

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, April 22, 2013

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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17	16	University of North Carolina at Charlotte/Duke Energy Utility Relocation Agreement
45	42	Arena Certificates of Participation Refunding
49	45	Property Transactions for the Blue Line Extension (E, F)

**CITY COUNCIL AGENDA
Monday, April 22, 2013**

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5:00 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. Airport Advisory Committee

Resource: Shawn Dorsch, Airport Advisory Committee, Chair

Time: 45 minutes

Synopsis

On April 10, 2013, the City Council requested that the Airport Advisory Committee meet with them to discuss the committee's involvement and position on the matter of a possible change in governance at Charlotte Douglas International Airport.

Future Action

The presentation is for information purposes only.

Attachment 1

List of Airport Advisory Committee Members

3. Gold Rush

Resources: Ruffin Hall, Assistant City Manager
Michael Smith, President, Charlotte Center City Partners

Time: 20 minutes

Synopsis

- The Gold Rush is a free service consisting of two intersecting routes operating Monday through Friday in Center City Charlotte. There are two routes – the Orange Line and the Red Line.
- The Orange Line operates primarily on Tryon Street from Camden Grandview Apartments on Morehead to 10th Street and Tryon Street. Service operates every 12 minutes from 7:00 a.m. to 6:00 p.m. Each day, six Orange Line trips extend to provide service to the Charlotte School of Law location off Wilkinson Boulevard.
- The Red Line operates predominantly on Trade Street between Johnson C. Smith University and Presbyterian Hospital. Students from Central Piedmont Community College and Johnson & Wales University, and employees traveling between Bank of America's Gateway campus and Tryon Street take advantage of

the service, which connects to the Lynx Blue Line and the Charlotte Transportation Center. Service operates every 15 minutes from 7:00 a.m. to 6:00 p.m.

- Approximately one million riders use the Gold Rush service each year. In FY2013, it will cost just over \$1.5 million to operate the service. Funding for the service comes from the Charlotte Area Transit System, State transit dollars, federal grants, as well as corporate contributions collected by Charlotte Center City Partners.
- In December, the City and Charlotte Center City Partners hired Nelson/Nygaard, a transit and multi-model transportation planning consultant, to evaluate the Gold Rush. The scope of their study was to evaluate the operations, route, and funding of the Gold Rush and to make recommendations for its future operations, given the loss of federal grants and the decline in private donations.

Future Action

The presentation is for information purposes only.

Attachment 2

Gold Rush Map

4. Answers to Mayor and Council Consent Item Questions

Resource: Ron Kimble, City Manager's Office

Time: 10 minutes

Synopsis

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

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

7:00 P.M. COUNCIL BUSINESS MEETING

CONSENT

- 5. Consent agenda items 23 through 48 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

ZONING

6. Rezoning Petition 2013-001

Action: Render a decision on proposed rezoning 2013-001 by Steele Creek (1997) Limited Partnership:

- From R-3 (single family residential), I-1(CD)(light industrial, conditional) CC (commercial center), and CC SPA, (commercial center, site plan amendment), located within the Lower Lake Wylie Watershed Overlay, and
- To CC, CC SPA, and MUDD-O (mixed-use development district optional), located within the Lower Lake Wylie Watershed Overlay.

Staff Resource: Tammie Keplinger, Planning

Explanation

- The property is approximately 82.0 acres located on the west side of I-485 and surrounded by Shopton Road, Dixie River Road, Steele Creek Road, and Trojan Drive (outside of the City limits).
- A new public hearing on this rezoning petition was required due to an advertising error. The new hearing was held on April 15, 2013.
- In order to avoid further delays for the petitioner, staff requested and City Council agreed to render a decision on this petition at the April 22, 2013 Business Meeting.
- The Zoning Committee of the Planning Commission considered this petition and made a recommendation at a special-called meeting held on April 17, 2013.
- The Committee's recommendation will be communicated to City Council through the Council-Manager memo on Friday, April 19, 2013.

Attachment 3

Vicinity Map
Locator Map
Site Plan

7. Rezoning Petition 2013-002

Action: Render a decision on proposed rezoning 2013-002 by Steele Creek (1997) Limited Partnership:

- From R-3, single family residential,
- To O-1 (CD) (office, conditional) and I-1 (CD) (light industrial, conditional).

Staff Resource: Tammie Keplinger, Planning

Explanation

- The property is approximately 114 acres located on the east side of Interstate 485 at the intersection of Sandy Porter Road and I-485 (outside of the City limits).
- A new public hearing on this rezoning petition was required due to an advertising error. The new hearing was held on April 15, 2013.
- In order to avoid further delays for the petitioner, staff requested and Council agreed to render a decision on this petition at the April 22, 2013, Business Meeting.
- The Zoning Committee of the Planning Commission considered this petition and made a recommendation at a special-called meeting held on April 17, 2013.
- The Committee's recommendation will be communicated to City Council through the Council-Manager memo on Friday, April 19, 2013.

Attachment 4

Vicinity Map
Locator Map
Site Plan

PUBLIC HEARING

8. Public Hearing on a Resolution to Close a Residual Portion of Hoke Street

Action: A. Conduct a public hearing to close a residual portion of Hoke Street, and
B. Adopt a resolution to close.

Staff Resource: Jeff Boenisch, Transportation

Policy

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

Explanation

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

Petitioner

Mr. Tommy H. Starnes, Jr.

Right-of-Way to be abandoned

A residual portion of Hoke Street

Location

Located within the vicinity of the Druid Hills community, a residual portion of Hoke Street is an unopened 50-foot wide right-of-way that begins at its intersecting point with Hartley Street, continuing approximately 200 feet to its terminus, and consisting of 9,682 square feet.

Reason

To incorporate the unopened right-of-way into the adjacent parcels owned by the petitioner and Rush Truck Centers of North Carolina

Notification

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

Adjoining property owners

Rush Truck Centers of NC- No objections

Neighborhood/Business Associations

Druid Hills- Notified/ no comments

Private Utility Companies

No objections

City Departments

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

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

Attachment 5

Map

Resolution

9. Public Hearing on a Resolution to Close a 10-Foot Alleyway between Camden Road and Hawkins Street

Action: A. Conduct a public hearing to close a 10-Foot Alleyway between Camden Road and Hawkins Street, and
B. Adopt a resolution to close.

Staff Resource: Jeff Boenisch, Transportation

Policy

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

Explanation

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

Petitioner

Camden USA, Inc. - Mark Coletta

Right-of-Way to be abandoned

A 10-foot alleyway located between Camden Road and Hawkins Street

Location

The 10-foot alleyway between Camden Road and Hawkins Street is located within the vicinity of Historic Southend, beginning on Camden Road and continuing parallel to W. Kingston Avenue and West Boulevard approximately 426 feet to its terminus at Hawkins Street, and consisting of 4,225 square feet.

Reason

To incorporate the unopened right-of-way into the adjacent parcels owned by the petitioner in order to accommodate the Camden Studios development

Notification

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

Adjoining property owners

None

Neighborhood/Business Associations

Historic Southend - No objections

Private Utility Companies

No objections

City Departments

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

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

Attachment 6

Map
Resolution

10. Public Hearing on the FY2014 Annual Action Plan for Housing and Community Development

Action: Hold a public hearing on the proposed FY2014 Annual Action Plan (Plan) for Housing and Community Development.

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

Policy

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

Explanation

- The FY2014 Plan includes housing and community development needs and resources for the City and Regional Housing Consortium.

- The Regional Housing Consortium is a partnership between the City, Mecklenburg County, and the towns of Cornelius, Pineville, Matthews, Mint Hill, Huntersville, and Davidson.
- In FY2014, the City expects to receive the following federal funding allocation which includes an 8.4% reduction in both Community Development Block Grant funding and HOME Investment and Partnership funding, which has been factored into the budget and programming aspects of the Plan.
- While each of the Housing Programs will remain intact despite the potential 8.4% decrease, Neighborhood & Business Services staff has planned for a decreased contribution to the Charlotte-Mecklenburg HOME Consortium. The City's rehabilitation program will also be decreased resulting in fewer homes being rehabilitated. Finally, the City has planned for decreased relocation expenses.
- In FY2014, the City is expecting the following federal fund allocation:

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

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

Community Input

- Neighborhood & Business Services staff convened three planning sessions to receive input to the development of the Plan.
- Neighborhood & Business Services placed a copy of the draft FY2014 Plan in several public libraries throughout the City as well as at the Charlotte Housing Authority offices and at Old City Hall.

Next Steps

- City Council will be asked to approve the Plan at the May 13, 2013, Council Business Meeting.
- The Plan will be submitted to the U.S. Department of Housing and Urban Development on May 16, 2013.

Funding

CDBG, HOME, ESG, and HOPWA

POLICY

11. City Manager's Report

12. Rollout Container Collection Service Ordinance



Action: Approve the Environment Committee's recommendation to adopt an ordinance amending Section 10-99 of the City Code, Rollout Container Collection Service.

Committee Chair: John Autry

Staff Resources: Victoria Johnson, Solid Waste Services
Thomas Powers, Attorney's Office

Explanation

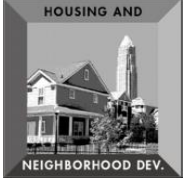
- Sidewalk safety has become a growing concern due to an increase in pedestrian and bicycle-related accidents.
- On June 25, 2012, City Council referred to the Environment Committee a study of the issue of sidewalk obstructions.
- On September 17, 2012, staff made a presentation to the Environment Committee on:
 - Ordinance review;
 - Examples of obstructions (both preventable and non-preventable);
 - Challenges and options; and
 - Action steps for public education.
- In January 2013, the City launched a public education campaign to increase awareness of removing sidewalk obstructions in problem areas. The campaign included the use of bill inserts, door hangers, letters, social media, radio, and web advertisements.
- On February 20, 2013, staff made a presentation to the Environment Committee with a proposal on the updated language for the ordinance. Staff also provided an update on the public education Sidewalk Safety Campaign.
 - The Committee voted unanimously (Autry, Fallon, and Pickering voted yes; Dulin and Howard were absent) on the proposed language.
- At the April 8, 2013, Dinner Briefing meeting, staff made a presentation to the City Council to review the sidewalk obstruction issue and the Environment Committee's recommendation.
- The ordinance amendment will better define the placement of garbage and recycling rollout containers by citizens:
 - Setback distance from the curb for rollout containers will increase from two feet to six feet;
 - Containers should not be placed in the roadway; and
 - Placement of rollout containers along the curb should avoid interference with the access to or deny the use of a sidewalk by others.

Attachment 7

Ordinance

City Council Dinner Briefing Presentation on April 8, 2013

13. FY2013 Housing Trust Fund Recommendations



Action: Approve the Housing & Neighborhood Development Committee’s recommended Housing Trust Fund allocations, for a total amount of \$1.6 million, to:

- Creative Development Group, LLC for Sardis Trace Senior Housing for \$600,000, and
- The Community Builders, Inc. for Hall House for \$1.0 million.

Committee Chair: Patsy Kinsey

Staff Resources: Pamela Wideman, Neighborhood & Business Services
Zelleka Biermann, Neighborhood & Business Services

Policy

- On November 26, 2001, the City Council established a Housing Trust Fund to provide financing for affordable housing in the Charlotte community.
- The FY2013 U. S. Department of Housing and Urban Development Annual Action Plan (Plan) was adopted by the City Council on April 23, 2012. The Plan:
 - Identifies the need for affordable, safe, and decent housing for low and moderate-income families; and
 - Reaffirms the three basic goals of the City’s Housing Policy to preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives.

Explanation

- Creative Development Group, LLC and the Community Builders, Inc. have requested local funding to support North Carolina Housing Finance Agency Tax Credit Applications (NCHFA) for each of their multi-family housing developments.
- These allocations will provide local alignment with state supported projects and allows for greater local leverage of tax credit awards.
- The recommendation to fund Sardis Trace Senior Housing and Hall House is made based on the ranking of the NCHFA site score, key evaluation criteria, and compliance with the City’s Housing Locational Policy, zoning and planning guidelines.
- The North Carolina Housing Finance Agency will announce its tax credit awards in August 2013. Should a project fail to receive a tax credit award, funds will be returned to the Housing Trust Fund for reallocation.
- The following chart provides detail about the proposed developments being considered for a FY2013 Housing Trust Fund award.

Project Name	Developer	Council District	Affordable Units	City Funding	Total Development Costs
Sardis Trace Senior Housing (100 Nolley Court)	Creative Development Group, LLC	6	78	\$600,000 (1:14)	\$9,081,600
Hall House (426 North Tryon Street)	The Community Builders, Inc.	1	151	\$1,000,000 (1:20)	\$20,513,000
Total			229	\$1,600,000	\$29,594,600

- The Sardis Trace Senior Housing development is comprised of 78 units. Each of the units will be occupied by seniors earning 60% (\$39,100) and below the area median income.
- The Hall House redevelopment is comprised of 171 units. 151 of the units will be occupied by seniors earning 60% (\$39,100) and below the area median income. The remaining 20 units will be occupied by seniors with no income restrictions.

Committee Discussion

On April 10, 2013, the Housing & Neighborhood Development Committee voted unanimously (Kinsey, Mayfield, Autry, and Cooksey; Barnes was absent) to approve a recommendation of Housing Trust Fund allocations for both developments.

Small Business Opportunity

All borrowers of Housing Trust Fund investments are subject to an SBE goal determined by the amount of the Housing Trust Fund financing awarded. The Sardis Trace Senior Housing will include a 4.00% SBE goal, and the Hall House will include a 6.00% SBE goal.

Funding

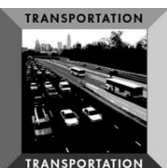
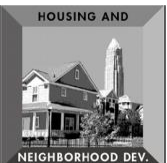
Housing Trust Fund (Affordable Housing Bonds)

Attachment 8

Project Summaries

Housing & Neighborhood Development Committee Presentation on April 10, 2013

14. FY2014 City Council Focus Area Plans



Action: Approve the City Council Committees' recommended FY2014 Strategic Focus Areas Plans for:

- A. Community Safety,**
- B. Economic Development,**
- C. Environment,**
- D. Housing & Neighborhood Development, and**
- E. Transportation.**

Committee Chairs: Patrick Cannon, Community Safety
 James Mitchell, Economic Development
 John Autry, Environment
 Patsy Kinsey, Housing & Neighborhood Development
 David Howard, Transportation & Planning

Explanation

- Annually, City Council reviews and adopts the City's Focus Area Plans (Plans), which guide strategic planning and decision making. The Plans represent Council's priorities for achieving the City's vision and mission.
- Staff drafted preliminary FY2014 Focus Area Plan "Concepts" for inclusion in the City Council's annual retreat materials (February 7-8, 2013).
- Following the retreat, each Council Committee discussed and approved their respective Plans.
- The Focus Area Plans' initiatives are translated into tangible actions in the departmental balanced scorecards, division work plans, and employee

performance reviews. Key initiatives from the five Focus Area Plans are described below:

Community Safety

- Reduce crime and life/property damage from fires
- Enhance citizen perception of safety through citizen partnerships and crime, fire prevention, and education activities
- Develop recruitment strategies that attract diverse applicant pools to the Police and Fire Departments
- Build collaborations with partners that enhance community safety initiatives

Economic Development

- Help grow small businesses in our community
- Focus on continuous improvement within the permitting and regulatory environment to facilitate job and tax base growth and to improve the customer experience
- Continue to focus on job and tax base growth in business corridors
- Work with economic development partners to grow and retain businesses in the community's targeted industry sectors of: energy/environment, finance, health care, manufacturing, defense, motorsports, tourism, film, and international firms
- Work with community partners to support youth employment and development in the community

Environment

- Promote and participate in the development of a sustainable community
- Lead by example by practicing environmental stewardship in City operations and facilities
- Seek and support collaborative and regional solutions to environmental problems
- Facilitate the growth of the clean energy industry, including the alternative energy sector

Housing and Neighborhood Development

- Create healthy and vibrant neighborhoods by improving and implementing quality physical infrastructure
- Strengthen opportunities for public and private partnerships to encourage the integration of education, recreation, employment, and housing resources in identified redevelopment areas
- Implement policies that will assist with geographically dispersing and increasing the supply of affordable housing
- Continue refinement of the new Quality of Life Study for 2014

Transportation

- Enhance multi-modal mobility, environmental quality, and long-term sustainability
- Promote transportation choices, land use objectives, and transportation investments that improve safety, promote sustainability and livability
- Communicate land use and transportation objectives as outlined in the Transportation Action Plan
- Seek financial resources, external grants, and funding partnerships necessary to implement transportation programs and services

Attachment 9

FY2014 City Council Focus Area Plans

15. City/Carolina Panthers Stadium Partnership



Action: Pending action by the Economic Development Committee.

Committee Chair: James Mitchell, Economic Development

Staff Resource: Ron Kimble, City Manager's Office

Explanation

- This issue has been referred to the Economic Development Committee, which will consider it on the Thursday, April 18, 2013 agenda.
- The Committee action will be communicated through the Council-Manager memo on Friday, April 19th for this agenda.

BUSINESS

16. Airport Land Acquisition

Action: Adopt a budget ordinance appropriating \$35 million from the Airport Discretionary Fund to the Airport Capital Investment Plan Fund.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport's new third parallel runway opened in January 2010. In preparation for its design and construction, the Airport undertook an Environmental Impact Study (EIS) that considered, among other things, what impact noise from aircraft operating on the new runway would have on the community.
- Between 1995 and 2001, the Airport routinely communicated with Council and the community on the EIS process, explaining that a number of homes to the south of the new runway would be identified for acquisition through the Airport Noise Mitigation Program (Part 150 Program) due to the anticipated new noise. However, the Federal Aviation Administration (FAA) did not approve the acquisition of these properties through the Part 150 Program, although it did approve other Airport noise mitigation efforts.
- Last year, a number of plaintiffs sued the City based on allegations of inverse condemnation due to aircraft noise. Seven of the 48 plaintiffs own homes in this area. Settlement negotiations are ongoing in this litigation.
- In the years since the EIS was submitted, the Airport has continued to grow and it is now clear that the land on which these properties are located is needed for future development of the Airport. The FAA agrees with this assessment and, on February 13, 2013, approved a new Airport Layout Plan, which includes inquiring this.
- FAA approval of the Airport Layout Plan means that the cost of acquiring these properties is now eligible for FAA funding through the Airport Improvement Program grant process and with Passenger Facility Charge revenues. The Airport intends to proceed with negotiating voluntary acquisitions of these properties, which, if successful, could concurrently settle the lawsuits of the seven plaintiffs.
- This action will appropriate \$35 million from the Airport Discretionary Fund Balance to fund the land acquisition, which will ultimately be replaced with a combination of future General Airport Revenue Bonds, Airport Improvement Program Grants, and/or Passenger Facility Charge revenues.

Funding

Aviation Capital Investment Plan

Attachment 10

Map

Budget Ordinance

17. University of North Carolina at Charlotte/Duke Energy Utility Relocation Agreement

- Action:**
- A. Authorize the City Manager to negotiate and execute an agreement with the University of North Carolina at Charlotte (UNCC), the University of North Carolina at Charlotte Foundation, Inc. (UNCC Foundation), and Duke Energy consistent with the attached terms to share costs and bury overhead utility lines on North Tryon, and**
 - B. Authorize the City Manager to execute the acquisition of property owned by the University of North Carolina At Charlotte Foundation, Inc. (UNCC Foundation) that includes a portion of tax parcel 049-311-11 (.759 acres in fee) and associated easements (totaling 1.465 acres) located at 9100 Robert D. Snyder Road, and**
 - C. Adopt a budget ordinance to appropriate \$2,999,000 for relocation and burial of Duke Energy utilities on North Tryon Street funded by the City of Charlotte, UNC Charlotte, and the UNC Charlotte Foundation, Inc.**

Staff Resources: Ruffin Hall, City Manager's Office
Jeb Blackwell, Engineering & Property Management

Explanation

- The City is in the right of way acquisition phase of the Blue Line Extension project. One of the initial phases of construction begins in May with advanced utility relocation work along North Tryon Street.
- UNC Charlotte and the UNC Charlotte Foundation have requested the utility lines along the frontage of their Main North Tryon Entrance be buried.
- Placing utility lines underground is considered an improvement from the current conditions (or "betterment") and therefore not eligible as a Federal Transit Administration expense.
- UNC Charlotte has donated permanent and temporary easements on their campus and will donate three additional permanent and temporary easements along North Tryon Street. UNC Charlotte estimates the total value of the donations in excess of \$4 million.
- The estimated over \$4 million in land value contribution from UNC Charlotte to the City exceeds the cost of burying the utility lines and thus represents an opportunity to develop a partnership to improve the aesthetic value of UNC Charlotte's Main North Tryon Entrance.

Action Item A. Partnership Agreement

- UNC Charlotte, UNC Charlotte Foundation, Duke Energy, and the City have developed a proposed partnership framework to share the costs of burial of the utilities, recognizing the value of the significant land donation from UNC Charlotte to the overall project.
- The City has the option of constructing the conduit for this project, which will likely produce project savings from Duke Energy's \$2.99 million cost estimate that will be shared pro rata with all of the financial participants.

- The terms of the agreement include financial participation by the City, UNC Charlotte, and the UNC Charlotte Foundation, Inc. as follows:
 - City - **\$1,999,000**. City funding is comprised of two parts:
 - \$1,138,775 in existing funding from the \$30.5 million in prior (2008 and 2010) bond appropriations for the Northeast Corridor Infrastructure (NECI) program. This utility relocation project is eligible for NECI funding as it relates to infrastructure improvements adjacent to the Blue Line Extension.
 - \$860,225 from land proceeds associated with a prior utility relocation and right of way transaction approved by Council along the Blue Line Extension.
 - UNC Charlotte and UNC Charlotte Foundation will jointly contribute a total of - **\$1,000,000**
 - Total project cost: **\$2,999,000**
- As outlined in the presentation to Mayor and Council at the February 25, 2013 Dinner Briefing, the real estate phase of the Blue Line Extension is under a tight deadline in order to meet the current construction schedule and avoid potential cost increases due to delays. Thus, approval of this agenda item cannot be deferred from the April 22 Council Business meeting because the property acquisition is needed to award the Advanced Utility Package in May 2013.

Action Item B. Settlement Acquisition

For the property transaction, property is acquired in accordance with Federal Guidelines 49 CFR Part 42 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 details of the acquisition are as follows:

- **Project:** Blue Line Extension, Parcel # 3221
- **Owner(s):** University Of North Carolina At Charlotte Foundation, Inc.
- **Property Address:** 9100 Robert D. Snyder Road
- **Property to be acquired:** 34,642 sq. ft. (.795 ac.) in Fee Simple, plus 1,061 sq. ft. (.024 ac.) in Storm Drainage Easement, plus 45,901 sq. ft. (1.054 ac.) in Temporary Construction Easement, plus 16,157 sq. ft. (.371 ac.) in Utility Easement, plus 327 sq. ft. (.008 ac.) in Storm Drainage Easement and Utility Easement, plus 332 sq. ft. (.008 ac.) in Combined Utility and Waterline Easement
- **Improvements:** Bollards, sign and light
- **Landscaping:** Trees and shrubs
- **Zoned:** INST
- **Use:** Office
- **Tax Code:** 049-311-11
- **Total Parcel Tax Value:** \$2,777,000
- **Purchase Price:** \$365,300

Action Item C. Budget Ordinance

Action Item C. approves the budget ordinance to reallocate funds and consolidates the financial contributions into one project account.

Small Business Opportunity

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

Funding

Transportation Capital Investment Plan, UNC Charlotte, and the UNC Charlotte Foundation

Attachment 11

Burial of Overhead Utilities on North Tryon Term Sheet
Budget Ordinance

18. North Davidson Street Fuel, Fare, and Wash Renovation



- Action:**
- A. Reject the apparent low bid of \$1,216,800 by Edison Foard, Inc. as non-responsive due to non-compliance with the requirements of the federal Disadvantaged Business Enterprise (DBE) program,**
 - B. Reject the next apparent low bid of \$1,244,400 by Ike's Construction, Inc. as non-responsive due to non-compliance with the requirements of the federal DBE program, and**
 - C. Award a contract to Nationwide Construction Group, the lowest responsive bidder, for the renovation of the North Davidson Street Fuel, Fare, and Wash Building for \$1,218,400.**

Staff Resource: David McDonald, Transit

Explanation

- The Fuel, Fare, and Wash Facility at the North Davidson Street Campus is over 25 years old and is in need of physical renovation to incorporate modern environmental and efficiency standards, as well as technology upgrades to replace equipment that is increasing in maintenance, repair, and parts costs.
- The Fuel, Fare, and Wash Facility is used daily to retrieve the fares paid by customers from each bus operated at this campus, fuel buses, and wash buses prior to returning them to service the following day.
- On April 27, 2009, City Council authorized the City Manager to apply for \$20,766,306 in American Recovery and Reinvestment Act funds for the renovation of the North Davidson Street Bus Maintenance Campus.
- On July 27, 2009, City Council approved the receipt of the American Recovery and Reinvestment Act funds.
- The renovation of the North Davidson Street Bus Maintenance Campus was divided into five primary construction/renovation components:
 - Maintenance Building Renovation, awarded September 14, 2009;
 - New Parking Deck Construction, awarded March 22, 2010;
 - Administrative Building Renovation, awarded April 26, 2010;
 - Fuel Tank Replacement and System Upgrade, awarded February 27, 2012; and
 - The Fuel, Fare, and Wash Building Renovation.
- This is the last in the series of contracts that provided for the renovation of the North Davidson Campus. This contract will renovate and upgrade the Fuel, Fare, and Wash Building to include:
 - Replacement of exterior building façade with a consistent appearance to other buildings on the campus;

- Renovation of interior spaces to meet the Americans with Disabilities Act requirements;
- Upgrade and/or replacement of bay ventilation, communication systems, liquid handling systems, and fire alarm systems; and
- Renovation of employee spaces to standards consistent with remainder of campus.
- Three bids were received on March 28, 2013, for this work ranging from \$1.2 to \$1.4 million. Upon review, the apparent low bidder and the apparent second place bidder were both determined to be non-responsive due to failure to meet the DBE goal or to demonstrate sufficient good-faith efforts.
- The last bidder exceeded the DBE goal; but, was above the engineer's estimate of cost. Pursuant to NCGS 143-129(b), the City negotiated with the lowest responsible/responsive bidder to bring the cost within the engineer's estimate.

Disadvantaged Business Enterprise (DBE)

Established DBE Goal: 5.10%

Committed DBE Goal: 5.25%

CH Engineering, Quality Control Manager \$58,170.00

Funding

Transit Stimulus Grant from the American Recovery and Reinvestment Act, Surface Transportation Program Funds, and Transit Capital Fund (Local Match to Surface Transportation Program Funds)

19. Conclusion of Consent Agenda

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

20. Appointments to Boards and Commissions

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

A. BUSINESS ADVISORY COMMITTEE

- Two appointments for a three-year term beginning April 29, 2013, and ending April 28, 2016. Applicants are required to be in industry sectors of manufacturing, transportation/logistics, financial services, technology, energy, and healthcare.
 - Robert Cox by Council members Dulin and Pickering
 - Matt Fowler by Council member Autry
 - Andrew Golomb by Council member Kinsey
 - Saeed Moghadam Incumbent by Council members Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield, and Pickering
 - Benjamin Smith by Council member Autry
 - Gregory Wiley by Council members Barnes, Cannon, and Cooksey

Attachment 12

Applications

B. CHARLOTTE-MECKLENBURG COALITION FOR HOUSING

- One appointment for a representative of the real estate community for a three-year term beginning July 1, 2013, and ending June 30, 2016.
 - Brenda Hayden by Council member Mayfield
 - Valerie Lewis by Council members Howard and Mitchell
 - Joanne Mazzaferro by Council member Cooksey
 - Cedric McCorkle by Council members Autry, Barnes, Cannon, and Pickering
 - Magay Shepard by Council members Dulin and Kinsey

Attachment 13

Applications

C. CHARLOTTE REGIONAL VISITORS AUTHORITY

- One appointment for a general travel representative for a three-year term beginning July 1, 2013, and ending June 30, 2016.
 - John Collett by Council members Dulin, Howard, and Mitchell
 - Deborah Edwards by Council members Autry, Kinsey, Mayfield, and Pickering
 - Vinay Patel by Council members Barnes, Cannon, and Cooksey

Attachment 14

Applications

D. CITIZENS' TRANSIT ADVISORY GROUP

- One appointment for a two-year term beginning July 1, 2013, and ending June 30, 2015.
 - Lee Cochran by Council member Howard
 - Frank Kretschmer, II by Council members Barnes, Cooksey, Kinsey, Mayfield, and Pickering
 - Michael Zytkow by Council members Autry and Cannon

Attachment 15

Applications

E. COMMUNITY RELATIONS COMMITTEE

- Five appointments for a three-year term beginning July 1, 2013, and ending June 30, 2016.
 - Lisa Berk by Council member Mayfield
 - Azizi Coleman by Council member Mitchell
 - Sheena Cox by Council member Autry
 - Jessica Davis by Council member Autry
 - Roderick Garvin by Council members Cannon, Cooksey, Dulin, and Howard
 - Sabrina Jackson by Council member Howard
 - Veronica Jones by Council member Mayfield
 - Carmen Jones-Pickett by Council member Mitchell
 - Vanessa Kenon-Hunt by Council member Pickering
 - Jason Lackey by Council members Cooksey, Dulin, and Kinsey
 - Cedric McCorkle by Council member Barnes
 - April Morton by Council member Autry
 - Tin Nguyen by Council members Autry, Mayfield, Mitchell, and Pickering

- Kathleen Odom Incumbent by Council members Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell, and Pickering
- Delores Reid-Smith by Council members Autry and Barnes
- Vernon Sadler by Council member Pickering
- Thomas Sowers by Council member Kinsey
- Michael Tanck Incumbent by Council members Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell, and Pickering
- Carrie Taylor by Council members Barnes, Cannon, Howard, and Kinsey
- Michael Zytow by Council member Cooksey

Attachment 16

Applications

F. KEEP CHARLOTTE BEAUTIFUL

- Two appointments for a three-year term beginning July 1, 2013, and ending June 30, 2016.
 - Joseph Canty by Council members Autry, Cannon, Cooksey, Howard, Mitchell, and Pickering
 - Hung Chau by Council member Autry
 - Charles Jewett by Council member Barnes
 - Joseph Franco by Council member Kinsey
 - Eric Netter by Council members Barnes, Mayfield, and Mitchell
 - Samantha Pendergrass by Council members Kinsey, and Pickering
 - Robert Rapp by Council member Mayfield

Attachment 17

Applications

G. PLANNING COMMISSION

- One appointment for a three-year term beginning July 1, 2013, and ending June 30, 2016.
 - Randy Fink by Council members Barnes and Cooksey
 - David Hamrick by Council member Dulin
 - Laurissa Hunt by Council member Pickering
 - Frank Kretschmer, II by Council member Kinsey
 - Dionne Nelson by Council members Cannon, Howard, Mayfield, and Mitchell
 - Michael Sullivan by Council members Autry and Mayfield

Attachment 18

Applications

H. PUBLIC ART COMMISSION

- One appointment for an at-large representative for a three-year term beginning July 1, 2013, and ending June 30, 2016.
 - Viola Aisha Alexander by Council members Cannon and Howard
 - Patricia Boyer by Council members Autry, Kinsey, and Pickering
 - Connie Hayes by Council member Mitchell
 - Caleb Layman Jr. by Council member Cooksey
 - Anthony Spencer by Council member Barnes

Attachment 19

Applications

21. Mayor and Council Topics

Council members may share information and raise topics for discussion

22. Closed Session

Action: Adopt a motion pursuant to North Carolina General Statute 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

CONSENT

Introduction to CONSENT

Consent consists of routine items that have been approved in the budget. Price lists for unit price contracts are available upon request.

The City's Small Business Opportunity (SBO) Program's purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts recommended for award as of March 1, 2003, comply with the provisions of the SBO program policy for SBE outreach and utilization. Professional service contracts recommended for award as of August 1, 2003, comply with the provisions of the SBO program policy for SBE outreach and utilization. The SBO Program Policy is referenced at the end of Consent.

Disadvantaged Business Enterprise (DBE) is a federal program primarily used for Aviation and Transit.

Contractors and Consultants

All contractor and consultant selections follow the Council approved process unless described otherwise. For the procurement of professional services and/or engineering architectural and surveying services, the North Carolina General Statutes 143-64.31 requires that units of government "select firms qualified to provide such services on the basis of demonstrated competence and qualification...without regard to fee other than unit price information, and therefore to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm".

23. LYNX Blue Line Extension Building Demolition Contract

Action: Award the low-bid contract of \$218,379 to NCM Demolition and Remediation, LP for building demolition associated with the LYNX Blue Line Extension Project.

Staff Resource: Danny Rogers, Transit

Explanation

- This building demolition contract is for nine parcels with structures that must be demolished to begin construction of the LYNX Blue Line Extension project.
- There are 16 businesses, on the nine parcels, affected by the demolition which includes a public storage facility, several restaurants, and a variety of other businesses.
- All properties have previously been acquired through the City Council action and, all of the businesses are scheduled to move out prior to demolition of the buildings.
- No residences are being demolished as a part of the Blue Line Extension Project.
- Building demolition of all structures includes:
 - Demolition,
 - Removal of debris,
 - Depressions backfilled,
 - Depressions compacted,
 - Depressions graded to drain, and
 - Disturbed areas seeded and mulched.
- An Invitation to Bid was issued on February 27, 2013; 13 bids were received.
- The low-bid is under the engineer's estimate.

Disadvantaged Business Enterprise (DBE)

Established DBE Goal: 13.75%

Committed DBE Goal: 13.75%

Funding

Transit Capital Investment Plan

24. Charlotte-Mecklenburg Police Department Eastway Division Station

Action: Award the low-bid contract of \$4,500,718.10 to Southside Constructors, Inc. for construction of the Charlotte-Mecklenburg Police Department Eastway Division Station.

Staff Resources: William Haas, Engineering & Property Management
Katrina Graue, Police
Pat Mumford, Neighborhood & Business Services

Explanation

- The project will include the construction of a 14,622 square-foot facility located at 3505 Central Avenue.
- The Charlotte-Mecklenburg Police Department Eastway Division and the Neighborhood & Business Services Northeast Service Area Team will be located at this facility.

- Funding for this project was included in the City FY2012-2016 Capital Investment Plan.
- Construction completion is scheduled for second quarter 2014.

Sustainability Facilities Design Goals

- Construction will comply with sustainability priorities defined in the Policy for Sustainable City Facilities.
- The Policy for Sustainable City Facilities outlines several methods of certification, one of which is Green Globes.
- The project, as designed, is expected to earn a score of three globes, which roughly translates to LEED Gold.
- It is staff’s intention to pursue Green Globes certification. This will be the City’s first project to pursue Green Globes certification.
- The Eastway Division Station is the first dual purpose facility designed since adoption of the Sustainability Policy therefore; staff has elected to pursue the actual certification.
- A commissioning agent will be used, as required by the Policy for Sustainable City Facilities, to help ensure mechanical and electrical systems operate at optimum efficiency.

Small Business Opportunity

Established SBE Goal: 14.00%

Committed SBE Goal: 14.46%

Southside Constructors met the established SBE goal and committed 14.46% (\$650,885) of the total contract amount to the following SBE firms: Barton Contracting (paving), Gastonia Ironworks (steel), Hemar Inc. (concrete), Munoz Contracting (drywall), and Oliver Paving (paving).

Funding

General Government Facilities Capital Investment Plan

25. Governor’s Highway Safety Program Grant

Action: Adopt a resolution authorizing the Charlotte-Mecklenburg Police Department to apply for \$2,310,459 in grant funds from the Governor’s Highway Safety Program, for a Driving While Impaired (DWI) Task Force.

Staff Resources: Doug Gallant, Police
Andy Kornberg, Police

Explanation

- The Charlotte-Mecklenburg Police Department has the opportunity to apply for \$2,310,459 in grant funds from the Governor’s Highway Safety Program.
- The proposed task force would be comprised of six officers and one sergeant, all of whom would solely focus on DWI enforcement and education.
- The grant is a four-year term, contingent upon the performance of the task force, and will fund the salaries, benefits, and equipment for the experienced officers assigned to the task force.
- The grant fund amount of \$2,310,459 would fund the officers at 100% in FY2014, 85% in FY2015, 70% in FY2016, and 50% in FY2017. In FY2018, the City would assume full cost associated with the task force estimated at \$507,127 per year.

Funding

Governor's Highway Safety Program and Future Police Operating Budgets

Attachment 20

Resolution

26. FY2013 High Intensity Drug Trafficking Area Program Grant

- Action:**
- A. Accept a grant from the Office of National Drug Control Policy, in the amount of \$86,500, to continue a Regional High Intensity Drug Trafficking Area (HIDTA) Piedmont Initiative for Mecklenburg, Gaston, and Union Counties,**
 - B. Accept grants up to \$173,000, combined, for FY2013 and FY2014 to continue the HIDTA initiative for the City of Asheville and Buncombe County,**
 - C. Adopt an budget ordinance appropriating \$259,500 into the Public Safety Grant Fund for Action A. and Action B., and**
 - D. Authorize the City Manager to accept three additional future HIDTA grants to the City of Charlotte (FY2014, FY2015, and FY2016), in the estimated amount of \$519,000 for the three-year period.**

Staff Resources: Kerr Putney, Police
Coerte Voorhees, Police

Explanation

- The High Intensity Drug Trafficking Area Program (HIDTA) improves the effectiveness and efficiency of drug control efforts by facilitating joint initiatives between law enforcement agencies, enabling them to share resources and information.
- Each HIDTA is governed by its own Executive Board, comprised of eight federal members and eight state or local members. The Executive Board facilitates interagency drug control efforts to eliminate or reduce drug activity.
- The Piedmont HIDTA is comprised of officers from the Charlotte-Mecklenburg Police Department (CMPD), Gastonia Police Department, Monroe Police Department, and Drug Enforcement Administration (DEA) officers.
- The Piedmont HIDTA initiative focuses on black tar heroin, which continues to be the impetus behind a number of property crimes as well as increased health risks from overdoses.
 - Since its inception in October 2011, the Piedmont HIDTA has dismantled approximately 30 black tar heroin cells in the three targeted counties.
- The DEA has asked CMPD to serve as the fiduciary for the Asheville/Buncombe County HIDTA initiative because Asheville does not have adequate staff to administer its grant funds. CMPD can assume this responsibility without a significant increase in workload.
- HIDTA funds cover the costs of equipment, supplies, undercover drug purchases, and other related expenses.

- Future year grant funds will be used to continue program operations.

Funding

HIDTA Grant Funds

Attachment 21

Budget Ordinance

27. Fire Air-fill Stations

Action: A. Approve the purchase of air-fill stations, as authorized by the sole source exception of G.S. 143-129(e) (6), and

B. Approve a unit price contract with Safe Air Systems, Inc. for a five-year term.

Staff Resource: Rich Granger, Fire

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; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because Safe Air Systems, Inc. is the only distributor authorized to sell the air-fill stations in North Carolina.

Explanation

- Air-fill stations are used to refill air bottles that are used by firefighters during a fire.
- The Fire Department has 13 air-fill stations located at various fire stations across the City.
- Fire would use this contract to purchase new or replace existing air-fill stations as needed.
- Purchases from Safe Air Systems, Inc. are necessary to maintain standardization and compatibility of all air-fill stations throughout the Department.
- The estimated total contract expenditure is \$450,000.

Small Business Opportunity

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

Funding

Fire Department Operating Budget

28. Refuse Truck Tires

- Action:**
- A. Award the unit price contract to McCarthy Tire Company of NC for the purchase of new and recap tires for refuse trucks for a three-year term, and**
 - B. Authorize the City Manager to approve up to two additional, one-year terms with possible price adjustments as authorized by the contract.**

Staff Resource: Victoria Johnson, Solid Waste Services

Explanation

- Tires and tire services are necessary to safely maintain Solid Waste Services' vehicle fleet.
- The contract with McCarthy Tire Company of NC includes tire inspection, tire replacement, and road call service during and after normal business hours.
- The vendor will inspect tires at the Solid Waste Services facility five days a week after normal business hours and will replace tires as needed.
- An Invitation to Bid was issued on March 27, 2013; three bids were received and evaluated, with McCarthy Tire Company of NC being the lowest responsive bidder.
- The annual expenditure is estimated to be \$700,000 based on historical data using Michelin tires.

Small Business Opportunity

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

Funding

Solid Waste Services Operating Budget

29. Belmont Center Basement Renovation

- Action:** **Award the low-bid contract of \$190,900 to Synergy 1, Inc. dba synergyone for the Belmont Center Basement Renovation Project.**

Staff Resource: William Haas, Engineering & Property Management

Explanation

- The project will include the interior renovation of existing offices, a break room, and restrooms of the Belmont Center, located at 700 Parkwood Avenue.
- Construction will include new walls, new electrical, new code-compliant restrooms, plumbing fixtures, and new finishes.
- Once completed, the basement will accommodate open office space for 37 employees.
- Construction is expected to be complete in second quarter of 2013.
- The renovation provides for additional City office space flexibility, including temporary office space for City staff.

- One immediate benefit of the renovation will be to house Solid Waste Services staff displaced by the planned HVAC Retrofit project at the Solid Waste Services Administration Building.
- Furniture will be purchased separately through the existing U.S. Communities Knoll contract approved by City Council on November 11, 2009.

Small Business Opportunity

Established SBE Goal: 10.00%

Committed SBE Participation: 11.79%

Synergy 1, Inc. dba synergyone exceeded the established SBE goal and committed 11.79% (\$22,500) of the total contract amount to the following SBE firms:

Huntersville Concrete (concrete), Clear Site Industrial (demolition) and RDS Electrical (electrical).

Funding

General Government Facilities Capital Investment Plan

30. Storm Drainage Improvement Projects

Action: Approve contracts in the total amount of \$4.5 million, for engineering services on Storm Drainage Improvement Projects with the following firms:

- **W.K. Dickson & Co., Inc. in the amount of \$1 million;**
- **US Infrastructure of Carolina, Inc. in the amount of \$1 million;**
- **HDR Engineering, Inc. of the Carolinas in the amount of \$1 million;**
- **Dewberry Engineers, Inc. in the amount of \$1 million, and**
- **Land Design, Inc. in the amount of \$500,000.**

Staff Resources: Jennifer Smith, Engineering & Property Management
 Matt Gustis, Engineering & Property Management

Explanation

- Storm Water Services begins engineering on new storm drainage improvement projects that are the highest ranking projects in the program backlog each year. The projects may include storm drainage improvements that reduce house and street flooding, repair failing infrastructure, or enhance water quality of nearby creeks.
- Engineering firms were selected using the Council approved qualifications-based selection process. The use of consultants allows their specific expertise to be matched to the appropriate projects on a task order basis.
- Work will include, but is not limited to:
 - Evaluation;
 - Analysis and recommendations for repair and/or improvement;
 - Design of repairs and/or improvements;
 - Preparation of construction documents;
 - Environmental assessment; and
 - Construction oversight and monitoring.

- When consultants perform quality engineering analysis, the most efficient method is for that firm to complete the design and provide construction administration services.

W.K. Dickson & Co., Inc. Contract

- The first project to be initiated under this contract will be the Parkwood Phase II Storm Drainage Improvement Project.
- The project drainage area is approximately 269 acres and bordered by N. Graham Street to the northwest, I-277/Brookshire Freeway to the southwest, the railroad line to the southeast, and Sylvania Avenue to the northeast.
- An amendment to this contract may be needed for completion of design and construction administration activities.

US Infrastructure of Carolina, Inc. Contract

- The first project to be initiated under this contract will be the Atando Storm Drainage Improvement Project.
- The project drainage area is approximately 100 acres and bordered by N. Graham Street to the northwest, N. Tryon Street to the southeast, W. 32nd Street to the southwest, and Ware Avenue to the northeast.
- An amendment to this contract may be needed for completion of design and construction administration activities.

HDR Engineering, Inc. of the Carolinas Contract

- The first project to be initiated under this contract will be the 6th and Graham Storm Drainage Improvement Project.
- The project drainage area is approximately 180 acres and bordered by N. Graham Street to the northwest, N. Church Street to the southeast, W. 5th Street to the southwest, and W. 7th Street to the northeast.
- An amendment to this contract may be needed for completion of design and construction administration activities.

Dewberry Engineers, Inc. Contract

- The first project to be initiated under this contract will be the Chandworth Storm Drainage Improvement Project.
- The project drainage area is approximately 200 acres and bordered by Park Road to the west, Conservatory Lane to the north, Ashton Drive to the south, and Brookfield Drive to the east.
- An amendment to this contract may be needed for completion of design and construction administration activities.

Land Design, Inc. Contract

- The first project to be initiated under this contract will be the Mary Alexander Road Storm Drainage Improvement Project.
- The project drainage area is approximately 130 acres and bordered by E. Mallard Creek Church Road to the north, John Kirk Drive to the east, University City Boulevard to the south, and N. Tryon to the west.
- An amendment to this contract may be needed for completion of design and construction administration activities.

Small Business Opportunity

For services-based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy).

W.K. Dickson & Co., Inc.

On this project, W.K. Dickson & Co., Inc. has projected 10.00% (\$100,000) of the total contract amount to the following SBE firms: Avioimage Mapping Services (mapping) and Hinde Engineering (utility coordination).

US Infrastructure of Carolina, Inc.

On this project, US Infrastructure of Carolina, Inc. has projected 10.00% (\$100,000) of the total contract amount to the following SBE firms: R. Joe Harris & Associates, PLLC (surveying); Joel E. Wood & Associates, PLLC (geotechnical); Avioimage Mapping Services, Inc. (mapping); Barry Lambert Engineering, PC (structural engineering); On Target Utility Locate Services (utility location); and Collins & Baker Engineering, PA (drainage engineering).

HDR Engineering, Inc. of the Carolinas

On this project, HDR Engineering, Inc. has projected 10.00% (\$100,000) of the total contract amount to the following SBE firms: R. Joe Harris (surveying) and Spotem Inc. (utility locating).

Land Design, Inc.

On this project, Land Design, Inc. has projected 10.00% (\$50,000) of the total contract amount to the following SBE firms: On Target Utility Locate Services (utility locating), Barry Lambert Engineering (structural engineering), and LDSI (surveying services).

Dewberry Engineers, Inc.

On this project, Dewberry Engineers, Inc. has projected 10.00% (\$100,000) of the total contract amount to the following SBE firms: On Target Utility Locate Services, Inc. (utility locating), Avioimage Mapping Services, Inc. (mapping), and Carolina Wetland Services, Inc. (environmental).

31. FY2013 Traffic Calming Road Humps Project

Action: Award the low-bid contract of \$122,850 to Oliver Paving Company, Inc. for the FY2013 Road Humps Project.

Staff Resources: Bryan Tarlton, Engineering & Property Management
Chip Gallup, Transportation

Explanation

- This project is part of an on-going program to install traffic calming road humps on various streets within the City limits in accordance with the Traffic Calming Policy adopted by City Council in October 1997.
- This project, which is driven by citizen request, installs approximately 75 asphalt road humps on 20 to 25 streets.
- The road hump installations will be coordinated with the resurfacing program (occasionally road humps are replaced as a result of resurfacing work).
- Installation of the road humps is expected to be complete by June 2013.

Small Business Opportunity

Construction contracts under \$200,000 are considered informal with regard to the SBE subcontracting goal setting process, therefore establishing SBE goals are not required (Appendix Section 23.1 of the SBO Policy). Oliver Paving Company, Inc. is a certified SBE firm.

Funding

Transportation Capital Investment Plan

Attachment 22

List of streets

32. FY2013 Pipe Video Inspection Services

Action: Approve unit price contracts for pipe video inspection with the following firms for a three-year term:

- **BIO-NOMIC Services, Inc.,**
- **HAZ-MAT Environmental Services, LLC, and**
- **D&A Wolverine PLLC**

Staff Resources: Jennifer Smith, Engineering & Property Management
Stewart Edwards, Engineering & Property Management

Explanation

- These contracts include, but are not limited to, providing routine pipe video inspection services for storm water drainage systems to assess pipe conditions at various locations on an as needed basis. As needed, the contract also may be used for video inspection services.
- The firms will be on-call and given specific locations and instructions on what pipe video inspections are needed.
- Video inspections of pipe systems are used to identify issues and to confirm appropriate construction. Newly constructed storm drainage systems are routinely video inspected as part of the quality control process.
- A representative of the City will be on-site during the pipe video inspection.
- A Request for Proposal was advertised in February 2013; five proposals were received. The three firms were selected based on criteria that included pricing, experience, location, and qualifications.
- Through the Request for Proposal process, staff established mobilization and hourly rates for each of the firms.
- For each contract, the estimated annual expenditure is:
 - BIO-NOMIC Services, Inc - \$200,000
 - HAZ-MAT Environmental Services, LLC - \$200,000
 - D&A Wolverine PLLC - \$70,000 (with the option of renewal up to \$150,000)

Small Business Opportunity

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

Funding

Storm Water Capital Investment Plan

33. Roof Inspections and Maintenance

Action: **A. Approve a contract with Corner Stone Construction Services, Inc. in the amount of \$88,935 for roof inspections and maintenance, and**

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

Staff Resource: Steve Marlowe, Engineering & Property Management

Explanation

- The contract will provide roof inspection and maintenance services to supplement City staff including:
 - Roof inspection and minor repair work (caulking, debris removal, etc.);
 - Building perimeter inspection (no repair work);
 - Monitoring progress of all work to ensure subcontractor is meeting progress schedules set forth in the contract; and
 - Providing digital photo documentation of overall roof conditions, deficiencies, and roof repaired areas.
- A Request for Proposal was advertised in February 2013; five proposals were received. This firm was selected based on criteria that included pricing, experience, and qualifications.
- These renewals are an incentive to the contractor for good performance, productivity, and quality work.

Small Business Opportunity

For services based contracts, the City seeks to negotiate SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). For this project, the City established a 3.00% SBE Goal. Corner Stone Construction Services exceeded the established SBE Goal and committed 5.00% (4,446.75) of the total contract amount to the following SBE: Camp's Construction (debris removal). Corner Stone Construction Services is also a Certified City SBE.

Funding

General Capital Investment Plan

34. Little Rock Road Realignment Project

Action: **Award the low-bid contract of \$3,783,199.20 to Blythe Development Company for the Little Rock Road Realignment Project.**

Staff Resource: Tom Russell, Engineering & Property Management

Explanation

- This project will realign/relocate Little Rock Road from Paw Creek Road to the Freedom Drive and Fred D. Alexander Boulevard intersection. Little Rock Road will also be widened from two lanes to four lanes and include a median.
- The project will include storm drainage, curb and gutter, sidewalk, bike lanes, street lighting, and landscaping.
- Construction is expected to be complete by March 2015.

Small Business Opportunity

Established SBE Goal: 10.00%

Committed SBE Goal: 10.00%

Blythe Development Company met the established SBE goal and committed 10.00% (\$ 378,334.45) of the total contract amount to the following SBE firms: MUGO Gravel and Grading, Inc. (hauling), Scott Trucking (hauling), Express Logistics Services, Inc. (asphalt hauling), PT&L (erosion control), Ground Effects, Inc. (pavement marking), Pavers, Walls and Stamped Concrete, LLC (concrete), Absolute Business Connections, Inc. (flaggers), and R&N Construction Group, LLC (pavers).

Funding

General Capital Investment Plan

35. Airport Visitor Info Center Management Agreement

Action: Approve a management agreement with the Charlotte Regional Visitors Authority (CRVA) for management and operation of the Airport Visitor Info Center.

Staff Resource: Jerry Orr, Aviation

Explanation

- On September 24, 2007, the City Council approved a management agreement with the CRVA to manage the Airport's advertising program and to operate the Airport Welcome Center (re-branded by CRVA to Visitor Info Center following the execution of the contract).
- On November 12, 2012, the City Council approved a month-to-month extension with the CRVA for the same services for up to six months. This agreement expires on April 30, 2013.
- The Airport is currently in a Request for Proposal process for an advertising concessionaire in an effort to maximize advertising revenues. In contrast to a concession contract, the previous management contract paid CRVA all pre-approved expenses plus 5% of all gross advertising revenue.
- For the Visitor Info Center component, the previous contract provided an initial period of reimbursement by the Airport to the CRVA during transition of responsibilities, including upfit and construction. Thereafter, CRVA has staffed and operated the Visitor Info Center at no charge to the Airport.
- The proposed agreement with CRVA is for the management and operation of the Visitor Info Center and provides customers with information related to regional tourism, area attractions, lodging, ground transportation, terminal wayfinding, and more.
- The new agreement has a three-year and two-month term commencing on May 1, 2013, and terminating on June 30, 2016. The Airport will have two options to exercise extensions for one year each.
- Under the new agreement, the Airport will reimburse the CRVA expenses for the cost of operating the Visitor Info Center, which is estimated to be \$243,015 in FY2014.
- Additionally, the Airport will pay CRVA a yearly management fee for the operation of the Visitor Info Center. The amount of this fee will be 5% of the overall yearly operating budget for the visitor center.

Small Business Opportunity

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

Funding

Aviation Operating Budget

36. Transit Proprietary Bus Engine Parts

- Action:**
- A. Approve the purchase of Original Equipment Manufacturer (OEM) bus engine parts as authorized by the sole source purchasing exception of G.S. 143-129 (e) (6),**
 - B. Approve a unit price contract with Rush International Truck Center for the purchase of OEM bus engine parts,**
 - C. Approve a unit price contract with Clarke Power Services for the purchase of OEM bus engine parts, and**
 - D. Authorize the City Manager to approve up to two additional, one-year renewals with price adjustments as authorized by the contract.**

Staff Resource: Larry Kopf, Transit

Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition is not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for standardization and compatibility of the equipment.

Explanation

- Transit Bus Operation Divisions uses proprietary original equipment manufacturer for bus engine parts in the daily maintenance and repair of the Transit Bus Fleet.
- The proprietary original equipment manufacturer bus engine parts meet the required specification standards to keep the buses in the proper operating condition and to maintain the bus engine warranties. The only source of supply for these bus engine parts is the bus engine manufacturer.
- Bus engine parts will be ordered on an as-needed basis. The contract amount is based on prior usage and required inventory stock levels.
- These contracts include discount pricing off the fleet list pricing. Prices will hold for the first year of the contract. After the first year, price adjustments will be addressed on a case-by-case basis requiring manufacturer supporting documentation.
- By establishing approved contracts with these vendors, Transit will improve operating efficiency and decrease administrative costs.
- The Rush Internal Truck Center contract has an estimated annual expenditure in the amount of \$125,000.
- The Clarke Power Services contract has an estimated expenditure in the amount of \$450,000.

Small Business Opportunity

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

Funding

Transit Operating Fund

37. Transit Portable Bus Lifts

Action: **A. Approve the purchase of four sets of battery-powered portable bus lifts as authorized by the cooperative purchasing exception of G.S. 143-129(e) (3), and**

B. Approve a contract with Alan Tye and Associates for \$152,000 for the purchase of battery-powered portable bus lifts.

Staff Resource: Larry Kopf, Transit

Cooperative Purchasing Exception

- G.S. 143-129 (e) (3), effective January 1, 2002, authorizes competitive group purchasing.
- Alan Tye and Associates has a national contract through a Western State Contracting Alliance public contract, at favorable pricing.

Explanation

- Transit South Tryon Bus facility has in-ground lifts in all 21 bays of the garage.
- While the in-ground lifts are properly maintained, mechanical issues may occur, causing loads to remain suspended in the air.
- The portable lift will be used to safely lower any load on an in-ground lift.

Disadvantaged Business Enterprise Opportunity (DBE)

Pursuant to the United States Department of Transportation Program, Subpart C, no DBE utilization goal was set for this contract because no subcontracting opportunities are available.

Funding

2010 Maintain and Restore Systems Grant and Transit Capital Investment Plan

38. Sugar Creek Outfall Repair Project

Action: Award the low-bid contract of \$1,479,285 to Sanders Utility Construction Company for construction of the Sugar Creek Outfall Repair Project.

Staff Resource: Barry Shearin, Utility

Explanation

- During Utility's routine inspection of the sewer collection system, a section of 66-inch diameter reinforced concrete line, approximately 500 linear feet in length and including several manholes, was found to be severely corroded and in need of repair.
- The contract will provide for rehabilitation of the damaged pipe and manholes. Failure to do so will eventually result in their failure, causing a major wastewater spill and subsequent permit violations.
- In addition to the repair work, approximately 400 linear feet of 48 and 54-inch parallel sewer outfall line will be constructed to reduce the risk of potential spills during construction, improve hydraulics, and provide flexibility of operations and maintenance procedures.
- The rehabilitation work is complicated in nature due to the fact that nearly 50 million gallons of wastewater flows through the line every day, all of which will need to be bypass pumped during the repair work.
- The pipe inspection also indicated that there are several thousand feet of pipe in other locations showing signs of corrosion and will need to be rehabilitated or replaced some years into the future, however, this section was in much worse condition and needs immediate repair.
- The project will begin in May 2013, and be completed in approximately six months.

Small Business Opportunity

Established SBE Goal: 3.00%

Committed SBE Goal: 3.03%

Sanders Utility Construction exceeded the established SBE goal, and committed 3.03% (\$44,818) of the total contract amount to the following SBE firms(s): Martin Landscaping (seeding & mulching); A-1 Precision Fence (fence installation); P&TL, Inc. (erosion control); MTS Trucking (hauling services); and D's Trucking (hauling).

Funding

Utility Capital Investment Plan

39. Water and Sewer Service Connections

Action: Award a low-bid contract of \$125,200 with Advanced Development Concepts, LLC for the construction and installation of multiple commercial water and sanitary sewer services to serve the Circle University City Apartments.

Staff Resource: Barry Shearin, Utility

Explanation

- The contract is for the construction of the water and sewer taps for the Circle University City Apartments located on University City Boulevard. This development is a new apartment complex consisting of 190 units.
- When larger water and sewer taps are requested for commercial development, the work to install these taps is competitively bid. For most developments there are two to four water, and sewer taps and the average price is well below \$100,000. This allows the contracts to be awarded by the Utility Director or City Manager.
- For this development, a total of seven water and sewer services are required to provide service for water, sewer, and fire protection to this apartment complex, which resulted in the total price being higher than typically received for the overall work.

Small Business Opportunity

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

Funding

Utility Operating Budget

40. Vehicle Communication and Electrical Equipment Installation and Removal Services

Action: A. Approve a contract with Wireless Communications for vehicle communication and electrical equipment installation and removal services for an initial one-year term; and
B. Authorize the City Manager to approve up to four additional, one-year renewal options with possible price adjustments as authorized by the contract.

Staff Resource: Charles Robinson, Shared Services

Explanation

- The City uses an outside service provider to install and remove radio and data communications equipment, emergency response equipment, video recorder system equipment, speed measurement devices, and various accessories mounted in City public safety vehicles and other City fleet assets.
- The services consist of removing the equipment from vehicles being decommissioned; cleaning and testing equipment for proper operation; and installing the old or new equipment into new or existing fleet assets.

- The estimated annual contract amount is \$200,000.

Selection Process

- On January 18, 2013, the City issued a Request for Proposal; two proposals were received.
- The Evaluation Team, comprised of staff from Shared Services Procurement Management and Fleet Management, evaluated the proposals on background and experience, their proposed solution, and ability to provide the services.
- The Evaluation Team selected Wireless Communications as the service provider best able to meet the specifications and requirements of the Request for Proposal. Wireless Communications is the incumbent vendor and has provided excellent service to the City for the last five years.

Small Business Opportunity

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

Funding

Shared Services Operating Budget

41. Vehicle and Equipment Oil, Lubricants, Fluids, and Coolants

Action: A. Award the low-bid unit price contracts for providing oil, lubricants, fluids, and coolants for a two-year term to the following:

- **Brewer Hendley Oil**
- **Isgett Distributors**
- **Hagan Kennington Oil Co., and**

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

Staff Resource: Charles Robinson, Shared Services

Explanation

- The contracts will provide Shared Services/Fleet Management with engine oils, hydraulic fluids, transmission fluids, coolant, and other lubricants for the normal, customary, preventive maintenance schedules of vehicles and equipment in the City's Fleet including, but not limited to, Fire Apparatus, Police vehicles, sedans, medium trucks, heavy trucks, construction equipment, and other City Fleet assets.
- Shared Services/Procurement Management issued an Invitation to Bid on March 14, 2013, to provide oil, lubricants, fluids, and coolants for vehicles and equipment to the City of Charlotte and on behalf of the Charlotte Cooperative Purchasing Alliance (CCPA).
- Five responsive bids and one non-responsive bid were received.
- Brewer Hendley Oil, Isgett Distributors, and Hagan Kennington Oil were determined to be the lowest responsive, responsible bidders by category - coolant, oil, transmission fluids, hydraulic fluids, and grease - meeting all requirements including, but not limited to price, quality, performance, qualifications and experience, delivery, workmanship, ability to provide Products

and Services to all potential participating public agencies, and administrative fees.

- The estimated annual expenditure is \$600,000.

Background

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

Small Business Opportunity

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

Funding

Shared Services Operating Budget

42. Citywide Generators and Related Services

- Action:**
- A. Award the low-bid unit price contract to National Power Corporation for the purchase of Generators and Related Services for a three-year term, and**
 - B. Authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments as authorized by the contract.**

Staff Resource: Charles Robinson, Shared Services

Explanation

- The City uses various sizes of generators as an alternate source of power for equipment, facilities, and radio towers when normal power supplies are temporarily interrupted.
- Generators are vital to sustain critical services to citizens including public safety, and emergency facility operations and security systems.
- Shared Services/Procurement Management issued an Invitation to Bid (ITB) on January 17, 2013, to provide generators and related services for the City of Charlotte and the Charlotte Cooperative Purchasing Alliance (CCPA).
- The ITB requested pricing on 18 specific sizes (50-3000kW) generators, discounts on all other available size generators, accessories, and related services for the City of Charlotte and participating agencies.
- In response to the ITB, five bids were received and evaluated. National Power provided the lowest pricing on all 18 generator sizes, whereas the other bid responses only included prices on a select few of the requested sizes.
- National Power Corporation was determined to be the lowest responsive, responsible bidder meeting all requirements including, but not limited to price, quality, performance, qualifications and experience, delivery, workmanship, and

ability to provide the needed products and services to all potential participating public agencies.

- The estimated annual expenditure is \$500,000.

Background

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

Small Business Opportunity

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

Funding

Various Departments' Operating Budget

43. Citywide Safety Shoes

- Action:**
- A. Award the low-bid unit price contract to Saf-Gard Safety Shoe Company for the purchase of safety shoes for a three-year term, and**
 - B. Authorize the City Manager to approve up to two additional, one-year terms with possible price adjustments as authorized by the contract.**

Staff Resource: Charles Robinson, Shared Services

Explanation

- The Occupational Safety & Health Administration (OSHA) requires safety shoes for employees who are exposed to various hazardous conditions on the job.
- City employees within the Charlotte-Mecklenburg Utility Department, Charlotte Department of Transportation, Aviation, Transit, Fire and Police Departments, Neighborhood & Business Services, Engineering & Property Management, and other departments are required to wear safety shoes to comply with OSHA regulations and City safety guidelines.
- On February 19, 2013, Shared Services/Procurement Management issued an Invitation to Bid (ITB) to provide safety shoes to all City departments. The ITB required pricing on 15 various styles of safety shoes in both men's and women's sizes.
- The estimated annual expenditure is \$250,000.

Small Business Opportunity

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

Funding

Various Departments' Operating Budgets

44. Arena Certificates of Participation Refunding

Action: Adopt a resolution affirming the refunding of \$128 million in outstanding certificates of participation that provided funding for Time Warner Cable Arena.

Staff Resource: Greg Gaskins, Finance

Explanation

- On August 22, 2005, the City Council approved a contract with Wells Fargo (formerly Wachovia Bank) to refund the City's outstanding 2003G certificates of participation (COPs) used to finance Time Warner Cable Arena.
- The certificates, issued in 2003, are eligible for refunding on June 1, 2013, and coincide with the agreement to refund.
- In 2005, Wells Fargo paid the City \$6 million for this agreement, which was part of the construction funding for the Arena.
- The refunding will convert the current fixed rate COPs to variable rate notes that are backed by a contract to guarantee a fixed interest rate for the remaining 20-year term.
- This is the second and final City Council action necessary to complete the financing and obtain final approval from the Local Government Commission.

Funding

Tourism Debt Service Fund

Attachment 23

Resolution

45. Financial Auditing Services

Action: A. Approve a contract with Cherry Bekaert, LLP for financial auditing services for an one-year term, and
B. Authorize the City Manager to approve up to four additional, one-year terms with possible price adjustments as authorized by the contract.

Staff Resource: Teresa Smith, Finance

Explanation

- State law requires Council to select a certified public accounting firm to audit the accounting records and annual financial report and to evaluate internal controls at the end of each fiscal year.
- The audit includes financial and compliance examinations as well as issuance of appropriate audit reports for the fiscal year ending June 30, 2013. The audit reports include:
 - The City's Comprehensive Annual Financial Report, which includes the basic, combining, and individual fund statements and schedules, and budgetary comparison information for the General Fund;and

- The City’s Single Audit for Federal and State funding sources
- The audit shall be completed and the company’s opinion rendered no later than October 31, 2013.
- The annual expenditure is estimated at \$145,000.

Selection Process

- A Request for Proposals was issued on February 15, 2013.
- The City received six proposals and after thorough evaluations, the project team recommended the award to Cherry Bekaert, LLP.
- The selection criteria included experience, qualifications, understanding of the work to be provided, cost effectiveness, and value.
- Cherry Bekaert, LLP is the incumbent vendor and has an excellent performance record with the City.

Small Business Opportunity

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

Funding

Various Departments’ Operating Budget

46. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$1,069,398.41.

Staff Resource: Teresa Smith, Finance

Explanation

- Property tax refunds are provided to the City by Mecklenburg County due to clerical or assessor error or as a result of appeals.
- 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 24

Resolution
List of property tax refunds

47. Purchase of 0.2943 Acres from the Charlotte-Mecklenburg Board of Education

Action: Approve the fee simple purchase of 0.2943 acres and approximately 8,000 square feet of permanent utility easement for the future Clanton Road Extension Project from the Charlotte-Mecklenburg Board of Education, in an amount up to \$66,000.

Staff Resources: Brad Richardson, Neighborhood & Business Services
Catherine Cooper, City Attorney's Office

Explanation

- The Charlotte-Mecklenburg Board of Education owns a 7.07 acre tract of land at 3101 Wilkinson Boulevard, currently used as a school bus maintenance facility.
- There is 0.2943 acres needed for the Clanton Road extension project at Wilkinson Boulevard, which currently functions as a driveway for the Charlotte-Mecklenburg Schools facility.
- The \$66,000 purchase price was established as a fair market value by an independent appraisal.
- The 0.2943 acre area is also adjacent to the site of the closed Southern Steel Mill on Wilkinson Boulevard for which proposed redevelopment is pending for a QuikTrip gas station, a McDonald's, and a food processing and distribution company.
- The owners of the proposed redevelopment have requested the City's assistance in obtaining necessary access for their property to and from Wilkinson Boulevard at this location.
- The City proposes to buy the 0.2943 acre area now and allow both Charlotte-Mecklenburg Schools and the developer of the Southern Steel Mill site to use it for driveway access to and from Wilkinson Boulevard until the Clanton Road Extension is built and furnishes access as a public street. Charlotte Department of Transportation has approved the plan.
- The developer of the Southern Steel Mill property will build and maintain the driveway/access area.

Background

- The Southern Steel Mill site was vacated on June 20, 2006, and is located in the Business Corridor Revitalization Plan geography.
- The project will provide the following new investment and jobs:
 - QuikTrip - \$4.6 million capital investment (20 employees)
 - McDonald's - \$2.35 million capital investment (40 employees)
 - Inland Seafood (processing and distribution) - \$2.7 million capital investment (81 employees)

Funding

Business Corridor Revitalization Fund

Attachment 25

Purchase Agreement
Survey of Easement Area

PROPERTY ITEMS

48. Property Transactions

Action: Approve the following property transaction(s) (A-C) and adopt the condemnation resolution(s) (D-F).

For property transactions A and 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:** Blue Line Extension, Parcel #2111
Owner(s): Engine Service Products, Inc.
Property Address: 5740 North Tryon Street
Property to be acquired: 618 sq. ft. (.014 ac.) in Fee Simple, plus 1,594 sq. ft. (.037 ac.) in Temporary Construction Easement
Imp rovements: Loss of 8 Parking Spaces
Landscaping: None
Zoned: I-2
Use: Commercial
Tax Code: 049-011-08
Total Parcel Tax Value: \$241,200
Purchase Price: \$171,475

- B. Project:** Celia Avenue Storm Drain Improvement Property Acquisition, Parcel #2
Owner(s): Sgt. Homes, LLC
Property Address: 2628 Celia Avenue
Property to be acquired: 8,320 sq. ft. (.191 ac.) in Fee Simple
(TOTAL TAKE)
Improvements: Single Family Residence
Landscaping: None
Zoned: R-12
Use: Single Family Residential
Tax Code: 069-094-18
Total Parcel Tax Value: \$39,800
Purchase Price: \$33,000
- C. Project:** Gaynor Storm Drainage Improvement Project, Parcel # 68
Owner(s): Gaynor Arms Association, Ltd.
Property Address: 4527 Gaynor Road
Property to be acquired: 7,517 sq. ft. (.173 ac.) in Storm Drainage Easement, plus 1,257 sq. ft. (.029 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Medium Shrubs
Zoned: R-17MF
Use: Condominium
Tax Code: 185-03C-99
Total Parcel Tax Value: \$107,500
Purchase Price: \$59,710

Condemnations

- D. Project:** Beatties Ford Road Widening Phase 2, Parcel #58
Owner(s): Carolina Magee, LLC and any other parties of interest
Property Address: 4005 Sunset Road
Property to be acquired: 7,039 sq. ft. (.162 ac.) in Fee Simple, plus 19,644 sq. ft. (.451 ac.) in Temporary Construction Easement, plus 3,519 sq. ft. (.081 ac.) in Utility Easement
Improvements: None
Landscaping: Shrubs
Zoned: B-1(CD)
Use: Commercial
Tax Code: 037-112-03
Total Parcel Tax Value: \$3,010,500
Appraised Value: \$108,725
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in April 2012 and has yet to reach an agreement regarding the acquisition. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- E. Project:** Blue Line Extension, Parcel #1345
Owner(s): ABI North Park Limited Partnership and any other parties of interest
Property Address: 103 Eastway Drive
Property to be acquired: 2,359 sq. ft. (.054 ac.) in Fee Simple, plus 4,195 sq. ft. (.096 ac.) in Storm Drainage Easement, plus 527 sq. ft. (.012 ac.) in Sanitary Sewer Easement, plus 518 sq. ft. (.012 ac.) in Access Easement, plus 126 sq. ft. (.003 ac.) in Access Easement and Utility Easement, plus 16,098 sq. ft. (.37 ac.) in Temporary Construction Easement, plus 21,501 sq. ft. (.494 ac.) in Utility Easement, plus 3,491 sq. ft. (.08 ac.) in Storm Drainage Easement and Utility Easement, plus 16 sq. ft. (ac.) in Sanitary Sewer Easement and Storm Drainage Easement, plus 136 sq. ft. (.003 ac.) in Access Easement, Utility Easement and Storm Drainage Easement
Improvements: Asphalt Paving
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 097-111-20
Total Parcel Tax Value: \$4,065,900
Appraised Value: \$56,850
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in November 2012, and both parties have reached an agreement regarding the acquisition. However, the title abstract revealed issues which will prevent the City from obtaining clear title. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- F. Project:** Gaynor Storm Drainage Improvement Project, Parcel #4
Owner(s): Hugh C. Humphreys and wife, Virginia L. Humphreys and any other parties of interest
Property Address: 525 Merwick Circle
Property to be acquired: 12,527 sq. ft. (.288 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 157-182-14
Total Parcel Tax Value: \$299,600
Appraised Value: \$36,125
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in July 2011 and has yet to reach an agreement regarding the acquisition. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

Reference

Small Business Opportunity Program Policy Reference

The following excerpts from the City's SBO Policy are intended to provide further explanation for those agenda items which reference the SBO Policy in the business meeting agenda.

Part A: Administration & Enforcement

Appendix Section 18: Contract: For the purposes of establishing an SBE subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the City procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration and remodeling; (b) architectural work, engineering, testing, construction management and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services).
- Contracts do not include agreements or purchase orders for the purchase or lease of apparatus, supplies, goods or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE Goal has been set.
- Financial Partner Agreements, Development Agreements and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the SBO Program Policy.

Appendix Section 23: Exempt Contracts: Contracts that fall within one or more of the following categories shall be "Exempt Contracts" for the purposes of establishing an SBE subcontracting goal, unless the KBU responsible for procuring the Contract decides otherwise:

23.1. Informal Contracts. Informal Contracts shall be Exempt Contracts. (See Appendix Section 29 for a definition of Informal Contracts)

23.2. No Competitive Process Contracts: Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the City shall be Exempt Contracts, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

23.3. Managed Competition Contracts: Managed competition contracts pursuant to which a City KBU or division competes with Business Enterprises to perform a City function shall be Exempt Contracts.

23.4. Real Estate Leasing and Acquisition Contracts: Contracts for the acquisition or lease of real estate shall be Exempt Contracts.

23.5. Federal Contracts Subject to DBE Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise

Program as set forth in 49 CFR Part 26 or any successor legislation shall be Exempt Contracts.

23.6. State Contracts Subject to MWBE Requirements: Contracts for which a minority and women business participation goal is set pursuant to G.S. 143-128.2(a) due to a building project receiving funding from the State of North Carolina shall be Exempt Contracts.

23.7. Financial Partner Agreements with DBE or MWBE Requirements: Contracts that are subject to a disadvantaged business development program or minority and women business development program maintained by a Financial Partner shall be Exempt Contracts.

23.8. Interlocal Agreements: Contracts with other units of federal, state or local government shall be Exempt Contracts.

23.9. Contracts for Legal Services: Contracts for legal services shall be Exempt Contracts, unless otherwise indicated by the City Attorney.

23.10. Contracts with Waivers: Contracts for which the SBO Program Manager or the City Manager waives the SBO Program requirements shall be Exempt Contracts (such as when there are no SBE subcontracting opportunities on a Contract).

23.11. Special Exemptions: Contracts where the KBU and the Program Manager agree that the KBU had no discretion to hire an SBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

Appendix Section 29: Informal Contracts: Contracts and purchase orders through which the City procures services from a Business Enterprise that fall within one of the following two categories:

29.1. Construction Contracts Less Than or Equal To \$200,000: Contracts for construction or repair work that are estimated to require a total expenditure of City funds less than or equal to \$200,000.

29.2. Service Contracts That Are Less Than or Equal To \$100,000: Service Contracts that are estimated to require a total expenditure of City funds less than or equal to \$100,000.

Part B: Formal Construction Bidding

Part B: Section 2.1: When the City Solicitation Documents for a Construction Contract contain an SBE Goal, each Bidder must either: (a) meet the SBE Goal, or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements. Failure to do so

constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

Part B: Section 2.4: No SBE Goal When There Are No SBE Subcontracting Opportunities.
The City shall not establish an SBE Goal for Construction Contracts where there are no SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part C: Services Procurement

Part C: Section 2.2: When the City Solicitation Documents for a Service Contract do not contain an SBE Goal, each Proposer must negotiate in good faith with each SBE that responds to the Proposer's solicitations and each SBE that contacts the Proposer on its own accord. Additionally, the City may negotiate a Committed SBE Goal with the successful Proposer after the Proposal Opening.

Part C: Section 2.4: No SBE Goal When There Are No SBE Subcontracting Opportunities.
The City shall not establish an SBE Goal for Service Contracts where there are no SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part D: Post Contract Award Requirements

Part D: Section 6: New Subcontractor Opportunities/Additions to Scope, Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the City as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new SBE subcontracting opportunity, the City shall either:

- notify the Contractor that there will be no Supplemental SBE Goal for the new work;
or
- establish and notify the Contractor of a Supplemental SBE Goal for the new work.