
Owner(s): Ruth W. Reavis
Property Address: 4129 Blenheim Road
Property to be acquired: 9,696 sq. ft. (.223 ac.) in Fee Simple
(TOTAL TAKE)
Improvements: Single Family Residence, Wooden Shed
Landscaping: Trees and Shrubs
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-022-08
Total Parcel Tax Value: \$61,900
Purchase Price: \$61,900
- D. **Project:** Blenheim Storm Drainage Improvement Project, Parcel # 11
Owner(s): Andrew Bellamy
Property Address: 4133 Blenheim Road
Property to be acquired: 9,389 sq. ft. (.216 ac.) in Fee Simple
(TOTAL TAKE)
Improvements: Single Family Residence and Wooden Shed
Landscaping: Trees and Shrubs
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-022-09
Total Parcel Tax Value: \$65,900
Purchase Price: \$55,500
- E. **Project:** Blenheim Storm Drainage Improvement Project, Parcel # 12
Owner(s): Andrew Bellamy
Property Address: 4139 Blenheim Road
Property to be acquired: 9,824 sq. ft. (.226 ac.) in Fee Simple
(TOTAL TAKE)
Improvements: Single Family Residence, Wooden Shed, Metal Shed,
and Aluminum Carport
Landscaping: Trees and Shrubs
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-022-10
Total Parcel Tax Value: \$64,300
Purchase Price: \$52,000
- F. **Project:** Blenheim Storm Drainage Improvement Project, Parcel # 18
Owner(s): Jerryl A. Culp
Property Address: 500 Garfield Street
Property to be acquired: 8,774 sq. ft. (.201 ac.) in Fee Simple
(TOTAL TAKE)

Improvements: Single Family Residence and Metal Shed
Landscaping: Trees and Shrubs
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-114-35
Total Parcel Tax Value: \$64,900
Purchase Price: \$57,750

- G.** **Project:** Blue Line Extension, Parcel # 1259
Owner(s): Parrish Tire Company
Property Address: 300 East 36th Street
Property to be acquired: 7,944 sq. ft. (.182 ac.) in Fee Simple, plus 2,796 sq. ft. (.064 ac.) in Temporary Construction Easement, plus 4,902 sq. ft. (.113 ac.) in Utility Easement
Improvements: Business Sign
Landscaping: Tree
Zoned: I-1
Use: Industrial
Tax Code: 083-031-04
Total Parcel Tax Value: \$585,000
Purchase Price: \$24,125
- H.** **Project:** Blue Line Extension, Parcel # 3137
Owner(s): University Partners, LLC
Property Address: 7908 North Tryon Street
Property to be acquired: 3,050 sq. ft. (.07 ac.) in Fee Simple, plus 1,908 sq. ft. (.044 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Tree
Zoned: B-2
Use: Commercial
Tax Code: 049-401-04
Total Parcel Tax Value: \$357,200
Purchase Price: \$140,750
- I.** **Project:** Blue Line Extension, Parcel # 3139 and 3141
Owner(s): University Partners, LLC
Property Address: North Tryon Street
Property to be acquired: 3,508 sq. ft. (.081 ac.) in Fee Simple, plus 368 sq. ft. (.008 ac.) in Storm Drainage Easement, plus 300 sq. ft. (.007 ac.) in Access Easement and Utility Easement, plus 2,397 sq. ft. (.055 ac.) in Temporary Construction Easement, plus 1,956 sq. ft. (.045 ac.) in Utility Easement, plus 189 sq. ft. (.004 ac.) in Storm Drainage Easement and Utility Easement, plus 39 sq. ft. (.001 ac.) in Access Easement, Utility Easement and Storm Drainage Easement
Improvements: None
Landscaping: Trees and Shrubs
Zoned: B-2
Use: Commercial
Tax Code: 049-401-11 and 049-401-03
Total Parcel Tax Value: \$1,478,200
Purchase Price: \$276,125

- J. Project:** Blue Line Extension, Parcel # 3143
Owner(s): Bharat V. Patel and Wife, Lina B. Patel; Dushyant R. Patel and Wife, Latika D. Patel
Property Address: 7928 N Tryon Street
Property to be acquired: 1,817 sq. ft. (.042 ac.) in Fee Simple, plus 289 sq. ft. (.007 ac.) in Access Easement and Utility Easement, plus 871 sq. ft. (.02 ac.) in Temporary Construction Easement, plus 1,658 sq. ft. (.038 ac.) in Utility Easement
Improvements: None
Landscaping: Shrubs
Zoned: B-2
Use: Commercial
Tax Code: 049-401-02
Total Parcel Tax Value: \$1,202,300
Purchase Price: \$192,525
- K. Project:** Blue Line Extension, Parcel # 3242
Owner(s): Bryan C. Hight and Lori Hight
Property Address: 9528 North Tryon Street
Property to be acquired: 6,175 sq. ft. (.142 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: INST
Use: Commercial
Tax Code: 049-311-03
Total Parcel Tax Value: \$780,500
Purchase Price: \$13,700
- L. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 15
Owner(s): Scott L. Swimmer and Wife, Carola Z. Swimmer
Property Address: 1510 Twiford Place
Property to be acquired: 1,803 sq. ft. (.041 ac.) in Storm Drainage Easement, plus 121 sq. ft. (.003 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-131-07
Total Parcel Tax Value: \$978,200
Purchase Price: \$48,500
- M. Project:** City Boulevard Extension- Phase III, Parcel # 18
Owner(s): Gurmukh S. Walha
Property Address: 7313 Neal Road
Property to be acquired: 44,038 sq. ft. (1.011 ac.) in Fee Simple, plus 15,390 sq. ft. (.353 ac.) in Storm Drainage Easement, plus 39,075 sq. ft. (.897 ac.) in Slope Easement, plus 9,030 sq. ft. (.207 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Rural Homesite

Tax Code: 047-311-47
Total Parcel Tax Value: \$119,600
Purchase Price: \$26,000

- N. Project:** City Boulevard Extension- Phase III, Parcel # 30
Owner(s): Cheryl Lukevics Long and John Karlis Lukevics
Property Address: 6312 Rumble Road
Property to be acquired: 2,466 sq. ft. (.057 ac.) in Fee Simple, plus 2,234 sq. ft. (.051 ac.) in Temporary Construction Easement, plus 44 sq. ft. (.001 ac.) in Utility Easement
Improvements: Walkway to front of home, seven medium shrubs, one mature dogwood, and one electric lamp. 579 Feet of concrete pavement. 96 Sqft of concrete walkway.
Landscaping: Trees and shrubs
Zoned: R-17MF
Use: Multi Family
Tax Code: 047-032-04
Total Parcel Tax Value: \$188,200
Purchase Price: \$35,000
- O. Project:** Gaynor Storm Drainage Improvement Project, Parcel # 13
Owner(s): N. Ronnie Melton and Wife, Marianna E. Melton
Property Address: 865 Linda Lane
Property to be acquired: 3,434 sq. ft. (.079 ac.) in Storm Drainage Easement, plus 1,113 sq. ft. (.026 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 157-134-40
Total Parcel Tax Value: \$360,000
Purchase Price: \$23,075
- P. Project:** Gaynor Storm Drainage Improvement Project, Parcel # 17
Owner(s): Jacob A. Darling and Wife, Rebecca Darling
Property Address: 800 Queen Charlottes Court
Property to be acquired: 2,220 sq. ft. (.051 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 157-134-11
Total Parcel Tax Value: \$359,600
Purchase Price: \$34,000
- Q. Project:** Gaynor Storm Drainage Improvement Project, Parcel # 33
Owner(s): Todd E. Strawser and Wife, Amy B. Strawser
Property Address: 4819 Gaynor Road
Property to be acquired: 3,142 sq. ft. (.072 ac.) in Storm Drainage Easement, plus 2,274 sq. ft. (.052 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and Shrubs

Zoned: R-3
Use: Single Family Residential
Tax Code: 185-037-19
Total Parcel Tax Value: \$405,800
Purchase Price: \$47,950

- R. Project:** Gaynor Storm Drainage Improvement Project, Parcel # 69
Owner(s): TMV Partners On Sharon Amity Road, LLC
Property Address: 200 North Sharon Amity Road
Property to be acquired: 5,034 sq. ft. (.116 ac.) in Storm Drainage Easement, plus 5,240 sq. ft. (.12 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and Shrubs
Zoned: MUDD(CD)
Use: Office
Tax Code: 185-031-07
Total Parcel Tax Value: \$1,745,700
Purchase Price: \$108,875
- S. Project:** Gaynor Storm Drainage Improvement Project, Parcel # 70
Owner(s): Angelo Politis
Property Address: 120 North Sharon Amity Road
Property to be acquired: 1,677 sq. ft. (.038 ac.) in Storm Drainage Easement, plus 1,421 sq. ft. (.033 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and Shrubs
Zoned: O-2
Use: Commercial
Tax Code: 185-031-02
Total Parcel Tax Value: \$503,500
Purchase Price: \$36,700
- T. Project:** Park Road Pedestrian Crossing Sidewalk, Parcel # 6
Owner(s): Giant Genie Corporation, A North Carolina Corporation
Property Address: 4012 Park Road
Property to be acquired: 66 sq. ft. (.002 ac.) in Storm Drainage Easement, plus 2,858 sq. ft. (.066 ac.) in Sidewalk and Utility Easement, plus 1,359 sq. ft. (.031 ac.) in Temporary Construction Easement
Improvements: Two signs and ground lights
Landscaping: Trees and Shrubs
Zoned: O-2
Use: Office
Tax Code: 149-204-19
Total Parcel Tax Value: \$1,569,100
Purchase Price: \$57,575

Condemnations

- U. Project:** Beatties Ford Road Widening Phase 3, Parcel # 13
Owner(s): William R. Coaxum and Wife, Vivian Coaxum And Any Other Parties Of Interest
Property Address: 4101 Bryan Furr Drive

Property to be acquired: 989 sq. ft. (.023 ac.) in Fee Simple, plus 892 sq. ft. (.02 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: R-4

Use: Single Family Residential

Tax Code: 041-113-01

Total Parcel Tax Value: \$52,600

Appraised Value: \$2,875

Property Owner's Counteroffer: \$3,150

Reason For Condemnation: Staff began working with the property owner in June 2012 and reached verbal agreement. However, staff has yet to receive the executed agreement. 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.

- V. Project:** Beatties Ford Road Widening Phase 3, Parcel # 42
Owner(s): Leroy L. Wray and Wife, Betty C. Wray And Any Other Parties Of Interest
Property Address: 4800 Beatties Ford Road
Property to be acquired: 112 sq. ft. (.003 ac.) in Fee Simple, plus 13,016 sq. ft. (.299 ac.) in Fee Simple within Existing Right-of-Way, plus 113 sq. ft. (.003 ac.) in Storm Drainage Easement, plus 3,890 sq. ft. (.089 ac.) in Temporary Construction Easement, plus 26 sq. ft. (.001 ac.) in Utility Easement
Improvements: None
Landscaping: Tree
Zoned: R-4
Use: Single Family Residential
Tax Code: 041-221-09
Total Parcel Tax Value: \$161,000
Appraised Value: \$1,225
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began property owner contact attempts in May 2012 which was ultimately established in September 2012. The property owner failed to attend subsequent scheduled meetings. 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.
- W. Project:** Blue Line Extension, Parcel # 3145
Owner(s): South Central Oil Co., Inc. And Any Other Parties Of Interest
Property Address: 8016 North Tryon Street
Property to be acquired: 2,687 sq. ft. (.062 ac.) in Fee Simple, plus 640 sq. ft. (.015 ac.) in Access Easement and Utility Easement, plus 1,469 sq. ft. (.034 ac.) in Temporary Construction Easement, plus 5,089 sq. ft. (.117 ac.) in Utility Easement, plus 26 sq. ft. (.001 ac.) in Storm Drainage Easement and Utility Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: B-2

Use: Commercial

Tax Code: 049-401-01

Total Parcel Tax Value: \$1,139,000

Appraised Value: \$251,467

Property Owner's Counteroffer: None

Reason For Condemnation: Staff began working with the property owner in June 2012 and has yet to reach an agreement regarding the acquisition. 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.

- X. Project:** Blue Line Extension, Parcel # 3149
Owner(s): 8001 North Tryon, LLC And Any Other Parties Of Interest
Property Address: 8001 North Tryon Street
Property to be acquired: 2,672 sq. ft. (.061 ac.) in Fee Simple, plus 323 sq. ft. (.007 ac.) in Access Easement and Utility Easement, plus 4,809 sq. ft. (.11 ac.) in Temporary Construction Easement, plus 194 sq. ft. (.004 ac.) in Utility Easement
Improvements: Irrigation System and Sign
Landscaping: Trees and shrubs
Zoned: O-2
Use: Office
Tax Code: 047-451-17
Total Parcel Tax Value: \$1,062,100
Appraised Value: \$120,475
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owner in June 2012 and has yet to reach an agreement regarding the acquisition. 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.
- Y. Project:** Blue Line Extension, Parcel # 3159 and 3160
Owner(s): New Hampton Presbyterian Church And Any Other Parties Of Interest
Property Address: 8116 North Tryon Street and 117 Hampton Church Road
Property to be acquired: 7,124 sq. ft. (.164 ac.) in Fee Simple, plus 5,204 sq. ft. (.119 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-5
Use: Rural Homesite
Tax Code: 049-331-04 and 049-331-05
Total Parcel Tax Value: \$381,800
Appraised Value: \$61,900
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owner in June 2012 and has yet to reach an agreement regarding the acquisition. 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.

- Z.** **Project:** Blue Line Extension, Parcel # 3163
Owner(s): Tryon, LLC And Any Other Parties Of Interest
Property Address: 118 East McCullough Drive
Property to be acquired: 9,577 sq. ft. (.22 ac.) in Fee Simple, plus 352 sq. ft. (.008 ac.) in Sidewalk and Utility Easement, plus 502 sq. ft. (.012 ac.) in Access Easement and Utility Easement, plus 4,655 sq. ft. (.107 ac.) in Temporary Construction Easement, plus 4,056 sq. ft. (.093 ac.) in Utility Easement
Improvements: Private light pole
Landscaping: Trees and shrubs
Zoned: B-1 (CD)
Use: Office
Tax Code: 049-331-37
Total Parcel Tax Value: \$1,827,400
Appraised Value: \$243,817
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owner in June 2012 and has yet to reach an agreement regarding the acquisition. 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.
- AA.** **Project:** Gaynor Storm Drainage Improvement Project, Parcel # 68
Owner(s): Gaynor Arms Association, Ltd. And Any Other Parties Of Interest
Property Address: 4527 Gaynor Road
Property to be acquired: 7,517 sq. ft. (.173 ac.) in Storm Drainage Easement, plus 1,257 sq. ft. (.029 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Shrubs
Zoned: R-17MF
Use: Condominium
Tax Code: 185-03C-99
Total Parcel Tax Value: \$107,500
Appraised Value: \$52,275
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owner in May 2012 and has yet to reach an agreement regarding the acquisition and appraisal. 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.
- AB.** **Project:** Gaynor Storm Drainage Improvement Project, Parcel # 71
Owner(s): William A. Rork and Wife, Sandra S. Rork And Any Other Parties Of Interest
Property Address: 222 North Sharon Amity Road
Property to be acquired: 7,044 sq. ft. (.162 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None

Zoned: O-2

Use: Commercial

Tax Code: 185-031-06

Total Parcel Tax Value: \$359,900

Appraised Value: \$22,725

Property Owner's Counteroffer: None

Reason For Condemnation: Staff began working with the property owner in June 2012 and has yet to reach an agreement regarding the acquisition and appraisal. 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.

AC. Project: Gaynor Storm Drainage Improvement Project, Parcel # 75

Owner(s): Antrev, LLC And Any Other Parties Of Interest **Property**

Address: 4401 Colwick Road

Property to be acquired: 18 sq. ft. (. ac.) in Sidewalk and Utility Easement, plus 39 sq. ft. (.001 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: O-2

Use: Office

Tax Code: 157-171-07

Total Parcel Tax Value: \$9,261,000

Appraised Value: \$1,700

Property Owner's Counteroffer: None

Reason For Condemnation: Staff began working with the property owner in June 2012 and has yet to reach an agreement regarding the acquisition. 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.

AD. Project: Idlewild Road Roadway Improvement Project, Parcel # 4

Owner(s): Patricia D. Dowdy And Any Other Parties Of Interest

Property Address: 8223 Idlewild Road

Property to be acquired: 7,722 sq. ft. (.177 ac.) in Fee Simple, plus 146 sq. ft. (.003 ac.) in Water Main Easement, plus 5,403 sq. ft. (.124 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: R-4

Use: Single Family Residential - Rural Acreage

Tax Code: 135-064-10

Total Parcel Tax Value: \$213,700

Appraised Value: \$15,500

Property Owner's Counteroffer: None

Reason For Condemnation: Staff began working with the property owner in November 2011 and the property owner agreed to the acquisition. However, the title abstract revealed issues which would prevent the City from obtaining clear title. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

- AE. Project:** Little Rock Road Realignment, Parcel # 534
Owner(s): Virgilio J. Mayorga and Martha P. Mayorga And Any Other Parties Of Interest
Property Address: 935 Little Rock Road
Property to be acquired: 9,484 sq. ft. (.218 ac.) in Fee Simple, plus 908 sq. ft. (.021 ac.) in Storm Drainage Easement, plus 166 sq. ft. (.004 ac.) in Sidewalk and Utility Easement, plus 1,449 sq. ft. (.033 ac.) in Slope Easement, plus 7,572 sq. ft. (.174 ac.) in Temporary Construction Easement, plus 166 sq. ft. (.004 ac.) in Utility Easement
Improvements: Gate
Landscaping: Trees
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 059-212-22
Total Parcel Tax Value: \$116,400
Appraised Value: \$13,975
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owner in April 2012 and the property owner agreed to the acquisition. However, the title abstract revealed issues which would prevent the City from obtaining clear title. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

33. Meeting Minutes

- Action: Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of:**
- **September 24, 2012 Combined Business and Zoning Meeting**
 - **September 27, 2012 Special Budget Meeting, and**
 - **October 30, 2012 Special Budget Meeting**

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.