

**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, October 8, 2012**

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

<b>Item #</b>	<b>Page #</b>	<b>Title</b>
23	20	Blue Line Extension Utility Relocation Agreement
39	33	Property Transactions H-P

**CITY COUNCIL AGENDA  
Monday, October 8, 2012**

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## 4:00 P.M. DINNER BRIEFING CONFERENCE CENTER

### 1. Mayor and Council Consent Item Questions

**Resource:** Ron Kimble, 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. Below-Market Housing Needs Study

**Resources:** Pamela Wideman, Neighborhood and Business Services  
Todd Noell, Noell Consulting Group

**Time:** 30 minutes

**Synopsis**

- The 2008 Robert Charles Lesser Housing Study focused on the needs of "below-market" households, including those earning up to 80% of Area Median Income (AMI) as well as homeless populations.
- Charlotte and the US have experienced a housing downturn over the past four years, affecting previously stable or less distressed households. Due to these conditions, staff hired the Noell Consultant Group to conduct a housing study to update information found in the 2008 Robert Charles Lesser Study.
- The Below Market Housing Needs Study focuses on understanding priority populations in terms of those areas/demographics in which the demand and housing needs are the greatest today and will be in the coming years.
- Unlike previous studies, this effort incorporates existing housing supply in the community by type, location, price point/rent, quality, and other available metrics.
- The consultant will present the results of the study for information only and no further action is being requested of Council.
- The results of this study could be used to assist in the development of City housing policies, used to direct future federal, state, and local housing funds as well as assist in the areas of Planning and Economic Development.
- Mayor Anthony Foxx has called a special meeting of Council for noon, Wednesday, October 10, 2012 to continue discussions regarding the City's affordable housing policies.

### 3. NCDOT Railroad Projects Update

**Resources:** Danny Pleasant, Transportation  
Tim Gibbs, Transportation  
Michael Shumsky, NCDOT Rail Division

**Time:** 20 minutes

**Synopsis**

- In January 2010, the North Carolina Department of Transportation (NCDOT) received a \$545 million grant award from the American Recovery & Reinvestment Act of 2009 for future development of the Southeast High Speed Rail Corridor. Approximately \$247 million was earmarked for three projects in the Charlotte area. These projects are:
  - North Carolina Railroad Improvement Program Double Track Project (northeast Charlotte to Concord) (\$95 million)
  - NCDOT Locomotive and Railcar Maintenance Facility (\$23 million)
  - Norfolk Southern/CSX Transportation Mainline Grade Separation near Uptown (\$129 million)
- These projects are 100% funded by the American Recovery and Reinvestment Act and must be completed by September 30, 2017.
- In Spring 2011, NCDOT received \$22 million from the Federal Railroad Administration to build a bridge to separate rail and vehicular traffic at the Sugar Creek Road crossing of the North Carolina Railroad. This project is anticipated to be complete by the end of 2016.
- Collectively, the projects goals are to:
  - Reduce passenger/freight train conflicts in the City of Charlotte
  - Enhance safety, reduce noise, emissions and energy use, while improving rail operations and increasing efficiency for freight and passenger rail
- NCDOT staff will brief City Council on the status of these projects and also discuss next steps as each project advances toward implementation.

**Future Action**

In early 2013, Council will consider funding and/or municipal agreements as requested.

**Attachment 1**

Map

**5:15 P.M. DINNER BREAK****4. Charlotte International Cabinet Consultant Report**

**Resources:** Cyndee Patterson, The Lee Institute  
Charles Lansden, Chair of the Charlotte International Cabinet

**Time:** 20 minutes

**Synopsis**

- Charlotte International Cabinet (CIC) was created in October 2008 with a merger of the Mayor's International Cabinet (MIC) and Charlotte Sister Cities (CSC). Merging the two distinct organizations into one entity created both opportunities and challenges. With the departure of the Executive Director in May 2012, the CIC hired The Lee Institute to conduct an assessment of the organization.

- In June 2012, The Lee Institute was engaged by CIC to conduct an assessment of the current mission and structure of CIC in order to create recommendations regarding:
  - the mission, vision and objectives of the organization
  - the optimal structure to support the mission and vision
  - clarity around CIC's role in the community
  - engaging Cabinet members in the work of the organization, and
  - leadership needs for the organization.
- From June through September 2012, The Lee Institute, working with CIC's Executive Board and Staff has:
  - Conducted 20 interviews with CIC stakeholders
  - Researched International Cabinet/International Affairs Department best practices and conducted telephone interviews
  - Researched Sister City best practices and conducted telephone interviews with Sister City organizations
  - Offered an online survey for input from Charlotte City Council members and CIC Cabinet members

## **5. Street Lighting Program Update**

**Resource:** Phil Reiger, Transportation

**Time:** 15 minutes

### **Synopsis**

- An update on street light repair efforts was provided in City Council's September 14 Follow Up Report.
- This presentation will expand on the previous update and other aspects of the Street Lighting Program including efforts to educate the public, the LED street lighting pilot project implementation, interstate lighting repairs, and advancements in technology for reporting and identifying outages.

## **6. Answers to Mayor and Council Consent Item Questions**

**Resource:** Ron Kimble, City Manager's Office

**Time:** 10 minutes

### **Synopsis**

- Staff responses to questions posed at the beginning of the dinner meeting.

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

## **AWARDS AND RECOGNITIONS**

### **7. Barry Moose's Retirement from NCDOT**

**Action:** Mayor Foxx will read the proclamation recognizing the retirement of Barry Moose, Division Engineer from NCDOT, and his contributions to the Charlotte region.

### **8. DollarWise Month**

**Action:** Mayor Foxx will read the proclamation that recognizes October as DollarWise month and urges businesses, nonprofits, community organizations and all levels of government to come together to promote local financial education initiatives.

### **9. Charlotte CROP Hunger Walk**

**Action:** Mayor Foxx will read the proclamation that recognizes the 34<sup>th</sup> Annual Charlotte CROP Hunger Walk, the largest in the nation, being held on October 14, 2012.

### **10. Minority Enterprise Development Week**

**Action:** Mayor Foxx will read the proclamation that recognizes Minority Enterprise Development (MED) Week observance and the outstanding accomplishments of minority business enterprises and those organizations supporting minority business development. This year, the City of Charlotte will be celebrating MED Week from October 8<sup>th</sup> through October 11<sup>th</sup> with the theme of "Job Creation in America: Develop it Here – Market Everywhere."

## CONSENT

- 11. Consent agenda items 22 through 40 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.**

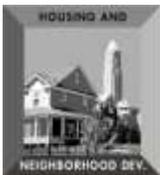
Consideration of Consent Items shall occur in the following order:

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

## POLICY

### 12. City Manager’s Report

### 13. Mecklenburg Mills Funding Request



**Action:**

- A. Approve the Housing & Neighborhood Development Committee’s recommendation to grant up to \$2,353,783 of Community Development Block Grant funds to The Community Builders, Inc. for the redevelopment of the Mecklenburg Mills properties, and**
- B. Grant a waiver to the existing Assisted Multi-Family Housing at Transit Station Areas Policy.**

**Committee Chair:** Patsy Kinsey

**Staff Resources:** Pamela Wideman, Neighborhood & Business Services  
Patrick Mumford, Neighborhood & Business Services

**Policy**

- On May 9, 2011, the City Council adopted the FY2012 U. S. Department of Housing and Urban Development Annual Action Plan for Housing and Community Development (Plan).
- The Plan identifies the need for affordable, safe and decent housing for low and moderate-income families.
- The Plan reaffirms the three basic goals of the City’s Housing Policy:
  - Preserve the existing housing stock
  - Expand the supply of affordable housing
  - Support family self-sufficiency initiatives
- On November 26, 2001, City Council approved the Assisted Multi-Family Housing at Transit Station Areas policy. This policy, states that the City shall aggressively pursue opportunities to develop assisted housing within one-fourth mile of a transit station area when participating in joint development projects such as building or providing loans for infrastructure, acquiring land, and/or other economic development initiatives.

**Explanation**

- On April 25, 2011, City Council authorized the sale of the Johnston and Mecklenburg Mills properties to The Community Builders, Inc. (TCB) for the sum of \$1,240,250, with the inclusion of the following restrictive covenants:
  - Preservation of the Mills’ historic designation for ten years
  - Development of a minimum of ten affordable residential units per mill building
  - Development of a minimum of 20% of total residential units affordable for 20 years to households earning 60% or below the Area Median Income
  - Commencement of the development within three years of the sale, and
  - Maintenance of the existing security measures to keep the mill properties secure.
- In June 2012, Neighborhood & Business Services (NBS) staff received a request from TCB for \$2,353,783 of gap financing to complete the balance of financing necessary for the redevelopment of the Mecklenburg Mill building.
- Since that time and with the help of NBS staff, TCB has attempted to obtain funding from other potential sources without success to date.
- In August 2012, the City Manager referred this funding request to the Housing & Neighborhood Development Committee for consideration.
- In September 2012, the Housing & Neighborhood Development Committee recommended approving the funding request and granting a waiver to the Assisted Multi-Family Housing At transit Station Areas Policy.
- The funding request is due to the Mill building being severely structurally compromised – only fully evident once the building had been gutted - dramatically increasing the rehabilitation costs.
- The urgency of this request is underscored by the North Carolina Housing Finance Agency’s (NCHFA) October 12, 2012 bond application deadline. Should the Council decide to grant the request, the NCHFA will require a letter of funding commitment be included in TCB’s bond application.
- A waiver to the existing Assisted Multi-Family Housing at Transit Station Areas policy is required due to the following policy language:
  - At least 30% of the assisted multi-family housing units developed at a particular site shall be reserved for households earning 30% or less of the area median income
  - The assisted multi-family housing shall be scattered throughout the development and not concentrated in one area.
- TCB plans to develop the Mecklenburg Mills building as a 100% affordable development with 48 units serving households earning 60% and below the area median income, therefore, 30% of the building will not be reserved for households earning 30% and below the area median income.
- Dispersal of City funds will be contingent on the successful award and expenditure of the other proposed sources of funds including:
 

TCB (Neighborhood Stabilization)	\$ 2,353,883
Seller Note (value created by using tax credits)	\$ 1,080,000
Tax Exempt Bond Inducement Resolution	\$ 683,562
Federal Low Income Housing Tax Credit	\$ 4,215,877
Federal Historic Tax Credit	\$ 2,304,311
<u>North Carolina Mill Credit</u>	<u>\$ 2,723,549</u>
Total	\$13,361,182
- If the grant request is approved, TCB anticipates notification of award of the Federal Low income Housing Tax Credit, Federal Historic Tax Credit, and the NC Mill Credit by January 2013. TCB has already been awarded Neighborhood Stabilization funding and a Tax Exempt Bond Inducement resolution.

- TCB understands that this award is the maximum City contribution that will be made to the redevelopment of the Mills properties and the City's funds will not be drawn down until all others funds have been dispersed on the project.
- If the grant request is not approved:
  - TCB's ability to obtain the Federal Low Income Housing Tax Credits is compromised due to the December 31, 2012 expiration of the census tract eligibility where the Mills are located; thus the redevelopment becomes more costly by a minimum of \$900,000 and TCB loses the ability to maximize the leverage gained from using Neighborhood Stabilization funds.
  - TCB's progress to redevelop the entire site could be delayed.

**Committee Discussion**

- On September 12, 2012, the Committee, staff and TCB engaged in a lengthy discussion about the rationale for the funding request.
- Staff briefed the Committee on the history of the Mills properties, including the City's previous investment of \$6.7 million since 1990 and the need for a waiver to the Assisted Multi-family Housing at Transit Station Areas policy.
- TCB briefed the Committee on the severe structural deficiencies of the building that led to the funding request.
- The Committee voted three to two (Kinsey, Autry, and Mayfield voted yes; Barnes and Cooksey voted no) to grant \$2,353,783 of Community Development Block Grant funds to TCB for the redevelopment of the Mecklenburg Mills properties. In a separate vote, the Committee unanimously voted (Kinsey, Autry, Barnes, Cooksey, and Mayfield) to grant a waiver to the existing Assisted Multi-Family Housing at Transit Station Areas Policy.

**Council Discussion**

- On September 24, 2012, the Council voted (7-4 Autry, Cannon, Fallon, Howard, Kinsey, Pickering – yes; Barnes, Cooksey, Dulin, Mayfield - no) to defer the decision to its October 8, 2012 meeting.
- Council raised several questions regarding the funding request. Responses are included in the attachment.

**Small Business Opportunity**

TCB has committed to an 8% SBE goal for this project.

**Funding**

Community Development Block Grant

**Attachment 2**

Answers to Council Questions from September 24

## 14. Federal Legislative Services Agreement

**Action:** Approve the Government Affairs Committee recommendation to approve a three-year agreement with Holland and Knight LLC for federal legislative services at an annual fee up to \$210,000, and authorize the City Manager to execute up to two, one-year renewals.

**Committee Chair:** Andy Dulin

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

### Explanation

- Holland and Knight offers the City an integrated team of strategic communicators, senior advisors, lobbyists, and attorneys to continue actively assisting the City in developing a comprehensive legislative program, and to advocate it effectively to both Congress and the Administration.
- The Holland and Knight team includes former members of Congress, former advisor to the EPA Administrator, former Deputy Assistant to the President, and former congressional staff members with appropriations experience. Holland and Knight's transit partner is one of the preeminent experts in the transit industry.
- Holland and Knight has proven they have excellent relationships with the City's Congressional Delegation, Congressional Leadership, Administration, Appropriations Committee staff, and federal agencies. Their relationships have enabled City officials and staff to meet with these officials and staff in order to advance City interests.
- Over the last several years, Holland and Knight has assisted the City's Congressional Delegation in securing over \$290 million in appropriations and authorizations on behalf of the City. This amount includes the \$50 million for DNC security funding. Holland and Knight is working with the City, Congressional Delegation and Administration in securing grants from federal agencies.
- The City currently has pending federal requests including the Blue Line Extension and Airport Control Tower.
- Holland and Knight has always agreed with and adhered to the City's requirement that it not represent any other local government or regional organization in the State of North Carolina.
- The proposed agreement is for three years, from January 1, 2013 to December 31, 2015. The cost of the agreement will be \$210,000 annually based on a monthly retainer of \$17,500, and be split four ways between the General (40%), Transit (40%), Aviation (10%), and Water and Sewer (10%) Funds. The Transit Fund will pay a greater share of the costs of the agreement (40%) than the Aviation and Water and Sewer Funds (10% each) given the scope of transit lobbying needs.

### Background

- In September 2003, the City issued a Request for Proposals (RFP) for federal legislative services. The RFP addressed City legislative needs and other City Council priorities. Proposals were received from 14 legislative and law firms. Holland and Knight was selected for Council consideration, following an extensive evaluation process, based on staffing and project management experience,

federal legislative experience, financial responsibility, approach and work plan and acceptance of contract terms.

- In November 2003, Council approved a two-year agreement with Holland and Knight at an annual cost not to exceed \$150,000 for 2004 and 2005, with up to three, one-year contract renewals. The City negotiated an annual cost not to exceed \$180,000 for contract renewal years 2006, 2007 and 2008. City Council extended the contract for an additional two-year period expiring December 31, 2010, at an annual cost of \$180,000. City Council extended the contract for an additional one-year period expiring December 31, 2011, at an annual rate of \$198,000 with an option to extend it for an additional year based upon performance at the same rate of \$198,000. The Council exercised the option to extend the contract for calendar year 2012.

**Committee Discussion**

- The City Council’s Government Affairs Committee (GAC) discussed the federal legislative services agreement and the reasons to retain Holland and Knight at its October 1, 2012 meeting. Staff presentation is attached.
- GAC agreed on a 5-0 vote (Dulin, Fallon, Cannon, Mitchell, and Pickering) that the contract should be entered into for a period of three years at an annual cost not to exceed \$210,000, and that it could be extended for two additional one-year terms at the direction of the City Manager.

**Small Business Opportunity**

Contracts for legal services are exempt (Appendix 23.9 of the SBO policy).

**Funding**

General Fund (40% or \$84,000 annually), Transit Fund (40% or \$84,000 annually), Aviation Fund (10% or \$21,000 annually), and Water and Sewer Fund (10% or \$21,000 annually)

**Attachment 3**

Presentation for Government Affairs Committee

**BUSINESS**

**15. Federal Full Funding Grant Agreement for LYNX Blue Line Extension Project**

**Action: Adopt a resolution authorizing the City Manager to negotiate and execute a Full Funding Grant Agreement and grant contract with the United States Department of Transportation, Federal Transit Administration (FTA) for a 50% financial share of the cost of the LYNX Blue Line Extension (BLE) Northeast Corridor Light Rail Project, with a maximum federal New Starts share of \$580,042,248.**

**Staff Resources:** Carolyn Flowers, Transit  
Dee Pereira, Transit  
Danny Rogers, Transit

**Policy**

Centers & Corridors, the 2030 Corridor System Plan, Focus Area Initiatives, Transportation Action Plan Goals

**Explanation**

- The Federal Transit Administration (FTA) has set the cost of the Blue Line Extension (BLE) light rail project at \$1,160,084,496.
- The cost of the BLE project will be paid for by three financial partners as follows:
 

Federal	50.0%	\$580,042,248
State	25.8%	\$299,071,124
City/CATS	24.2%	\$280,971,124
- On April 25, 2011, Council authorized the City Manager to execute a State Full Funding Grant Agreement and Grant Contract. This action was completed on May 3, 2012.
- The City has committed its share with \$17,500,000 from NECI funds and \$13,420,000 from in-kind right-of-way contribution.
- CATS share is funded from the half-cent Transit Sales & Use tax and debt financing.

**Federal Full Funding Grant Agreement**

- A Full Funding Grant Agreement (FFGA) provides federal financial assistance for major capital investment "New Starts" projects.
- Before an FFGA can be executed, the City of Charlotte must complete the following:
  - Receive a Record of Decision from the FTA which completes the National Environmental Protection Act (NEPA) requirements
  - Submit a long term financial plan which demonstrates the sponsor's financial capacity to build and maintain the project in addition to sustaining current services
  - Receive the Federal Transit Administration (FTA)'s approval to enter the Final Design stage of project development
  - Apply for and receive approval of the proposed FFGA from the FTA and Congress
- The LYNX Blue Line Extension (BLE) project status includes the following:
  - Received a Record of Decision on December 5, 2011
  - Submitted the long-term financial plan to the FTA on June 6, 2012
  - Received approval to enter Final Design on July 9, 2012
  - Expects FFGA approval from the FTA and Congress by early November

**Federal FFGA Process**

- CATS submitted its application for a FFGA to FTA on July 10, 2012.
- FTA has reviewed the application and has determined that the application is complete and that CATS has met the project readiness and financial capacity requirements to execute a Full Funding Grant Agreement.
- FTA, the Office of the Secretary of Transportation and the Office of Management and Budget have completed their review of the BLE project application.
- The FFGA is currently under a statutory review period by Congress.

**Federal FFGA Terms**

- The federal Full Funding Grant Agreement will provide a 50% share of the \$1,160,084,496 BLE project cost. The amount of federal New Starts funding is capped at \$580,042,248, which is 50% of the total project cost.
- The FFGA terms include the following:
  - Provides federal financial assistance, including a proposed schedule of federal funding, subject to Congressional appropriations
  - Establishes the maximum federal New Starts contribution to the project of \$580,042,248. The federal contribution includes previous grants of \$39,650,000, which has been used to fund Preliminary Engineering, early right-of-way and final design costs.
  - Describes the project scope, which includes a 9.3 mile light rail line, 11 stations, approximately 3,100 parking spaces, 22 light rail vehicles, right-of-way acquisition, professional services, and financing costs
  - Specifies the Level of Service (hours and frequency of service, e.g. 7.5 minute peak period service), which the City of Charlotte (CATS) must maintain for no less than five years after the opening of revenue service
  - Establishes the City of Charlotte's commitment to the local share of the project, its obligation to complete the project, its obligation to achieve revenue operation by the FFGA Revenue Service Date, its obligation to fund any costs in excess of the FFGA project cost, and its obligation to fund maintenance and operational costs of the project
- The BLE must open for revenue operations on or before March 31, 2018.
- In the event that the BLE project is not completed for any reason, the City would be obligated to repay some or all of the federal contribution.

**Local Process**

- The City will finance the majority of the local share for the project and will provide temporary financing of those portions of the project funded by the state and federal governments until grant money is received
- The Local Government Commission will have to approve both the permanent and temporary financings necessary to complete the project.

**Attachment 4**

Resolution  
Map

## **16. McAlpine Creek Wastewater Treatment Plant Effluent Filter Expansion Guaranteed Maximum Price Construction Contract**

**Action: Approve a Guaranteed Maximum Price construction contract with the Design-Build Team of Crowder Construction and HDR Engineering in the amount of \$25,500,000 for construction of the McAlpine Creek Wastewater Treatment Plant Effluent Filter Expansion Project.**

**Staff Resource:** Barry Shearin, Utilities

**Design Build**

- A previous study of the Sugar Creek, Irwin Creek, and McAlpine Creek Wastewater Treatment plants identified that the expansion of filters at the McAlpine Creek Wastewater Treatment plant will ensure the stringent discharge permit limits can be reliably met and the risk of violations reduced into the future.
- The effluent filters will be expanded using the design-build (DB) project delivery method as discussed with City Council at the September 27, 2010 dinner briefing.
- Design-build is very similar to construction manager at risk but have the designer and contractor on the same team. This allows for a single point of responsibility for the owner and provides the benefit of having experienced construction staff reviewing the design as it progresses, which gives more opportunity for value engineering and creativity in the design process.
- This will be the first design-build project for the City of Charlotte and one of the first for a water or sewer project in the state.
- On February 27, 2012, City Council awarded the design services portion of the design-build project to the team of Crowder Construction and HDR Engineering for \$1,363,000.

**Explanation**

- The design of the project is essentially complete and the design-build team has completed the construction pricing for the project.
- For design-build contracts, the construction phase is awarded as a Guaranteed Maximum Price (GMP) contract based on the design of the project. The GMP establishes the maximum amount to be paid for the project unless the scope of work is changed or substantial adverse conditions unknown to the City or the Design Builder are discovered. However the GMP does provide that as the final design and construction are completed and opportunities arise to reduce cost, without reducing project scope, the City gets a 75% share of those savings. This approach is different from a traditional formal bid where all savings that are not a result of a project scope reduction go to the contractor.
- On November 22, 2010, City Council awarded a contract to Black and Veatch Engineering to serve as the owner's representative on this project in order to assist with design review and to do a thorough review of the proposed GMP. Black and Veatch was selected for this role due their experience both as a design-build contractor and an owner's representative on many other projects around the country.
- The GMP has been established through a combination of competitive bidding with material and equipment suppliers and subcontractors and work to be completed by Crowder based on the fees and rates proposed during the selection process.
- The GMP is within the budget estimate for the project. The original estimate for this project in 2008 was \$25.9 million. Based on the Building Cost Index the current estimate is \$28.5 million for the scope of work in the Preliminary Engineering Report. Since the completion of that report, Utilities has determined that some rehabilitation is needed on the existing filters and determined that the number of filters to be constructed could be increased from eight to nine very economically due to the proposed construction layout. This additional work that was not included in the original estimate in 2008 has been included in the GMP for this project and is estimated at \$2.6 million.

**Small Business Opportunity**

Crowder committed to a 10% SBE goal. SBEs identified to be utilized throughout the project include: Anderson Industrial Coatings (painting); BW Solutions (chemical pumps & piping); CC Company (site cleanup); The Huffstetler Group (retaining wall & slope protection); Joel E. Woods & Associates (geotechnical design); Jones Grading (seeding); Lil Associates (subcontractor consulting); Oliver Paving (paving); Penn & Sons (site security); R. Joe Harris & Associates (surveying); Richa Graphics (printing); and Southern Concrete Services (rebar installation).

**Funding**

Utilities Capital Investment Plan

**Attachment 5**

PowerPoint Presentation

**17. Incentive Grants for Beardow Adams Inc.**

**Actions:**

**A. Approve the City’s share of a Business Investment Grant to Beardow Adams Inc. for a total estimated amount of \$28,082 over three years (Total City/County grant estimated at \$78,988), and**

**B. Approve contracts with the NC Department of Commerce (NCDOC) and Beardow Adams Inc. for \$37,600 for a North Carolina Grant from the State to Beardow Adams Inc.**

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

**Policy**

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

**Explanation**

- Beardow Adams Inc., founded in 1977, is a privately held company producing hot melt adhesives for labeling, packaging, bookbinding, woodwork and other uses.
- Beardow Adams is headquartered in the United Kingdom and is establishing a manufacturing base in the USA. The company has been exporting their products to North America.
- Beardow Adams will open a new manufacturing facility in an existing building on Horseshoe Lane (off of West Boulevard) to manufacture hot melt adhesives. The company announced their project on August 15, 2012.
- The State is offering a One North Carolina Grant in the amount of \$37,600, which requires a local match.
- With the project, Beardow Adams expects to invest \$3 million in new taxable machinery and equipment and create 20 new full-time jobs with an average annual wage of \$61,579 over three years (135% of the local average wage).

**Business Investment Grant**

- This project meets all of the Council-approved criteria for a three-year Business Investment Grant based on 90% of the net new property taxes.

- The Board of County Commissioners approved this proposal on September 17, 2012.
- General terms and conditions of the grant include:
  - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office
  - All property taxes due from the company must be paid prior to a grant payment being processed
  - The City’s share of this grant is estimated to be \$28,082 over three years; total City/County grant estimated to be \$78,988.
- If approved, the following is a schedule of the estimated Investment Grant payments to Beardow Adams:

Year	City	County	Total
1	\$ 10,501	\$ 19,036	\$ 29,537
2	\$ 9,322	\$ 16,898	\$ 26,220
3	\$ 8,259	\$ 14,972	\$ 23,231
Total	\$ 28,082	\$ 50,906	\$ 78,988

**Funding**

Business Investment Grant Account  
 State One NC Grant

**18. Recruitment and Selection Process of City Manager**

**Action:**

- A. Authorize the Human Resources Director to negotiate and execute a contract with an executive search firm to assist in the recruitment and selection of a new City Manager,**
- B. Approve the proposed schedule of activities and calendar for the recruitment and selection of a new City Manager, and**
- C. Approve the position profile to be used in the recruitment and selection of a new of City Manager.**

**Staff Resource:** Cheryl Brown, Human Resources

**Explanation**

- On Friday, September 28, 2012, City Manager Curt Walton announced his retirement, effective December 21, 2012.
- On Friday, September 28, 2012, Mayor Foxx requested members of City Council support allowing the Human Resources Department to begin the process of researching search firms and obtaining cost estimates to assist in the recruitment and selection of a new City Manager.
- The Human Resources Director will provide information on potential search firms and cost estimates.
- The proposed time line ensures selection of a new City Manager between late December and mid-January. This schedule will ensure the new City Manager’s appointment prior to the Mayor and Council Annual Retreat the first week of February.

**Attachment 6**

Proposed Recruitment Schedule of Activities and Calendar  
City Manager Position Profile

**19. Conclusion of Consent Agenda**

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

**20. Nominations to Boards and Commissions**

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

**A. AIRPORT ADVISORY COMMITTEE**

- Two appointments for two-year terms for applicants residing outside Mecklenburg County as recommended by the Executive Board of the Charlotte Regional Partnership beginning November 1, 2012.
  - Tim Gause and George Pretty II have completed their term of service and are not eligible to be reappointed.

**Attachment 7**

Applications

**B. BICYCLE ADVISORY COMMITTEE**

- Two appointments for three-year terms beginning January 1, 2013.
  - Haley Beaupre and Andrew Pike are eligible and would like to be reappointed.

**Attachment 8**

Applications

**C. CHARLOTTE HOUSING AUTHORITY**

- Two appointments for three-year terms beginning December 18, 2012.
  - Pamela Gordon is eligible and would like to be reappointed.
  - David Jones has completed his terms of service and is not eligible to be reappointed.
- One appointment for a resident of low income housing for a three-year term beginning December 18, 2012.
  - Marcia Simpson is eligible and would like to be reappointed.

**Attachment 9**

Applications

**D. CHARLOTTE INTERNATIONAL CABINET**

- One appointment for a representative of a non-profit organization for an unexpired term beginning immediately and ending June 30, 2013.
  - Paul Carr failed to meet the City Council attendance requirement.

**Attachment 10**

Applications

**E. CHARLOTTE MECKLENBURG DEVELOPMENT CORP.**

- One appointment for a three-year term beginning November 1, 2012.
  - Thad Walton is eligible and would like to be reappointed.
- One appointment for a representative of a non-profit organization for a three-year term beginning November 1, 2012.
  - Charle'on Macon is eligible and would like to be reappointed.

**Attachment 11**

Applications

**F. CMUD ADVISORY COMMITTEE**

- One appointment for a water/sewer contractor for an unexpired term beginning immediately and ending June 30, 2014.
  - Marco Varela resigned.

**Attachment 12**

Applications

**G. HOUSING APPEALS BOARD**

- One appointment for a City within a City tenant for a three-year term beginning January 1, 2013.
  - James Guntrum is eligible and would like to be reappointed.

**Attachment 13**

Applications

**H. KEEP CHARLOTTE BEAUTIFUL**

- One appointment for a three-year term beginning immediately and ending June 30, 2015.
  - Christopher Lachey resigned.

**Attachment 14**

Applications

**I. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE**

- One appointment for an unexpired term beginning immediately and ending March 1, 2014.
  - Emma Allen resigned.

**Attachment 15**

Applications

**J. TREE ADVISORY COMMISSION**

- Two appointments for three-year terms beginning December 14, 2012.
  - Ann Macon-Ellis and Susan Tompkins are eligible and would like to be reappointed.

**Attachment 16**

Applications

**K. WASTE MANAGEMENT ADVISORY BOARD**

- One recommendation for reappointment by the Board of County Commissioners (BOCC) for a three-year term beginning November 5, 2012.
  - Christopher Capellini is eligible and would like to be recommended for reappointment by BOCC.

**Attachment 17**

Applications

**21. 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 Small Business Opportunity Policy Reference explains specific policy provisions and is located at the end of the agenda.

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."

## 22. FY2013 Youth Job Connection Contract

**Action: Approve a contract with Goodwill Industries of the Southern Piedmont for the Mayor's Youth Employment Program job readiness training for FY2013 in the amount of \$133,000.**

**Staff Resources:** Tom Warshauer, Neighborhood & Business Services  
Dawn Hill, Neighborhood & Business Services

### FY2012 Training Contract

- On January 9, 2012, City Council approved a \$150,000 contract with Goodwill Industries of the Southern Piedmont to create an enhanced training curriculum for Mayor's Youth Employment Program (MYEP) participants. Major changes from previous years included:
    - Holding training at the schools, rather than at Goodwill. Goodwill/MYEP partnered with ten host CMS high schools.
    - Requiring six hours of training to receive MYEP certification. 606 youth were trained in-school and at the Goodwill Youth Job Connection.
- Goodwill additionally:
- Assisted 101 youth in obtaining paid seasonal or permanent jobs.
  - Provided 144 unpaid work experiences, such as job shadowing and career days, with major employers.

### FY2013 Training Contract

- This year, the MYEP proposes to continue partnering with Goodwill Industries. The contract strategically delineates roles between MYEP, Goodwill and other partners to provide cost savings while enhancing services.
- Financial Literacy training that will now be facilitated by volunteer staff from the National Association of Financial Planners and Alpha Kappa Alpha Sorority (AKA) allows Goodwill trainers more time on their core responsibilities.
- Goodwill will be responsible for:
  - Expanding the CMS partnership to provide training to 900 students in 15 high schools
  - Expanding the Goodwill training in customer service skills, resume writing, completing web-based job applications, work-place etiquette, interviewing skills, and tips on finding a job
- MYEP will be responsible for:
  - Scheduling and logistics, working with CMS Career Development Counselors (CDC) to ensure the students and schools are well resourced
  - Collaborating with CDC's to schedule career experiences through Career Discoveries in partnership with Junior Achievement and local businesses such as Microsoft, Carolinas HealthCare, LPL Financial, the NASCAR Foundation, the Charlotte Bobcats, and the Carolina Panthers
  - Continuing successful work with Carowinds, bringing their training and recruitment into the schools

### 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

Neighborhood & Business Services Operating Budget

## 23. Blue Line Extension Utility Relocation Agreement

**Action:** Authorize the City Manager to negotiate and execute a transmission line utility relocation agreement with Duke Energy, up to \$5,000,000 for the LYNX Blue Line Extension Project.

**Staff Resources:** Danny Rogers, Transit  
Brad Thomas, City Attorney's Office

### Explanation

- Multiple Duke Energy transmission lines cross over the LYNX Blue Line Extension (BLE) alignment on North Tryon Street.
- In the interest of safety and compliance with the National Electric Code, those transmission towers and lines must be relocated in order to provide adequate clearance over future BLE catenary wire that will power the BLE.
- Transmission infrastructure is specialized and not covered by the standard utility agreement authorized by Council on February 27, 2012.
- Pursuant to this transmission line agreement, Duke Energy will complete the survey, design, engineering, and construction of the relocated transmission towers and lines, including the removal of the old transmission line infrastructure.
- This agreement will allow the City to reimburse Duke for all costs associated with the construction of the transmission towers.
- The City and Duke will collaborate to acquire the necessary real estate to accommodate the relocations with Duke making the necessary right-of-way purchases. This action includes the funds to reimburse Duke for the right-of-way purchases.
- The overall project requires financing to be approved by the Local Government Commission.

### Disadvantaged Business Enterprise Opportunity

No DBE contract goal was set on this project due to limited subcontracting opportunities.

### Funding

State Full Funding Grant Agreement  
Transit Fund Balance

## 24. Traffic Signal Installation at Brookshire Boulevard and Hovis and Oakdale Roads

**Action:** Award the low bid of \$249,999.49 to Bryant Electric Co. for traffic signal installation at the intersection of Brookshire Boulevard and Hovis and Oakdale roads.

**Staff Resource:** Bill Greentaner, Transportation

**Explanation**

- On June 11, 2012, City Council approved the construction contract for the Brookshire Boulevard/Hovis Road/Oakdale Road Intersection Improvement Project.
- The signal was included in the project as a safety improvement.
- The Brookshire Boulevard/Hovis and Oakdale roads intersection is a major intersection located in the northwest section of the City that connects the Thomasboro Hoskins Community to the Oakdale Community.
- Installation is expected to be completed in July 2013.

**Small Business Opportunity**

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

**Funding**

Transportation Capital Investment Plan

**25. Airport Concourses B & C Elevators**

**Action: A. Approve a contract with DAS Architecture, Inc. in the amount of \$137,750 to provide design services of three elevators to provide additional access to B & C Concourses, and**

**B. Adopt a budget ordinance appropriating \$137,750 from the Airport Discretionary Fund.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- The B & C Concourses are currently not served by a freight elevator.
- As the passenger volume has increased and concessions expanded to meet demand, the quantity of food, beverage, store merchandise, and resulting trash and recycling have created the need to restock and remove trash throughout the day.
- To minimize the congestion of carts servicing the concessions and interfering with passenger circulation, each concourse will have a freight elevator with a related staging room, to allow the restocking and trash recycling to flow from the ramp directly to each concourse and eliminate the long haul through the terminal and concourse.
- The C Concourse will also add a passenger elevator for use by US Airways crews to access their newly renovated and expanded flight and in-flight operations area. The airline will reimburse the Airport for the design and construction this project.

**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 Capital Investment Plan

**Attachment 18**  
Budget Ordinance

## 26. Airport Terminal Lobby Expansion

**Action: Approve a contract with LS3P Associates LTD in the amount of \$275,000 to provide preliminary design services of the Terminal Lobby Expansion.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- In November 2007, City Council approved contracts with a team of firms including LS3P Associates, HNTB, Roy Johnson, Newton & Associates, and Albersman & Armstrong for planning services for the terminal complex expansion.
- This team of firms worked with the Airport to plan the development concepts that included the new hourly/rental car deck now under construction, the terminal curbside roadway now under design, and the planned terminal lobby expansion.
- The next phase of terminal complex expansion that follows the parking deck and the new curbside roadways is the lobby expansion on the north side of the building.
- As the current roadway design moves to completion, it is essential to firm up the foundation, vertical circulation, ventilation and related dimensions to ensure that the next phase of construction blends with the previous work.
- The planning work for the terminal expansion was carried to a concept level by LS3P Associates to establish overall boundaries for the major elements of the expansion. It is now time to go move into the design phase which will include sufficient detail to illustrate the key building systems and how they are coordinated with the other projects.
- The preliminary design services will include design of architectural, structural, civil, mechanical, plumbing, fire protection, and electrical systems.

### Small Business Opportunity

For services based contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). LS3P included the following SBE firm to be utilized as the project evolves: The Wilson Group (architectural services).

### Funding

Aviation Capital Investment Plan

## 27. Airport Aircraft Parking System

- Action:**
- A. Approve the purchase of Safedock docking units as authorized by the sole source exception of G.S. 143-129(e) (6), and**
  - B. Approve a sole source unit price contract with Safegate Group, Inc. for the purchase of aircraft docking units for Airport-owned gates.**

**Staff Resource:** Jerry Orr, Aviation

### Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available
  - A needed product is available from only one source of supply
  - Standardization or compatibility is the overriding consideration
- Standardization increases operational efficiencies and reduces the number of maintenance parts required in US Airways' inventory.

### Explanation

- US Airways has a corporate goal to install Safedock™ Visual Docking Guidance System units on all of their leased gates at all of their hub locations.
- The Safedock system provides automated guidance technology that provides directions to the flight crew approaching the gate area, which reduces the number of airline personnel in the vicinity of the aircraft approaching the gate. The system also provides information to the ramp control tower on the aircraft's power and environmental controls, as well as information to the ground crews on the aircraft's next destination and time remaining on the gate.
- US Airways has purchased the Safedock units for the 30 gates at the Airport that they exclusively lease and has requested the Airport purchase identical units for the additional Airport gates that they use, which includes 12 gates on Concourse D and 34 gates on Concourse E.
- This system also requires additional power and data connections for the units. This work has been advertised for bid and the low-bid contract will be considered by City Council at a future date.
- The Airport anticipates purchasing 46 docking units at a unit price of \$46,872 per unit.
- The projected cost for the purchase of the docking units is \$2,156,112.

### Small Business Opportunity

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

### Funding

Aviation Capital Investment Plan

## 28. Airport West Terminal Change Order

**Action: Approve Change Order #1 with Archer Western Construction, LLC in the amount of \$1,271,584.26 for the relocation of jet fuel lines adjacent to the West Terminal Expansion.**

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

### Explanation

- In June 2012, City Council approved a contract with Archer Western Construction, LLC in the amount of \$21,945,700 for the construction of the West Terminal Expansion.
- The construction of the terminal expansion requires the relocation of a number of utilities including water, natural gas, and jet fuel lines.
- At the same time the West Terminal construction contract was bid, the Airport developed the plans for the relocation of the jet fuel lines and bid that as a separate contract. The jet fuel line relocation bids came in over budget, so the Airport redesigned the fuel line work to reduce the scope of the project.
- Concurrently, the Airport performed a value engineering of the West Terminal project, which realized significant savings by reducing the amount of steel needed for the project. As part of that value engineering, Archer Western looked at the revised drawings for the fuel lines and was able to incorporate that project element into their work, thereby reducing the overall cost for the fuel line relocation.
- Change order #1 takes advantage of the reduced cost through the value engineering exercise and adds the jet fuel line relocation to their scope of work.
- The cost of this change is in the project budget and is funded with proceeds of the 2004 General Airport Revenue Bonds, the debt service of which is paid for with Passenger Facility Charge revenues.
- The new total value of the contract is \$23,217,284.26.

### Disadvantaged Business Opportunity

The Federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means.

### Funding

Aviation Capital Investment Plan

## 29. Enderly Park Neighborhood Improvement Project

**Action: Award the low bid contract of \$2,991,971.70 to United Construction Inc. for the Enderly Park Neighborhood Improvement Project.**

**Staff Resource:** Carl Jarrett, Engineering & Property Management

**Explanation**

- The project will include the construction of planting strips, sidewalks, storm drainage, curb and gutter, and waterline upgrades.
- This project is located between Freedom Drive and Tuckaseegee Road, west of center city.
- Improvements will be installed on Hazel Street, Rogers Street, Karendale Drive, Credenza Road, Mathis Street, Enderly Road West, Coker Avenue, Clay Avenue, Effingham Road, Alice Avenue, Elon Street, and Camp Green Street.
- This project was included in the 2008 Neighborhood Improvement Bonds.
- Construction is expected to be complete by first quarter 2015.

**Small Business Opportunity**

Established SBE Goal: 9%

Committed SBE Goal: 9.02 %

United Construction, Inc. exceeded the established SBE goal and committed 9.02% (\$270,000) of the total contract amount to the following SBE firms: Happy Jack Trucking, Inc. (hauling), Kays Construction Co. (erosion control) and Streeter Trucking (hauling).

**Funding**

Neighborhood, Utilities, and Storm Water Capital Investment Plans

**30. Sanitary Sewer Rehabilitation Contract**

<p><b>Action:</b></p>	<p><b>A. Award the low bid unit price contract of \$2,992,589.25 to Atlantic Coast Contractors, Inc. for the FY2013 Sewer Rehabilitation Contract, and</b></p> <p><b>B. Authorize the City Manager to renew the contract for up to three additional terms with possible price adjustments as stipulated in the contract.</b></p>
-----------------------	--

**Staff Resource:** Barry Shearin, Utilities

**Explanation**

- CMUD operates and maintains over 4,000 miles of sanitary sewer lines throughout Mecklenburg County. Many of these pipes are several decades old and often need repairs or rehabilitation.
- This contract provides unit prices for various types of sewer line repairs and rehabilitation, including repair of sewer system defects on pipes, manholes, and service laterals, installing sections of new pipe to replace defective pipe, cured-in-place pipe lining, sewer cleaning, and television inspection.
- This work is necessary in order to maintain operational integrity of the sanitary sewer system and to help to reduce sewer system overflows. By using a unit price repair contract, Utilities can respond to system deficiencies quickly and efficiently.
- This contract allows for up to three renewals with price adjustments based on the construction price index.

**Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 8.17%

Atlantic Coast Contractors, Inc. exceeded the established SBE goal and committed 8.17% (\$250,394.54) of the total contract amount to the following SBE firms: B&N Grading (paving), The Carolina's Landworks (landscaping), C&D Utilities (sewer construction). Victor Melton Construction (hauling), The Huffstetler Group (concrete repair), Venture Utility Corp. (pipeline installation), Mid-Atlantic Erosion Control, (erosion control), McKineey Contracting (tree removal), JAAMCO (CCTV inspection), Fernandez Construction (cementitious coatings), Boyle Consulting Engineers (soil testing).

**Funding**

Utilities Capital Investment Plan

**31. Utilities Chemical Tree Root Control**

**Action:**

**A. Approve a contract with Duke's Root Control, Inc. in the amount of \$1,421,978.25 for chemical root control treatment of sanitary sewer lines, and**

**B. Authorize the City Manager to renew the contract for one additional term with possible unit price adjustments as stipulated in the contract.**

**Staff Resource:** Barry Shearin, Utilities

**Explanation**

- Many sanitary sewer overflows are caused by the intrusion of tree roots into sewer lines through the joints in the pipe. This is particularly more prevalent in older sewer lines where the joint integrity is degraded.
- Chemically treating sanitary sewer lines with a root control agent kills the roots and prevents future root growth for several years which helps prevent sewer back-ups and overflows.
- This process does not harm the tree and is widely used throughout the United States in dealing with this problem.
- This contract provides for the chemical treatment of approximately 1,300,000 linear feet of sanitary sewer lines in targeted areas throughout Mecklenburg County which is anticipated to take about a year to complete.
- There are a limited number of chemicals available for this purpose and CMUD has determined the product being used by Duke's Root Control, which is a proprietary chemical, is the most compatible with Utilities' wastewater treatment plant processes.

**Small Business Opportunity**

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

**Funding**

Utilities Capital Investment Plan

### 32. Bongaard Pond Water Quality Enhancement Project

**Action:** Award the low bid contract of \$412,112.50 to OnSite Development, LLC for the Bongaard Pond Water Quality Enhancement Project.

**Staff Resource:** Matthew Gustis, Engineering & Property Management

#### Policy

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

#### Explanation

- Bongaard Pond is less than one acre in surface area located off Middle Acres Road in Northeast Charlotte. The pond treats 90.8 acres of upstream drainage area.
- Bongaard Pond drains to Back Creek watershed, a creek that is considered impaired by Clean Water Act standards.
- The enhancement will improve the quality of water moving through the pond before the water discharges into the creek.
- Improving existing ponds is a cost-effective means of improving water quality, averaging one-fifth the cost of creating new water quality measures that provide equivalent environmental benefit.
- Improvements will include:
  - Construction of a new dam embankment and spillway
  - Installation of a new culvert under Middle Acres Road, which will reduce flooding of a City maintained roadway.
- Construction is expected to be complete first quarter 2014.

#### Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 4.49%

Onsite Development, LLC exceeded the established SBE goal and committed 4.49% (\$18,500) of the total contract amount to the following SBE firms: Streeter Trucking (hauling) and Muddrunners, Inc. (hauling).

#### Funding

Storm Water Capital Investment Plan

### 33. Robinhood-Dooley Storm Water Project

**Action:** Award the low bid contract of \$3,862,112.25 to Ferebee Corporation for the Robinhood-Dooley Storm Water project.

**Staff Resource:** Matthew Gustis, Engineering & Property Management

#### Explanation

- The Robinhood-Dooley Storm Drainage Improvement Project was identified as a storm water capital improvement project through the ranking process that

involves analysis of customer drainage requests, including complaints of structure and road flooding.

- Construction will include grading, drainage culverts and structures, curb and gutter, driveways, sidewalks, stream restoration features, water line and sanitary sewer relocations, milling, resurfacing, and landscaping.
- The project boundaries are W.T. Harris Boulevard to the northwest, Woodbridge Road to the northeast, Dooley Drive to the southeast, and Lawyers Road to the southwest. The project area covers approximately 440 acres and includes multi-family and single family residential land uses.
- Construction is expected to be complete by first quarter 2016.

#### **Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 7.32%

Ferebee Corporation exceeded the established SBE goal, and committed 7.32% (\$282,875.05) of the total contract amount to the following SBE firms: Carolina Wetland Services (stakes & seedlings), D's Trucking Service (hauling) and On Time Construction (masonry).

#### **Funding**

Storm Water Capital Investment Plan

### **34. Supplemental Municipal Agreement for Relocation of Utility Lines**

**Action: Adopt a resolution authorizing the City Manager to execute a supplemental municipal agreement with the NC Department of Transportation for additional construction services, in the amount of \$260,502.31.**

**Staff Resource:** Barry Shearin, Utilities

#### **Background**

- NCDOT requires that the City enter into a municipal agreement for relocation of utility lines within NCDOT road way projects prior to construction.
- The amount of the agreement is based on an NCDOT engineer's estimate.
- Once completed, Utilities reviews the invoice, validating the charges and making corrections when needed.
- The original Municipal Agreement for design and construction of water line relocations within NCDOT's roadway project along I-485 (outer loop) was approved by Council on October 10, 2011 in the estimated amount of \$3,933,386.13.

#### **Explanation**

- The scope of the project has been expanded by NCDOT to include an additional 2,167 linear feet of 12-inch ductile iron water line along Johnston Oehler Road.
- This change is needed to provide continuous water service during the I-485 construction and to provide water service to the relocated Johnston Oehler Rd.

- This serves as an addendum to the original municipal agreement for design and construction of water line relocations within NCDOT's roadway project along I-485 (outer loop). The revised total amount of the municipal agreement, based on the NCDOT engineer's estimate is now \$4,193,888.44.
- The format and cost sharing philosophy is consistent with past Municipal Agreements and all terms of the original agreement remain in effect.

#### **Small Business Opportunity**

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

#### **Funding**

Utilities Capital Investment Plan

#### **Attachment 19**

Resolution

### **35. Water Meter Copper Tubing**

**Action: Award the low bid unit price contract with Murray Supply Company for the purchase of copper tubing for a term of two years with possible price adjustments as stipulated in the contract.**

**Staff Resource:** Barry Gullet, Utilities

#### **Explanation**

- Different sizes of copper tubing are used for installation and repair of water services.
- Inventory is purchased on an as-needed basis and is priced per linear foot.
- Copper is the product of choice because of its life expectancy and durability.
- Price adjustments will be based on the Comex Producer Price Index, on a quarterly basis.
- Utilities' annual expenditures are anticipated to total \$140,000.

#### **Small Business Opportunity:**

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

#### **Funding**

Utilities Capital Investment Plan

### 36. Combination Sewer Cleaning Trucks

**Action:**   **A. Approve the purchase of sewer cleaning equipment as authorized by the sole source exception of G.S. 143-129(e) (6), and**

**B. Approve the purchase of two sewer combination cleaning trucks from Rodders & Jets Supply Company in the total amount of \$611,360.**

**Staff Resource:**   Barry Gullet, Utilities

**Sole Source Exception**

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available
  - A needed product is available from only one source or supply
  - Standardization or compatibility is the overriding consideration
- CMUD currently has 11 trucks of this type in its fleet. Crews have been trained in the operation and maintenance of this specialized equipment.
- Standardization increases operational efficiencies and reduces the number of maintenance parts required in the City’s inventory.
- The price is the same as prior sole source purchase of two identical trucks in FY2012.

**Explanation**

- Combination sewer cleaning trucks are heavy duty trucks specially equipped with high pressure cleaning hoses used to dislodge debris from sewer lines. These trucks are also equipped with a large vacuum to remove debris for disposal.
- Sewer lines must be cleaned periodically to prevent and clear blockages that cause sanitary sewer overflows.
- The two, new trucks increase the fleet size to 13, which will enable more proactive maintenance to prevent overflows.

**Small Business Opportunity**

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

**Funding**

Utilities Operating Budget

### 37. Refund of Business Privilege License Taxes

**Action:**   **Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$2,075.30.**

**Staff Resource:**   Chip Harris, Finance

**Attachment 20**

Resolution  
List of refunds

## 38. In Rem Remedy

**For In Rem Remedy #A-C, 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.

**Public Safety:**

- A. 1033 Andrill Terrace (Neighborhood Statistical Area 28 – Oaklawn Neighborhood)

**Field Observation:**

- B. 634 I & J Billingsley Road (Neighborhood Statistical Area 60 – Wendover/Sedgewood Neighborhood)  
C. 634 K & L Billingsley Road (Neighborhood Statistical Area 60 – Wendover/Sedgewood Neighborhood)

**Public Safety:**

- A. 1033 Andrill Terrace**  
**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1033 Andrill Terrace (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).**

**Attachment 21**

**Field Observation:**

- B. 634 I & J Billingsley Road**  
**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 634 I & J Billingsley Road (Neighborhood Statistical Area 60 – Wendover/Sedgewood Neighborhood).**

**Attachment 22**

- C. 634 K & L Billingsley Road**  
**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 634 I & J Billingsley Road (Neighborhood Statistical Area 60 – Wendover/Sedgewood Neighborhood).**

**Attachment 23**

## PROPERTY ITEMS

### 39. Property Transactions

**Action: Approve the following property transaction(s) (A-G) and adopt the condemnation resolution(s) (H-X).**

For property transactions C-D, 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:** 2011 Annexation: Rhyne Pump Station,  
Parcel # 1  
**Owner(s):** North Carolina Department of Transportation  
**Property Address:** Mount Holly Road  
**Property to be acquired:** 113,692 sq. ft. (2.610 ac.) in Fee Simple  
**(TOTAL TAKE)**  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** I-1  
**Use:** Industrial

**Tax Code:** 055-071-01  
**Total Parcel Tax Value:** \$74,400  
**Purchase Price:** \$22,750

- B. Project:** Ballantyne Commons Parkway/ Elm Lane Intersection Improvements, Parcel # 15  
**Owner(s):** Camden Summit Partnership, LP  
**Property Address:** 7921 Camellia Lane  
**Property to be acquired:** 10,247 sq. ft. (.235 ac.) in Existing Right-of-Way, plus 525 sq. ft. (.012 ac.) in Storm Drainage Easement, plus 39 sq. ft. (.001 ac.) in Sidewalk and Utility Easement, plus 2,148 sq. ft. (.049 ac.) in Utility Easement, plus 1,310 sq. ft. (.030 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and shrubs  
**Zoned:** R-12MF (CD)  
**Use:** Multi Family  
**Tax Code:** 229-101-15  
**Total Parcel Tax Value:** \$29,231,200  
**Purchase Price:** \$13,450
- C. Project:** Blue Line Extension, Parcel # 1100  
**Owner(s):** E.C. Griffith Company  
**Property Address:** 215 East 6th Street  
**Property to be acquired:** 1,235 sq. ft. (.028 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** UMUD  
**Use:** Commercial  
**Tax Code:** 080-024-15  
**Total Parcel Tax Value:** \$2,669,800  
**Purchase Price:** \$25,200
- D. Project:** Blue Line Extension, Parcel # 1102  
**Owner(s):** Bank of America, National Association  
**Property Address:** 225 East 6th Street  
**Property to be acquired:** 942 sq. ft. (.022 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** UMUD  
**Use:** Commercial  
**Tax Code:** 080-024-13  
**Total Parcel Tax Value:** \$1,033,400  
**Purchase Price:** \$19,225
- E. Project:** Brentwood Place Storm Drainage Improvement Project, Parcel # 156  
**Owner(s):** Alonzo Adams, Jr. and Wife, Ruby R. Adams  
**Property Address:** 2438 Barringer Drive  
**Property to be acquired:** 14,788 sq. ft. (.339 ac.) in Fee Simple  
**(TOTAL TAKE)**

**Improvements:** House, Shed  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 119-033-01  
**Total Parcel Tax Value:** \$83,100  
**Purchase Price:** \$58,500

- F.** **Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 40  
**Owner(s):** Anne S. Gravely k/n/a Anne Bryant and Frank L. Bryant  
**Property Address:** 208 Middleton Drive  
**Property to be acquired:** 1,458 sq. ft. (.033 ac.) in Storm Drainage Easement, plus 112 sq. ft. (.003 ac.) in Temporary Construction Easement  
**Improvements:** Fence  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 155-102-09  
**Total Parcel Tax Value:** \$564,000  
**Purchase Price:** \$68,000
- G.** **Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 41  
**Owner(s):** Frederick P. Parker, IV and Wife, Nicole L. Parker  
**Property Address:** 204 Middleton Drive  
**Property to be acquired:** 1,284 sq. ft. (.029 ac.) in Storm Drainage Easement, plus 719 sq. ft. (.017 ac.) in Temporary Construction Easement  
**Improvements:** Masonry wall, Patio, Paving  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 155-102-10  
**Total Parcel Tax Value:** \$740,300  
**Purchase Price:** \$108,400

## Condemnations

- H.** **Project:** 2011 Annexation: 8" S/S 7600 Gwynne Hill/ 7500-7700 Boswell, Parcel # 4  
**Owner(s):** Elizabeth Booker Grier and Any Other Parties of Interest  
**Property Address:** 7714 Gwynne Hill Road  
**Property to be acquired:** 664.477 sq. ft. (.015 ac.) in Sanitary Sewer Easement, plus 1,380.227 sq. ft. (.032 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 111-142-01

**Total Parcel Tax Value:** \$67,400

**Appraised Value:** \$200

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** Staff and the property owner have yet to reach an agreement regarding the acquisition. Staff met with the property owner, her son and her grandson in May 2012 who stated they were not interested in negotiating with the City. Since the initial meeting, staff has made many contact attempts to which the property owner has yet to respond. 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.

- I. Project:** 2011 Annexation: 8" S/S Alamance Drive/ Cedarfield Road, Parcel # 13

**Owner(s):** Centex Homes and Any Other Parties of Interest

**Property Address:** Great Laurel Road

**Property to be acquired:** 8,007.19 sq. ft. (.184 ac.) in Sanitary Sewer Easement, plus 13,861.69 sq. ft. (.318 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-3

**Use:** New Parcel

**Tax Code:** 111-104-89

**Total Parcel Tax Value:** \$0 (Common Area)

**Appraised Value:** \$250

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** Staff has been working with the property owner since May 2012 and has yet to reach an agreement regarding the acquisition. Since the initial meeting, the property owners have yet to respond to numerous contact attempts. 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.

- J. Project:** 2011 Annexation: 8" S/S Alamance Drive/ Cedarfield Road, Parcel # 14

**Owner(s):** Centex Homes and Any Other Parties of Interest

**Property Address:** 10823 Parkton Road

**Property to be acquired:** 27,668 sq. ft. (.635 ac.) in Sanitary Sewer Easement, plus 45,934 sq. ft. (1.054 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-3

**Use:** Single Family Residential - Rural Acreage

**Tax Code:** 111-101-17

**Total Parcel Tax Value:** \$1,931,400

**Appraised Value:** \$7,625

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** Staff has been working with the property owner since May 2012 and has yet to reach an agreement regarding the acquisition. Since the initial meeting, the property owners have yet to respond to numerous contact attempts. 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.

- K. Project:** 2011 Annexation: 8" S/S Alamance Drive/ Cedarfield Road, Parcel # 20  
**Owner(s):** John L. Carpenter, Jr. And Any Other Parties Of Interest  
**Property Address:** 7424 Alamance Drive  
**Property to be acquired:** 3,688.69 sq. ft. (.085 ac.) in Sanitary Sewer Easement, plus 4,473.99 sq. ft. (.103 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** 1 Oak Tree  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 111-193-27  
**Total Parcel Tax Value:** \$21,600  
**Appraised Value:** \$5,700  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff has been working with the property owner since May 2012 and has yet to reach an agreement regarding the acquisition. Since July, 2012, the property owners have yet to respond to numerous contact attempts. 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:** 2011 Annexation: 8" S/S Alamance Drive/ Cedarfield Road, Parcel # 25  
**Owner(s):** Palladian Homes, Inc. And Any Other Parties Of Interest  
**Property Address:** 10918 East Lake Road  
**Property to be acquired:** 128.04 sq. ft. (.003 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 111-111-20  
**Total Parcel Tax Value:** \$6,500  
**Appraised Value:** \$0  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Upon initial contact in May 2012, the property owner verbally agreed to the acquisition. However, since August 2012, the property owner has failed to respond to numerous staff contact attempts. 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:** 2011 Annexation: Junction Court Trunk Sewer, Parcel # 1  
**Owner(s):** Geosam Capital US, LLC and Any Other Parties of Interest  
**Property Address:** 8108 Starnes Randall Road  
**Property to be acquired:** 10,968 sq. ft. (.252 ac.) in Sanitary Sewer Easement, plus 4,361 sq. ft. (.100 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 111-131-01  
**Total Parcel Tax Value:** \$788,100  
**Appraised Value:** \$1,150  
**Property Owner's Counteroffer:** \$10,000  
**Reason for Condemnation:** Staff has been working with the property owner since May 2012 and has yet to reach an agreement regarding the acquisition. The last contact with the property owner occurred August 1, 2012 and the property owner has not responded to staff contact attempts via various channels since. 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:** 2011 Annexation: Junction Trunk Sewer, Parcel # 10  
**Owner(s):** Javier Perez and Jose Angel Morales and Wife, M. Guadalupe Perez and Any Other Parties of Interest  
**Property Address:** 8210 Starnes Randall Road  
**Property to be acquired:** 2,573 sq. ft. (.059 ac.) in Sanitary Sewer Easement, plus 1,054 sq. ft. (.024 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 111-124-51  
**Total Parcel Tax Value:** \$32,900  
**Appraised Value:** \$500  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Since May 2012, staff has been unable to locate the property owner despite numerous attempts, including property visits, regular and certified mailed letters and internet searches. 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.

- O.**     **Project:** 2011 Annexation: Junction Trunk Sewer, Parcel # 27  
**Owner(s):** Robert Lee Honeycutt and Wife, Cynthia P. Honeycutt and Any Other Parties of Interest  
**Property Address:** 8602 First Run Court  
**Property to be acquired:** 5,204 sq. ft. (.119 ac.) in Sanitary Sewer Easement, plus 3,355 sq. ft. (.077 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 111-124-71  
**Total Parcel Tax Value:** \$166,700  
**Appraised Value:** \$6,800  
**Property Owner's Counteroffer:** \$12,000  
**Reason for Condemnation:** Staff has been working with the property owner since May, 2012 and has yet to reach an agreement regarding the appraisal. The project requires removal of several mature trees. Compensation for the loss of trees is included in the appraisal. However, the property owner doesn't agree with the amount attributed for trees. 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:** 2011 Annexation: Trunk East/ Horse Farm, Parcel # 1  
**Owner(s):** JS Helms Family Properties, LLC and Any Other Parties of Interest  
**Property Address:** Albemarle Road  
**Property to be acquired:** 50,619 sq. ft. (1.162 ac.) in Sanitary Sewer Easement, plus 96,957 sq. ft. (2.226 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Woodland – Excess on AG PCL  
**Tax Code:** 111-461-09  
**Total Parcel Tax Value:** \$6,746  
**Appraised Value:** \$42,050  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff has been working with the property owner since May 2012 and has yet to reach an agreement regarding the acquisition. The property owner requested an extensive redesign based upon future development plans 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.

- Q. Project:** Allenbrook/Westridge Storm Drainage Project, Parcel # 88  
**Owner(s):** East Coast Properties, LLC and Any Other Parties of Interest  
**Property Address:** 1124 Marble Street  
**Property to be acquired:** 22,368 sq. ft. (.513 ac.) in Storm Drainage Easement, plus 4,790 sq. ft. (.110 ac.) in Temporary Construction Easement  
**Improvements:** Fencing  
**Landscaping:** Trees  
**Zoned:** R-22MF  
**Use:** Multi Family  
**Tax Code:** 063-084-08  
**Total Parcel Tax Value:** \$2,773,300  
**Appraised Value:** \$48,700  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff and the property owner reached an agreement regarding the acquisition. However, the City has been unsuccessful in obtaining a release from the property owner's mortgage holder. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- R. Project:** Ballantyne Commons Parkway/ Elm Lane Intersection Improvements, Parcel # 12 and # 13  
**Owner(s):** DDR Southeast Camfield, LLC and Any Other Parties of Interest  
**Property Address:** 11400 Elm Lane and 8610/8624 Camfield Street  
**Property to be acquired:** 1,745 sq. ft. (.040 ac.) in Sidewalk and Utility Easement, plus 512 sq. ft. (.012 ac.) in Utility Easement, plus 636 sq. ft. (.015 ac.) in Monolithic Island Easement, plus 8,360 sq. ft. (.192 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** shrubs  
**Zoned:** B-1(CD)  
**Use:** Commercial  
**Tax Code:** 223-603-21 and 223-284-31  
**Total Parcel Tax Value:** \$10,151,600  
**Appraised Value:** \$43,400  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff has been working with the property owner since October 2011 and has reached verbal agreement regarding the acquisition. However, the effort to finalize and document the agreements risks impact to the overall project schedule. The property owner is aware that staff is seeking a resolution to move to condemnation in order to avoid delay in the project schedule. After the resolution is approved, negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- S. Project:** Ballantyne Commons Parkway/ Elm Lane Intersection Improvements, Parcel # 14  
**Owner(s):** Village at Robinson Farm, LLC and Any Other Parties of Interest

**Property Address:** Rea Road  
**Property to be acquired:** 846 sq. ft. (.019 ac.) in Storm Drainage Easement, plus 609 sq. ft. (.014 ac.) in Sidewalk and Utility Easement, plus 891 sq. ft. (.020 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** NS  
**Use:** Commercial  
**Tax Code:** 229-101-09  
**Total Parcel Tax Value:** \$7,972,200  
**Appraised Value:** \$9,900  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff has been working with the property owner since May 2012 and has reached verbal agreement regarding the acquisition. However, the effort to finalize and document the agreements risks impact to the overall project schedule. The property owner is aware that staff is seeking a resolution to move to condemnation in order to avoid delay in the project schedule. After the resolution is approved, negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- T. Project:** Ballantyne Commons Parkway/ Elm Lane Intersection Improvements, Parcel # 16  
**Owner(s):** Hope of Israel Congregation, Inc. And Any Other Parties Of Interest  
**Property Address:** 11630 Elm Lane  
**Property to be acquired:** 11,346 sq. ft. (.260 ac.) in Existing Right-of-Way, plus 2,328 sq. ft. (.053 ac.) in Sidewalk and Utility Easement, plus 4,336 sq. ft. (.100 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None **Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 223-281-07  
**Total Parcel Tax Value:** \$1,817,600  
**Appraised Value:** \$5,750  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff has been working with the property owner since May 2012 and has reached verbal agreement regarding the acquisition. However, the effort to finalize and document the agreement risks impact to the overall project schedule. The property owner is aware that staff is seeking a resolution to move to condemnation in order to avoid delay in the project schedule. After the resolution is approved, negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- U. Project:** Brentwood Place, Parcel # 73  
**Owner(s):** Dyestuff Owners Association, Inc. And Any Other Parties Of Interest  
**Property Address:** 2459 Wilkinson Boulevard # 100

**Property to be acquired:** 6,542 sq. ft. (.150 ac.) in Storm Drainage Easement, plus 14,165 sq. ft. (.325 ac.) in Temporary Construction Easement

**Improvements:** Fence

**Landscaping:** None

**Zoned:** I-2

**Use:** Office Condominium

**Tax Code:** 119-012-17

**Total Parcel Tax Value:** \$563,500

**Appraised Value:** \$5,800

**Property Owner's Counteroffer:** \$9,900

**Reason for Condemnation:** Staff has been working with the property owner since December 2011 and has reached verbal agreement regarding the acquisition. However, the effort to finalize and document the agreements risks impact to the overall project schedule. The property owner is aware that staff is seeking a resolution to move to condemnation in order to avoid delay in the project schedule. After the resolution is approved, negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

**V. Project:** Little Rock Road Realignment, Parcel # 517

**Owner(s):** Janice L. Costner and Janice C. Costner and Any Other Parties of Interest

**Property Address:** 1010 Little Rock Road

**Property to be acquired:** 2,576 sq. ft. (.059 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** Tree

**Zoned:** R-4

**Use:** Single Family Residential

**Tax Code:** 055-165-11

**Total Parcel Tax Value:** \$95,000

**Appraised Value:** \$1,100

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** Staff has been unable to locate the property owner despite numerous attempts, including property visits, regular and certified mailed letters and internet searches. 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.

**W. Project:** Little Rock Road Realignment, Parcel # 521

**Owner(s):** J. Jesus Sosa-Cabrera and Isela Jovita Guzman-Castro and Any Other Parties of Interest

**Property Address:** 6507 Glenmoor Drive

**Property to be acquired:** 1,298 sq. ft. (.030 ac.) in Fee Simple, plus 2,600 sq. ft. (.060 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** Trees and Shrubs

**Zoned:** R-4

**Use:** Single Family Residential

**Tax Code:** 055-167-06

**Total Parcel Tax Value:** \$80,100

**Appraised Value:** \$4,876

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** Staff began working with one of the property owner's in May 2012 with the assistance of a certified interpreter. The last contact occurred on August 23, 2012. The property owner has not responded to staff contact attempts since. The location of the other property owner is unknown. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and, if necessary, just compensation can be determined by the court.

- X. Project:** Thomasboro/ Hoskins Neighborhood Improvement Project Phase 4, Parcel # 63

**Owner(s):** East Coast Properties, LLC and Any Other Parties of Interest

**Property Address:** 1124 Marble Street

**Property to be acquired:** 4,354 sq. ft. (.100 ac.) in Easement Outside of Right of Way

**Improvements:** None

**Landscaping:** None

**Zoned:** R-22MF

**Use:** Multi Family

**Tax Code:** 063-084-08

**Total Parcel Tax Value:** \$2,773,300

**Appraised Value:** \$16,500

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** Staff and the property owner reached an agreement regarding the acquisition. However, the City has been unsuccessful in obtaining a release from the property owner's mortgage holder. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

## 40. Meeting Minutes

**Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:

- July 23, 2012 Business Meeting

## Reference

### 41. 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.