

Mayor Anthony Foxx

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Michael D. Barnes
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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, May 13, 2013

In addition to the previously advertised public hearing items, Departments have asked that the time sensitive item(s) listed below not be deferred.

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30	33	CityLYNX Gold Line Brake Modifications
31	34	LYNX Blue Line Extension Project - Construction Materials Testing and Special Inspection Services
33	36	UNC Charlotte Communications Vault Relocation

**CITY COUNCIL AGENDA
Monday, May 13, 2013**

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Reference

Small Business Opportunity Program Policy

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Resource: Julie Burch, 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. CityLYNX Gold Line Recommendation

Resources: Ruffin Hall, City Manager's Office
Jeb Blackwell, Engineering & Property Management
Carolyn Flowers, Transit
Olaf Kinard, Transit

Time: 30 minutes

Synopsis:

- In April, the City Manager requested an opportunity to review and analyze the Streetcar project.
- City staff has reviewed all aspects of the Streetcar project and will provide an updated plan and recommendation to move forward at the May 13th dinner briefing.
- As part of the review, Transit staff recommends branding the Streetcar to the CityLYNX Gold Line. The new name is more consistent with other Transit projects such as the Blue Line or the Red Line.
- Areas that were reviewed and will be discussed include but are not limited to:
 - Project descriptions such as cost, vehicles, alignment, and operations;
 - The policy rationale around the CityLYNX Gold Line, including economic development, community connections, and transit system relationships;
 - Rebranding and marketing strategies;
 - Funding frameworks including federal grants and local revenue sources; and
 - Relationships to the current Transit System policy framework, such as those of the Metropolitan Transit Commission (MTC) and the upcoming recommendations from the Transit Funding Working Group.
- The City Council Economic Development Committee will receive an updated report from BAE Urban Economics (BAE) on economic development impacts from the CityLYNX Gold Line project at their meeting on Thursday, May 16th. The data presented in BAE's report will be incorporated into the CityLYNX Gold Line plan and recommendation going forward.
- Additionally, staff recommends forwarding the proposal to the MTC for their consideration at their Wednesday, May 22nd meeting. MTC is scheduled to receive the Transit Funding Working Group's report on options to address the entire transit system at the same MTC meeting.

Future action

This presentation is for information only. Future actions may be taken by the City Council at future meetings.

3. Public Art Work Plan

Resources: Sabrina Brown, Public Art Commission
Nicole Bartlett, Arts & Science Council
Robert Bush, Arts & Science Council

Time: 15 minutes

Synopsis

- City Council approved the current Public Art Ordinance on May 27, 2003.
- On June 20, 2005, City Council approved the annual agreement with the Arts & Science Council and the Public Art Commission for administration of the Public Art Program.
- The FY2014 proposed Public Art Allocation for General Government is \$9,000.
- The FY2014 proposed Public Art Allocation for the Airport is \$283,105.
- The attached work plan provides a:
 - Description of the artwork completed, obtained, or commenced in FY2013;
 - Preliminary plan for pooling and site selection of FY2014 proposed public art allocations; and
 - Description of the Public Art Donation Guidelines created by City staff, in collaboration with the Arts & Science Council and Public Art Commission, to assist private partners wishing to donate artwork to the City's public art collection

Future Action

The FY2014 Public Art Work Plan and the annual agreement with the Arts & Science Council – Charlotte Mecklenburg, Inc. and the Public Art Commission for administration of the Public Art program will be included in the June 10, 2013, budget adoption agenda item.

Attachment 1

FY2014 Proposed Public Art Work Plan
City of Charlotte Public Art Donation Guidelines

4. Small Business Week 2013 Update

Resources: Natasha Warren, Neighborhood & Business Services

Time: 10 minutes

Synopsis

- The City's Economic Development Division is coordinating Small Business Week activities along with City area partners and area business associations.
- Small Business Week will include multiple events, seminars, and resource sessions to help celebrate, engage, and inspire small businesses in Charlotte. Most events are free to the public.
- The signature event during the week is the Charlotte Small Business Week

Conference on May 14th at the Harris Conference Center where businesses will participate in networking, engage in inspirational pitches, and partake in a series of interactive breakout sessions.

- The keynote speaker is Chef Jeff Henderson, an award-winning chef, motivational speaker, best-selling author, and Food Network personality. Henderson uses “reality-based education” to inspire audiences to take charge of their lives. Additional speakers include: Tamela Rich, Louis Foreman, Michael Moore, Manny Ohonme, Cassie Parsons, ThatGuySmitty, Chad Henderson, Robin Emmons, Dolph Ramseur, and Mike Watson.
- Small Business Week also will feature a refresh of www.charlottebusinessresources.com, the community small business web portal, which provides resources to businesses in all stages of development.

Future Action

The presentation is for information only.

5. Answers to Mayor and Council Consent Item Questions

Resource: Julie Burch, City Manager’s Office

Time: 10 minutes

Synopsis

Staff responses to questions from the beginning of the dinner meeting

7:00 P.M. AWARDS AND RECOGNITIONS

Meeting Chamber

6. Small Business Week Proclamation

Action: Mayor Foxx will read a proclamation recognizing Charlotte's small businesses during Small Business Week, May 13 – 17, 2013.

7. Charlotte U.S. Export Assistance Center Presentation

Action: Mayor Foxx and Greg Sizemore, Director of the U.S. Department of Commerce Charlotte U.S. Export Assistance Center, will recognize World Trade Month and present an Export Achievement Certificate to three area exporters that serve as excellent examples of growth and exporting in Charlotte.

COUNCIL BUSINESS MEETING

CONSENT

- 8. Consent agenda items 20 through 50 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

9. Public Hearing on a Resolution to Close Mooney Avenue

Action: A. Conduct a public hearing to close Mooney Avenue, and
B. Adopt a Resolution to Close.

Staff Resource: Jeff Boenisch, Transportation

Policy:

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

Explanation

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

Petitioner

Herrin Brothers Coal & Ice Company - Mr. Herrin

Right-of-Way to be abandoned

Mooney Avenue

Location

Mooney Avenue is an unopened right-of-way located within the North Davidson Charlotte Community (NoDa), beginning at its intersecting point with Academy Street as a 50-foot wide right-of-way, continuing approximately 398 feet east to its terminus at its intersecting point with Anderson Street, and consisting of 20,124 square feet.

Reason

As part of City Council approved rezoning petition 2013-09, the unopened right-of-way will be incorporated into the adjacent parcels to accommodate the Starnes at NoDa Development.

Notification

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

Adjoining property owners

Starnes Commercial Properties/ Mr. Tommy Starnes – No objections

Neighborhood/Business Associations

NoDa Neighborhood Association - No objections

Private Utility Companies

No objections

City Departments

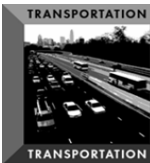
Review by City departments identified no apparent reason this closing would:

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

Attachment 2

Map
Resolution

10. Public Comment on Park Woodlawn Area Plan



Action: Receive public comment on the Park Woodlawn Area Plan.

Committee Chair: David Howard

Staff Resource: Alberto Gonzalez, Planning

Explanation

- The Park Woodlawn Area Plan (Plan) covers approximately 2,000 acres and is focused on the Park Road Mixed-Use Activity Center as defined by the Centers, Corridors, and Wedges Growth Framework, as well as the surrounding Wedge neighborhoods.
- The Plan focuses on land use, transportation, community design, natural environment, and public facilities.
- A public kickoff meeting was held in November 2011, followed by six, staff-led Citizen Advisory Group meetings, and a design workshop held in June 2012.
- On December 4, 2012, a public meeting was held to present the draft recommendations, followed by a final public meeting on January 29, 2013, to begin the review and adoption process. Over 150 people attended each public meeting.
- Staff has worked with citizens on specific concerns and in response, developed a Proposed Revisions to Draft Document.

Plan Recommendation

- The Goals and Objectives of the Plan are to:
 - Provide a policy guide to help direct future infill development and redevelopment especially within the Park Road Activity Center;
 - Preserve existing neighborhood, and improve connectivity for pedestrian and vehicular circulation and access; and
 - Provide design guidelines for a more urban and pedestrian-oriented form of development.
- The land use recommendations for the Mixed-Use Activity Center feature a mix of uses (residential, office and/or retail) with a focus on community design and

appropriately scaled development, especially when adjacent to single-family neighborhoods. The transportation policies also support the creation of a walkable, neighborhood-centric, mixed-use center.

- The recommendations for the Wedge-area maintain existing single-family and multi-family densities, continuing the current development pattern consistent with the Plan's vision.

Charlotte-Mecklenburg Planning Commission

- The Charlotte-Mecklenburg Planning Committee (Planning Committee) received public comments at the February 19, 2013, meeting. Several residents and property owners were in attendance, and a number of residents expressed support of the Plan recommendations.
 - One resident expressed concern with overall pedestrian safety and street crossing improvements. A representative of the Park Road Shopping Center owners expressed some concern over the specific land use language regarding the site.
 - A representative of the Real Estate and Building Industry Coalition shared concerns on building height limits, and the impact it would have on future developments.
 - Public comments continued as staff worked through the concerns raised at the meeting.
- At the March 19, 2013, meeting staff presented information in response to concerns expressed by citizens at the February meeting. Additionally the Planning Committee discussed:
 - The possibility of creating separated bike lanes - detailing the design speeds for the proposed street cross sections;
 - Reconsideration of building height limits - adding more discussion of recommended building types;
 - Improvements to the intersection of Woodlawn Road and Brandywine Road - considering a long-term total redevelopment of the Park Road Shopping Center; and
 - The opportunity for more Greenway connections.
- The Planning Committee voted unanimously to recommend adoption of the plan with proposed revisions at their April 16, 2013, meeting.

Transportation & Planning Committee

- The City Council Transportation & Planning Committee received an overview of the Plan at their April 25, 2013, meeting. The discussion included:
 - The boundaries of the Plan area,
 - Overall vision of the Plan,
 - Community design policies, specifically building height limits of 40 feet for non-residential parcels adjacent to single-family homes, and
 - Future development on Montford Drive.
- The Committee voted unanimously (Howard, Autry, Cooksey, and Kinsey; Barnes was absent) to forward the Plan to City Council for public comment on May 13th.

Next Steps

- Staff will follow-up on issues and concerns raised during the public comment meetings and provide a response to the Transportation & Planning Committee at the May 23rd meeting. Also at the May 23rd meeting, the Committee will be asked to make a recommendation on the area plan with an anticipated vote by City Council at the June 10, 2013, Council Business Meeting.

Attachment 3

Park Woodlawn Area Plan
Proposed Revisions to Draft Document

11. Public Hearing on Preliminary FY2014 & FY2015 Operating Budget and FY2014-2018 Capital Investment Plan

Action: Receive public comment on the City Manager's recommended budget.

Committee Chair: Michael Barnes

Staff Resource: Randy Harrington, Budget & Evaluation

Explanation

- On May 6, 2013, the City Manager presented the recommended FY2014 & FY2015 Operating Budget and FY2014-2018 Capital Investment Plan. The May 6th recommendation represents the proposed City operating and capital budget for next fiscal year, beginning on July 1, 2013.
- State law requires the City hold a public hearing following presentation of the Manager's recommended budget (May 6, 2013) and prior to City Council adoption of the budget (June 10, 2013).

FY2014 & FY2015 Operating and Capital Recommended Budget Summary

- As part of the two-year operating budget process, the first year (FY2014) is scheduled for adoption by City Council on June 10, 2013. The second year of the operating budget (FY2015) is a plan, which will be revisited by Council in 2014.
- The proposed budget for the City next year consists of three major components supported by general tax revenues (net of transfers):
 - A General Fund budget of \$495 million in FY2014 and \$506.4 million FY2015, representing an increase above FY2013 of 1.5% which supports current levels of service with few enhancements;
 - An \$88 million Municipal Debt Service Fund, increasing 34.6%, supporting long-term capital investments as outlined in a revised General Capital Improvement Plan; and
 - A \$40 million General Capital Investment Plan, decreasing 8.2%, which still maintains current infrastructure and makes short to mid-term investments in subsequent years.
- Enterprise Funds operating and capital budgets' total \$1.2 billion in FY2014 (net of transfers), an 18.7% increase above the prior year, which supports capital investments and operating adjustments.
- City-wide total budget is \$1.92 billion in FY2014 and \$2.19 billion in FY2015, a 12.9% increase and 14.1% increase, respectively, above the FY2013 budget of \$1.70 billion, due primarily to address the infrastructure needs of a growing community.
- A property tax rate increase of 3.17 cents in FY2014 to support capital investments for a total tax rate of 46.87 cents. In FY2015, an estimated property tax increase of 0.8 cents is projected to restore lost funding from the County's property revaluation study, representing a property tax rate of 47.67 cents.

Recommended Property Tax Rates

Purpose	FY2013 Tax Rate	Recommended FY2014 Tax Rate	Recommended FY2015 Tax Rate
General Fund	36.00¢	36.00¢	36.65¢
Capital Debt Service	6.50¢	9.67¢	9.79¢
Pay-As-You-Go Capital	1.20¢	1.20¢	1.23¢
Total	43.7¢	46.87¢	47.67¢

General Fund Budget Highlights

- \$2.0 million in FY2014 for the first year funding to create a Rental Assistance Program Endowment, with matching funds from the private sector
- \$1.7 million in FY2014 and \$1.9 million in FY2015 for public safety (fuel, vehicle maintenance, and training)
- \$0.4 million in FY2014 and \$1.5 million in FY2015 for residential recycling collection, multi-family garbage, and anticipated Mecklenburg County disposal fee increase in FY2015
- \$0.26 million in FY2014 and \$0.24 million in FY2015 to support implementation of the Charlotte Business INCLUSION program
- A complete copy of the recommended budget is available at: <http://citybudget.charmeck.org>.

Enterprise Funds Revenue Recommendations

- Utilities: Changes in Residential and Non-Residential Water and Sewer Rates. The total water and sewer bill for a typical residential customer would increase \$2.14 per month.

Residential Water Rates	Current FY2013	Recommended FY2014
Tier 1 (1-4 Ccf)	\$1.09	\$1.20
Tier 2 (5-8 Ccf)	\$2.18	\$2.40
Tier 3 (9-16 Ccf)	\$3.81	\$4.30
Tier 4 (over 16 Ccf)	\$5.96	\$6.76
Sewer Charges	\$4.32	\$4.46
Non-Residential Water Rates		
	\$2.33	\$2.46

1 Ccf = 748 gallons

- Storm Water: 5.5% impervious surface fee rate increase in FY2014 and a 5.0% in FY2015 to reduce the flood control project backlog and increase the major flood control projects. The total Storm Water bill for a typical residential customer would increase 41 cents per month.
- Airport: Only slight changes to select fees (for example, aircraft ramp parking)
- CATS: No scheduled fee increases in FY2014

Recommended Employee Compensation and Benefits

- 2.0% Broadbanding merit adjustment pool
- 2.5% or 5.0% Public Safety Pay Plan (PSPP) step adjustments, depending upon rank
- 1.0% PSPP market adjustments
- State required retirement system contribution increases above the FY2013 level of 6.74% for non-sworn employees and 7.05% for sworn police. In FY2014, the

retirement contribution is 7.07% for non-sworn employees and 7.28% for sworn police. In FY2015, the retirement contribution is 7.42% for non-sworn employees and 7.64% for sworn police. The Firefighter Retirement System is not impacted, as the system is administered by the City.

- City's portion of funding for group insurance coverage is increasing by 3.0% and 6.0%, respectively, for FY2014 and FY2015
- 4.0% cost share increase for employees in the PPO Plus Plan; 0% increase for employees in the PPO Basic Plan for FY2014
- Increase cost sharing for retirees (42.5% to 45.0% for retiree-only) for FY2014

Recommended Position Changes for All Funds

- Number of positions impacted in General Fund:
 - Five new positions are added in the Neighborhood & Business Services Department:
 - Three support implementation of the Charlotte Business INclusion program
 - Two are associated with the transition of the Charlotte International Cabinet to an office within the department
- Other changes:
 - 15 new positions in the Charlotte-Mecklenburg Utility Department as temporary and contracted positions are reduced to yield budget savings
 - 12 new positions in Transit for FY2015 to support the CityLYNX Gold Line Phase I Project, which is funded in the General Capital Investment Pay-As-You-Go-Program
 - 11 new positions in Aviation to meet current customer service delivery needs
 - Five new positions are added to the Storm Water Services to support capital program initiatives, funded by user rates

Recommendations for Financial Partners & Outside Agencies

- No new General Fund Financial Partners; no funding changes, except those that are formula-driven with dedicated revenue sources
- No new Housing & Community Development Partners; the only increase is \$130,000 for Charlotte Family Housing to serve 25 additional households
- No new Crisis Assistance Partners; funding is kept flat
- The Out-of-School Time Partners' Request for Proposal process results in five partners, with total funding at \$1.2 million

Recommended FY2014-FY2018 Capital Investment Plan

- The five-year total recommended Capital Investment Plan is \$3.4 billion
- A 3.17 cent property tax rate increase is recommended in FY2014 to fund \$816.4 million of new General Capital Investment Plan (CIP) debt-funded infrastructure projects over four bond referenda (2014, 2016, 2018, and 2020).
- The General CIP totals \$658.1 million (debt-funded projects and Pay-As-You-Go cash-funded projects) within the FY2014-FY2018 5-year planning period and includes two of the four planned bond referenda - totaling \$365.5 million of General Obligation debt and \$128.3 million of Certificates of Participation.
- The General CIP includes three categories for the bond referenda and certificates of participation:
 - Investing in Corridors at \$185.6 million
 - Increasing Connections at \$114.9 million
 - Improving Communities at \$193.4 million

- Enterprise Capital programs over five years:
 - CATS totals \$1.1 billion, a 9.9% decrease
 - Aviation totals \$966.8 million, a 7.2% decrease
 - Storm Water totals \$213.2 million, a 18.2% decrease
 - Utilities totals \$461.6 million, a 25.9% decrease

Budget Process

- On May 15, City Council will meet to consider possible changes to the Manager's Recommended Budget. Proposed adjustments by City Council that received five or more votes will move on to Council's May 29 Straw Votes meeting for consideration.
- Budget adoption is scheduled for June 10, 2013 at 7:00 p.m. during City Council's business meeting.
- State law requires local governments to adopt a budget by July 1 of each year.

Attachment 4

May 6th Recommended Budget Presentation

Manager's Transmittal Letter

Executive Summary from the Preliminary FY2014 & FY2015 Strategic Operating Plan

POLICY

12. City Manager’s Report

13. FY2014 Annual Action Plan for Housing and Community Development



Action: Approve the Housing & Neighborhood Development Committee recommendation to approve the FY2014 Annual Action Plan (Plan) for Housing and Community Development.

Committee Chair: Patsy Kinsey

Staff Resources: Rebecca Pfeiffer, Neighborhood & Business Services
 Pamela Wideman, Neighborhood & Business Services

Policy

- The U.S. Department of Housing and Urban Development mandates the development of an Annual Action Plan to receive federal funding for housing and community development activities.
- The FY2014 Annual Action Plan is the City’s annual strategy for providing housing and community development activities.
- The Plan supports the City’s housing policy to preserve existing housing, expand the supply of low and moderate-income housing, and support family self-sufficiency.

Explanation

- The Plan includes housing and community development needs and resources for the City and Regional Housing Consortium.
- The Regional Housing Consortium is a partnership between the City, Mecklenburg County, and the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville.
- In FY2014, the City expects to receive a federal funding allocation that includes an 8.4% reduction in Community Development Block Grant funding and HOME Investment and Partnership funding, which has been factored into the budget and programming aspects of the Plan specifically:
 - Neighborhood & Business Services staff has planned for a decreased contribution to the Charlotte-Mecklenburg HOME Consortium and the City’s rehabilitation program, resulting in fewer homes being rehabilitated. The City has also planned for decreased relocation expenses.
- In FY2014, the City anticipates the following funding allocation:

– Community Development Block Grant (CDBG)	\$4,045,653
– HOME Investment and Partnerships (HOME)	1,861,201
– Emergency Solutions Grants (ESG)*	377,418
– Housing Opportunity for Persons with AIDS (HOPWA)*	<u>830,903</u>
Total	<u>\$7,115,175</u>

*No Reduction

- The final Federal budget is expected to be determined in the next 60-90 days. Should the anticipated funding amounts change, the City Council would not be required to hold another public hearing or amend the approved FY2014 Annual Action Plan. The changes would be handled through an administrative update by staff to the Regional Housing and Urban Development Field Office.

Community Input

- Neighborhood & Business Services staff convened three planning sessions to receive input to the development of the Plan.
- A copy of the draft FY2014 Annual Action Plan was placed in public libraries throughout the city. Also, a copy was placed at the Charlotte Housing Authority and at Old City Hall.
- A public hearing was held on April 22, 2013, during the City Council Business Meeting. No comments were received during the public hearing.

Committee Action

On April 10, 2013, the Housing & Neighborhood Development Committee received an update on the Plan and voted unanimously (Kinsey, Mayfield, Autry, and Cooksey; Barnes was absent) to forward the plan to City Council for approval.

Next Steps

The Plan will be submitted to Housing and Urban Development on May 16, 2013.

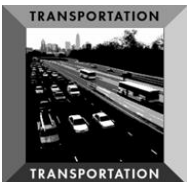
Funding

CDBG, HOME, ESG, and HOPWA

Attachment 5

FY2014 Annual Action Plan

14. Blue Line Extension Station Area Plans



- Action:**
- A. Approve the Transportation & Planning Committee recommendation to adopt the Blue Line Extension (BLE) Station Area Plans Volume I: The Concept Plan and receive Volume II: The Implementation Plan as information, and**
 - B. Refer to the Transportation & Planning Committee, a discussion of Transit Oriented Development Zoning.**

Committee Chair: David Howard

Staff Resources: Kathy Cornett, Planning
Alysia Osborne, Planning

Explanation

- Draft Blue Line Extension (BLE) Area Plans have been developed for six transit stations along the BLE: Parkwood, 25th Street, 36th Street, Sugar Creek, Tom Hunter, and Old Concord Road. Generally, the area plan boundaries include properties within a half-mile walking distance of each transit station.
- The plans focus on land use, transportation, community design as well as update portions of several previously adopted area plans.

- Staff has worked with citizens on specific concerns and in response, developed the Proposed Revisions to Draft Document.
- The BLE Station Area Plans were included in City Council's packets for the April 8th, Council Business Meeting.

Planning Process

- During October and November 2012, staff held three interactive, public workshops to gather citizen input, receive feedback on draft concepts, and help shape the recommendations.
- On January 31, 2013, a final public meeting was held to present the draft recommendations. There were over 100 citizens that attended each meeting.
- The completed draft plans documents have been available for public review and comment since March 7, 2013.

Plan Recommendation

- To achieve the vision of the transit stations as vibrant, high density nodes along the BLE, the BLE Station Area Plans included identified goals that serve as the basis for the recommendations.
 - Land Use: Accommodate higher intensity uses that support the various transportation systems throughout the Corridor, while protecting the fabric of residential neighborhoods and providing the opportunity for housing choices.
 - Community Design: Create a high quality urban environment by enhancing the identity of the Transit Station Area, and creating attractive streetscape, building on the synergy of public infrastructure investments.
 - Transportation: Improve the accessibility and capacity of the transportation system by removing barriers to pedestrian, transit, bicycle, and vehicular mobility, and by increasing connectivity.
 - Infrastructure and Public Facilities: Provide the infrastructure and public facilities needed to support growth in the Corridor.
 - Natural Environment: Improve the quality of the natural environment in the Transit Station Area, while continuing to accommodate growth, by replenishing the tree canopy, reducing storm water run-off, and remediating contaminated sites.
- The Transit Station Area Plans follow the Centers, Corridors, and Wedges and Transit Station Area Principles when recommending areas of more intense mixed-use development and neighborhood preservation.
 - Generally, transit supportive higher intensity mixed-uses are recommended for locations around the transit stations. Neighborhood preservation is a key aspect of the plans and consideration of existing development is recommended in terms of transitioning between the stations and the existing neighborhoods.
- The Transit Station Area Plans include structure plans for each station that distinguish areas that may have the same type of land use, but call for different sizes or types of buildings. This helps facilitate a more predictable development pattern in accordance with the plans' vision and goals. In some areas, there may be recommended height limits to ensure that the character of the area is preserved.
- Where it can be accommodated, street parking is included in the future streetscape cross-sections to help address parking concerns, especially in the 36th Street Station area.

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Committee received public comments at their March 19, 2013, meeting. Three residents spoke at the meeting in favor of the BLE Station Area Plans, but with minor, specific concerns.
- The NoDa Neighborhood Association (36th Street Station and Sugar Creek Station) relayed concerns with parking, streetscape proposals, greenway connections, and preservation of the historic residential character in the area. Other concerns were related to the overall light rail project, transit station location, and property acquisition.
- Staff has responded to each of these comments, and in some cases has recommended revisions to the document.
- At the April 16th Planning Committee meeting, staff presented information on the response to the citizens' concerns at the March meeting. Additionally, the Planning Committee discussed several concepts for staff to consider incorporating into area plans, including separated bike lanes, green light rail tracks, more multimodal crossings along the light rail line, and adding recommended design and posted speeds to the streetscape cross sections.
- The Planning Committee voted 4-1 (Zoutewelle, Zapata Griffith, Low, and Phipps yes; Ryan no) to recommend adoption of the plan with the proposed revisions, including the additional revision to include recommended design and posted speeds with corresponding street cross sections.

Transportation & Planning Committee

- The City Council Transportation & Planning Committee received an overview of the plan at their March 28th meeting. The discussion included:
 - The planning context for land use recommendations;
 - Coordination with Neighborhood and Business Services on addressing parking issues in the NoDa community;
 - Consideration of tools to implement the transit-oriented development vision in the plans;
 - Document graphics; and
 - How population and employment recommendations are used in developing the plans.
- The Committee voted unanimously (Howard, Barnes, Autry, Cooksey, and Kinsey) to forward the plan to City Council for public comment on the April 8th Council Business Meeting.
- The Committee met on April 25th and discussed staff's response to each of the concerns brought forth by Committee, Planning Commission, and the public. The Committee expressed further concerns including:
 - The transit station area plans for the University City stations will be incorporated with the plans in the current document in order for the public to understand how all the plans work together to support the entire line;
 - The need to be more intentional about the long-term vision for the area near the Sugar Creek Station, particularly if the existing cement plant were to redevelop;
 - Application of Transit Oriented Development zoning; and
 - The opportunity to work with Norfolk Southern on repurposing the rail yard within the 25th Street and Parkwood Transit Station Areas.
- The Committee voted unanimously (Howard, Barnes, Autry, Cooksey, and Kinsey) to recommend adoption of the plan with the proposed revisions including a request for the City Council to refer to Committee further discussion of the application of Transit Oriented Development Zoning.

City Council

- City Council received public comments from four speakers at the April 8, 2013, Council Business Meeting.
 - One speaker expressed concern about the cost of the BLE project and two speakers questioned access for properties along North Tryon Street between Tom Hunter and Old Concord roads.
 - The final speaker, representing the Real Estate and Building Industry Coalition, spoke in favor of the plan and expressed the desire for greater building heights beyond what is recommended in the plan in certain locations, specifically in existing single-family neighborhoods.
 - Staff provided responses to these concerns at the April 25th Transportation & Planning Committee meeting. In brief, staff explained that the Charlotte Area Transit System and Engineering & Property Management Departments have scheduled to meet with the speakers who expressed concerns about access; and also the height limits adjacent to single-family neighborhoods were consistent with the overall plan goal of protecting the fabric of existing neighborhoods.

Attachment 6

Proposed Revisions to the Draft Document

BLE Station Area Plans - http://www.charmeck.org/Planning/BLE_DRAFT_Plan.pdf

15. Community Sustainability Plan Development



Action: Approve the Environment Committee recommendation to develop a Community Sustainability Plan (Plan), and authorize the expenditure of up to \$150,000 to fund a consultant in collaboration with Mecklenburg County and the Foundation for the Carolinas.

Committee Chair: John Autry

Staff Resource: Robert Phocas, City Manager's Office

Explanation

- The International City and County Management Association (ICMA) recommended the City/County proceed to develop a Plan and presented six different options to do so. City and County staff developed a hybrid approach that drew upon ICMA's options.
- To proceed with development of a Plan, City and County staff propose retaining a consultant experienced with sustainability plans. The estimated cost is \$300,000 and staff proposes \$150,000 from the City and \$150,000 from the County, which would come from existing resources. Staff has been discussing a partnership with the Foundation for the Carolinas (FFTC) that would provide both funding and logistical support, which could reduce the City's and County's financial share.
- The Plan does not focus on internal goals, but rather the development of a community-wide vision and goals to be achieved through specific strategies for the City, County, and the six towns. It would build on existing municipal policies, such as the Quality of Life Study; identify policy gaps and strategies to address these gaps. One goal is to not duplicate existing efforts, but rather to identify opportunities for collaboration and new partnerships that will lead to the efficient implementation of the community's vision and goals.

- The Plan is different from the CONNECT Our Future effort in that CONNECT is regional in scope (covers 14 counties) and has a broader end product than the Plan. CONNECT will produce a regional growth framework with a toolbox of options for local governments to choose from, whereas the Plan will produce a Mecklenburg County-wide vision with specific measurable goals and regular community reporting.
- Development of the Plan would be done in two phases.
 - Phase I will develop a community sustainability vision/framework that will provide a framework against which existing plans and programs within the County can be reviewed.
 - Phase II, using the community vision/framework, will develop goals, measures, actions, and an implementation plan. The community will have the opportunity to reaffirm or realign existing goals and develop new goals to address new opportunities.
- The community would focus on developing goals under seven proposed dimensions:
 - Community character and culture;
 - Economic security;
 - Environment and health;
 - Education and youth;
 - Safety; and
 - Housing and transportation.

For example, goals under the environment & health dimension could be: a “healthy natural environment,” which could be achieved through the attainment of a 50% tree canopy; and “community enrichment,” which could be achieved through the development of community gardens.
- After the goals and strategies have been chosen, the community would work together to realize them; staff would measure progress and report out the results to the community.
- A multi-jurisdiction staff oversight committee will oversee the development of the Plan and will consist of two City staff, two County staff, six town staff, and a representative from the FFTC. This committee will be supported by County staff, who will take the staff lead, the City’s Energy & Sustainability Manager, citizen workgroup chairs, and the FFTC.
- At the City Council April 8th dinner briefing, City staff presented its proposal and requested feedback to be shared with the Environment Committee.
- On April 16, 2013, the County Board of Commissioners approved the proposal.

Background

- A Community Sustainability Plan describes the community’s vision for a sustainable future and would create a unified County-wide vision that brings existing plans/programs together, potentially with new ones. The plan would be structured around the three pillars of a sustainable community: economy, environment, and society. The community includes all community members: citizens and private, non-profit, and government entities.
- On March 26, 2012, City Council referred to the Environment Committee the question of the feasibility of developing and implementing a Plan.
- Around the same time, the Mecklenburg County Board of Commissioners’ Natural Resources Committee asked County staff to research the feasibility of a Plan.
- Senior City and County leadership discussed the opportunities and challenges of a joint plan. They decided to bring in outside expertise to conduct a feasibility study. The ICMA was retained to conduct the study with the City and County sharing the cost.

Next Steps

- Work under Phase I will begin as soon as feasible, including establishing membership in the oversight committee through consultation with city, county, and town managers.
- Staff will finalize workgroup dimensions, verify workgroup membership, and begin to develop a public engagement strategy.
- City and County staff will work with FFTC to hire a consultant whose work will include:
 - Providing logistical support and leadership;
 - Facilitating public engagement;
 - Social media and marketing;
 - Conducting research on existing plans and programs as well as goals and measures;
 - Developing an implementation strategy; and
 - Writing the Plan.
- Over the next approximately six months to a year, staff will work with the oversight committee and members of the public to develop the Plan vision/framework.
- Staff will return to City Council with a proposed Plan vision/framework before proceeding to work under Phase II.

Committee Discussion

- On April 15, 2013, the Environment Committee discussed City Council’s dinner briefing comments and other aspects of the proposal.
- At this meeting, the Committee voted 3 to 1 (Autry, Dulin, and Pickering, yes; Fallon, no; Howard was absent) to recommend the Plan to the City Council for approval.

Funding

General Capital Investment Plan

Attachment 7

Community Sustainability Plan Presentation from the April 15, 2013, Dinner Briefing

16. City Council Meeting Schedule Amendment

Action: Approve the Council-Manager Relations Committee recommendation to amend the City Council calendar to add a meeting on June 24, 2013, from 12:00 p.m. - 1:30 p.m. for a quarterly briefing by the City Manager.

Committee Chair: Mayor Anthony Foxx

Staff Resource: Ron Carlee, City Manager

Explanation

- The Council-Manager Relations Committee discussed the benefits of a quarterly briefing by the City Manager and concluded the meetings will enhance the discussions, which take place annually during the Manager’s evaluation process, and allow the Manager to brief City Council on a timelier basis.

- The Committee voted unanimously (Foxy, Cooksey, Howard, Kinsey, and Mitchell) to schedule the first meeting on June 10, 2013, and to then discuss the benefits of scheduling quarterly meetings however; given the fact June 10th is the date for budget adoption, it is recommended the briefing meeting be scheduled for June 24, 2013.
- The City Manager suggested the meeting be held in the uptown area, outside of the Charlotte-Mecklenburg Government Center, to create an atmosphere of change to enhance discussion.
- The location of the meeting will be determined and added to the City Council calendar in the near future.

BUSINESS

17. Charlotte Premium Outlets Interlocal Agreement Resolution

Action: Adopt a resolution approving an Interlocal Agreement with Mecklenburg County for which the City will receive a payment equal to 45% of incremental County property tax revenue from a designated area from the County and remit such payment to Tanger Factory Outlet Centers/Simon Property Group, Steele Creek (1997) Ltd. Partnership and/or affiliates (Tanger).

Staff Resources: Anna Schleunes, City Attorney's Office
Brad Richardson, Neighborhood & Business Services

Explanation

- On February 25, 2013, City Council approved an Infrastructure Reimbursement Agreement (Agreement) with Tanger for certain roadway improvements to provide increased connectivity, congestion mitigation, safer vehicle operations, and future economic development opportunities at the planned Charlotte Premium Outlet Center.
- The resolution approving the City/County Interlocal Agreement was inadvertently omitted from the February 25, 2013, City Council action.
- Under the terms of the Agreement, Tanger would build the public improvements, which will be repaid through 45% of incremental City and County property taxes from a designated area over 10 years.
- The reimbursement arrangement requires the City and County to execute an Interlocal Agreement, which obligates the County to pay 45% of the incremental County property taxes from the designated area to the City during the term of the Agreement. The City will remit such payment annually to Tanger.

Funding

Synthetic Tax Increment Grant

Attachment 8

Interlocal Agreement
Resolution

18. Conclusion of Consent Agenda

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

19. 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. 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."

CONSENT

20. Voluntary Annexation Public Hearing Date

Action: Adopt resolutions setting public hearings for May 28, 2013, for voluntary annexations of several City-owned and privately-owned properties.

Staff Resources: Bryman Suttle, Planning
Jonathan Wells, Planning

Explanation

- The City has received a voluntary annexation petition for an 81.14 acre area of privately-owned properties associated with the Charlotte Premium Outlet (Tanger) site located on Steele Creek Road.
- Recent changes to State annexation laws and statutes in 2011 allow for local administration of annexation processes, including voluntary annexation.
- Public hearings are required prior to City Council action on any and all annexation requests.
- The City also has initiated voluntarily annexation of 374.2 acres of City-owned properties that include:
 - Three areas in the vicinity of the Wilkinson Boulevard/I-485 interchange acquired for airport purposes (248.52 acres);
 - Four areas in the West Boulevard/I-485 area, immediately west of I-485 near Walkers Ferry Road and Dixie River Road acquired for airport purposes (75.51 acres);
 - Two areas in the West Boulevard/Berewick area, one located east of I-485 and the other located west of I-485 acquired for airport purposes (21.29 acres);
 - Two areas along Shopton Road and the Coffey Creek greenway acquired for airport purposes (19.75 acres);
 - An area consisting of a portion of the relocated Dixie River Road right-of-way located northwest of its intersection with Steele Creek Road (6.19 acres); and
 - Four areas east of the Brantley Oaks community fronting on I-485 near Starwood Avenue originally acquired for utility purposes associated with the 2009 annexation (2.94 acres).
- The City periodically assesses publicly-owned properties that are contiguous to its corporate limits to undertake City-initiated voluntary annexations, the last of which occurred in summer of 2012.
- These proposed City-initiated and privately petitioned voluntary annexations comply with current City Council Policies and State laws and statutes.
- Properties for these proposed voluntary annexations do not contain habitable structures and are within Charlotte's extraterritorial jurisdiction.
- Areas proposed for voluntary annexation share boundaries with current City limits.
- Voluntary annexation of proposed areas at this time will allow for more orderly extension of City services, capital investments, and annexation processes in the future.
- For City-owned properties, City Council must adopt Resolutions of Intent setting the date for public hearings.

Consistency with City Council Policies

- These annexations:
 - Are consistent with City voluntary annexation policies approved by City Council on March 24, 2003;
 - Will not adversely affect the City's ability to undertake future annexations;
 - Will not have undue negative impact on City finances or services; and
 - Will not result in a situation where unincorporated areas will be encompassed by new City limits.

Public Hearing Date

- The resolutions set Tuesday May 28, 2013, for the public hearings on the voluntary annexations.
- City Council will be asked to take action on the voluntary annexations at the conclusion of the public hearings.

Attachment 9

Maps
Resolutions

21. Solid Waste Services Roll-Off and Grapple Trucks Purchase

Action: **A. Approve the purchase of two roll-off trucks and one grapple truck, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3), and**

B. Approve contracts with Houston Freightliner and Petersen Industries Inc. for the purchase of two roll-off trucks and one grapple truck.

Staff Resource: Victoria Johnson, Solid Waste Services

Cooperative Purchasing Exemption

- NC S.L. 2001-328, effective January 1, 2002, authorizes competitive group purchasing.
- Houston Freightliner has a national contract through the Houston-Galveston Area Council Buy cooperative (HGAC-Buy) that guarantees their lowest prices.
- Petersen Industries Inc. has a national contract through the National Joint Powers Alliance (NJPA) that guarantees their best prices.

Explanation

- The grapple truck will be used for the collection of bulky items and large piles of yard waste; and the roll-off trucks will be used to transfer loads of debris from the Solid Waste Services' lot to disposal facilities.
- Petersen Industries Inc. provides grapple truck bodies under their NJPA Contract at a unit price of \$63,500.
- The body will be mounted to a cab/chassis provided by Houston Freightliner under their HGAC-Buy contract at a unit price of \$68,580.
- The City's Procurement Division solicited informal quotes for two bodies for the roll-off trucks on February 12, 2013; five quotes were received. Carolina Environmental Systems was the lowest responsive, responsible bidder in the total amount of \$83,600 and approved by the City Manager's Office.

- These bodies will be mounted to cab/chassis provided by Houston Freightliner under their HGAC-Buy contract at a unit price of \$88,054, for a total of \$176,108.
- The expenditures are estimated to be \$391,788 for three vehicles on the FY2013 Capital Replacement List.

Small Business Opportunity

Cooperative Purchasing contracts are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Capital Equipment Fund

22. Police ShotSpotter System Contract Amendment

Action: **A. Approve a contract amendment of \$140,000 to renew an existing subscription and add a subscription for technology services with SST, Inc. for a fixed one-year term, and**

B. Adopt a budget ordinance appropriating \$140,000 in police assets forfeiture funds.

Staff Resources: Doug Gallant, Police
 Steve Willis, Police

Explanation

- The ShotSpotter is a wide-area acoustic gunfire detection system that conveys incident alerts when a gunshot is detected.
- An acoustic sensor mounted on tops of buildings detects and pinpoints the location of gunshots fired.
- The ShotSpotter system aids police officers in linking people, places, and events in real time and in immediately responding to a criminal act involving gunfire.
- Originally, the system was approved as part of the public safety initiatives associated with the Democratic National Convention. The contract became effective on June 27, 2012.
- SST, Inc. was selected based on experience and its ability to meet the requirements for the system.
- The contract amendment will extend an expiring subscription for a portion of the system, and add a subscription for new technology services for the system for a fixed one-year period.
- Police will use assets forfeiture funds to cover the contract costs.

Funding

Police Assets Forfeiture Funds

Attachment 10

Budget Ordinance

23. Private Developer Contribution for a Street Connection

Action: Adopt a budget ordinance appropriating \$123,000 in private developer funds for a future street connection between Ikea Boulevard and Clark Boulevard.

Staff Resource: Matt Magnasco, Transportation

Explanation

- The developer of Belgate, a multi-use development centered on the intersection of University City Boulevard and Ikea Boulevard, will contribute \$123,000 for the developer's portion of a future street connection between Ikea Boulevard and Clark Boulevard.
- The City will leverage the developer's contribution, with existing capital investment plan funds, in order to build the street connection. The total cost is estimated to be \$350,000.

Funding

Developer Contributions

Attachment 11

Map

Budget Ordinance

24. Traffic Signals and Hardware

Action:

- A. Approve the purchase of Eagle Brand Traffic Signals and Hardware as authorized by the sole source exemption of G.S. 143-129(e) (6),**
- B. Approve a contract with RGA Inc. for the purchase of Eagle Brand Traffic Signals and Hardware for a one-year term, and**
- C. Authorize the City Manager to extend the contract for four additional, one-year terms with possible price adjustments as authorized by the contract.**

Staff Resource: Ronnie Ashburner, Transportation

Sole Source Exemption

- 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 or supply
 - Standardization or compatibility is the overriding consideration
- Sole sourcing is necessary for standardization and compatibility of the equipment

Explanation

- The Charlotte Department of Transportation has over 7,000 traffic signals within the Charlotte city limits, requiring a large inventory of replacement parts to be available for repairs and replacements.

- Traffic signal components must be compatible for fast repair times, especially during emergency situations.
- RGA, Inc. is the only authorized dealer of Eagle Brand Traffic Signal equipment for the Charlotte, NC region per Siemens ITS, the manufacturer.
- A unit price contract will be established for one year with four additional, one-year renewal options to accommodate future purchases.
- Annual expenditures are estimated to be \$120,000.

Small Business Opportunity

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

Funding

Transportation Operating Fund

25. Police Independence Division Lease Renewal

Action: **A. Approve lease renewal with Windsor at Greyllyn, LLC, an affiliate of GID Investment Advisors, for office space for the Charlotte-Mecklenburg Police Department Independence Division at 9315-H Monroe Road, and**

B. Authorize the City Manager to execute lease-related documents.

Staff Resources: Katrina Graue, Police
 Robert W. Drayton, Engineering & Property Management

Explanation

- The Charlotte-Mecklenburg Police Independence Division currently leases a 10,000 square feet office space located at 9315-H Monroe Road in the Greyllyn Business Park and visible from Monroe Road.
- Police has been in this location since 2003.
- The lease extension will allow Police to remain in their current location until construction of a new division facility.
- The Proposed FY2014-FY2018 Capital Investment Plan includes funding to construct a new Independence Division Police Station. If approved by City Council, the Independence Station would be operational approximately three years after funding is received.
- The current lease rate is \$9.96 per square foot. The new lease rate will be \$9.35 per square foot.

Terms of the Lease Agreement

- 10,000 square feet of office and warehouse space.
- Lease will commence July 1, 2013, for 10 years and include a termination clause.
- The initial lease rate will be \$9.35 per square foot (\$93,500 for the first year).
- Effective July 1st, there will be an annual 3% rent increase.
- Tenant pays pro-rata share of taxes, insurance, and utilities.
- Total lease payments will not exceed \$1,075,000 over the term of the lease.

Funding

Police Operating Budget

26. Montreux Subdivision Infrastructure Project

Action: Award the low bid contract of \$392,387.82 to Red Clay Industries, Inc. for infrastructure completion within the Montreux Subdivision.

Staff Resource: Tom Ferguson, Engineering & Property Management

Explanation

- Montreux Subdivision is a single-family subdivision, which was initiated by a private developer in 2006. The project site is located on Youngblood Road at Capps Road, within the city extraterritorial jurisdiction.
- The developer abandoned the project prior to satisfactory completion of basic infrastructure improvements (streets, sidewalks, and storm drainage systems) required by the City Subdivision Ordinance and as specified in the construction plans approved by City staff in September 2006.
- In accordance with the Subdivision Ordinance, the developer posted performance bonds guaranteeing completion of the required infrastructure.
- The City, as the named beneficiary of the developer's performance bonds, has cashed the bonds posted by the developer totaling \$431,500 and plans to use the bond funds to complete the required subdivision infrastructure for the benefit of the subdivision property owners.
- Any remaining funds, following completion of required infrastructure, must be returned to the surety company.
- Construction is expected to be complete by August 2013.

Small Business Opportunity

Established SBE Goal: 7.00%

Committed SBE Goal: 7.02%

Red Clay Industries, Inc. exceeded the established SBE goal and has committed 7.02% (\$27,554.00) of the total contract amount to the following SBE firms: Ram Pavement Services, Inc. (curb/sidewalk cracks) and Express Logistics Services, Inc. (hauling).

Funding

General Capital Investment Plan

27. Michael Baker Place Bridge Replacement

Action: Adopt a resolution to authorize the City Manager to execute a Supplemental Agreement with the North Carolina Department of Transportation (NCDOT) for preliminary engineering work for replacement of the Michael Baker Place Bridge.

Staff Resource: Leon Howe, Engineering & Property Management

Explanation

- The 50-year-old Michael Baker Place Bridge, which spans Briar Creek near Michael Baker Place and Runnymede Lane, is in need of replacement.
- On February 13, 2012, City Council approved a municipal agreement with NCDOT for preliminary engineering work with an estimate in the amount of \$200,000.
- On March 25, 2013, City Council approved a design contract with DRMP, Inc. in the amount of \$309,084.
- Consistent with past bridge municipal agreements, federal funding will reimburse the project up to 80%. The Supplemental Agreement will increase federal contributions from \$160,000 to \$247,267 (80% of the design contract). Additional agreements for real estate and construction are anticipated at a later date.
- The City's match will increase from \$40,000 to \$61,817 (20% of the design contract). On March 25, 2013, City Council approved a budget ordinance to appropriate a Federal Highway Administration's (FHWA) contribution of \$247,267. NCDOT will administer the federal funds on behalf of FHWA.
- Additional supplemental agreements for real estate and construction phases will follow at the appropriate points in the project timeline.

Small Business Opportunity

Interlocal agreements with other federal, state, or local units are exempt (Appendix 23.8 of the SBO Policy).

Funding

Transportation Capital Investment Plan

Attachment 12

Resolution

28. Residential and Business Relocation Payments

Action: Authorize the City Manager to approve Business Relocation Payments associated with the Lynx Blue Line Extension Project and Residential Relocation Payments associated with the Blenhien Storm Drainage Improvement Project.

Staff Resource: Laura Rushing, Engineering & Property Management

Explanation

- Capital improvement projects with federal funding require real estate acquisition and residential/business relocations to be completed in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act).
- All residential and business relocations required for City of Charlotte capital improvement projects are completed in accordance with the Uniform Act.
- Businesses required to move as a result of City projects are eligible for reimbursement of actual and reasonable moving and related expenses, as defined in the Uniform Act.
- Residential owner-occupants and tenants required to move as a result of City projects are eligible for reimbursement of replacement housing payments and moving expenses, as defined in the Uniform Act.
- Real estate acquisition for the Lynx Blue Line Extension Project will require the relocation of approximately 19 businesses, with up to nine of the reimbursements estimated to exceed \$100,000 and require City Council approval. These businesses are:
 - Source Recycling
 - SRI Holdings
 - Sam’s Mart
 - Pizza Hut
 - Twin Peeks
 - Panda Express
 - Nona’s Bakery
 - Honeybaked Ham
 - Papa John’s
- Real estate acquisition for the Blenhien Storm Drainage Improvement project will require the relocation of approximately 16 residential owner-occupants and tenants. The reimbursement for one owner-occupant is estimated to exceed \$100,000, requiring City Council approval.
- The BLE and Blenhien relocations are part of allowable project costs.

Background

- The Uniform Act intends to ensure that owners of real property to be acquired and persons displaced as a direct result of Federal and federally funded projects, are treated fairly, consistently, and equitably.
- The Uniform Act also intends to ensure that the agencies acquiring property with federal funding implement these regulations in a manner that is efficient and cost effective.
- Eligible relocation benefits for business relocations are determined by the lower of at least two estimates from qualified moving companies and are paid for actual expenses incurred.

- Eligible relocation benefits for residential relocations are determined by the cost difference of the appraised value of the home being purchased and the value of an available decent, safe and sanitary comparable replacement.
- Relocation costs required for the Blue Line Extension are eligible for North Carolina Department of Transportation and Federal Transit Administration reimbursement.

Funding

Transit Capital Investment Plan and Storm Water Capital Investment Plan

29. Fire Exhaust Removal Systems

Action: **A. Approve the purchase of Plymovent Exhaust Systems, as authorized by the sole source exemption of G.S. 143-129(e) (6); and**

B. Approve a contract with Air Cleaning Specialists, Inc. for the purchase of Plymovent exhaust removal systems and incidental services for a five-year term.

Staff Resource: Rich Granger, Fire Department.

Sole Source Exemption

- 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 or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because Air Cleaning Specialists, Inc. is the only supply source for Plymovent parts and service in the State of North Carolina.

Explanation

- Exhaust removal systems are required in all fire stations to meet OSHA and NIOSH standards. They remove toxic gases and emissions and exhaust them outside through a series of hoses connected directly to the exhaust pipe of the apparatus.
- All Fire Department stations are currently equipped with Plymovent Exhaust Systems.
- Compatibility is essential, since fire apparatus move from station to station as call load requires. Therefore, connections on all apparatus must be interchangeable to connect to existing hardware at each location.
- The estimated annual expenditure is \$450,000.

Small Business Opportunity

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

Funding

Fire Department Operating Budget and General Government Facilities Capital Investment Plan

30. CityLYNX Gold Line Brake Modifications

- Action:**
- A. Approve the purchase of brake equipment, as authorized by the sole source exemption G.S. 143-129 (e) (6), and**
 - B. Authorize the City Manager to negotiate and execute an agreement with Gomaco, Inc. for brake modifications for the three replica vehicles that will operate on the CityLYNX Gold Line Project.**

Staff Resource: Allen Smith, Transit

Sole Source Exemption

- 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 to maintain compatibility with the current system

Explanation

- In October 2004, the replica trolleys began operation running on a dedicated track. As part of the CityLYNX Gold Line project Phase I, the replica trolleys will instead operate in vehicular traffic.
- The brake modification will upgrade the braking system to ensure maximum performance while operating in a vehicular traffic environment.
- Gomaco, Inc. is the original equipment manufacturer and has the expertise to ensure the modifications are compatible with the existing vehicles.
- The estimated cost is approximately \$400,000.

Funding

Transit Capital Investment Plan

31. LYNX Blue Line Extension Project - Construction Materials Testing and Special Inspection Services

Action: Authorize the City Manager to negotiate and execute an agreement with Kleinfelder Southeast, Inc. for construction materials testing and special inspection services for the LYNX Blue Line Extension Project in an amount up to \$9.0 million.

Staff Resources: Carolyn Flowers, Transit
John Muth, Transit
Danny Rogers, Transit

Explanation

- The contract will provide engineering services for construction material testing (soil compaction, asphalt, and concrete strengthen), quality assurance/quality control oversight, and special inspection services along the LYNX Blue Line Extension project.
- On February 18, 2013, the City issued a Request for Qualification. On March 12, 2013, eight firms responded with a statement of qualification.
- An evaluation committee comprised of representatives from Transit and Engineering & Property Management selected Kleinfelder Southeast, Inc. as the best qualified firm to perform the work.
- The City received the State and Federal Full Funding Grant Agreements in 2012.
- The financial plan, approved by the Federal Transit Administration and for which the Federal and State Full Funding Grant Agreements are based upon, includes cost for the services provided by this contract.
- Funds in both Grant Agreements are recommended for appropriation over the construction period of the project.

Disadvantaged Business Enterprise Opportunity

Established DBE Goal: 11.75%

Committed DBE Goal: 25.00%

Kleinfelder Southeast, Inc. exceeded the established DBE goal and committed 25.00% of the total contract amount to the following firms: SEPI Engineering and Construction, and AMEC Environment & Infrastructure, Inc.

Funding

Federal and State Grants, and Transit Capital Investment Plan

32. LYNX Blue Line Extension Project - Condemnation Settlement and Acquisition of Parcel #1237.1

Action: A. Approve the settlement of the condemnation action, City vs. Gateway Communities LLC, 10 CVS 24441, for 2.28 acres of Parcel # 1237.1 in the amount of \$2.48 million, and

B. Approve the acquisition of an additional 8.4 acres of Parcel # 1237.1 in fee simple from Gateway Communities LLC., in the amount of \$495,000.

Staff Resources: Jeb Blackwell, Engineering & Property Management
 Danny Rogers, Transit
 Brad Thomas, City Attorney’s Office

Explanation

- On December 2, 2010, the City commenced the condemnation of 2.28 acres of property located in the NoDa district near 33rd Street for the Blue Line Extension (BLE).
- It was the first condemnation of property for the BLE and was a protective purchase authorized by the Federal Transit Administration (FTA). Such protective purchases may be done when there is impending development of land critical to a project.
- At that time, the BLE Project was in the 30% design phase and Gateway Communities LLC (Gateway) had begun to move forward with an impending residential development for the Gateway property.
- The BLE design continued to advance as the condemnation moved through the litigation process.
- As the design developed, it became clear that more property was required for the BLE than was originally condemned. More information also became available regarding access to the remnant property that greatly affected the appraisal values.
- In the course of court ordered mediation, City staff was able to reach a proposed settlement with Gateway that will both settle the condemnation action and acquire virtually the entire Gateway tract for the BLE.
- The settlement of the condemnation and the acquisition of the additional acreage are both required as conditions of the settlement agreement.
- The FTA has reviewed and approved, and will participate fully in the proposed settlement amount.

Background

- The following chart outlines the key facts and values regarding the 2.28 acres that were condemned:

	City Appraisal	Commissioner’s Report	Proposed Settlement	Gateway LLC Appraisal
Damages	\$1,774,000	\$1,907,200	Negotiated fixed amount	\$3,597,000
Statutory Interest	\$275,302.97	\$301,344.48		\$631,711.96
Damages w/Interest	\$2,049,302.97	\$2,208,544.48	\$2,480,000	\$4,228,711.96

- The Commissioner's report refers to a review by an independent panel of three appraisers ordered by the court pursuant to the statutory right of Gateway to request such report. The report is non-binding.
- The additional 8.4 acres of the Gateway tract to be acquired will fully meet the needs of the BLE project and provide useful space for storage and staging during construction.
- The cost of the 8.4 acres, \$495,000, reflects the limited access and development potential caused by the condemnation of the 2.28 acres.

Funding

Transit Capital Investment Plan

33. UNC Charlotte Communications Vault Relocation

Action: Authorize the City Manager to negotiate and execute a reimbursement agreement for an amount up to \$125,000 with UNC Charlotte to relocate an information and technology services communication vault in advance of the LYNX Blue Line Extension.

Staff Resources: Carolyn Flowers, Transit
Andy Mock, Transit

Explanation

- UNC Charlotte has an existing information and technology services (ITS) communications vault, which contains critical, sensitive infrastructure serving the communication needs of the campus and its connection to other campuses.
- As a function of the widening of North Tryon Street for the LYNX Blue Line Extension, the ITS communications vault will need to be relocated outside the future right-of-way.
- Because of the sensitive nature of the infrastructure, UNC Charlotte has elected to undertake the design and relocation of the ITS communications vault. Transit will reimburse UNC Charlotte for this work.
- The relocation of the ITS communications vault will need to be completed during the summer session during less student traffic.
- The cost estimate, prepared by UNC Charlotte, to relocate the ITS communications vault including design and construction is not to exceed \$125,000.

Funding

Transit Capital Investment Plan

34. Utility Single-Axle Dump Truck

- Action:**
- A. Approve the purchase of single-axle dump truck cabs and chassis, as authorized by the state contract exemption of G.S. 143-129(e) (9),**
 - B. Approve a unit price contract with North Carolina Navistar, Inc. for the purchase of five dump truck cabs and chassis in the total amount of \$343,765,**
 - C. Approve the purchase of Godwin dump truck beds, as authorized by the "piggybacking" exemption of G.S. 143-129(g), and**
 - D. Approve a unit price contract with Lee Transport Equipment Inc. for the purchase five dump truck beds in the total amount of \$57,680.**

Staff Resource: Barry Gullet, Utility

State Contract Exemption

- G.S. 143-129(e)(9) allows local government to purchase from state contracts if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the state contract.
- The state contract exemption allows for the purchase of the cab and chassis for the five trucks from North Carolina Navistar, Inc.

Piggybacking Exemption

- 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.
- The Charlotte-Mecklenburg Utility Department (CMUD) is piggybacking off the South Carolina state contract, which solicited for the Godwin Model 300U dump beds in November 2012.

Explanation

- CMUD dump trucks are purchased by parts therefore; the cab and chassis are purchased from one vendor, and the dump body on the back of the truck is purchased from a different vendor. The trucks are assembled by the dump body vendor.
- As part of the approved Capital Equipment Replacement Plan, five dump trucks are scheduled for replacement due to vehicle age, mileage, and maintenance cost.
- The average age of the truck is 11.35 years, and the average mileage is 146,919.
- Each completed truck (cab, chassis, and bed) will cost \$80,289, at a total cost of \$401,445 for all five trucks.
- The single-axle dump truck is used to haul gravel, rock, and soil to and from water and sewer line repair sites throughout Mecklenburg County.

Small Business Opportunity

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

Funding

Utility Capital Investment Plan

35. Dorman Road Sanitary Sewer and Water Improvements

Action: Award the low bid contract of \$946,137.99 to Sanders Utility Construction for construction of the Dorman Road Sewer outfall and water line.

Staff Resource: Barry Shearin, Utility

Explanation

- The project is for the construction of approximately 4,800 feet of 18-inch sewer line along Dorman Road in Pineville to serve several proposed residential and commercial developments.
- The sewer line will replace an old existing sewer line that is too small.
- A portion of the new sewer line runs into the McAlpine Wastewater Treatment Plant along the entrance road to the plant.
- The project also includes installation of approximately 570 feet of 8-inch water main into the plant. The new water line will be installed along the same proposed route as a portion of the sewer line to minimize the closure time of the plant entrance road.
- An Invitation to Bid was issued on March 20, 2013; nine bids were received.

Small Business Opportunity

Established SBE Goal: 8.00%

Committed SBE Goal: 9.76%

Sanders Utility Construction exceeded the established SBE goal and committed 9.76% (\$92,377) of the total contract amount to the following SBE firms: Martin Landscaping Co. (seeding and mulching); Oliver Paving Company, Inc. (paving); Sanders Constructors, Inc. (clearing); and JAAMCO Drain Cleaning, Inc. (CCTV inspection).

Funding

Utility Capital Investment Plan

36. Irwin Creek Plant Flood Protection System Improvements

Action: Award a low bid contract of \$126,300 with Crowder Construction Company for improvements to the flood protection system at the Irwin Creek Wastewater Treatment Plant.

Staff Resource: Barry Shearin, Utility

Explanation

- The Irwin Creek Wastewater Treatment Plant has a flood protection system that consists of a berm along the creek to provide protection at the current 100-year flood elevation.
- The berm is a combination of compacted dirt, concrete, and stone used during the original construction in the late 1970's and was raised in 2000.
- During a recent flood, leaks were detected in portions of the dirt embankment. The leaks stem from the root systems of large trees growing on the embankment.
- To address these leaks, the larger trees will be removed on the stream side of the embankment and replaced with vegetation suitable for embankment stabilization. The City arborist concurs it is necessary to remove the trees to ensure the structure integrity of the flood protection system.
- There will also be minor repairs to the concrete portions of the berm, storm water piping improvements, and flood protection measures for one of the pump stations on the plant site.
- An Invitation to Bid was issued on March 18, 2013; two bids were received.

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

Utility Capital Investment Plan

37. McDowell Creek Plant Water Pipeline Repair

Action: Award a low bid contract of \$158,950 with Gilbert Engineering Company for repairs to a heating water pipeline that leads to digesters at the McDowell Creek Wastewater Treatment Plant.

Staff Resource: Barry Shearin, Utility

Explanation

- The McDowell Creek Wastewater Treatment Plant uses hot water during the wastewater treatment process.
- Recent excavation, inspections, and minor repairs of the heating water pipe led to detection of additional severe corrosion in larger sections of pipe.
- The project will replace sections of the hot water pipe with a different material that provides better corrosion protection.
- An Invitation to Bid was issued on March 26, 2013; three bids were received.

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

Utility Capital Investment Plan

38. Sugar Creek Plant Rehabilitation

Action: Award a low bid contract of \$1,847,000 with Wharton Smith Inc. for the construction of the Sugar Creek Wastewater Treatment Plant Rehabilitation Project.

Staff Resource: Barry Shearin, Utility

Explanation

- The Sugar Creek Wastewater Treatment Plant was originally constructed in the mid to late 1920's with several upgrades and expansions since that time.
- The consulting firm's evaluation of the plant identified 12 areas that require upgrading to improve reliability and achieve optimized performance of the facility. This contract includes the first four of the 12 improvements:
 - New chemical feed facility,
 - Vehicular bridge rehabilitation,
 - Plant piping systems modifications, and
 - Storm water drainage improvements across the plant site.
- The remaining items will be included in a second phase of the project that is currently scheduled to start in the fall of 2014.
- An Invitation to Bid was issued on March 15, 2013; six bids were received.

Small Business Opportunity

Established SBE Goal: 6.00%

Committed SBE Goal: 9.81%

Wharton Smith, Inc. exceeded the established SBE goal, and committed 9.81% (\$181,264) of the total contract amount to the following SBE firms: Oliver Paving Company, Inc. (asphalt); P&TL, Inc. (erosion control); Southern Concrete Services (rebar installation); Anderson Industrial Coatings, Inc. (painting); and Bonilla Brothers, LLC (roofing).

Funding

Utility Capital Investment Plan

39. Relocation and Adjustment of Utility Lines Municipal Agreement

- Action:**
- A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the NC Department of Transportation (NCDOT) for the design and construction of water and sewer line relocations and adjustments in the amount of \$1,005,842.82, and**

 - B. Authorize the City Manager to approve the final pay request for the actual cost of the utility construction.**

Staff Resource: Barry Shearin, Utility

Explanation

- NCDOT requires that the City enter into a municipal agreement for the relocation of utility lines within NCDOT roadway projects prior to construction.
- The amount of this agreement is based on actual quantities and NCDOT bid prices.
- Once completed, Utility reviews the invoice, validating the charges and making corrections when needed.
- The agreement is for relocation of approximately 7,800 linear feet of water and sewer lines within a NCDOT roadway project on N.C. Highway 73 from N.C. Highway 115 to U.S. Interstate 21.
- NCDOT requires that the lines be relocated. The relocation is part of the scope of work included in the construction contracts awarded by NCDOT.
- At the end of the project, the City will reimburse NCDOT for actual construction costs associated with the utility relocations.
- The format and cost sharing philosophy is consistent with past Municipal Agreements.

Funding

Utility Capital Investment Plan

Attachment 13

Resolution

40. Airport Access Control System Upgrade

- Action:**
- A. Approve the upgrade of the Airport’s access control system, as authorized by the sole source purchasing exemption of G.S. 143-129 (e) (6), and**
 - B. Award a contract in the amount of \$322,607 to Johnson Controls, Inc. for an upgrade of the access control system.**

Staff Resource: Jerry Orr, Aviation

Sole Source Exemption

- 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 standardization and compatibility of the equipment.

Explanation

- On July 19, 1999, City Council approved the purchase of CCure software to operate the access control system throughout the Airport complex.
- On October 14, 2002, City Council approved the purchase of the AEGIS graphic interface to incorporate the Federal Inspection Service (FIS) area into the overall access control system.
- The Airport’s current versions of CCure and AEGIS operate only on the Windows XP operating system, which Microsoft will no longer support as of April 8, 2014. In order to maintain network security, the current software must be upgraded.
- The system of doors and controllers separating international passengers needs to be replaced to maintain compliance with Customs and Border Protection’s standards.
- These upgrades will maintain the standardization and compatibility of the Airport’s entire access control system, and will include upgraded CCure hardware and software, an upgraded AEGIS graphic interface, and replacement of the door controllers for the FIS area.
- Johnson Controls has a maintenance contract for the access control system through December 31, 2015, with a possibility of an extension.

Small Business Opportunity

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

Funding

Aviation Operating Budget

41. Airport Perimeter Fencing

Action: Award the low bid contract of \$152,380 to Hartsell Brothers Fence Co. for installation of perimeter fencing.

Staff Resource: Jerry Orr, Aviation

Explanation

- In January 2010, the Airport opened the new runway on the west side of the airfield. Prior to opening the runway, a new perimeter fence was installed around the west side of the airfield.
- Portions of that perimeter fence were installed in temporary locations so that construction activities could continue after the runway opened.
- This contract will install 10,500 linear feet of perimeter fence in its permanent location on the west side of the airfield.
- The Invitation to Bid was issued on February 18, 2013, five bids were received.

Disadvantaged Business Opportunity

Contracts subject to Federal DBE contract requirements are exempt (Appendix Section 23.5/23.6 of the SBO Policy).

Funding

Aviation Capital Investment Plan

42. Airport Terrazzo Contract

Action: Approve a low bid, unit price contract with Sunshine Cleaning Services Inc. for cleaning and maintenance of the Airport's terrazzo flooring for a three-year term.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport contracts for cleaning and polishing of terrazzo floors on a weekly basis to maintain the terrazzo's durability and aesthetically pleasing high-gloss shine.
- This cleaning requires specially trained personnel and equipment to care for the approximately 190,898 square feet of terrazzo flooring.
- An Invitation to Bid was issued on March 19, 2012; three bids were received.
- The contract allows for the addition and deletion of square footage with a written notice by the City at a unit price.
- The estimated annual expenditure is \$486,997, for an estimated total contract value of \$1,460,991.

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

Aviation Operating Budget

43. Airport Rental Car Facility Site Grading

Action:

- A. Award the low bid contract of \$658,225.50 with E.S. Wagner Co., LLC. for grading of the future rental car storage facility,**
- B. Approve a contract of \$23,250 with ESP Associates, PA for construction testing services for the project, and**
- C. Adopt a budget ordinance appropriating \$681,475.50 from the Contract Facility Charge (CFC) fund to the Aviation Capital Investment Plan.**

Staff Resource: Jerry Orr, Aviation**Explanation**

- On November 14, 2011, City Council appropriated \$60 million in Special Facility Revenue Bonds for the construction of rental car facilities at the Airport. The project includes the construction of a new parking deck and a remote storage and maintenance facility.
- The bonds are backed by Contract Facility Charge (CFC) revenues collected by the rental car companies and remitted to the Airport. The current CFC is \$4.00 per car rental day.
- The CFC revenue is deposited with the Bond Trustee as collateral for the bonds, but not all the revenues are committed to pay the debt service on the bonds. This leaves CFC revenues available to fund a portion of the project, which was anticipated as part of the funding plan for the project.
- As a part of the Rental Car Lease Agreements, the Airport will provide the companies a facility to maintain and store vehicles when the new parking deck is complete.
- An Invitation to Bid was issued on April 9, 2013; eight bids were received.
- The project will grade approximately 20 acres of land on Wilkinson Boulevard.

Small Business Opportunity

Established SBE Goal: 11.00%

Committed SBE Goal: 13.94%

E.S. Wagner Co., LLC exceeded the established SBE goal, and committed 13.94% (\$91,746.85) of the total contract amount to the following SBE firm: Martin Landscaping Co. Inc. (Seeding/Erosion Control).

Funding

Aviation Capital Investment Plan

Attachment 14

Budget Ordinance

44. Citywide Maintenance, Repair, and Operating Supplies

Action: **A. Award the low bid unit price contract to Fastenal Company for the purchase of Maintenance, Repair, and Operating (MRO) Supplies for the term of three years, and**

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

Staff Resource: Charles Robinson, Shared Services

Explanation

- The City uses a large variety of maintenance, repair, and operating (MRO) supplies, including but not limited to items needed for mechanical, plumbing, and electrical repairs such as hardware, lamps, ballasts, tools, air filters, paints, plumbing, safety equipment, cleaning products, and heating and air-conditioning items.
- Shared Services/Procurement Management issued an Invitation to Bid (ITB) to provide MRO supplies to the City of Charlotte on behalf of the Charlotte Cooperative Purchasing Alliance (CCPA) on January 16, 2013.
- Two responsive and five non-responsive bids were received in response to the ITB.
- Fastenal Company was determined to be the lowest responsive responsible bidder meeting all requirements including but not limited to price, quality, performance, qualifications and experience, delivery, workmanship, and ability to provide products and services to all potential participating public agencies.
- The annual expenditures are estimated to be \$1,000,000.

Background

- The CCPA is a cooperative purchasing program established by Shared Services/Procurement Management with the specific purpose of reducing procurement costs by leveraging aggregate purchasing volume to receive better pricing.
- CCPA contracts are available for the use and to the benefit of entities that must comply with state purchasing laws (cities, counties, public and private schools, colleges and universities, non-profits, and all governmental entities). The City of Durham has expressed interest in using these contracts.

Small Business Opportunity

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

Funding

Various Departments' Operating Budgets

45. City Cooperative Purchasing Agreements

- Action:**
- A. Approve the following cooperative purchasing agreements as citywide contracts, as authorized by the cooperative purchasing exemption of G.S. 143-129(e) (3):**
- 1. AmSan - janitorial and cleaning supplies - in the estimated annual amount of \$150,000 for the term of three years,**
 - 2. Empire Today - carpet and flooring - in the estimated annual amount of \$350,000 for the term of three years,**
 - 3. KI-Spacesaver - storage cabinets and shelving - in the estimated annual amount of \$150,000 for the term of three years,**
 - 4. Caterpillar - heavy equipment, parts, and accessories - in the estimated annual amount of \$2.0 million for the term of three years,**
 - 5. Best Buy for Business - appliances, televisions, and audio-visual equipment - in the estimated annual amount of \$300,000 for the term of three years, and**
- B. Authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract.**

Staff Resource: Charles Robinson, Shared Services

Cooperative Purchasing Exemption

- NC Senate Bill 914, effective January 1, 2002, authorizes competitive group purchasing.
- AmSan was awarded a national contract through US Communities Purchasing Alliance that was competitively bid by Harford County Public Schools, MA.
- Empire Today was awarded a national contract through US Communities Purchasing Alliance that was competitively bid by the City of Seattle, WA.
- KI-Spacesaver was awarded a national contract through National Joint Powers Alliance (NJPA) that administers competitive solicitations as a Minnesota municipal contracting agency.
- Caterpillar was awarded a national contract through National Intergovernmental Purchasing Alliance (National IPA) that was competitively solicited by the City of Tucson, AZ.
- Best Buy for Business was awarded a national contract through NJPA that administers competitive solicitations as a Minnesota municipal contracting agency.

Explanation

- Throughout the fiscal year, departments routinely identify the need for many of the products competitively solicited and offered on the identified cooperative contracts, with the resulting requirement to request City Council approval for individual expenditures of these products multiple times throughout the year.

- Shared Services/Procurement Management has identified and researched the availability of these products through various national cooperative purchasing agreements, validating that competitive procurement processes have been performed, comparing product offerings and pricing, and ensuring that the resulting contracts both meet City specifications and contain appropriate terms and conditions for use.
- Procurement Management recommends the use of these contracts citywide to take advantage of national aggregate purchasing volume discounts and to eliminate duplication of effort by multiple departments.
- Each contract was competitively solicited through a single bid process by a selected Lead Public Agency on behalf of all public agencies nationwide and meets N.C. state statutory requirements.
- In collaboration with the Charlotte Business INClusion program, departments may opt not to use these citywide contracts in the event that participation and expenditure opportunities exist with small, minority, women-owned, disadvantaged, and/or other underutilized businesses.
- All estimated annual amounts are based on prior year procurement activity history for each contract.
 - AmSan replaces the Zep contract previously awarded by City Council on November 23, 2009. AmSan provides Green Seal certified and Energy Star certified cleaning product choices.
 - Empire Today provides flooring solutions including carpet, tile, ceramic, hardwood, vinyl, laminates, and installation and reclamation services. Empire Today is committed to minimizing environmental impact and supports LEED certification efforts of public agencies nationwide.
 - KI-Spacesaver provides durable, high density secure storage for government, public safety, and military applications. The City currently purchases storage and shelving products through KI's local distributor, which is Patterson Pope.
 - Caterpillar provides various construction, landfill, and material handling equipment to the City. This contract offers deep discounts on equipment including, but not limited to bulldozers, front-end loaders, asphalt pavers, excavators, generators, and forklifts that the City purchases for use by the Charlotte Department of Transportation, Charlotte-Mecklenburg Utility Department, Solid Waste Services, and Engineering & Property Management.
 - Best Buy for Business provides appliances such as refrigerators, washers and dryers, microwaves, televisions, and audio-visual equipment that all Fire Stations require, and multiple other departments purchase as needed.

Small Business Opportunity

Cooperative Purchasing contracts are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Various Departments' Operating Budgets

46. Refund of Business Privilege License Taxes

Action: Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$26,673.68.

Staff Resource: Robert Campbell, Finance

Attachment 15

Resolution

List of business privilege license refunds

47. Resolution of Intent to Abandon Marshall Avenue and a Residual Portion of Walker Street

Action: A. Adopt the Resolution of Intent to abandon Marshall Avenue and a Residual Portion of Walker Street, and
B. Set a public hearing for June 10, 2013.

Staff Resource: Jeff Boenisch, Transportation

Attachment 16

Map

Resolution

48. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Field Observation:

- A. 2711 Capitol Drive (Neighborhood Profile Area 114)
- B. 9301 Misenheimer Road (Neighborhood Profile Area 229)
- C. 10971 Painted Tree Road (Neighborhood Profile Area 41)
- D. 1920 Renner Street (Neighborhood Profile Area 311)

Field Observation:

A. 2711 Capitol Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2711 Capitol Drive (Neighborhood Profile Area 114).

Attachment 17

B. 9301 Misenheimer Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9301 Misenheimer Road (Neighborhood Profile Area 229).

Attachment 18

C. 10971 Painted Tree Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 10971 Painted Tree Road (Neighborhood Profile Area 41).

Attachment 19

D. 1920 Renner Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1920 Renner Street (Neighborhood Profile Area 311).

Attachment 20

PROPERTY ITEMS

49. Blue Line Extension Project Property Transactions

Action:

A. Adopt condemnation resolutions for the following properties:

- A portion of Tax Code 049-241-10
- A portion of Tax Code 049-401-10, and

B. Approve a resolution authorizing the transfer of .593 acres of easement to Duke Energy Carolinas, LLC, pursuant to section 8.22 of the City Charter.

Staff Resource: Laura Rushing, Engineering & Property Management

Explanation

- In support of the LYNX Blue Line Extension Light Rail Project (BLE), City Council is asked to adopt resolutions condemning these two properties and transferring portions of the easements to Duke Energy:

1. Project: Blue Line Extension, Parcel #3116

Owner(s): Maya Hotel, Inc.

Property Address: 7735 University City Boulevard

Property to be acquired: 1,370 sq. ft. (.031 ac.) in Fee Simple, plus 5,638 sq. ft. (.129 ac.) in Access Easement, plus 1,234 sq. ft. (.028 ac.) in Temporary Construction Easement, plus 1,229 sq. ft. (.023 ac.) in Utility Easement, 2,906 sq. ft. (.067 ac.) in Transmission Easement and Access Easement

Improvements: None

Landscaping: None

Zoned: B-2

Use: Commercial

Tax Code: 049-241-10

Total Parcel Tax Value: \$5,378,000

Appraised Value: \$23,550

Property Owner's Counteroffer: None

2. Project: Blue Line Extension, Parcel #3125

Owner(s): Charlotte I Stor-All, L.P.

Property Address: 7828 North Tryon Street

Property to be acquired: 5,858 sq. ft. (.134 ac.) in Fee Simple, plus 17,305 sq. ft. (.397 ac.) in Transmission Right-of-Way, plus 22,667 sq. ft. (.52 ac.) in Temporary Construction Easement, plus 48 sq. ft. (.001 ac.) in Utility Easement

Improvements: Irrigation system, private street lights and a parking area light

Landscaping: Trees and shrubs

Zoned: B-D

Use: Commercial

Tax Code: 049-401-10

Total Parcel Tax Value: \$3,229,100

Appraised Value: \$85,250

Property Owner's Counteroffer: None

- These transfers are part of the Right-Of-Way Acquisition and Relocation Program for the LYNX BLE Light Rail Project.
- The City requires the property located at 7828 North Tryon Street and at University City Boulevard for BLE-associated improvements along North Tryon Street such as sidewalks, landscaping, transmission line relocations, etc.
- Duke Energy requires a portion of these properties for the relocation of Duke Energy's transmission facilities, which is necessary for the BLE project.
- Duke Energy must be able to accomplish this transmission line relocation before it can begin any distribution line relocation also necessary for the BLE project.
- Section 8.22 of the City Charter authorizes the transfer by private sale; this transaction is in support of the City's transportation plan.

Background

- The property was 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 transfer of the property rights from the City to Duke was publicly advertised for 10 days pursuant to section 8.22 of the City Charter.

Attachment 21

Resolution

50. Property Transactions

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

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

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
 - Sending introductory letters via regular and certified mail
 - Making several site visits
 - Leaving door hangers and business cards
 - Seeking information from neighbors
 - Searching the internet
 - Obtaining title abstracts
 - Leaving voice messages
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If City Council approves the resolutions, the City Attorney's Office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.

Acquisitions

- A. Project:** Beatties Ford Road Widening Phase 1, Parcel #69 and #71
Owner(s): AVH One, LLC
Property Address: 5416 and 5432 Beatties Ford Road
Property to be acquired: 10,481 sq. ft. (.241 ac.) in Fee Simple, plus 3,885 sq. ft. (.089 ac.) in Fee Simple within Existing Right-of-Way, plus 110 sq. ft. (.003 ac.) in Storm Drainage Easement, plus 10,235 sq. ft. (.235 ac.) in Temporary Construction Easement
Improvements: Septic system
Landscaping: Trees and shrubs
Zoned: R-8MF (CD)
Use: Multi Family
Tax Code: 037-371-13 and 037-371-12
Total Parcel Tax Value: \$466,300
Purchase Price: \$28,570

- B. Project:** Blue Line Extension, Parcel #1215
Owner(s): Duke Energy Carolinas LLC
Property Address: 2417 And 2651 North Brevard Street
Property to be acquired: 6,530 sq. ft. (.15 ac.) in Fee Simple, plus 13,576 sq. ft. (.312 ac.) in Fee Simple within Existing Right-of-Way, plus 4,689 sq. ft. (.108 ac.) in Storm Drainage Easement, plus 5,049 sq. ft. (.116 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-2
Use: Industrial
Tax Code: 083-011-32
Total Parcel Tax Value: \$608,000
Purchase Price: \$78,025
- C. Project:** Blue Line Extension, Parcel #2129 and #2131
Owner(s): Jayantital Patel and wife, Vina Patel
Property Address: 5905 and 5911 North Tryon Street
Property to be acquired: 10,103 sq. ft. (.232 ac.) in Fee Simple, plus 5,368 sq. ft. (.123 ac.) in Temporary Construction Easement, plus 2,216 sq. ft. (.051 ac.) in Utility Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 089-203-01 and 089-203-02
Total Parcel Tax Value: \$664,000
Purchase Price: \$98,634
- D. Project:** Blue Line Extension, Parcel #2161 and #2165
Owner(s): Robert H. Lee and wife, Betty D. Lee
Property Address: 6225 and 6231 North Tryon Street
Property to be acquired: 16,577 sq. ft. (.381 ac.) in Fee Simple, plus 1,685 sq. ft. (.039 ac.) in Storm Drainage Easement, plus 9,187 sq. ft. (.211 ac.) in Temporary Construction Easement, plus 3,209 sq. ft. (.074 ac.) in Utility Easement
Improvements: None
Landscaping: Trees
Zoned: B-2
Use: Commercial
Tax Code: 089-232-04 and 089-232-05
Total Parcel Tax Value: \$786,200
Purchase Price: \$144,725
- E. Project:** Blue Line Extension, Parcel #3118
Owner(s): University Center, LLC
Property Address: North Tryon Street
Property to be acquired: 4,215 sq. ft. (.097 ac.) in Fee Simple, plus 3,932 sq. ft. (.09 ac.) in Temporary Construction Easement, plus 4,138 sq. ft. (.095 ac.) in Utility Easement
Improvements: None
Landscaping: Trees
Zoned: B-1S (CD)

Use: Commercial
Tax Code: 047-222-26
Total Parcel Tax Value: \$695,200
Purchase Price: \$100,775

- F.** **Project:** Blue Line Extension, Parcel #3123
Owner(s): Duke Energy Carolinas, LLC
Property Address: 7748 North Tryon Street
Property to be acquired: 6,022 sq. ft. (.138 ac.) in Fee Simple, plus 17,773 sq. ft. (.408 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Industrial
Tax Code: 049-401-07
Total Parcel Tax Value: \$444,800
Purchase Price: \$59,150
- G.** **Project:** McAlway/Churchill Storm Drainage Improvement Project, Parcel #5
Owner(s): Randolph Med C Group LLC
Property Address: 3621 Randolph Road
Property to be acquired: 9,920 sq. ft. (.228 ac.) in Temporary Construction Easement, plus 43,763 sq. ft. (1.005 ac.) in Natural Storm Drainage Easement
Improvements: None
Landscaping: None
Zoned: O-1
Use: Office
Tax Code: 157-072-37
Total Parcel Tax Value: \$11,944,100
Purchase Price: \$225,000
- H.** **Project:** Steele Creek Pump Station Replacement Final, Parcel #30
Owner(s): Toys "R" US Property Company II, LLC
Property Address: 11300 Carolina Place Parkway
Property to be acquired: 11,766 sq. ft. (.27 ac.) in Fee Simple, plus 27,717 sq. ft. (.636 ac.) in Access Easement
Improvements: None
Landscaping: None
Zoned: B-4
Use: Commercial
Tax Code: 221-131-15
Total Parcel Tax Value: \$4,629,200
Purchase Price: \$319,950
- I.** **Project:** Airport Master Plan Land Acquisition
Owner(s): Roger and Jeanette Danner
Property Address: 9309 Dixie River Road
Property to be acquired: 1.33 acres
Improvements: Single Family Residence
Purchase Price: \$115,000

Remarks: The purchase price was determined by one 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: R-3

Use: Single Family Residence

Tax Value: \$116,900

Tax Code: 113-152-10

J. Project: Airport Master Plan Land Acquisition

Owner(s): William B Huskins

Property Address: 6525 Shoreline Drive

Property to be acquired: .590 acres

Improvements: Vacant Lot

Purchase Price: \$60,000

Remarks: The purchase price was determined by one 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: R-3

Use: Vacant Lot

Tax Value: \$23,000

Tax Code: 055-364-03

Condemnations

K. Project: 5th Street Streetscape, Parcel #6 and #7

Owner(s): Amy Elston and Reba E. Adam and any other parties of interest

Property Address: 311 Flint Street

Property to be acquired: 531 sq. ft. (.012 ac.) in Temporary Construction Easement, plus 240 sq. ft. (.006 ac.) in Utility Easement

Improvements: None

Landscaping: Trees

Zoned: R-5

Use: Single Family Residential

Tax Code: 078-192-02 and 078-192-01

Total Parcel Tax Value: \$124,600

Appraised Value: \$3,300

Property Owner's Counteroffer: \$4,800

Reason for Condemnation: Staff began working with the property owners in August 2012 and reached an agreement regarding the acquisition. However, one of the property owners, who lives out of state, has yet to provide the signed 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.

- L. Project:** Beatties Ford Road Widening Phase 2, Parcel #56
Owner(s): Margaret Martin and any other parties of interest
Property Address: 5029 Beatties Ford Road
Property to be acquired: 6,168 sq. ft. (.142 ac.) in Fee Simple, plus 3,781 sq. ft. (.087 ac.) in Temporary Construction Easement, plus 331 sq. ft. (.008 ac.) in Utility Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: B-1
Use: Commercial
Tax Code: 039-291-37
Total Parcel Tax Value: \$907,000
Appraised Value: \$84,575
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in February 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.
- M. Project:** Beatties Ford Road Widening Phase 2, Parcel #58
Owner(s): Carolina Magee, LLC and any other parties of interest
Property Address: 4005 Sunset Road
Property to be acquired: 7,039 sq. ft. (.162 ac.) in Fee Simple, plus 19,644 sq. ft. (.451 ac.) in Temporary Construction Easement, plus 3,519 sq. ft. (.081 ac.) in Utility Easement
Improvements: None
Landscaping: Shrubs
Zoned: B-1(CD)
Use: Commercial
Tax Code: 037-112-03
Total Parcel Tax Value: \$2,965,700
Appraised Value: \$108,725
Property Owner's Counteroffer: \$185,522.90
Reason for Condemnation: Staff began working with the property owners in April 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.
- N. Project:** Blue Line Extension, Parcel #1137
Owner(s): Highland Mills, Inc. and any other parties of interest
Property Address: 340 East 16th Street
Property to be acquired: 1,272 sq. ft. (.029 ac.) in Fee Simple, plus 1,885 sq. ft. (.043 ac.) in Storm Drainage Easement, plus 1,732 sq. ft. (.04 ac.) in Sanitary Sewer Easement, plus 5,527 sq. ft. (.127 ac.) in Temporary Construction Easement, plus 26 sq. ft. (.001 ac.) in Utility

Easement, plus 137 sq. ft. (.003 ac.) in Sanitary Sewer Easement and Storm Drainage Easement

Improvements: None

Landscaping: Trees

Zoned: I-2

Use: Industrial

Tax Code: 081-042-02

Total Parcel Tax Value: \$4,236,500

Appraised Value: \$18,600

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owners in April 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.

O. Project: Blue Line Extension, Parcel #2157

Owner(s): BWN Investment, LLC and any other parties of interest

Property Address: 6201 North Tryon Street

Property to be acquired: 9,124 sq. ft. (.209 ac.) in Fee Simple, plus 404 sq. ft. (.009 ac.) in Storm Drainage Easement, plus 8,686 sq. ft. (.199 ac.) in Temporary Construction Easement, plus 1,410 sq. ft. (.032 ac.) in Utility Easement, plus 28 sq. ft. (.001 ac.) in Storm Drainage Easement and Utility Easement

Improvements: Building and canopy

Landscaping: Trees

Zoned: B-2

Use: Commercial

Tax Code: 089-232-03

Total Parcel Tax Value: \$241,500

Appraised Value: \$447,700

Property Owner's Counteroffer: None

Reason for Condemnation:

Staff began working with the property owners in April 2012 and has yet to reach an agreement regarding the acquisition. The property's current use is a convenience store/gas station. Our acquisition area includes a convenience store, a large canopy, and two gas pumps. Although the remaining property will be viable, the current use will not be permissible. Therefore, in addition to the land and the structures being purchased, the appraisal includes compensation for damages attributed to the deconstruction of a remaining structure used as restroom facilities and the required removal of the underground storage tanks. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- P.** **Project:** Blue Line Extension, Parcel #3124
Owner(s): SMBC Leasing and Finance, Inc. and any other parties of interest
Property Address: 5532 North Tryon Street
Property to be acquired: 7,337 sq. ft. (.168 ac.) in Fee Simple, plus 1,981 sq. ft. (.045 ac.) in Temporary Construction Easement, plus 637 sq. ft. (.015 ac.) in Utility Easement
Improvements: Irrigation system
Landscaping: Trees and shrubs
Zoned: B-1S(CD)
Use: Commercial
Tax Code: 047-222-29
Total Parcel Tax Value: \$609,400
Appraised Value: \$183,650
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in August 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.
- Q.** **Project:** Blue Line Extension, Parcel #3127
Owner(s): Wal-Mart Stores East LP and any other parties of interest
Property Address: 7735 North Tryon Street
Property to be acquired: 2,510 sq. ft. (.058 ac.) in Fee Simple, plus 3,086 sq. ft. (.071 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Shrubs
Zoned: B-1S(CD)
Use: Commercial
Tax Code: 047-222-25
Total Parcel Tax Value: \$20,320,300
Appraised Value: \$26,075
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in August 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.
- R.** **Project:** Blue Line Extension, Parcel #3185
Owner(s): RI Charlotte Property, L.P. and any other parties of interest
Property Address: 8503 North Tryon Street
Property to be acquired: 4,732 sq. ft. (.109 ac.) in Fee Simple, plus 867 sq. ft. (.02 ac.) in Access Easement and Utility Easement, plus 4,281 sq. ft. (.098 ac.) in Temporary Construction Easement, plus 4,165 sq. ft. (.096 ac.) in Utility Easement, plus 82 sq. ft. (.002 ac.) in Storm Drainage Easement and Utility Easement, plus 38 sq. ft. (.001 ac.) in Access Easement, Utility Easement and Storm Drainage Easement, plus 317 sq. ft. (.007 ac.) in Combined Utility and Waterline

Easement, plus 127 sq. ft. (.003 ac.) in Combined Utility, Waterline and Access Easement

Improvements: Brick wall, irrigation system, and a BBQ grill,

Landscaping: Trees and shrubs

Zoned: O-6(CD)

Use: Office

Tax Code: 047-211-04

Total Parcel Tax Value: \$6,028,000

Appraised Value: \$299,650

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owners in August 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.

- S. Project:** Blue Line Extension, Parcel #3193
Owner(s): Louis M. Helms, Jr. and wife, Anita B. Helms and any other parties of interest
Property Address: 8517 North Tryon Street
Property to be acquired: 3,800 sq. ft. (.087 ac.) in Fee Simple, plus 701 sq. ft. (.016 ac.) in Access Easement and Utility Easement, plus 1,503 sq. ft. (.035 ac.) in Temporary Construction Easement, plus 3,378 sq. ft. (.078 ac.) in Utility Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: B-2(CD)
Use: Office
Tax Code: 047-211-26
Total Parcel Tax Value: \$1,817,600
Appraised Value: \$114,875
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in August 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.
- T. Project:** Blue Line Extension, Parcel #3227 and #3228
Owner(s): Roseclay LLC and any other parties of interest
Property Address: 9321 and 9317 J.W. Clay Boulevard
Property to be acquired: 6,503 sq. ft. (.149 ac.) in Fee Simple, plus 2,224 sq. ft. (.051 ac.) in Access Easement, plus 18,654 sq. ft. (.428 ac.) in Temporary Construction Easement, plus 1,707 sq. ft. (.039 ac.) in Utility Easement, plus 4,686 sq. ft. (.108 ac.) in Access Easement, Utility Easement and Storm Drainage Easement
Improvements: Two Business Signs
Landscaping: Trees and shrubs
Zoned: B-1(CD)
Use: Commercial
Tax Code: 047-291-50 and 047-291-51

Total Parcel Tax Value: \$1,684,000

Appraised Value: \$438,675

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owners in July 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.

U. Project: Hope Valley/Oak Forest Neighborhood Improvement Project, Parcel #47

Owner(s): Jerry L. Thomas and any other parties of interest

Property Address: 4148 Malta Place

Property to be acquired: 1,870 sq. ft. (.043 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: Shrubs None

Zoned: R-4

Use: Single Family Residential

Tax Code: 099-162-33

Total Parcel Tax Value: \$84,500

Appraised Value: \$325

Property Owner's Counteroffer: None

Reason for Condemnation: Staff has been attempting to contact the property owner through all possible channels since October 2012 and has yet to receive a response. The title abstract also revealed issues that will 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.

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.