

Mayor Anthony Foxx

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

Mayor Pro Tem Patrick D. Cannon

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

CITY COUNCIL MEETING
Monday, November 26, 2012

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

Item #	Page #	Title
9	7	Out of School Time Partner Funding Process
18	17	Poindexter Drive Light Rail Vehicle Crossing

**CITY COUNCIL AGENDA
Monday, November, 26 2012**

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2:00 P.M. BUDGET RETREAT

4:30 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Resource: Eric Campbell, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Proposed 2013 State and Federal Legislative Agendas

Committee Chair: Andy Dulin

Resources: Ron Kimble, City Manager's Office
Dana Fenton, City Manager's Office

Time: 20 minutes

Synopsis

- Annually, the City Council prepares State and Federal Legislative Agendas to communicate its policy preferences to the US Congress and North Carolina General Assembly. The Congress will convene in January 2013, and the North Carolina General Assembly convenes on January 30 for its "long" session.
- In 2013, the Congress will focus upon long-term debt and deficit reduction, and adoption of budgets for federal fiscal years 2013 and 2014, and the General Assembly will focus upon adopting the State's two-year budget and transportation and tax reform.
- The Governmental Affairs Committee (GAC) met in October and November to discuss state and federal issues likely to be considered in 2013, which are of interest to the City, and the issues proposed for inclusion in the agendas. On November 5, the GAC voted 3-0 (Dulin, Cannon, and Pickering; Fallon and Mitchell absent) that the attached issues be presented to the City Council for information purposes on November 26 prior to a vote of adoption by Council on December 10.

Future Action

- Council will be requested to approve the Proposed 2013 State and Federal Legislative Agendas at the December 10, 2012 meeting.
- The approved 2013 State Legislative Agenda is scheduled to be presented to the Mecklenburg Delegation at a joint meeting of the Delegation and Mayor and Council on Monday, January 14, 8:00 am in Room 267 of the Charlotte-Mecklenburg Government Center.
- The approved 2013 Federal Legislative Agenda will be used as the primary vehicle for discussions with our Congressional Delegation in 2013, especially for

Council's Capitol Hill visit to Washington, D.C. during the National League of Cities Congressional City Conference from March 9-13, 2013.

Attachment 1

2013 Federal Legislative Agenda
2013 State Legislative Agenda

5:15 P.M. DINNER BREAK

3. Out of School Time Partners Funding Recommendation

Committee Chairs: Michael Barnes, Budget Committee
James Mitchell, Economic Development Committee

Resources: Randy Harrington, Budget & Evaluation
Tom Warshauer, Neighborhood & Business Services

Time: 30 minutes

Synopsis

- At the May 16, 2012 Budget Adjustments meeting, Council referred two Out of School Time (OST) items for Council committees review:
 - Budget Committee: review of OST funding level caps and funding sources
 - Economic Development Committee: review of the OST Request for Proposal process
- Staff will provide background on OST funding sources and allocations, as well as the recent Request for Proposal process. Also, staff will present an overview of the Budget Committee and Economic Development Committee discussions and recommendations.

Future Action

The Budget and Economic Development Committees' recommendations are item 9, page 7 of this agenda.

4. Dialogue Series Working Group Report

Resource: Brandon Lofton, Dialogue Series Working Group

Time: 10 minutes

Synopsis

- The Charlotte 2012 Host Committee convened the Access to America Dialogue Series in the months leading up to and including the Democratic National Convention (DNC).
- The Dialogue Series featured panels of prominent national and local experts and also featured Professor Charles Ogletree, of Harvard University School of Law, as moderator.
- A panel on economic inclusion was held in June and featured Marc Morial, CEO of the National Urban League. A panel on housing and neighborhoods was also held in June and featured the Honorable Shaun Donovan, Secretary for Housing and

Urban Development. A panel on education was held in August and featured former Governor Jim Hunt and Superintendent Heath Morrison. A final panel concerning 21st Century cities, featured mayors from Charlotte, Houston, Philadelphia, and Florence, Italy, was held during the DNC.

- Mayor Foxx asked a group of community leaders to attend the discussions and develop a set of responses to these sessions.
- The Working Group attended the Dialogue Series panels, reviewed over a dozen recent Charlotte-area studies in the focus areas, and adopted several responses concerning actions the City is, or may consider, pursuing to increase access in Charlotte.
- Brandon Lofton, a representative of the Working Group, will present the findings to City Council.

5. Answers to Mayor and Council Consent Item Questions

Resource: Eric Campbell, City Manager's Office

Time: 10 minutes

Synopsis

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

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

CONSENT

- 6. Consent agenda items 16 through 30 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

ZONING

7. Zoning Petition 2012-071

Action: Render a decision on proposed rezoning 2012-071 by Lincoln Harris, LLC from O-2 PED, office, pedestrian overlay district to MUDD-O, mixed use development district, optional. The property is approximately 2.08 acres located on the northwest corner of East Morehead Street and Kenilworth Avenue.

Staff Resource: Tammie Keplinger, Planning

Explanation

- The decision on this sufficiently protested petition was automatically deferred on November 12, 2012, since not all Council members were present at the meeting.
- The petition was found to be consistent with the Midtown Morehead Cherry Area Plan, reasonable, and in the public interest by a unanimous vote of the Zoning Committee.
- The Committee voted 5-0 to recommend approval of this petition with the following modifications:
 - Modified the design of the buildings to be more urban in nature and better reflect the character and scale of the Dilworth neighborhood.
 - Added notes that commit to various architectural treatments for Building B (the office building) to provide pedestrian interests along all facades.
 - Configured the drive through service window area on the side of the building that does not front a public street and is in an area that does not create conflicts with pedestrian circulation. The Charlotte Department of Transportation (CDOT) studied the drive through service window configuration and has no issue with the location.
 - Removed the screen wall illustrated in front of Building B (the office building) along Kenilworth Avenue.
 - Indicated the existing trees along East Morehead Street may be removed due to their previously identified deteriorated condition in order to install necessary roadway improvements.
 - Modified the sign package to indicate the signage illustrated on the plans shall comply with MUDD signage regulations.
 - Addressed CDOT's issue by providing a note that indicates the petitioner will construct roadway improvements within the public right-of-way to prevent left turns into or out of the site as approved by CDOT.
 - Increased the width of the buffer along the western property line abutting single family residential from 10 feet to 15 feet.
 - Provided a winding path along the East Morehead Street frontage of Building B (the office building) along with benches to allow for additional pedestrian interactivity and community interest with regard to the panels located on building façades.
 - Increased the size of the public open space area at the corner of East Morehead Street and Kenilworth Avenue from 500 square feet to 950 square feet.
 - Removed "TS" (i.e. tenant signage) from the "Elevation Legend" and the building elevations as signs will be permitted as per the ordinance.

- Provided a note on the site plan that specifies the retail use will be restricted to a drug store. Drug store will be defined as "a retail store where medicines and miscellaneous articles are sold."
- Provided a planting detail of the proposed 15-foot wide buffer along the rear property line that indicates an increased quantity of plantings and type of plant materials.
- Staff agrees with the recommendation of the Zoning Committee.

Attachment 2

Zoning Committee Recommendation October 3, 2012
Zoning Committee Recommendation October 24, 2012
Vicinity Map
Locator Map
Site Plan

POLICY

8. City Manager's Report

9. Out of School Time Partner Funding Process

- Action:**
- A. Approve the Budget Committee recommendation to cap the City's Innovative Housing contribution at \$590,000,**
 - B. Approve the Budget Committee recommendation that an Out of School Time (OST) Agency's program budget cannot be comprised of more than 33% City funds (with a one year transition for existing agencies),**
 - C. Approve the Budget Committee recommendation to allow OST programs the flexibility to charge a nominal fee to participants,**
 - D. Approve the Economic Development Committee recommendation to maintain current agency eligibility requirements, with the exception of changing the experience an agency must have in Charlotte from three years to one year (must have three years of experience overall), and**
 - E. Approve the Economic Development Committee recommendation to cap the per agency allocation at \$400,000.**

Committee Chairs: Michael Barnes, Budget Committee
James Mitchell, Economic Development Committee

Staff Resources: Randy Harrington, Budget & Evaluation
Tom Warshauer, Neighborhood & Business Services

Background

- Since 1978, the City has been funding programs that provided out-of-school enrichment activities to elementary, middle, and high school children.
- Funding for OST partners is comprised of federal Community Development Block Grant (CDBG) and local Innovative Housing/PAYGO sources.
- For the past 12 years, the City's total allocation for OST has remained at \$1.24 million. In recent years the CDBG funding has been reduced; the contribution from Innovating Housing has increased to maintain the \$1.24 million total funding level.
- On May 9, 2011, Council approved the development and issuance of a Request for Proposals (RFP) for Out of School Time Programs with evidence-based standards for school age care.
- At the May 16, 2012 Budget Adjustments meeting, Council referred two OST items for Council Committees review:
 - Budget Committee – review of OST funding level caps and funding sources. The Committee discussed these items at the July 9 and August 30 meetings.

- Economic Development Committee – review of the OST RFP process. The Committee discussed this item at the October 4, October 18, and November 1 meetings.
- On June 25, 2012, Council approved the following OST partners and funding levels as part of the FY2013 Budget Adoption:

Greater Enrichment Program*	\$605,854
Charlotte-Mecklenburg Schools	\$350,012
Police Activities League	\$282,145
Bethlehem Center	\$170,357
YWCA Central Carolinas After School	\$158,826
St. Paul Enrichment Program	\$70,476

*During the FY2013 budget process, Council approved an additional \$394,752 in one-time funding above the \$211,102 recommended budget level

Budget Committee Discussion

- On August 30, the Budget Committee unanimously approved the following recommendations (Barnes, Dulin, Fallon, Kinsey, and Mayfield):
 - Cap the City’s Innovative Housing (local PAYGO) funding at the current FY2013 level of \$590,000 (the City’s highest historical level) to share any funding fluctuations equitably with other housing or capital maintenance programs that receive Innovative Housing allocations. The City’s total OST funding allocation could fluctuate depending on federal CDBG funding levels.
 - Cap the percentage of an OST agency program budget that can be funded from the City at 33% to encourage revenue diversification from the community, grant providers, and other sources. For existing OST partners, there would be a transition to no greater than 66% in first year, then to the 33% cap in second year, and thereafter. New OST partners will be capped at 33% from the start of funding.
 - Allow City-funded OST programs the flexibility to charge a nominal fee for participants. In prior years, the OST partners were permitted to charge a nominal fee; the FY2013 RFP process did not allow.

Economic Development Committee Discussion

- On November 1, the Economic Development Committee unanimously approved the following recommendations (Mitchell, Cannon, Cooksey, Howard, and Mayfield):
 - Maintain current agency eligibility requirements, with the exception of changing the years of Out of School Time experience an agency must have in Charlotte from three to one year. Agencies must have provided OST services for a total of three years.
 - Cap the per agency allocation at \$400,000 to allow for a diverse pool of service providers to receive funding; previously, there was no allocation cap.
- Additionally, the Economic Development Committee requested that staff:
 - Alter the RFP review to include site visits, convening a group of external volunteers to participate in the review process, revising scoring to reflect Council priorities, and publishing the scoring rubric in the RFP.
 - Continue using the Housing Trust Fund model for award allocation, whereas funding is allocated at the agencies’ total requested amount in priority order, until funds are fully expended.

Next Steps

- RFP notifications sent to OST partners: end of November 2012
- Present OST funding requests to Council: spring 2013 Council Budget Retreats
- Recommend OST partners and funding levels to Council: May 2013 City Manager's Recommended Budget

Funding

Community Development Block Grant
Innovative Housing (PAYGO)

Attachment 3

Summary of Funding Levels and Sources, FY2009-FY2013
Summary of Budget Committee Recommendations from Council member Barnes
RFP Schedule for OST Partners

10. Carolina Theatre Site Sale and Redevelopment



- Action:**
- A. Approve the Economic Development Committee recommendation to limit the evaluation of proposals for the sale and redevelopment of the Carolina Theatre site to the following three entities that have formally submitted proposals:**
- **CMP Carolina Theatre, LLC (CMP)**
 - **Foundation For The Carolinas (FFTC)**
 - **The ARK Group (ARK)**
- B. Approve the Economic Development Committee recommendation to adopt a timeline for the Committee to review final proposals and make a recommendation to Council for the sale and redevelopment of the site, which uses the Certificate of Appropriateness preservation guidelines as defined by the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) as the minimum baseline for a historic renovation of the theater. The following is the proposed timeline for bringing forward a recommendation to Council:**
- **November 30, 2012 by 12:00 PM: Final proposals due to the City**
 - **December 3, 2012: Committee hears final proposals from CMP, FFTC and ARK and makes a recommendation to Council for consideration**
 - **December 17, 2012: Council considers the Committee recommendation at its zoning meeting**

Committee Chair: James Mitchell, Economic Development Committee

Staff Resource: Brad Richardson, Neighborhood & Business Services

Explanation

- In January 2006, the City entered into a Purchase and Sale Agreement (Agreement) with CMP, which provided for a closing in January 2007.
- The Agreement was amended or extended on nine occasions due to changing market conditions and the complexity of the site for redevelopment.
- In October 2009, Council approved the ninth amendment to the Agreement to extend the closing date to December 1, 2011.
- All required option payments under the Agreement were made and total \$250,000 in non-refundable deposits to the City.
- In November 2011, Council voted to allow the Agreement to expire, and authorized the City Manager to enter into negotiations with CMP for a private sale of the Carolina Theatre site with a requirement to renovate the theater.
- On March 23, 2012, FFTC submitted a letter to the City Manager that expressed their interest in purchasing the Carolina Theatre site, and requested time to develop a formal proposal to present to the City.

- Staff granted the request and asked FFTC to submit a proposal by the end of May 2012. Staff notified the principals of CMP of the decision and assisted in arranging meetings between the two parties to discuss potential joint venture opportunities.
- On May 31, 2012, FFTC submitted a formal proposal for the site, and the City Manager referred the proposals from CMP and FFTC to the Economic Development Committee for review.
- On August 16, 2012, the proposals from CMP and FFTC were presented to the Economic Development Committee. At that time, the Committee requested that staff arrange tours of the theatre for the Council.
- On October 24, 2012, ARK expressed an interest in purchasing the Carolina Theatre site in a letter to the City Council, and on November 1, 2012, the Committee requested that staff provide the details of ARK's proposal on November 19.
- On November 19, 2012, the proposal from ARK was presented to the Committee.

Committee Discussion

- The Committee discussed the Carolina Theatre sale and redevelopment at the August 16, November 1, and November 19 meetings. In addition, six Council members toured the theater in early October (Mitchell, Cooksey, Autry, Howard, Kinsey, and Mayfield).
- At the November 19, 2012 Committee meeting, the City Attorney's Office confirmed that the City has no legal obligation to sell the site to CMP. As a result, Council has the legal authority to facilitate a private sale of the site to any of the three proposers using preservation of the theater as a condition of the sale.
- The Committee discussed the standards to which the theater should be renovated, and recommended that City Council use the Certificate of Appropriateness preservation guidelines as defined by Historic Landmarks Commission (HLC) as the minimum baseline for an historic renovation. The guidelines used locally by the HLC are the same as the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
- The Committee agreed that the three organizations that have submitted proposals have sufficient expertise, and they desired to limit participation to these three.
- The Committee also requested that these organizations have an opportunity to submit final proposals taking into consideration the preservation guidelines used by the HLC.
- Finally, the Committee recommended the following process for bringing forward a recommendation to Council:
 - November 30, 2012 by 12:00 noon: Final proposals due to the City.
 - December 3, 2012: Committee hears final proposals from CMP, FFTC and ARK and makes a recommendation to Council for consideration.
 - December 17, 2012: Council considers the Committee recommendation at its zoning meeting.
- The Committee voted unanimously (Mitchell, Cannon, Cooksey, Howard, and Mayfield) to approve these provisions.

BUSINESS

11. National League of Cities 2017 Congress of Cities in Charlotte

Action: Adopt a resolution in support of the 2017 Congress of Cities in Charlotte, which was previously approved by City Council for 2016.

Resource: Council member James Mitchell

Explanation

- On November 14, 2011, Council adopted a resolution to support bringing the 2016 National League of Cities' (NLC) Congress to Charlotte. Recently, the NLC asked Charlotte to consider being the host city on October 29 – November 4, 2017.
- The resolution demonstrates the City's support for hosting the NLC Congress in 2017.

Background

- The estimated economic impact is \$8.3 million compared to a hosting expense of \$1 million to \$1.3 million in cash and in-kind services.
- The conference is expected to bring in 3,500 delegates for a four day conference in November or December 2017, with an estimated 15,000 hotel room nights.
- The NLC Congress successfully met in Charlotte in December 2005. The cost of the event was approximately \$1 million, which came from a combination of private sources, the City, County, local towns, Charlotte Regional Visitors Authority, and the North Carolina League of Municipalities. Some of the items paid for included shuttle costs, mobile workshops, final evening event, spouse and guest programs, and other host city requirements.
- For 2017, the City would seek financial contributions from the same, or similar funding partners that participated in 2005.

Attachment 4

Resolution

12. Conclusion of Consent Agenda

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

13. Nominations to Boards and Commissions

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

CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT ADVISORY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending June 30, 2014 for a representative from one of these categories: real estate developer, water/sewer contractor, civil engineer with specialty in water/sewer construction, financial expert, or neighborhood leader.
 - Natalie Beard by Council member Cooksey
 - Donald Garbrick by Council member Kinsey
 - Pride Patton by Council members Barnes, Cannon, Fallon, and Mitchell
 - Michael van Zytchow by Council members Autry, Dulin, Mayfield, and Pickering
 - Kevin Vogel by Council member Howard

Attachment 5
Applications

14. Mayor and Council Topics

Council members may share information and raise topics for discussion.

15. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(5) to go into closed session to establish, or to instruct staff or negotiating agents concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

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."

16. Private Developer Funds for Traffic Signal Improvements

Action: Adopt a budget ordinance appropriating \$246,000 in Private Developer Funds for Traffic Signal Improvements.

Staff Resource: Scott Putnam, Transportation

Explanation

- The \$246,000 in private developer funding is restricted to traffic signals, upgrades, and related work associated with developer projects.
- The following developers are fully funding traffic signal installations and improvements to mitigate traffic impacts around their respective development projects:
 - Singh Development, LLC, contributed \$34,500 for traffic signal modifications at the intersection of Providence Road and Providence Country Club Drive.
 - The Bissell Companies, Inc. contributed \$96,500 for traffic signal modifications at the intersection of Ballantyne Commons Parkway and US 521/Johnston Road.
 - The Bissell Companies, Inc. contributed \$37,000 for traffic signal modifications at the intersection of John J. Delaney Drive and US 521/Johnston Road.
 - SCP LPA Ardrey Kell, LLC, contributed \$78,000 for a new signal at the intersection of Ardrey Kell Road and Hawfield Way Drive.
- Payments made by the developer are in response to estimates of work prepared by the Charlotte Department of Transportation (CDOT) and supplied to the developer.
- Any funding contributed by the developer for a signal project that is unused by the City will be refunded after project completion.
- CDOT will install and operate the new traffic signals as part of the existing signal systems in the area.

Funding

Developer Contributions

Attachment 6

Budget Ordinance

17. Storm Water Rain and Stream Gauges Maintenance Agreement

Action: Approve the five-year agreement with the United States Geological Survey (USGS) for an amount up to \$1,919,350 for maintenance of storm water rain and stream gauges.

Staff Resource: Keri Shearer, Engineering & Property Management

Explanation

- The funding from this agreement is used to maintain the rainfall and stream flow gauge system in the Charlotte-Mecklenburg stream network.
- Since 1961, the City of Charlotte and Mecklenburg County have worked with the USGS gathering rainfall and stream flow information through a cooperative, cost-sharing program.
- The rain and stream gauge network for the City is part of a nationwide network which measures quantity and quality of water resources.
 - A rain gauge electronically collects and transmits the amount of rain at the location the gauge is stationed. The gauge transmits rainfall amounts to the USGS office for compilation. There are 38 rain gauge stations.
 - A stream gauge electronically collects and transmits information about the water within streams and lakes. The gauge collects and transmits elevation, temperature, chemical flow information to the USGS office for compilation. There are 29 stream gauge stations.
- Data from the gauge system is used by the USGS, City, and County to:
 - Determine flood-prone areas
 - Review rain event impacts
 - Determine long-term trends
 - Aid in water-quality investigations
 - Assist in drainage infrastructure design, and
 - Generate the flood information and notification system, which notifies emergency personnel of potential threats to life and property.
- The agreement is for a five-year period. The 2012 base rate is \$343,860, with provisions for possible price adjustments. The cost is slightly more (\$9,400) than in previous years as a result of adding a new gauge site.
- The agreement leverages City funds with USGS funds. The total five-year cost is \$3,263,050. The City's share on 38 rain gauges and 29 stream gauges is \$1,919,350, with USGS paying the \$1,343,700 remainder.
- Mecklenburg County has a similar agreement with USGS and shares the cost on 38 rain gauges and 24 stream gauges.

Small Business Opportunity

Contracts with other units of federal or state government are exempt (Appendix 23.8 of the SBO Policy).

Funding

Storm Water Operating Budget

18. Poindexter Drive Light Rail Vehicle Crossing

Action: Award the low bid contract of \$1,010,504 to Atlas Railroad Construction, LLC for construction of the Poindexter Drive Light Rail Vehicle Crossing project.

Staff Resource: Jim Keenan, Engineering & Property Management

Explanation

- The project will construct a new at-grade LYNX light rail vehicle crossing at Poindexter Drive.
- The Council-adopted New Bern Station Area Plan recommends the extension of Poindexter Drive from South Boulevard to Youngblood Street, including the new LYNX at-grade crossing. The road extensions have been built by private development, with only the rail crossing remaining.
- On August 22, 2011, Council authorized a cost-share agreement between the City and developer WF Silos, LLC, to design and construct the new rail crossing at Poindexter Drive. Total project costs are estimated to be \$1.5 million, with the City to pay up to \$800,000 and the developer to pay the remainder.
- Funding for this project is included in the South Corridor Infrastructure Program.

Small Business Opportunity

Established SBE Goal: 9.00%

Committed SBE Participation: 11.32%

Atlas Railroad Construction, LLC exceeded the established SBE goal and committed 11.32% (\$114,373) of the total contract amount to the following SBE firms: Abram Construction (concrete); Union Paving (asphalt); James Seals & Stripes (pavement markings).

Funding

Transportation Capital Investment Plan

Attachment 7

Map

19. Storm Water Media Buying and Creative Services

Action: A. Approve a contract with The Agency Marketing Group in the amount of \$196,000 for media buying and creative services, and

B. Authorize the City Manager to approve up to two renewals, each up to the original contract amount.

Staff Resource: Jennifer Frost, Engineering & Property Management

Explanation

- Since 1990, the Federal Clean Water Act requires ongoing public education and outreach activities. This requirement is satisfied by initiatives such as volunteer programs, neighborhood presentations, press releases, and advertising.

- The City's educational efforts are funded through the storm water fee and are coordinated with Mecklenburg County, the Charlotte-Mecklenburg Utility Department, and other City departments so efforts do not overlap and are complementary.
- The campaign raises awareness of storm water and the storm drainage system with messages such as:
 - Soil test before you fertilize so you only apply what you need.
 - Avoid applying fertilizer before a heavy storm and never near a creek or lake.
 - Never dump grease down kitchen sinks. Blockages can lead to sewage overflows in creeks.
 - Pick up after your pet. Animal waste contains harmful bacteria.
 - Never throw anything down a storm drain. Put litter in a trash can.
 - Sweep up and bag grass clippings and leaves. Never leave them in the street to clog storm drains.
- The media advertising is one element of the multi-pronged education program that fulfills the City's required public education portion, which includes:
 - Utility bill inserts
 - Web pages
 - Workshops and public events such as Earth Day, Bark in the Park, and Community Celebrations
 - Presentations to groups such as homeowners associations, garden clubs, and civic organizations
 - Curriculum-based presentations to students
 - Volunteer programs such as Adopt-A-Stream and Storm Drain Marking
- Survey results show this level of funding is appropriate for a year-long media campaign effective enough to make 50% of the adult population aware of storm water messages.
- The contract provides funding for radio, television, internet, and print advertising for the continuing Storm Water Education Campaign.
- The media buying amount of this contract is comparable to previous contracts. Creative services are now included in this contract which increased the overall contract amount.
- Jointly-funded, Mecklenburg County will pay \$87,500 and the City will pay \$108,500. The amount for each is based on land area, population, and services required.
- Using a media buyer is the most efficient way to place advertising. Multiple client bases can be combined to purchasing time and space at bulk rates.
- The firm was selected using the Council approved, qualifications-based selection process.

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). The Agency Marketing Group is, however, a SBE Certified firm.

Funding

Storm Water Operating Budget

20. Airport Recycled Concrete

- Action:**
- A. Approve the purchase of recycled concrete as authorized by the sole source exception of G.S. 143-129 (e)(6)(ii), and**
 - B. Approve a unit price contract with Martin Marietta Aggregates for the purchase of recycled concrete.**

Staff Resource: Jerry Orr, Aviation

Sole Source Exception

- G.S. 143-129 (e) (6) (ii) 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 because price competition was not available. The material was recycled on Airport property.

Explanation

- In August 2011, the Airport began the reconstruction of the center runway. The project involved removing the middle section of the concrete runway and replacing it with new concrete pavement.
- Under the terms of the contract, the concrete removed from the runway became property of the contractor, who sold the product to Martin Marietta Aggregates to be crushed on site. The intent was to use the product for the Norfolk Southern Intermodal Facility, currently under construction on the Airport.
- Norfolk Southern has determined they will not need all of the recycled concrete, now crushed stone from Martin Marietta. At the completion of the Intermodal project, approximately 50,000 tons of recycled concrete will remain.
- Martin Marietta has offered to sell the remaining recycled concrete to the Airport at a significantly reduced price (\$8.50/ton) for an amount up to \$425,000. The comparable price for crushed stone from the quarry based on City contract pricing is \$20.50 per ton.
- The Airport will use the recycled concrete for building parking lots, paving shoulders for runways and taxiways, and providing gravel roads on the airfield as needed.
- In addition to pricing, this transaction also aligns with the Airport's commitment to sustainability by using recycled concrete in lieu of purchasing crushed stone from the quarry.
- The estimated expenditure up to \$425,000.

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

21. Airport Moving Walkway Parts

Action: **A. Award the low-bid contract of \$279,298 to Schindler Elevator Corporation for the purchase of moving walkway parts, and**

B. Award the low-bid contract of \$82,946 to Otis Elevator for the labor to install the moving walkway parts.

Staff Resource: Jerry Orr, Aviation

Explanation

- The airport has 22 moving walkways, 15 escalators, and 40 elevators.
- In September 2011, Council approved the replacement of parts on three moving walkways, which have been in continuous use since 1994.
- The 2012 state inspection revealed three additional moving walkways needed parts to be replaced.
- These contracts will acquire replacement parts and cover the labor to install the new parts for these moving walkways.

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

22. Airport Painting Contract

Action: **Award a three-year, low bid unit price contract to CertaPro Painters for interior and exterior painting services on Airport property.**

Staff Resource: Jerry Orr, Aviation

Explanation

- Airport personnel perform routine maintenance operations and services of the building systems located around the Airport.
- The contract will provide the Airport maintenance crews additional assistance in the upkeep of painting the 1.7 million square foot Terminal along with the additional buildings on Airport property.
- The contract provides for three painters, one sheetrock specialist, and one paint spray technician working 40 hours per week, excluding holidays.
- This is a unit bid contract per person hour. Based on a five-person crew working a 40-hour week, the annual estimated expenditure is \$208,000.
- The pricing is valid for up to a three-year term.

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

23. Utility Revenue Manual and City Code Amendments

- Action:**
- A. Adopt an ordinance approving the Charlotte-Mecklenburg Utility Department Revenue Manual and to make associated changes in Chapter 23 of the City Code to implement its provisions, and**
 - B. Adopt an ordinance making miscellaneous amendments to Chapter 23 of the City Code to meet state requirements.**

Staff Resources: Barry Gullet, Utility
Mike Boyd, City Attorney's Office

Explanation

- For over 30 years, various water and sewer rates, fees, and charges have been determined in accordance with methodologies set forth in a series of documents approved by Council and referenced in the City Code.
- The initial document in the series was approved in June 1977. Since that time, there have been eight amendments, including the last amendment prepared by Red Oak Consulting and approved by Council on February 22, 2011.
- To understand the methodologies, it is necessary to consult the initial document and each amendment.
- The Charlotte-Mecklenburg Utility Department (CMUD) Revenue Manual consolidates the initial document and all of the amendments that sets forth how to determine the rates, fees, and charges covered by the Revenue Manual. This approach provides consistency in how rates, fees, and charges are established and assures that such are determined in a manner approved by Council.
- No substantive changes are made in the Revenue Manual in how rates, fees, and charges are determined.
- Other miscellaneous amendments are needed in provisions of the City Code that affect the operations and facilities of CMUD. These miscellaneous amendments address the following changes:
 - State statutory requirement for separate meters for irrigation systems (Section 1 of ordinance referenced in B),
 - State regulatory changes regarding backflow prevention (Sections 2, 3, and 4 of ordinance referenced in B), and
 - Compliance with state request for local review and approval of certain private water and sewer systems in lieu of state review and approval (Sections 5, 6, 7, and 8 of ordinance referenced in B).

Attachment 8

Ordinances

24. FY2013 Street Main Extensions Contracts #3 and #4

Action: Award low bid contracts to R.H. Price, Inc. for contract #3 and Sanders Utility Construction Co. for contract #4 for construction of water and sanitary sewer mains along existing roadways and in easements in Mecklenburg County, in the following amounts:

- **Contract #3, \$1,371,617.70**
- **Contract #4, \$1,345,998.05**

Staff Resource: Barry Shearin, Utility

Explanation

- On August 27, 2012, Council approved Street Main contracts #1 and #2.
- The Street Main Extension program is part of the Charlotte-Mecklenburg Utility Department (CMUD) Capital Improvement Program and provides service to residential customers within 1,000 feet of an existing water or sewer main.
- Each extension is provided at the request of the property owner with the only cost to the property owner being the cost of the water or sewer connection.
- CMUD outsources the construction of most water and sewer mains along existing streets using unit price construction contracts. A contract in place prior to receiving extension requests provides a shorter response time for service delivery.
- These contracts also will be used to construct portions of the water and sewer lines required by the 2011 annexation.
- Bids were unit price, based on estimated quantities for items needed for this type of work.

Small Business Opportunity

Established SBE Goal: 5.00%

Committed SBE Goal for Contract #3: 5.10%

R.H. Price, Inc. exceeded the SBE goal for this project and has committed 5.10% (\$70,000) to the following SBE firms: C&D Utilities (pipe line installation); and Jaamco Drain Cleaning & Video Inspection, Inc. (CCTV inspection).

Committed SBE Goal for Contract #4: 6.44%

Sanders Utility Construction Co. exceeded the SBE goal for this project and has committed 6.44% (\$86,667) to the following SBE firms: Boyle Consulting Engineers, PLLC (materials testing); B&B Concrete Construction of Charlotte, Inc. (curb and gutter); Jim Bob's Grading & Paving, Inc. (asphalt paving); Ground Effects, Inc. (pavement marking); Martin Landscaping Company, Inc. (seeding and mulch); and P&TL, Inc. (silt fencing).

Funding

Utility Capital Investment Plan

25. Utility Lawn Restoration Services

Action: Award contracts to the following companies to provide lawn restoration services throughout Mecklenburg County for a term of two-years:

- **Diamond Athletic Landscaping**
- **Carolina Commercial Landscaping LLC**

Staff Resource: Barry Gullet, Utility

Explanation

- Occasionally Utility's crews disturb lawns and landscaped areas while making water and sewer system repairs. As a result, contracts are needed to restore and repair these areas.
- The contracts include seed and straw installation, sod installation and repair, and miscellaneous other landscaping services as needed.
- On August 28, 2012, a Request for Proposals for landscaping services was issued, and six proposals were received.
- Selection was based on cost effectiveness, experience providing similar services, availability of necessary equipment, and references.
- Utilities annual expenditures are estimated to total \$60,000 per company.

Small Business Opportunity

No SBE goal was set for these contracts because there are no SBE subcontracting opportunities (Part C: Section 2.4 of the SBO Policy). However, one of the firms selected, Carolina Commercial Landscaping LLC, is a certified SBE firm.

Funding

Utilities Operating Budget

26. Rhyne Annexation Area Lift Station and Force Main

Action: Award the low bid contract of \$565,178 to James E. Harris Construction Company for the construction of the lift station and force main to serve the Rhyne Annexation Area.

Staff Resource: Barry Shearin, Utility

Explanation

- The 2011 Rhyne Road Annexation area required various water and sewer system improvements to be completed by June 30, 2013.
- The Rhyne Road lift station is the most cost effective method to fulfill the City's requirements for providing basic sewer service to the area.
- It is anticipated that this lift station will have a service area of approximately 270 acres, which equates to about 884 homes.
- The lift station will be located near Mount Holly Road and I-485.

Small Business Opportunity

Established SBE Goal: 5.00%

Committed SBE Goal: 7.91%

James E. Harris Construction exceeded the established SBE goal, and committed 7.91% (\$44,700) of the total contract amount to the following SBE firm: Page Power Systems (electrical services).

Funding

Utility Capital Investment Plan

27. Raw Waterline Improvements

Action: Award the low bid contract of \$1,299,966 to Sanders Utility Construction Co. for construction of the Raw Waterline Improvements.

Staff Resource: Barry Shearin, Utility

Explanation

- Two parallel pipelines (24-inch and 30-inch diameter) carry untreated water to the Vest Water Treatment Plant located at Beatties Ford Road and Brookshire Freeway.
- The pipelines were installed in 1911 (24-inch) and 1930 (30-inch).
- Due to the age of the lines, there are various repairs and modifications needed to enhance reliability including:
 - Repair existing minor pipe leaks
 - Repair soil erosion that is causing previously buried pipes to be exposed at the surface of the ground
 - Modify aerial stream crossings in need of additional support above the streambed
 - Eliminate aging and unused pipe connections, associated valves, and vaults
 - Relocate several pipes that are too shallow under existing roads
- The Vest Water Plant will have to be shut down for a period of time during construction. Therefore, construction is scheduled for this winter while water demands are low. No impacts are anticipated to the water system during this period.
- Utilities will use this time to also perform some maintenance work at the plant and replace several distribution system valves near the plant, which would be much more difficult with the plant in operation.
- The work is projected to be complete in summer 2013.

Small Business Opportunity

Established SBE Goal: 2.00%

Committed SBE Goal: 2.04%

Sanders Utility Construction Co. exceeded the established SBE goal, and committed 2.04% (\$26,500) of the total contract amount to the following SBE firms: Martin Landscaping Co., Inc. (seeding and mulching); and Jim Bob's Grading & Paving Inc. (asphalt replacement).

Funding

Utility Capital Investment Plan

28. CharMeck.org SharePoint Upgrade

Action: Approve an amendment to the existing contract with RMSource, Inc. for CharMeck.org Hosting Services to support an upgrade to SharePoint 2010 in the additional amount of \$150,000.

Staff Resources: Jeff Stovall, City Manager's Office
Bellverie Ross, City Manager's Office

Explanation

- The City and County have jointly hosted a unified CharMeck.org website since 2001.
- On November 28, 2011, Council approved a contract for \$1,268,000 to transition the hosting services for CharMeck.org to RMSource. Previously, the City's Shared Services Technology Management Division was responsible for supporting the Charmeck.org infrastructure.
- RMSource was commissioned to support the following initiatives:
 - Provide adequate support and development resources for management of the infrastructure
 - Increase protection for the City and County website from Internet security attacks,
 - Relocate the Internet presence to the RMSource data center
 - Provide training resources
- The City and County share ownership for the cost of hosting and services; each contributes 50% annually for these services.
- In August 2010, the City and County sites went live on SharePoint 2007. Currently, the CharMeck.org web site uses SharePoint 2007 technology to deliver local government content to the public.
- SharePoint version 2007 will reach its end of product support life on June 1, 2013.
- RMSource will support the upgrade of the CharMeck.org site to SharePoint version 2010 based on the following attributes:
 - Proven reliability and responsiveness for the City and County,
 - Knowledge of and experience working with the Charmeck.org environment, and
 - Continuous high level of service provided to date.
- The contract amendment provides support for the upgrade to SharePoint 2010. The new contract total is \$1,418,000.

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

Mecklenburg County funds, Technology Capital Investments

29. Refund of Property and Business Privilege License Taxes

Action: **A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$729,224.05, and**

B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$6,227.59.

Staff Resource: Sherry Hite, Finance

Explanation

- Property tax refunds and business privilege license refunds are provided to the City by Mecklenburg County due to clerical or assessor error or as a result of appeals.
- Mecklenburg County reported that refunds are unusually high due to the number of informal and formal appeals that went before the Board of Equalization and Review resulting in reduced taxes due.

Attachment 9

Resolutions
Lists of Refunds

PROPERTY ITEMS

30. Property Transactions

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

For property transactions O-R, 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:** Ballantyne Commons Parkway/ Elm Lane Intersection Improvements, Parcel # 3
Owner(s): Wells Fargo, National Association
Property Address: 11230 Elm Lane
Property to be acquired: 207 sq. ft. (.005 ac.) in SideWalk and Utility Easement, plus 4,520 sq. ft. (.104 ac.) in Temporary Construction Easement, plus 1,916 sq. ft. (.044 ac.) in Utility Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: O-1(CD)
Use: Office

Tax Code: 223-605-02
Total Parcel Tax Value: \$2,211,500
Purchase Price: \$57,100

- B. Project:** Ballantyne Commons Parkway/ Elm Lane Intersection Improvements, Parcel # 16
Owner(s): Hope of Israel Congregation, Inc.
Property Address: 11630 Elm Lane
Property to be acquired: 11,346 sq. ft. (.26 ac.) in Fee Simple within Existing Right-of-Way, plus 2,328 sq. ft. (.053 ac.) in Sidewalk and Utility Easement, plus 4,336 sq. ft. (.1 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 223-281-07
Total Parcel Tax Value: \$1,817,600
Purchase Price: \$10,975
- C. Project:** Blenheim Storm Drainage Improvement Project, Parcel # 13
Owner(s): Weston Properties, Ltd.
Property Address: 4145 Blenheim Road
Property to be acquired: 10,176 sq. ft. (.234 ac.) in Fee Simple
(TOTAL TAKE)
Improvements: Single Family Residence, Fencing
Landscaping: Trees and shrubs
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-022-11
Total Parcel Tax Value: \$59,500
Purchase Price: \$66,000
- D. Project:** Blenheim Storm Drainage Improvement Project, Parcel # 14
Owner(s): Weston Properties, Ltd.
Property Address: 4149 Blenheim Road
Property to be acquired: 9,741 sq. ft. (.224 ac.) in Fee Simple
(TOTAL TAKE)
Improvements: Single family residence
Landscaping: Trees and shrubs
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-022-12
Total Parcel Tax Value: \$59,600
Purchase Price: \$65,000
- E. Project:** Blenheim Storm Drainage Improvement Project, Parcel # 16
Owner(s): Robert S. Hatley
Property Address: 4108 Blenheim Road
Property to be acquired: 9,780 sq. ft. (.225 ac.) in Fee Simple
(TOTAL TAKE)
Improvements: Single family residence, metal shed and wooden shed

Landscaping: Shrubs
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-021-42
Total Parcel Tax Value: \$51,800
Purchase Price: \$50,000

- F.** **Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 4
Owner(s): J. Alexander Law, Jr. and Wife, Gaye H. Law
Property Address: 1623 Scotland Avenue
Property to be acquired: 1,351 sq. ft. (.031 ac.) in Storm Drainage Easement, plus 338 sq. ft. (.008 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: R-5
Use: Flum/Swim Floodway (No Build Zone)
Tax Code: 155-123-18
Total Parcel Tax Value: \$1,341,500
Purchase Price: \$11,625
- G.** **Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 5
Owner(s): George A. Pressly and Wife, Rebecca D. Pressly
Property Address: 1613 Scotland Avenue
Property to be acquired: 3,595 sq. ft. (.083 ac.) in Storm Drainage Easement, plus 697 sq. ft. (.016 ac.) in Temporary Construction Easement, plus 1,018,293 sq. ft. (23.377 ac.) in Permanent Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-123-19
Total Parcel Tax Value: \$931,800
Purchase Price: \$33,100
- H.** **Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 12
Owner(s): Raymond A. Jolly, Jr. and Wife, Kimm H. Jolly
Property Address: 1509 Scotland Avenue
Property to be acquired: 2,407 sq. ft. (.055 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-123-27
Total Parcel Tax Value: \$657,600
Purchase Price: \$46,500

- I. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 13
Owner(s): Daniel L. Johnson, Jr. and Wife, Suzanne H. Johnson
Property Address: 1501 Scotland Avenue
Property to be acquired: 3,538 sq. ft. (.081 ac.) in Storm Drainage Easement, plus 17 sq. ft. (ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-123-28
Total Parcel Tax Value: \$797,400
Purchase Price: \$60,000
- J. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 14
Owner(s): Joseph D. Dulaney and Wife, Raleigh H. Dulaney
Property Address: 1437 Scotland Avenue
Property to be acquired: 2,284 sq. ft. (.052 ac.) in Storm Drainage Easement, plus 1,000 sq. ft. (.023 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-123-29
Total Parcel Tax Value: \$674,600
Purchase Price: \$60,325
- K. Project:** Little Rock Road Realignment, Parcel # 507
Owner(s): U.S. Bank National Association Inc.
Property Address: 515 Little Rock Road
Property to be acquired: 2,759 sq. ft. (.063 ac.) in Fee Simple, plus 1,407 sq. ft. (.032 ac.) in Storm Drainage Easement, plus 1,237 sq. ft. (.028 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: CC
Use: Commercial
Tax Code: 059-231-26
Total Parcel Tax Value: \$5,339,700
Purchase Price: \$14,900
- L. Project:** Mallard Creek Sidewalk Improvements, Parcel # 6
Owner(s): Calvin Cooper and Wife, Jewel B. Cooper
Property Address: 10908 Mallard Creek Road
Property to be acquired: 5,966 sq. ft. (.137 ac.) in Fee Simple, plus 10,136 sq. ft. (.233 ac.) in Fee Simple within Existing Right-of-Way, plus 5,985 sq. ft. (.137 ac.) in Water Main Easement, plus 3,557 sq. ft. (.082 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3

Use: Single Family Residential - Rural Acreage
Tax Code: 029-682-29
Total Parcel Tax Value: \$351,500
Purchase Price: \$13,975

- M.** **Project:** Airport Master Plan Land Acquisition
Owner(s): Charles and Shelia Hartley Heirs
Property Address: 4016 Rockwood Road
Property to be acquired: .57 acres
Improvements: single family residence
Purchase Price: \$138,000
Remarks: The purchase price was determined by an independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: R-3 Use: single family residence
Tax Value: \$127,900
Tax Code: 113-161-39

Condemnations

- N.** **Project:** Beatties Ford Road Business Corridor Improvements, Parcel # 14
Owner(s): Gwendolyn H. McCarroll, Trustee of the Trust Created By Will of Arthur Tyrone McCarroll and Any Other Parties of Interest
Property Address: 2300 Keller Avenue
Property to be acquired: 344 sq. ft. (.008 ac.) in Sidewalk and Utility Easement, plus 4,280 sq. ft. (.098 ac.) in Temporary Construction Easement
Improvements: Permanently closing drive off of Beatties Ford Road and adding a new drive off of Keller Ave.
Landscaping: Trees
Zoned: B-2
Use: Commercial
Tax Code: 075-021-06
Total Parcel Tax Value: \$175,900
Appraised Value: \$13,750
Property Owner's Counteroffer: None
Reason for Condemnation: Staff and the property owner reached an agreement regarding the acquisition. However, since the agreement was reached, title issues were revealed 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.
- O.** **Project:** Blue Line Extension, Parcel # 1152
Owner(s): PressLee, LLC and Any Other Parties of Interest
Property Address: East 20th Street
Property to be acquired: 439 sq. ft. (.01 ac.) in Fee Simple

Improvements: None
Landscaping: Trees and shrubs
Zoned: I-1
Use: Single Family Residential
Tax Code: 081-078-03
Total Parcel Tax Value: \$359,800
Appraised Value: \$2,425
Property Owner's Counteroffer: \$9,800
Reason for Condemnation: Staff began working with the property owner in January 2012 and has yet to reach an agreement regarding the appraisal. The property owner requested the purchase of his total property, to which staff could not agree. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- P. Project:** Blue Line Extension, Parcel # 1285
Owner(s): SRI Holdings, LLC and Any Other Parties of Interest
Property Address: 3826 Raleigh Street
Property to be acquired: 14,433 sq. ft. (.331 ac.) in Railroad Easement, plus 1,413 sq. ft. (.032 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-2
Use: Industrial
Tax Code: 091-072-01
Total Parcel Tax Value: \$436,400
Appraised Value: \$26,750
Property Owner's Counteroffer: \$98,000
Reason for Condemnation: Staff began working with the property owner in April 2012 and has yet to reach an agreement regarding the acquisition. The property owners are concerned regarding the potential loss of business during construction. Staff explained access to the property would be maintained throughout the project construction. 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 # 1337
Owner(s): Jose Fabio Ramos and Wife, Maria Angel Cabrera Ramos and Any Other Parties of Interest
Property Address: 321 Prince Charles Street
Property to be acquired: 136 sq. ft. (.003 ac.) in Slope Easement, plus 1,109 sq. ft. (.025 ac.) in Waterline Easement, plus 1,061 sq. ft. (.024 ac.) in Temporary Construction Easement, plus 851 sq. ft. (.02 ac.) in Combined Slope Easement and Waterline Easement
Improvements: Concrete Slab
Landscaping: Trees
Zoned: R-5
Use: Single Family Residential

Tax Code: 091-021-40

Total Parcel Tax Value: \$63,200

Appraised Value: \$7,100

Property Owner's Counteroffer: None

Reason for Condemnation: Staff and the property owner have reached an agreement regarding the acquisition. However, the title abstract 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.

R. Project: Blue Line Extension, Parcel # 2201

Owner(s): Dimitrios S. Kotrotsis and Soula A. Kotrotsios and Any Other Parties of Interest

Property Address: 6507 North Tryon Street

Property to be acquired: 21,709 sq. ft. (.498 ac.) in Fee Simple
(TOTAL TAKE)

Improvements: Retail Strip Center

Landscaping: None

Zoned: B-2

Use: Commercial

Tax Code: 089-172-41

Total Parcel Tax Value: \$493,900

Appraised Value: \$510,000

Property Owner's Counteroffer: \$589,075

Reason for Condemnation: Staff and the property owner have reached an agreement regarding the acquisition. However, a current tenant is not willing to release the owner from their lease which 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.

S. Project: City Boulevard Extension- Phase III, Parcel # 18

Owner(s): Gurmukh S. Walha and Any Other Parties of Interest

Property Address: 7313 Neal Road

Property to be acquired: 44,038 sq. ft. (1.011 ac.) in Fee Simple, plus 15,390 sq. ft. (.353 ac.) in Storm Drainage Easement, plus 39,075 sq. ft. (.897 ac.) in Slope Easement, plus 9,030 sq. ft. (.207 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: R-3

Use: Rural Homesite

Tax Code: 047-311-47

Total Parcel Tax Value: \$119,600

Appraised Value: \$21,875

Property Owner's Counteroffer: \$49,382

Reason for Condemnation: This property owner has agreed to sign and this will be changed to an acquisition once the agreements are executed. 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:** City Boulevard Extension- Phase III, Parcel # 30
Owner(s): Cheryl Lukevics Long and John Karlis Lukevics and Any Other Parties of Interest
Property Address: 6312 Rumble Road
Property to be acquired: 2,466 sq. ft. (.057 ac.) in Fee Simple, plus 44 sq. ft. (.001 ac.) in Water Main Easement, plus 2,234 sq. ft. (.051 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Tree and shrubs
Zoned: R-17MF
Use: Multi Family
Tax Code: 047-032-04
Total Parcel Tax Value: \$167,600
Appraised Value: \$26,250
Property Owner's Counteroffer: \$42,500
Reason for Condemnation: Staff began working with the property owner in June 2012 and has yet to reach an agreement regarding the appraisal. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- U.** **Project:** City Boulevard Extension- Phase III, Parcel # 54
Owner(s): Great Oaks Homeowners Association, Inc. and Any Other Parties of Interest
Property Address: Charidge Lane
Property to be acquired: 13,074 sq. ft. (.3 ac.) in Fee Simple, plus 11,928 sq. ft. (.274 ac.) in Storm Drainage Easement, plus 27,944 sq. ft. (.642 ac.) in Slope Easement, plus 4,246 sq. ft. (.097 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-3
Use: Single Family Residential - Common
Tax Code: 047-283-48
Total Parcel Tax Value: \$0
Appraised Value: \$2,975
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owner in June 2012 and has yet to reach an agreement regarding the appraisal. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

Reference

Small Business Opportunity Program Policy

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.