

**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, September 24, 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.

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4	5	Blue Line Extension Light Rail Vehicle Order
13	13	Police Helicopter Maintenance Services and Fuel
23	22	Storm Water Refunding Bonds
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**CITY COUNCIL AGENDA  
Monday, September 24, 2012**

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## MEETING CHAMBER

### CONSENT

1. **Consent agenda items 07 through 32 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.**

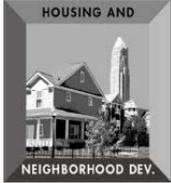
Consideration of Consent Items shall occur in the following order:

- 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

### 2. City Manager's Report

### 3. Mecklenburg Mills Funding Request



- Action:**
- A. Approve the Housing & Neighborhood Development Committee's recommendation to grant up to \$2.4 million of Community Development Block Grant funds to The Community Builders, Inc. (TCB) 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 ¼ 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 of 2012, the Housing & Neighborhood Development Committee approved in a 3 to 2 vote, the funding request and to grant 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
 

o TCB (Neighborhood Stabilization)	\$ 2,353,883
o Seller Note (value created by using tax credits)	\$ 1,080,000
o Tax Exempt Bond Inducement Resolution	\$ 683,562
o Federal Low Income Housing Tax Credit	\$ 4,215,877
o Federal Historic Tax Credit	\$ 2,304,311
o <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 Mill 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:
  - o TCB's ability to obtain the Federal Low Income Housing Tax Credits is compromised due to the December 31, 2013 expiration of the census tract where the Mills are located; thus the redevelopment becomes more expensive by a minimum of \$900,000 and TCB loses the ability to maximize the leverage gained from using Neighborhood Stabilization funds.
  - o 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.

**Small Business Opportunity**

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

**Funding**

Community Development Block Grant

**Attachment 1**

Summary of the current condition of Mecklenburg Mills  
September 12, 2012 Housing and Neighborhood Development Committee  
Presentation  
Background of the Mills Properties

## BUSINESS

### 4. Blue Line Extension Light Rail Vehicles

- Action:**
- A. Waive the formal bid procedure for the purchase of Light Rail Vehicles (LRVs) as authorized by the Charlotte City Charter §8.87 and G.S. 143-129(g)**
  - B. Authorize the City Manager to negotiate and execute a purchase contract for 22 Light Rail Vehicles (LRVs) from Siemens Transportation for an amount up to \$87,000,000, subject to the inclusion in the contract of:
 
    - **A City right of termination and limit of liability at \$500,000 if exercised by November 30, 2012 due to the non-availability of a Federal Full Funding Grant Agreement (FFGA).****
  - C. Approve the payment schedule as outlined below.**

**Staff Resources:** Carolyn Flowers, Transit  
Dee Pereira, Transit  
John Trunk, Transit

#### Policy

- Continue implementation of the Centers, Corridors and Wedges Growth Framework
- 2030 Transit Corridor System Plan
- Prioritize, design, construct and maintain convenient and efficient transportation facilities to improve safety, neighborhood livability, promote transportation choices and active living, and meet land use objectives
- Seek financial resources, external grants and funding partnerships necessary to implement transportation programs and services

#### Explanation

- The City's current LYNX Blue Line uses 20 Siemens S70 light rail vehicles (LRVs).
- The S70s have functioned extremely well with good reliability.
- The addition of the 9.4 mile Blue Line Extension (BLE) to the City's LYNX system requires 22 additional LRVs to operate the service effectively.
- The BLE project budget includes funding for the purchase of the additional LRVs.
- TriMet Transit of Portland, Oregon recently conducted a competitive procurement for LRVs and executed a contract with Siemens for the S70 model. CATS staff worked cooperatively with TriMet and the LRV contract allows for a purchase option that gives CATS the opportunity to purchase 16-22 LRVs at advantageous prices.
- Charlotte City Charter §8.87 and G.S. 143-129(g) allow the City to purchase LRVs from a contract competitively procured by a political subdivision of another state if the contractor is willing to offer the same or more favorable prices, terms, and conditions to the City and if doing so is in the best interest of City.
- With this order, CATS will expand its fleet to 42, S70 LRVs to service the extended LYNX Blue Line post BLE construction.

**Procurement Costs**

- The quoted cost for each LRV is \$3,665,154. This price covers the cost of the rail car and all support services including engineering, testing, training, warranties, manuals, technical support, and special tools and testing equipment. The price quote also includes storage and maintenance of the vehicles into 2016.
- The quoted cost for these vehicles is 3% lower than the previous order of four LRVs that CATS purchased in 2008 for \$3,800,000 each. Siemens has advised that their current offer takes advantage of significant material savings (from Siemens' suppliers), a circumstance that remains in effect until September 30, 2012.
- The following payment schedule for the 22 LRVs shall apply. Note three initial payments totaling \$14,056,043.50 are scheduled for fiscal year 2013:

FY2013 Payment 1	November 2012	\$2,349,788.70
FY2013 Payment 2	January 2013	\$7,789,940.30
FY2013 Payment 3	March 2013	\$3,916,314.50
	Fiscal Year 2014	\$14,766,483.80
	Fiscal Year 2015	\$38,639,082.60
	Fiscal Year 2016	\$7,936,196.52
	Fiscal Year 2017	\$5,183,488.58
	Fiscal Year 2018	-
	Fiscal Year 2019	\$52,095.00
Sales Tax (eligible for state refund)	Fiscal Year 2012-2019	\$5,646,058.00

- Payment for the 22 LRVs will be funded from Federal, State and half cent Sales Tax Revenue together with short and long term financing. The recommended payment schedule allows CATS to pay the milestone costs as the City receives funds from Federal, State and local funding partners.
- The City will seek approval of the short and long term financing by the North Carolina Local Government Commission (LGC) in December 2012/January 2013.
- The order will be contingent upon the receipt of the BLE-Federal Full Funding Grant Agreement.
- The LRVs are subject to North Carolina Sales Tax (7.25%) payable to Siemens.
- The City will seek a refund of the sales tax from the North Carolina Department of Revenue.

**Notice to Proceed, the Full Funding Grant Agreement & Contingencies**

- In order to take advantage of the lower price, CATS must issue a Notice to Proceed (NTP) no later than September 30, 2012. If the order is delayed beyond September 30, 2012, Siemens has advised CATS that they would have to renegotiate costs with their suppliers and a new cost per LRV would have to be negotiated.
- The agreement with Siemens will specify that the order for 22 LRVs is contingent upon approval of the BLE Project's Federal Full Funding Grant Agreement (FFGA), which is anticipated to be received in late October/early November 2012. Siemens has agreed to the following conditions:
  - Following a NTP from CATS no later than September 30, 2012, CATS would have the full right to terminate for convenience should the FFGA not be received by November 30, 2012. Termination costs would be limited to no more than \$500,000.

- The first payment milestone of \$2,349,788.70 may be deferred to coincide with 60 days after NTP, i.e. November 30, 2012.
- The FY2013 payment total of \$14.056 million will be encumbered prior to November 30, 2012. The remaining balance of funds (\$72.944 million) are not yet available and are contingent upon LGC approval of the BLE's financing plan, which cannot be obtained until after the Federal FFGA is approved and executed. The City intends to seek LGC approval prior to June 30, 2013.
- In the event that a FFGA is not fully executed by November 30, 2012, the agreement will be terminated to avoid any liability above the \$500,000 limit.

**Disadvantaged Business Enterprise/DBE (FTA Funding) Opportunity**

Siemens Transportation Systems has certified their compliance with the Federal Transit Administration's (FTA) Regulation 49CFR Part 26.49.

**Funding**

Transit Capital Investment Plan

**5. Conclusion of Consent Agenda**

<b>Action:</b> <b>Approve consent items that Council members pulled for discussion or additional information.</b>
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**6. Mayor and Council Topics**

Council members may share information and raise topics for discussion

**Citizens' Forum**

## 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."

## 7. Tryon Hills Neighborhood Improvement Project

**Action:** Award the low bid contract of \$3,239,928.35 to United Construction, Inc. for the Tryon Hills Neighborhood Improvement Project.

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

### Explanation

- The project will include the construction of sidewalk, wheel chair ramps, planting strips, curb and gutter, street resurfacing, storm drainage improvements and water main replacements.
- This project is bound by North Tryon Street, Graham Street, Atando Avenue and West 24th Street.
- Construction is expected to be complete second quarter 2014.

### Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7.01%

United Construction met the established SBE goal and committed 7.01% (\$227,000) of the total contract amount to the following SBE firm(s): Kay's Construction (masonry), Happy Jack Trucking (hauling) and Streeter Trucking (hauling).

### Funding

Neighborhood Capital Investment Plan

## 8. Charlotte Convention Center Complex Mechanical Improvements

**Action:** Award the low bid contract of \$1,053,579 to Catawba Mechanical Services, Inc. for the Charlotte Convention Center Complex Mechanical Improvements.

**Staff Resource:** Jeff Furr, Engineering & Property Management

### Explanation

- This construction project will upgrade the existing 17-year-old energy plant located in the Charlotte Convention Center serving both the Convention Center and the NASCAR Hall of Fame. Typical service life estimates for mechanical systems and components in a facility this size are 15-20 years.
- Upgrades to the plant include replacement of motors, pumps, piping and mechanical operating systems with new energy efficient equipment and automated building controls.
- These improvements comply with the Policy for Sustainable City Facilities and will result in the following benefits:
  - Lower energy use and consumption costs for both facilities by approximately \$90,000 per year
  - Lower carbon emissions footprint by 2.5 million pounds per year
  - Improve operations and equipment life
  - Improve occupant comfort

- This project qualifies for the Duke Energy Smart Saver Custom Incentive Program. The application process is underway and expected to produce approximately \$65,000 in rebates to the City of Charlotte. Funds generated from the incentives rebate will be reinvested in other energy improvements at the Convention Center.

#### **Small Business Opportunity**

Established SBE Goal: 4.00%

Committed SBE Goal: 18.89%

Catawba Mechanical Services Inc. exceeded the established SBE goal and committed 18.89% (\$199,000) of the total contract amount to the following SBE firm: A&W Electric (electrical).

#### **Funding**

Convention and Hall of Fame Capital Improvement Funds

## **9. CMS-South Park Campus Watershed Enhancement Project**

**Action: Award the low bid contract of \$1,448,907.50 to Onsite Development, LLC for the CMS-South Park Campus Watershed Enhancement project in the Briar Creek watershed.**

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

#### **Explanation**

- This project is a collaborative effort between Charlotte-Mecklenburg Storm Water Services and Charlotte-Mecklenburg Schools (CMS) to meet the following goals:
  - Remove pollutants from storm water runoff
  - Reduce the potential for stream erosion and downstream flooding
  - Meet the goals of the City's Clean Water Act permit by enhancing the watershed
  - Provide environmental educational opportunities for school students and the public
  - Enhance habitat and natural space
- The project site includes Selwyn Elementary, Alexander Graham Middle and Myers Park High Schools with drainage to the Briar Creek watershed, a creek that is considered impaired by Clean Water Act standards.
- The project site is approximately 186 acres and is bordered by Runnymede and Colony Roads.
- Under this contract, Onsite Development, LLC will construct several water quality treatment devices. These devices will include bio retention basins, a dry detention infiltration basin, a wet pond and an enhanced grass swale.
- Construction is expected to be complete second quarter 2014.
- After construction, the treatment devices will be tested so costs and effectiveness can be benchmarked.
- Testing and evaluating the devices helps ensure effectiveness in protecting Charlotte watersheds and lakes, as well as ensuring costs comply with City ordinances such as the Post Construction Controls ordinance.

- The City of Charlotte received a grant from the NC Clean Water Management Trust Fund to be reimbursed up to \$400,000 for the construction of the project. The grant is contingent upon awarding a construction contract by October 10, 2012.

**Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 7.25%

Onsite Development met the established SBE goal and committed 7.25% (\$105,000) of the total contract amount to the following SBE firms: Landmark Materials (hauling), Muddrunners Inc. (hauling), Streeter Trucking (hauling) and On Time Construction (masonry).

**Funding**

Storm Water Capital Investment Plan and NC Clean Water Management Trust Fund Grant

**10. Governor’s Highway Safety Program Grant Application**

**Action:**   **A. Adopt a resolution authorizing the Charlotte-Mecklenburg Police Department to apply for \$20,000 in grant funds from the Governor’s Highway Safety Program, and**

**B. Adopt a budget ordinance appropriating \$20,000 in grant funds from the Governor’s Highway Safety Program.**

**Staff Resources:**   Ruth Story, Police  
                              Davis Sloan, Police

**Explanation**

- Police has the opportunity to apply for \$20,000 in grant funds from the Governor’s Highway Safety Program.
- \$14,500 will be used to purchase five additional radar units.
- \$5,500 will be used to fund training for Traffic Unit staff who serves as the regional law enforcement liaison for the Governor’s Highway Safety Program and provides training for other departments in the region.
- The Governor’s Highway Safety Program requires that Council adopt a resolution authorizing Police to apply for the funding.

**Funding**

Governor’s Highway Safety Program

**Attachment 2**

Resolution  
Budget Ordinance

## 11. DNA Analysis Grant

- Action:**   **A. Accept a grant from the U.S. Department of Justice, in the amount of \$268,405, for DNA analysis, and**
- B. Adopt an ordinance appropriating \$268,405 in grant funds from the U.S. Department of Justice.**

**Staff Resources:**   Ruth Story, Police  
                              Matthew Mathis, Police

### Explanation

- The Charlotte-Mecklenburg Police Department received a grant from the U.S. Department of Justice through its DNA Backlog Reduction Program to support its DNA analysis efforts. The grant funds positions, equipment and related expenses for the DNA Lab.
- \$242,439 will cover the salaries and benefits for five positions, four of which are already funded under the grant program. They include two Criminalist II positions used for DNA analysis; one Criminalist I position used to screen cases; and one Evidence Technician who is responsible for evidence delivery and tracking. The new position will be a Laboratory Technician who will conduct quality control checks of instruments and make needed repairs, prepare reagents for testing, and review requests for analysis.
- \$18,947 will fund equipment for the DNA Lab including an extraction hood, centrifuge, and freezer for DNA samples.
- \$7,019 will fund an external DNA audit which is required every other year for the DNA Lab to maintain its accreditation and ability to access national DNA data bases. Funds cover the auditors' fees and travel expenses.
- The grant period runs from October 1, 2012 through March 31, 2014.

### Funding

U.S. Department of Justice

### Attachment 3

Budget Ordinance

## 12. Police Vests and Rifle Plates

- Action:**   **A. Approve a unit price contract with Lawmen's Safety and Supply, for an initial term of two years for the purchase of tactical vests and rifle plates, and**
- B. Authorize the City Manager to approve up to three, one-year renewal options with possible price adjustments as authorized by the contract.**

**Staff Resources:**   Ruth Story, Police  
                              Eric Peterson, Police

**Explanation**

- Police needs to purchase tactical vests and rifle plates for the SWAT (Special Weapons and Tactics)/Alert Team.
- The enhanced tactical vests differ from regular bullet proof vests worn by officers. These vests are worn on the outside of the uniform and provide a high level of protection around the throat, neck, groin, and upper arm.
- A rifle plate is worn in both the front and back sides of the vest and provides protection from shots fired from a variety of rifles.
- An invitation to bid was sent out on August 3, 2012. The only bid received was from Lawman's Safety Supply.
- Police estimates spending \$160,000 in the first two years.

**Small Business Opportunity**

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

**Funding**

Police Operating Budget

**13. Police Helicopter Maintenance Services and Fuel**

- Action:**
- A. Approve a three-year contract with Hiller Group for helicopter fuel as authorized by the Gas, Fuel, and Oil exemption of G.S.143-129 (e) (5),**
  - B. Approve a three-year contract with Standard Aero for turbine engine and maintenance services,**
  - C. Approve a three-year contract with Bell Helicopter Textron, Inc. for general helicopter repair and maintenance services,**
  - D. Approve a three-year contract with Bell Helicopter Textron, Inc. for training services, and**
  - E. Authorize the City Manager to negotiate and approve up To two, one-year renewal options with Hiller Group, Standard Aero, and Bell Helicopter Textron, Inc.**

**Gas, Fuel and Oil Exception**

- G.S.143-129 (e) (5) authorizes informal procedures for purchase of gas, fuel and oil
- This exemption is necessary to allow one supply source for quality control and accountability of product. Fuel purchasing and utilization is also shared with Carolinas Medical Center Helicopters.

**Explanation**

- Police's Aviation Division owns one 1997 Bell 407 Helicopter and one 1998 Bell 407 Helicopter.

- Both helicopters support Police services through:
  - Directed patrols and surveillance
  - Aerial support for traffic stops and vehicle pursuits
  - Emergency medical transport
  - Search and rescue operations
- Both helicopters require periodic scheduled general maintenance, overhaul, repair, avionics, painting, interior refurbishment, and overall maintenance support. The helicopters are equipped with Rolls Royce 250-C47B turbine engines which also require maintenance and repair.
- Bell Helicopter Textron, Inc. and Standard Aero were selected for these service contracts based on the companies' training, certifications, safety practices of employees, pricing, and proximity to Charlotte (to reduce travel and repair time).
- The contract pricing is market rate; Bell Helicopter Textron offers a 10% discount off the list price for Bell Helicopter parts and Standard Aero offers a 15% discount on parts from the current year Rolls Royce list for engine parts.
- Bell Helicopter Textron, Inc. and Standard Aero are the only companies within one hour flight time of Charlotte that are capable of performing this work. Bell Helicopter Textron is a Bell 407 approved customer service center and FAA certified repair station. Standard Aero is a Rolls Royce Authorized Maintenance Center for Rolls Royce 250 series engines.
- Both companies have performed the maintenance and repair services on these helicopters since they were purchased and have the records and maintenance history on both of the helicopters; the quality of their work is superior.
- The estimated annual expenditures with Standard Aero and Bell Helicopter Textron, Inc. are \$161,000 and \$243,833 respectively, which are based on a three-year average. Annual Maintenance costs may vary based on hours in service per helicopter and unanticipated repairs.
- Police Bell 407 Helicopters require Jet A fuel. Police has purchased fuel from Hiller Group for over five years due to their competitive pricing, quality of service, product consistency, and accountability. The estimated annual expenditure for fuel is \$107,000.
- Police pilots attend manufacturer training at Bell Training Academy in Texas on an annual basis to meet insurance requirements. Training includes pilots performing emergency procedures; simulator scenario based emergency procedures, night vision emergency procedures, and classroom instruction. The estimated annual expenditure is \$50,000.
- Contract renewals are contingent upon each company's satisfactory performance, and continued project funding.

### **Small Business Opportunity**

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

### **Funding**

Police Operating Budget

## 14. Juvenile Offender Diversion Program Grant

**Action:**   **A. Accept a grant from the Mecklenburg County Juvenile Crime Prevention Council, in the amount of \$95,739, to fund a Juvenile Offender Diversion Program, and**

**B. Adopt an ordinance appropriating \$95,739 in grant funds from Mecklenburg County.**

### Explanation

- Each year, Mecklenburg County's Juvenile Crime Prevention Council (JCPC) receives funds from the North Carolina Division of Juvenile Justice for programs targeting youthful offenders.
- The JCPC awarded the Charlotte-Mecklenburg Police Department \$95,739 to fund a Juvenile Offender Diversion Program
- The program will enable police school resource officers and staff from the Department of Juvenile Justice and Delinquency Prevention to refer up to 360 juvenile offenders to a diversion program that will help them build their interpersonal skills. In addition, this program will serve up to 288 parents/guardians (assuming an 80 percent participation rate) to receive parental skills training.
- Juvenile offenders who have committed crimes such as simple assault, larceny, and damage to property, and who meet the criteria established by Police and the District Attorney, may be referred to the program instead of arrested for the crime they have committed. Post arrest juveniles may also be referred to the program with the goal of reducing the chances that the juvenile will become involved in any future criminal activity. If this program was available during the past school year, 350 juvenile offenders would have had the option of attending this diversion program.
- The Juvenile Diversion Program will be conducted by Youth Development Initiatives (YDI). The program will consist of two, two-hour youth sessions focused on building communications skills, decision making, learning to take responsibility for one's actions and developing education/career plans. There will also be a joint session at which youth will be joined by their parents to address issues related to family dynamics. Once a youth has completed the diversion program, their School Resource Officer will engage the youth in weekly conversations to help them apply the lessons learned through the program.
- Preadjudicated youth who are given the opportunity to attend the Youthful Offender Diversion Program in lieu of arrest but fail to do so will be subject to arrest.
- The grant requires a cash match. \$46,452 of the match will be provided in kind through 30% of the salary of the School Resource Sergeant who will be responsible for the day-to-day management of the program and the use of Greenville Center for the program site. \$1,000 in cash will come from the police operating budget.
- The grant period is one year.

### Funding

Mecklenburg County Juvenile Crime Prevention Council, Police in-kind services, and Police Operating Budget

**Attachment 4**  
Budget Ordinance

## 15. Fire Department Computer Aided Dispatch System

**Action:** Approve a contract with Tritech Software Systems for a term of one year to provide maintenance on Fire Department's Computer Aided Dispatch System up to \$120,000.

**Staff Resource:** Richard Granger, Fire

### Explanation

- One of the measures on Fire's FY2012 balanced scorecard was to consolidate the Fire and Police Computer Aided Dispatch (CAD) systems by June 30, 2012.
- The Fire and Police Departments worked with Shared Services Procurement Division to select a vendor, and the contract was awarded to Intergraph (the current Police CAD vendor).
- In April 2012, Fire and Police Departments consolidated their CAD systems under Intergraph.
- Over the past three months, every effort has been made to make this venture successful. Serious operational challenges have been identified that are negatively impacting the ability to answer emergency calls effectively and efficiently.
- Charlotte Fire Department (CFD) has worked with the vendor, but has been unable to identify any immediate solutions.
- Prior to moving over the Intergraph CAD system, CFD used CAD from Tritech.
- CFD needs to return to the Tritech CAD system until the proper solutions can be identified.
- CFD will continue to work towards the goal of CAD consolidation.

### Small Business Opportunity

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

### Funding

Fire Operating Budget

## 16. Traffic Signal Cabinets

**Action:** A. Award the low bid unit price contract to Naztec, Inc., for traffic signal cabinets for one year, and

B. Authorize the City Manager to extend up to two additional one-year terms with possible price adjustments as authorized by the contract.

**Staff Resource:** Charles Abel, Transportation

**Explanation**

- Traffic signal cabinets house the equipment that runs each of the 730 signalized intersections in Charlotte. The unit price ranges from \$6,600 to \$8,500, depending on the size and equipment.
- The new cabinets will be used for new traffic signal installations, to replace cabinets that have been destroyed in traffic accidents, and to upgrade existing cabinets.
- The estimated expenditure for the first year totals \$350,000.

**Small Business Opportunity**

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

**Funding**

Transportation Capital Investment Plan

**17. Airport Terminal Curbfront Roadway Design Contract**

**Action:** Approve a contract with HNTB North Carolina, P.C. in the amount of \$1,695,615 for the design of the private occupancy vehicle lanes for the terminal curbfront.

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- The development plan for the terminal complex anticipates a new eight lane curbfront roadway in front of the terminal building on both the arrival and departure levels, with three lanes for commercial vehicles (CV) and five lanes for private occupancy vehicles (POV).
- In November 2010, City Council approved a design contract with HNTB in the amount of \$1,292,980 for the design of the new CV roadway for the terminal curbfront.
- The design was broken into two phases so the project could move forward on an as-needed basis; however, since the CV roadway and POV roadway are physically connected by a row of columns, a portion of the POV roadway was designed under the CV roadway project in order to size those columns correctly.
- Under this contract, HNTB will provide the remaining design services for the POV roadway and construction administration services during construction.
- Since HNTB has completed a portion of the POV roadway design under the first contract, they are the most qualified firm to complete the design of the POV lanes.
- This contract includes design services and construction administration services.

**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

## 18. Airport East Terminal Office Upfit and Lease

**Action:**   **A. Approve a low-bid contract with Edison Foard, Inc. in the amount of \$611,600 for the construction of the East Terminal Office upfit, and**

**B. Approve a five-year lease with General Services Administration/Transportation Security Administration in the amount of \$1,901,812.60.**

**Staff Resource:**   Jerry Orr, Aviation

### Explanation

- This contract will provide for the upfit of 7,828 square feet of office level space created by the East Terminal Expansion Project.
- The Transportation Security Administration (TSA) will lease this space for administrative offices for five years at a rate of \$48.59 per square foot a year.
- The TSA provides security screening services for the traveling public at CLT.
- TSA currently occupies office space in both the Main Terminal and Old Terminal.
- This construction contract is a lump sum bid with a 90 calendar day duration.

### Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 17.00%

Edison Foard, Inc. exceeds the established goal and committed 17% (\$104,000) of the total bid amount to the following SBE firm: COED Electrical Services (electrical).

### Funding

Aviation Capital Investment Plan

## 19. Utilities Uniforms

**Action:**   **Approve a unit price contract with Aria Apparel, for the purchase of work uniforms for the term of two years.**

**Staff Resource:**   Barry Gullet, Utilities

### Explanation

- Uniforms are provided to Charlotte Mecklenburg Utilities Department (CMUD) employees who either come in contact with the public in the course of their daily job activities, or those who are required to work in hazardous environments.
- Uniforms make the employees readily recognizable to the public as CMUD employees, and protect them from exposure to hazardous environments and materials.
- Clothing provided under this contract cover items described in the CMUD Uniform and Work Clothing Policy. Typical items include trousers, shirts, jackets, and caps.

- A Request for Proposal was issued on July 6, 2012, and five proposals were received. Aria's proposal met all the specifications and requirements of the RFP, with the lowest overall unit cost.
- Other City departments may use the contract with Aria by amendment.
- CMUD annual expenditures are anticipated to total \$75,000.

#### **Small Business Opportunity**

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

#### **Funding**

Utilities Operating Budget

## **20. Utilities Field Operations Hauling Services**

**Action: Approve a unit price contract with McGirt Trucking Co. for hauling of topsoil and spoils for the term of one year.**

**Staff Resource:** Barry Gullet, Utilities

#### **Explanation**

- This contract provides hauling of spoils and topsoil, on an as-needed basis, for Utilities Field Operations Division.
- Spoils include contaminated dirt, rocks, tree stumps, and other debris removed from job sites throughout the County.
- The contractor will pick-up topsoil from two suppliers to be delivered to the various Field Operations zone locations throughout the County.
- An Invitation to Bid was issued on June 4, 2012, with email notification sent to all SBE firms who provide hauling services. Bids were received from only two firms, one of which is an SBE.
- CMUD annual expenditures are anticipated to total \$170,000.

#### **Small Business Opportunity**

This contract was estimated to be under \$100,000 and considered informal; therefore, establishing SBE subcontracting goals are not required (Appendix Section 29.1 of the SBO Policy). McGirt Trucking has, though, committed 3.00% of the total contract amount to the following SBE firm: BKP Trucking, LLC (hauling).

#### **Funding**

Utilities Operating Budget

## 21. Steele Creek Pumping Station Replacement Project

**Action: Approve contract amendment #2 for \$656,328 with Brown and Caldwell for additional engineering services for the Steele Creek Pumping Station Replacement Project.**

**Staff Resource:** Barry Shearin, Utilities

### Previous Actions

- The original design contract to Brown and Caldwell in the amount of \$2,723,224 was approved by City Council on September 8, 2008.
- The contract provided for engineering services for detailed design and bidding services for the Steele Creek Pumping Station Replacement Project.
- Amendment #1 was for \$45,600 for additional easement surveying.

### Explanation

- The project is currently in final design, easement acquisition, and permitting.
- Some unexpected, but necessary, design tasks were identified during the design-phase of Brown & Caldwell's original contract that necessitates amendment #2. Those items are:
  - Additional design, survey and geotechnical services. The route of the force main was significantly altered in the vicinity of Martin Marietta Quarry. Doing so saved a significant cost for the easement due to the impacts to the quarry operations under the original alignment.
  - Property acquisition services. Some property owners have required more detailed engineering analysis of alternate routes than expected to come to an agreement on easement alignment.
  - Permitting services. The new alignment around the quarry crosses the South Carolina state line requiring permits from South Carolina. The originally planned alignment was solely in North Carolina. Also, new permit requirements have been put in place by the State of North Carolina since the contract was approved in 2008.
  - Steele Creek Gravity Outfall. A portion of the Steele Creek Gravity Outfall is planned to be constructed parallel to the proposed force main. The construction of both the gravity sewer and force main will probably require blasting due to rock in the vicinity. By including the final design of a portion of the gravity sewer in this contract, both sewers can be constructed at the same time, avoiding potential damage from blasting in the future.
- The new contract total is \$3,425,152, which is still within budget. The Steele Creek Pumping Station Replacement Project total budget is \$41,000,000.

### Small Business Opportunity

All additional work involved in this amendment will be performed by the consultant and their existing sub-consultants (Part D: Section 6 of the SBO Program).

### Funding

Utilities Capital Investment Plan

## 22. Utility Management System Software Technical Maintenance and Support Contract

**Action:**    **A. Approve the contract renewal of \$423,941 for software maintenance and support to Ventyx for the Ventyx Customer Suite/Service Suite Utility Billing System, and**

**B. Authorize the City Manager to approve two additional annual renewal with possible price adjustments as stipulated in the contract.**

**Staff Resource:**     Robert Campbell, Finance

### Explanation

- The Ventyx Customer Suite system (formerly Advantage/Banner) is used to bill and collect approximately \$425 million annually for Water, Sewer, and Storm Water related services. The Ventyx Service Suite is integrated with Customer Suite to manage service orders associated with Utility billing.
- The existing Ventyx software technical maintenance and support agreement renews on an annual basis and provides the City with software updates and problem resolution assistance. This support service is essential to help ensure the uninterrupted operation of the Utility Billing and Management System.
- The annual support agreement with Ventyx has been revised to synchronize the renewal term for multiple components of both the Customer Suite and Service Suite applications and also provide for two subsequent annual renewals.
- The payment amount last year was \$404,119.
- Contract payments are only adjusted via the Consumer Price Index. Based on this adjustment, the current renewal amount would be \$410,989. However, in order to synchronize all renewals, this amount increases by \$12,952 to \$423,941 to cover 17 months of support for two of the components and 14 months for a third component.
- The period for the current renewal is November 1, 2012 through October 31, 2013.

### 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

Utilities and Storm Water Operating Budgets

## 23. Storm Water Refunding Bonds

**Action:** Adopt the resolution and bond order necessary for the issuance of debt to refund outstanding 2002 Storm Water Revenue Bonds.

**Staff Resource:** Greg Gaskins, Finance

### Explanation

- Storm Water plans to refund \$26 million of outstanding 2002 Revenue Bonds in October
- The bonds will be refinanced at a lower rate and generate estimated savings of \$4.8 million. Savings will be used to offset future funding obligations.
- On August 27, 2012 Council adopted a resolution to apply to the Local Government Commission for this financing. The current action adopts the issuing resolution and bond order. This is the final Council action necessary for this financing.

### Funding

Storm Water Debt Service Fund

### Attachment 5

Resolution

## 24. Transit Bus Stop Improvements, FY2013

**Action:** A. Award the low bid contract of \$87,066 to BidKon, LLC for the Bus Stop Improvements, FY2013 project, and

B. Authorize the City Manager to approve one renewal in an amount up to the original contract amount.

**Staff Resource:** Leon Howe, Engineering & Property Management

### Explanation

- This project will install concrete pads and sidewalk at various Charlotte Area Transit System (CATS) bus stop locations throughout the City of Charlotte.
- The renewal is an incentive to the contractor for good performance and quality work.
- Additional funding for the renewal is expected to be available from future FTA Grants.

### Disadvantaged Business Enterprise (DBE) Opportunity

Established DBE Goal: 0%

Committed DBE Goal: 13.62%

No DBE contract goal was established for this project due to limited opportunities for subcontracting and DBE participation will be achieved through race neutral

means. BidKon, LLC committed 13.62% (\$11,858) of the total contract amount to the following DBE firm: GATC Contracting (curb, gutter, concrete work).

### **Funding**

Transit Capital Investment Plan

## **25. Blue Line Extension Condemnation Legal Services**

**Action:** Authorize the City Manager to negotiate and execute the following contracts for condemnation legal services at the listed up to amounts for a term of five years:

1. Horack, Talley, Pharr, & Lowndes - \$320,000
2. Hamilton, Stephens, Steele & Martin, PLLC, - \$320,000
3. Parker, Poe, Adams & Bernstein, LLP, - \$320,000

**Staff Resources:** Danny Rogers, Transit  
John Joye, Legal  
Brad Thomas, Legal

### **Policy**

Centers & Corridors, the 2030 Corridor System Plan, Focus area Initiatives (1 & 3), Transportation Action Plan Goals (1 & 2).

### **Explanation**

- The LYNX Blue Line Extension (BLE) project will require more than 300 real estate acquisitions, of which a significant percentage will require condemnation legal services.
- The City Attorney's Office will use the services of outside firms to assist with the legal work necessary for the BLE project and to maintain the project schedule.
- These contracts will provide for firms on an on-call basis ensuring specialized expertise and resources necessary for the acquisition of multiple parcels on a tight construction schedule.

### **Selection Process**

- The firms were selected in compliance with federal competitive proposal selection requirements. The Request for Proposals was advertised on May 29, 2012. Six proposals were received and evaluated by staff from CATS and E&PM.

### **Contract Terms**

- These contracts are for a term of five years and are structured to issue task orders at established rates.
- The contracts are structured to allow the City to use services between the firms so that the BLE schedule is not impacted if one firm is unavailable for any reason.

### **Disadvantaged Business Enterprise Opportunity**

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

### **Funding**

Transit Capital Investment Plan

## 26. Blue Line Extension Insurance Broker Services

- Action:**
- A. Approve a contract with McGriff, Seibels and Williams, Inc. for an Insurance Broker Services Feasibility study for an initial term of up to one year for \$25,000,**
  - B. Authorize the City Manager to approve a go-forward amendment with McGriff, Seibels and Williams, Inc. for Insurance Broker Services for four years in an annual amount up to \$215,000,**
  - C. Authorize the City Manager to approve one one-year renewal option for Insurance Broker Services as authorized by the contract, and contingent upon the company's satisfactory performance, and**
  - D. Authorize six years of consulting services following the completion of Insurance Broker Services, at no additional cost to the City.**

**Staff Resource:** Robert Campbell, Finance

### Explanation

- The Risk Management Division provides insurance and risk management services through an inter-local agreement to the City of Charlotte, Mecklenburg County and the Charlotte-Mecklenburg Board of Education.
- The Blue Line Extension (BLE) project is a multi-year construction project with numerous contractors and subcontractors, all of whom will require specialized insurance coverage.
- Most large construction projects utilize Owner-Controlled Insurance Program(s) (OCIP) in order to eliminate coverage gaps and unnecessary overlaps, protecting the owner and resulting in the most efficient treatment of the various risk exposures.
- Due to the complex nature of the construction process for the BLE and because of Federal funding guidelines, the City chose to separate the insurance brokering for the BLE from other City insurance programs.
- McGriff, Seibels and Williams, Inc. (the Company) will conduct an OCIP feasibility study, estimated to take up to one year, to assist CATS with determining which coverage should be included in their OCIP.
- Once the feasibility study is complete, the City and the Company shall assess whether an OCIP with just liability coverage administration or one also including workers' compensation coverage will be utilized.
  - The estimated annual cost for Liability Coverage Administration alone is \$85,000 annually.
  - Liability and Workers' Compensation Coverage administration is estimated at \$215,000 annually.
  - If the City elects to not move forward with an OCIP in any form, the contract will terminate at the end of the OCIP feasibility study.

- The Company shall also be responsible for the following services:
  - Specialized insurance consulting regarding the types of insurance required for the BLE project
  - Marketing and placement of appropriate insurance coverage
  - Acting as a claims liaison for the City and CATS, and reporting results to the City and the Federal Transit Administration

**Selection Process**

- The City issued a Request for Proposal (RFP) for BLE Insurance Broker Services on July 9, 2012.
- In response to the RFP, the City received seven proposals from interested service providers.
- The Project Team, consisting of staff from Shared Services, Procurement Services Division, Charlotte Area Transit, the City Attorney’s Office and Finance, Risk Management Division, evaluated the proposals and shortlisted to three service providers for further evaluation and interviews.
- The Project Team recommends awarding the contract to McGriff, Seibels and Williams, Inc. as the service provider best meeting the City’s needs in terms of qualifications, experience, and cost effectiveness.

**Disadvantaged Business Enterprise Opportunity**

A 0% DBE goal was set for this contract because subcontracting opportunities are not anticipated. A DBE goal was ascertained due to the Federal funding involved in the project.

**Funding**

Transit Operating Budget

**27. Refund of Property and Business Privilege License Taxes**

**Action:**    **A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$2,546,776.74, and**

**B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$14,741.98.**

**Staff Resource:**     Robert Campbell, Finance

**Explanation**

- Mecklenburg County reported that refunds are unusually high due to the number of informal and formal appeals that went before the Board of Equalization & Review, resulting in reduced taxes due.

**Attachment 6**

Resolutions  
List of refunds

## 28. Donation of Surplus Computers and Related Equipment to Goodwill

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

**Staff Resource:** Charles Robinson, Shared Services

### Explanation

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

### Attachment 7

List of computers and related equipment for donation  
Resolution

## 29. State Contract Vehicle Purchase

**Action:** A. Approve the purchase of light-duty pickup trucks, as authorized by the State contract exception of G.S. 143-129(e) (9), and

B. Approve a unit price contract with Capital Ford, Inc. for the purchase of light-duty pickup trucks per State Contract 070G.

**Staff Resource:** Charles Robinson, Shared Services

### Explanation

- G.S. 143-129(e)(9) allows local government to purchase from State contracts if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the State contract.
- The State contract vendor has agreed to honor 2012 model year prices on 2013 model year equipment until new pricing is released in November.
- This provides an opportunity to realize cost savings for departments replacing light-duty pickup trucks in FY2013.
- The 39 vehicles to be replaced are part of the FY2013 Capital Replacement process and met replacement criteria, which includes age, mileage, condition, and maintenance expenses.

- The department and estimated amount of the purchases are listed below:

<b>Department</b>	<b>Estimated Amount</b>
Aviation	\$139,000
Engineering	\$25,000
Shared Services	\$80,000
Transportation	\$133,000
Utilities	\$583,500

**Small Business Opportunity**

Contracts entered into under an existing State contract are exempt (Appendix Section 23.2 of the SBO Policy).

**Funding**

Various Capital Equipment Funds

### 30. In Rem Remedy

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

**Public Purpose:**

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

**Policy:**

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

**Complaint:**

- A. 1729 Finchley Drive (Neighborhood Statistical Area 142 – Shannon Park Neighborhood)
- B. 2520 Rachel Street (Neighborhood Statistical Area 37 – Druid Hills South Neighborhood)

**Field Observation:**

- C. 6109 Grove Park Blvd. (Neighborhood Statistical Area 144 – Hickory Grove Neighborhood)
- D. 1301 Marble Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)

**Complaint:**

**A. 1729 Finchley Drive**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1729 Finchley Drive (Neighborhood Statistical Area 142 – Shannon Park Neighborhood).**

**Attachment 8**

**B. 2520 Rachel Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2520 Rachel Street (Neighborhood Statistical Area 37 – Druid Hills South Neighborhood).**

**Attachment 9**

**Field Observation:**

**C. 6109 Grove Park Blvd.**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6109 Grove Park Blvd. (Neighborhood Statistical Area 144 – Hickory Grove Neighborhood).**

**Attachment 10**

**D. 1301 Marble Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1301 Marble Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).**

**Attachment 11**

## PROPERTY ITEMS

### 31. Property Transactions

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

For property transactions B-E, 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: Tukulake Drive/Salamander Court Trunk Sewer, Parcel # 6  
**Owner(s):** John Kimsey Hedrick and Wife, Teresa Love Hedrick  
**Property Address:** 8524 Cedarbrook Drive  
**Property to be acquired:** 3,067 sq. ft. (.070 ac.) in Sanitary Sewer Easement, plus 2,045 sq. ft. (.047 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None

**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 111-122-06  
**Total Parcel Tax Value:** \$22,200  
**Purchase Price:** \$10,875

- B. Project:** Blue Line Extension, Parcel # 1273  
**Owner(s):** Frances T. Hilton  
**Property Address:** 3600 Philemon Avenue  
**Property to be acquired:** 13,795 sq. ft. (.317 ac.) in Fee Simple, plus 26,854 sq. ft. (.616 ac.) in Existing Right-of-way  
**Improvements:** Concrete paving  
**Landscaping:** None  
**Zoned:** I-2(CD)  
**Use:** Industrial  
**Tax Code:** 091-112-09  
**Total Parcel Tax Value:** \$442,200  
**Purchase Price:** \$50,450
- C. Project:** Blue Line Extension, Parcel # 1325  
**Owner(s):** Vincent Curcio A/K/A Vincent D. Curcio  
**Property Address:** 332 St. Anne Place  
**Property to be acquired:** 1,622 sq. ft. (.037 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 091-021-34  
**Total Parcel Tax Value:** \$55,900  
**Purchase Price:** \$13,700
- D. Project:** Blue Line Extension, Parcel # 2201  
**Owner(s):** Dimitrios S. Kotrotsis and Soula A. Kotrotsios  
**Property Address:** 6507 North Tryon Street  
**Property to be acquired:** 21,709 sq. ft. (.498 ac.) in Fee Simple (TOTAL TAKE)  
**Improvements:** Retail Building  
**Landscaping:** None  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 089-172-41  
**Total Parcel Tax Value:** \$493,900  
**Purchase Price:** \$589,075
- E. Project:** Blue Line Extension, Parcel # 2203  
**Owner(s):** Soula A. Kotrotsios and Dimitrios S. Kotrotsios  
**Property Address:** 6515 North Tryon Street  
**Property to be acquired:** 16,812 sq. ft. (.386 ac.) in Fee Simple (TOTAL TAKE)  
**Improvements:** Retail Building  
**Landscaping:** None  
**Zoned:** B-2

**Use:** Commercial  
**Tax Code:** 089-172-42  
**Total Parcel Tax Value:** \$199,600  
**Purchase Price:** \$220,925

- F. **Project:** Brentwood Place, Parcel # 67  
**Owner(s):** Heirs of Mary A. Funderburk  
**Property Address:** 2533 Wilkinson Boulevard  
**Property to be acquired:** 2,930 sq. ft. (.067 ac.) in Storm Drainage Easement, plus 1,006 sq. ft. (.023 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** I-2  
**Use:** Commercial  
**Tax Code:** 117-011-10  
**Total Parcel Tax Value:** \$51,200  
**Purchase Price:** \$16,225
- G. **Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 39  
**Owner(s):** Perrin Place Townhouses  
**Property Address:** Perrin Place  
**Property to be acquired:** 6,003 sq. ft. (.138 ac.) in Storm Drainage Easement, plus 984 sq. ft. (.023 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and shrubs  
**Zoned:** R-22MF  
**Use:** Town House Common Area  
**Tax Code:** 155-102-38  
**Total Parcel Tax Value:** \$1,993,975.00  
**Purchase Price:** \$46,625
- H. **Project:** Airport Master Plan Land Acquisition  
**Owner(s):** M & D Bass LLC  
**Property Address:** 6330 Wilkinson Blvd  
**Property to be acquired:** .389 acres  
**Improvements:** commercial building  
**Purchase Price:** \$248,200.00  
**Remarks:** The purchase price was determined by two independent appraisals and was reviewed by a third appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.  
**Zoned:** B-2 **Use:** commercial building  
**Tax Value:** \$246,400  
**Tax Code:** 055-368-02  
**Funding:** 2090: 54010

- I. **Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Calvin G and Martha Haigler  
**Property Address:** 5511 S I-85 Hwy  
**Property to be acquired:** .135 acres  
**Improvements:** vacant land  
**Purchase Price:** \$9,800.00  
**Remarks:** The purchase price was determined by an independent appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.  
**Zoned: R-3 Use:** vacant land  
**Tax Value:** \$1,600  
**Tax Code:** 055-381-18  
**Funding:** 2090: 54010
- J. **Project:** Airport Master Plan Land Acquisition  
**Owner(s):** William P Ridout Jr.  
**Property Address:** 6421 and 6403 Virginia Avenue  
**Property to be acquired:** .95 acres  
**Improvements:** single family residence and vacant land  
**Purchase Price:** \$200,000.00  
**Remarks:** The purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.  
**Zoned: R-3 Use:** single family house and vacant land  
**Tax Value:** \$169,600.00  
**Tax Code:** 055-367-05 and 055-367-07  
**Funding:** 2090: 54010

### Condemnations

- K. **Project:** 2011 Annexation: 8" 9511 and 9515 Gwynne Circle, Parcel # 1  
**Owner(s):** Baranko Enterprise, Inc. And Any Other Parties Of Interest  
**Property Address:** 9512 Gwynne Hill Road  
**Property to be acquired:** 1,784 sq. ft. (.041 ac.) in Sanitary Sewer Easement, plus 1,714 sq. ft. (.039 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 111-143-35  
**Total Parcel Tax Value:** \$60,700  
**Appraised Value:** \$275

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** Staff has been attempting to contact the property owner through all possible channels since May 2012 and has yet to receive a response. The title abstract also revealed issues that will prevent the City from obtaining clear title. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

- L. **Project:** 2011 Annexation: 8" Sanitary Sewer 6900-7500 Cedarbrook Drive, Parcel # 9

**Owner(s):** Tracey L. Cothran and Any Other Parties of Interest

**Property Address:** 7703 Denbur Drive

**Property to be acquired:** 24 sq. ft. (.001 ac.) in Sanitary Sewer Easement, plus 1,356 sq. ft. (.031 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 111-451-06

**Total Parcel Tax Value:** \$127,800

**Appraised Value:** \$75

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** Staff has been attempting to contact the property owner through all possible channels since May 2012, but has been unable to locate the property owner. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

- M. **Project:** 2011 Annexation: Tukulake Drive/Salamander Court Trunk Sewer, Parcel # 5

**Owner(s):** Augustin Cervantes and Wife, Maria Isabel Cervantes and Any Other Parties of Interest

**Property Address:** 8411 Denbur Drive

**Property to be acquired:** 4,514 sq. ft. (.104 ac.) in Sanitary Sewer Easement, plus 3,012 sq. ft. (.069 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 111-122-44

**Total Parcel Tax Value:** \$10,800

**Appraised Value:** \$1,000

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** Staff has been attempting to contact the property owner through all possible channels since May 2012, but has been unable to locate the property owner. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

- N. Project:** Ballantyne Commons Parkway/ Elm Lane Intersection Improvements, Parcel # 3  
**Owner(s):** Wells Fargo, National Association and Any Other Parties of Interest  
**Property Address:** 11230 Elm Lane  
**Property to be acquired:** 207 sq. ft. (.005 ac.) in Sidewalk and Utility Easement, plus 1,916 sq. ft. (.044 ac.) in Utility Easement, plus 4,520 sq. ft. (.104 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Zoned:** 0-1 (CD)  
**Use:** Office  
**Tax Code:** 223-605-02  
**Total Parcel Tax Value:** \$2,211,500  
**Appraised Value:** \$57,100  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff has been working with the property owner since May 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.
- O. Project:** Ballantyne Commons Parkway/ Elm Lane Intersection Improvements, Parcel # 5  
**Owner(s):** Zenith Investment Grantor Trust, Summit De Corporation, Trustee and Any Other Parties of Interest  
**Property Address:** 7828 Rea Road  
**Property to be acquired:** 14,560 sq. ft. (.334 ac.) in Fee Simple, plus 622 sq. ft. (.014 ac.) in Storm Drainage Easement, plus 3,368 sq. ft. (.077 ac.) in Sidewalk and Utility Easement, plus 6,978 sq. ft. (.160 ac.) in Utility Easement, plus 18,536 sq. ft. (.426 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Zoned:** CC  
**Use:** Commercial  
**Tax Code:** 225-041-19  
**Total Parcel Tax Value:** \$53,533,900  
**Appraised Value:** \$206,050  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff has been working with the property owner since May 2011 and has yet to reach an agreement regarding the acquisition. There are unresolved issues related to landscaping and irrigation after the project. 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.

- P. Project:** Ballantyne Commons Parkway/ Elm Lane Intersection Improvements, Parcel # 9  
**Owner(s):** Target Corporation (Successor By Merger Of Marshall Field Stores) And Any Other Parties of Interest  
**Property Address:** 7860 Rea Road  
**Property to be acquired:** 16,680 sq. ft. (.383 ac.) in Fee Simple, plus 48 sq. ft. (.001 ac.) in Utility Easement, plus 15,773 sq. ft. (.362 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Zoned:** CC  
**Use:** Commercial  
**Tax Code:** 225-041-23  
**Total Parcel Tax Value:** \$6,947,600  
**Appraised Value:** \$229,350  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff has been working with the property owner since May 2011 and has yet to reach an agreement regarding the acquisition. 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.
- Q. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 24  
**Owner(s):** Michael C. Loeffler and Wife, Holly H. Loeffler and Any Other Parties of Interest  
**Property Address:** 734 Cherokee Road  
**Property to be acquired:** 137 sq. ft. (.003 ac.) in Storm Drainage Easement, plus 48 sq. ft. (.001 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 155-101-15  
**Total Parcel Tax Value:** \$772,500  
**Appraised Value:** \$2,725  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff has been working with the property owner since August 2011 and has yet to reach an agreement regarding the acquisition. The property owners requested their entire driveway be repaved to which staff could not agree. Staff did agree to pave the driveway to the nearest joint to avoid having a driveway saw cut. The last contact with the property owners occurred March 2, 2012, and the property owners have not responded to staff contact 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.

- R. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 34  
**Owner(s):** Michael S. Weiss and Wife, Patricia W. Weiss and Any Other Parties of Interest  
**Property Address:** 201 Huntley Place  
**Property to be acquired:** 4,165 sq. ft. (.096 ac.) in Storm Drainage Easement, plus 444 sq. ft. (.010 ac.) in Temporary Construction Easement  
**Improvements:** Two Brick Columns  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 155-103-48  
**Total Parcel Tax Value:** \$754,500  
**Appraised Value:** \$46,350  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff has been working with the property owner since August 2011 and has yet to reach an agreement regarding the acquisition. Initially the owner had concerns regarding impacts to two brick columns, a gate and an existing tree. Staff offered the option of compensation or reconstruction of the columns and to warranty the tree for 2 years. In addition, the property owners requested staff use a pre-existing storm drainage easement by demolishing a garage which had been built over the easement and reconstructing the garage elsewhere. Staff could not agree to this request; instead, the project requires a new easement around the existing garage. The last contact with the property owners occurred May 16, 2012, and the property owners have not responded to staff contact 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.

## 32. Meeting Minutes

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

- June 25, 2012 Special Budget Meeting
- June 25, 2012 Business Meeting
- June 27, 2012 Special Housing Meeting
- July 16, 2012 Zoning Meeting

### 33. 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.