

Mayor Patsy Kinsey

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

Mayor Pro Tem Patrick D. Cannon

David L. Howard
Billy Maddalon
LaWana Mayfield
James Mitchell, Jr.
Beth Pickering

CITY COUNCIL MEETING
Monday, August 26 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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25	21	Sugar Creek Road/Eastway Drive Intersection Municipal Agreement
29	24	Poplar Street Two-Way Conversion Project
38	31	Transit Security Services
50	42	Order of Collection for Tax Year 2013
59	48	LYNX Blue Line Extension Property Transactions F. - #1293, G. - # 2191, H. - # 2219, and I. - #2225

**CITY COUNCIL AGENDA
Monday, August 26, 2013**

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Resource: Ruffin Hall, 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. Human Trafficking

Resource: Anne Tompkins, United States Attorney, Western District of NC

Time: 30 minutes

Synopsis

- Human trafficking is gaining attention both at the national and local levels. The presentation will cover the following topics:
 - Defining the two types of human trafficking (labor and sex),
 - Explaining the difficulties in identifying and investigating human trafficking cases, and
 - Discuss the impact of human trafficking, including the other types of crime associated with it.
- For the second part of the presentation, Deputy Chief Kerr Putney, Charlotte-Mecklenburg Police Department (CMPD), and Ms. Tompkins will discuss the collaboration efforts, between CMPD and U.S. Attorney's Office, that address human trafficking at the local level.
- CMPD's efforts to combat human trafficking include:
 - The allocation of resources to the Human Trafficking Task Force, and
 - Police officer training, in a wide variety of assignments, to more readily identify and investigate human trafficking cases.

Future Action

The presentation was requested by Council and is for information purposes only.

3. Airport Runway Operational Changes

Resources: Brent Cagle, Aviation
Jack Christine, Aviation
Haley Gentry, Aviation

Time: 30 minutes

Synopsis

- On July 25, 2013, the Federal Aviation Administration (FAA) informed the Airport that an operational issue had arisen from the converging operations on Runway

- 18C and Runway 23. Due to this issue, the FAA now uses only the three parallel runways for all operations during the day.
- This change in the operation of the airfield has reduced the hourly arrival rate from 96 to 85 arrivals per hour. The airlines' current schedules are designed around the 96 hourly arrival rate; consequently, the rate reduction has resulted in an extension of the time required to complete all scheduled operations. This increases the pressure on the Airport's use of the crosswind runway for nighttime noise abatement.
 - The dinner briefing will cover a proposed path forward to analyze impacts of the changes and options to recover capacity.

Future Action

Airport staff anticipates several Requests for Council Actions in the next four months related to planning, design, and environmental documents necessary for the construction of a new fourth parallel runway. A Request for Council Action will also be required to update the Airport's FAR Part 150 Plan.

4. Answers to Mayor and Council Consent Item Questions

Resource: Ruffin Hall, City Manager's Office

Time: 10 minutes

Synopsis

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

5. Closed Session

Action: **Adopt a motion pursuant to NCGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling or settlement of: (a) a claim; and (b) the case of *City of Charlotte v. The State of North Carolina and Charlotte Douglas International Airport Commission*, 13-CVS-12678.**

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

7:00 P.M. AWARDS AND RECOGNITIONS

6. Miss Charlotte USA

Action:	Miss Elizabeth Safrit, crowned Miss Charlotte USA 2014, will share her goals and ambitions for the city of Charlotte and North Carolina.
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7. Good Neighbor Month Proclamation

Action:	Mayor Kinsey will present a proclamation recognizing the month of September as Good Neighbor Month.
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CONSENT

- 8. Consent agenda items 19 through 59 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

Public Hearing

9. Public Hearing on a Resolution to Close a Residual Portion of Steelescroft Parkway

Action: **A. Conduct a public hearing to close a residual portion of Steelescroft Parkway, 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 the City 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

LandNet, LLC – Ms. Kimberly Young

Right-of-Way to be Abandoned

A residual portion of Steelescroft Parkway

Location

A residual portion of Steelescroft Parkway begins approximately 43 feet south of York Road (Highway 49), continuing approximately 532 feet along the northeastern most side of Steelescroft Parkway to its terminus, and consists of 8,993 square feet.

Reason

To incorporate excess right-of-way into the adjacent property for future development. This abandonment is also consistent with a pending rezoning project (petition# 2013-060).

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

Carlton & Lyerly Investments – No objections
 Charles G. Whitely Testamentary Trust – No objections
 Charlotte-Mecklenburg Hospital Authority – No objections

Neighborhood/Business Associations

Charlotte-Mecklenburg Hospital Authority – 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 1

Map

Resolution

10. **Public Hearing on a Resolution to Close a Residual Portion of Bermuda Road**

Action: **A. Conduct a public hearing to close a residual portion of Bermuda Road, 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 the City 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

Pearson Properties-Cainhoy1, LLC – Mr. Andrew H. Weathersbee

Right-of-Way to be Abandoned

A residual portion of Bermuda Road

Location

A residual portion of Bermuda Road begins at its intersecting point with Westbury Road as a 40-foot wide right-of-way, continuing approximately 237 feet northwest to its terminus, and consists of 10,230 square feet.

Reason

To incorporate the right-of-way into the adjacent property to create a more viable parcel for future 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

Mr. William Epps – No objections
 Mr. Andrew Weathersbee – No objections
 Mr. Eric Runge – No objections
 Mrs. Allison Runge – No objections
 Mr. David Priester – No objections

Neighborhood/Business Associations

Tropicana Homeowner's Association – No objections
 Providence Children's Academy, LLC – No objections
 Providence Park Neighborhood Association – Notified/No comments

Private Utility Companies – No objectionsCity Departments

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

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

Attachment 2

Map
 Resolution

11. Public Hearing on a Resolution to Close Alan Street

**Action: A. Conduct a public hearing to close Alan 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 the City 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

NCDG, LLC – Mr. Brian Hines

Right-of-Way to be Abandoned

Alan Street

Location

Alan Street begins approximately 300 feet north from the intersection of Little Rock Road and Tuckaseegee Road, continuing 562 feet east to its terminus, and consists of 32,626 square feet.

Reason

To incorporate the right-of-way into the adjacent property to create a more viable parcel for future 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

Mr. Edwin Myers – No objections

Mulberry Baptist Church – No objections

Neighborhood/Business Associations

Mulberry Baptist Church- 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 3

Map

Resolution

POLICY

12. City Manager's Report

13. Studio Charlotte Development, LLC Memorandum of Understanding



Action: Approve the Economic Development Committee recommendation to authorize the City Manager to enter into a Memorandum of Understanding with Studio Charlotte Development, LLC and present a possible development agreement framework to the Economic Development Committee for review within six months.

Committee Chair: James Mitchell

Staff Resources: Patrick Mumford, Neighborhood & Business Services
Peter Zeiler, Neighborhood & Business Services

Explanation

- On July 23, 2012, the City Council approved the acquisition of 80.4 acres at the former Eastland Mall site, including approximately 1.2 million square feet of buildings. The City closed on the acquisition on August 31, 2012.
- On January 4, 2013, the City released a Request for Qualifications for parties interested in redevelopment of the site, and on February 15, 2013, seven development teams submitted Statements of Qualifications.
- On March 15, 2013, following an evaluation of qualifications by a team of City staff and commercial real estate professionals, the City issued a Request for Proposals to three of the seven respondents.
- On April 5, 2013, the City hosted a community input session to encourage communication between stakeholders and the proposing teams.
- On May 30, 2013, Studio Charlotte Development, LLC (SCD) and ARK Ventures, Inc. submitted conceptual development proposals per the invitation. The third invited team elected to not submit a proposal.
- On July 18, 2013, the Economic Development Committee received presentations from each of the proposing teams.
- On August 14, 2013, ARK Ventures notified the City that it was withdrawing from the process.

Economic Development Committee Discussion

- On August 15, 2013, the Committee received a recommendation from staff to continue discussions with SCD to determine if an acceptable development framework could be developed.
- Staff recommended that an acceptable framework involve a rigorous analysis of SCD's full financing plan, as well as a gap analysis for any requested City funding, which at this time has not been determined
- The Committee recommended that, within a six-month period following the City Council approval, the City work exclusively with SCD to negotiate the development agreement framework.
- After discussion, the Committee voted unanimously (Mitchell, Cannon, Cooksey, and Mayfield; Howard was absent) to approve the motion.

Attachment 4

Memorandum of Understanding Outline

14. Metropolitan Planning Organization Memorandum of Understanding

Action: Approve the Transportation & Planning Committee recommendation for the revised Metropolitan Planning Organization Memorandum of Understanding, including the addition of new member jurisdictions and the modification of the existing voting and cost sharing structure.

Committee Chair: David Howard

Staff Resource: Robert Cook, Planning

Explanation

- The Metropolitan Planning Organization (MPO) is a federally designated policy board for surface transportation composed of representatives of local governments and transportation agencies.
- MPOs are required to coordinate transportation planning in urban areas with populations greater than 50,000.
 - Primary functions of the MPO include determining the use of federal transportation funds and maintaining regional transportation plans and programs.
- Based on the results of the 2010 Census, the population of the Charlotte Urbanized Area increased nearly 71% from the 2000 Census, triggering the need to expand the boundaries of the MPO.
 - The revised MPO planning area will include four additional municipalities and one county not previously located in Mecklenburg-Union MPO's (MUMPO's) planning area.
- At the March 2013 meeting, MPO members approved a new name for the greater Charlotte region's MPO in response to the expansion of the planning area. The Charlotte Regional Transportation Planning Organization was selected to replace MUMPO; this new name will become effective once the new MPO Board is established.
- The inclusion of new member jurisdictions requires the revision of the MPO's existing Memorandum of Understanding (MOU).
- The MPO Board created a subcommittee in May of 2012 to develop revisions to the existing MPO MOU. These revisions accounted for changes in membership, the development of a new voting structure, and the development of a new cost sharing agreement for the federal grant match.

MPO Subcommittee Recommendation

- The subcommittee completed its work on July 17, 2013, with the following recommendations:
 - Expand the planning area and MPO membership to include Marshville, Mooresville, Statesville, Troutman, and Iredell County;
 - Revision to the voting structure to reflect an increase in Charlotte's share of the total number of votes from 42% to 45%. Based upon current membership assumptions, Charlotte's vote total will be 31. Each municipal member will

- receive at least one vote. The three counties represented (Iredell, Mecklenburg, and Union) will each receive two votes, and representatives of the Metropolitan Transit Commission and the N.C. Board of Transportation (Divisions 10 and 12) will each receive one vote; and
- Development of a per capita cost share agreement to cover the local match requirement for federal grants.
 - o Prior to the per capita cost share agreement, the City of Charlotte was responsible for 100% of the local match plus a portion of member dues (member dues will no longer be required based on the new cost share agreement).
 - o The new estimated amount of Charlotte's share of the local match is \$264,325, representing approximately \$163,990 cost savings as a result of the new cost methodology.
 - The MPO formally endorsed the subcommittee's recommendations, revised the MOU, and directed that the revisions be presented to new and existing jurisdictions for approval and signature. The following jurisdictions have approved the MOU: Davidson, Fairview, Matthews, Mineral Springs, Pineville, Stallings, Statesville, Union County, Waxhaw, and Weddington.

Transportation & Planning Committee

- Since May of 2012, the City Council Transportation & Planning Committee has discussed matters related to the MPO's expansion and the need to revise the existing MOU at eight meetings.
- The Transportation & Planning Committee made recommendations concerning the MOU's content. On May 23, 2013, the Committee unanimously approved (Howard, Barnes, Autry, Cooksey, and Kinsey) the proposed revisions to the MOU, including:
 - The addition of Marshville, Mooresville, Statesville, Troutman, and Iredell County to the MPO;
 - Weighted voting system based on population (including a minimum of one vote per member);
 - The assignment of one vote each to representatives of the N.C. Board of Transportation from Divisions 10 and 12, as well as the Metropolitan Transit Commission; and
 - Assigning two votes each to the three counties.
- On June 10, 2013, the Committee voted 4 to 1 (Howard, Barnes, Autry, and Kinsey, yes; Cooksey, no) to approve the proposed MOU revisions addressing:
 - MPO voting structure; and
 - Using a population-based cost share agreement where all member jurisdictions contribute a portion of the local match required for federal grants.
- At the June 17 Council Zoning meeting, the City Council voted 10 to 1 (Cooksey voted no) directing its MPO representative on matters related to the MOU's content, including the MPO voting structure and the implementation of a population-based cost share agreement.

Attachment 5

Memorandum of Understanding

BUSINESS

15. Collaborative Partnership for Expansion of Second Harvest Food Bank

Action: Contingent upon the successful completion of Second Harvest Food Bank's upcoming capital funding campaign;

A. Approve the sale of 1.55 acres of City property at 531 Spratt Street to Mecklenburg County for \$388,300, via Ledger transaction,

B. Approve the lease of 0.75 acres of City property at 531 Spratt Street to Second Harvest Food Bank for an initial term of 20 years, with four five-year renewal options to be renegotiated at the beginning of each option term, and

C. Authorize the City Manager to negotiate and execute all documents necessary to complete these transactions, consistent with the terms on the attached term sheet.

Staff Resources: Ron Kimble, City Manager's Office
 Dan Leaver, Engineering & Property Management
 Tim O'Brien, Engineering & Property Management

Explanation

- Second Harvest Food Bank of Metrolina, Inc. is located at 500-B Spratt Street adjacent to the City's 4th Ward, west of Statesville Avenue, in a business district of the Greenville Community.
 - Second Harvest operates out of a County-owned facility, adjacent to the City-owned facility located at 531 Spratt Street.
 - Second Harvest's mission is to eliminate hunger by the solicitation and distribution of food. They partner with more than 600 agencies including soup kitchens, emergency pantries, emergency shelters, low-income day cares, senior programs, and group homes.
 - In 2006, they distributed 17.5 million pounds of food from this center. By 2012, the quantity of food being distributed more than doubled, reaching 38.2 million pounds, and they expect the need to continue to rise.
- Second Harvest needs to expand their existing facility and provide additional parking for delivery trucks and clients. They are currently undertaking a capital fund drive to raise money for this expansion.
- The City, Mecklenburg County, and Second Harvest have agreed upon terms and conditions to allow for the expansion of the food bank, contingent upon Second Harvest raising the capital funds necessary to accomplish the expansion.
- The City would deed 1.55 acres to Mecklenburg County (via the property ledger) at an appraised value of \$388,300. Mecklenburg County would then lease the land to Second Harvest to allow for their building expansion (see attached map for the artist rendering).
- The City will also lease 0.75 acres to Second Harvest for \$16,940/year, with a 5% escalation factor every five years, for an initial term of 20 years, with four five-year renewal options to be renegotiated at the beginning of each option term. The area will be for additional truck delivery and client parking. The

parking area is surplus to the City's needs since Transit Special Transportation Services buses have moved to a different location.

- Second Harvest will conform to all required City and County development standards and applicable ordinances.

Background

- Staff briefed the City Council on this item at a workshop April 1, 2013.
- County staff presented this item to the Board of County Commissioners May 21, 2013 and plan to take action September 3, 2013 to approve these terms.
- The Planning Committee of the Charlotte-Mecklenburg Planning Commission also reviewed the property transaction on May 21, 2013 and unanimously approved the mandatory referral request.
- In 2001, the City of Charlotte and Mecklenburg County agreed upon a "Real Estate Transfer Ledger System" whereby both parties agree to a credit and debit system to transfer property at fair market values, without monetary reimbursement of compensation.
- At the end of FY2013, the Ledger balance stood at \$2,804,874 as a credit to the City. On January 28, 2013, the City Council approved an additional \$422,725 as a credit to the County for land the City needs along the Blue Line Extension Project. The balance on the ledger is currently \$2,382,149 as a credit to the City. After this transaction whereby the County acquires City land at fair market value of \$388,300, the balance will be \$2,770,449 as a credit to the City.

Attachment 6

Term sheet
Map
Resolution

16. Conclusion of Consent Agenda

17. Nominations to Boards and Commissions

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

A. STORM WATER ADVISORY COMMITTEE

- One appointment for a general contractor representative for an unexpired term beginning immediately and ending June 30, 2016.
 - Matthew Roper has completed two full terms of service and is not eligible for reappointment.
- * David Zimmer was nominated at the July 22, 2013 Council Business Meeting by Council member Howard. He respectfully declined the nomination.

Attachment 7

Applications

B. WASTE MANAGEMENT ADVISORY BOARD

- One recommendation for appointment by the Board of County Commissioners for an unexpired term beginning immediately and ending July 13, 2016.
 - Jennifer White is eligible but does not wish to be reappointed.

- One recommendation for appointment by the Board of County Commissioners for an unexpired term beginning immediately and ending February 1, 2014.
 - Mark Joyce has resigned.

Attachment 8

Applications

18. Mayor and Council Topics

Council members may share information and raise topics for discussion

CONSENT

Introduction to CONSENT

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



In April 2013, the City Council voted to replace the City's Small Business Opportunity Program with the Charlotte Business INCLUSION program. Beginning July 1, 2013, the City will begin phasing in the Charlotte Business INCLUSION program into all of its practices and procedures.

The Charlotte Business INCLUSION program seeks to promote diversity, inclusion, and local business opportunities in the City's contracting and procurement process for Minority, Women, and Small Business Enterprises (MWSBEs) headquartered in the Charlotte Combined Statistical Area. Participation of Minority, Women, or Small Business Enterprises (MBE, WBE, or SBE) is noted where applicable.

For a period of time during FY2014, projects appearing in the Council Agendas will incorporate Policy references for either the current Charlotte Business INCLUSION program or the Small Business Opportunity Program.

The applicable Charlotte Business INCLUSION program Policy or the Small Business Opportunity Program policy sections are referenced at the end of the Council Request for Council Action.

Disadvantaged Business Enterprise

Disadvantaged Business Enterprise 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."

The property transaction process following Council approval for condemnation is referenced at the end of Consent.

19. Police Dispatch Amendment - Town of Davidson

Action: Approve a fourth amendment to extend for one year an agreement with the town of Davidson to provide dispatch services for the Davidson Police Department.

Staff Resource: Katrina Graue, Police

Explanation

- The City of Charlotte began providing dispatch services for the town of Davidson on July 1, 2009.
- Under the agreement, the City provides police dispatch services for the Davidson Police Department. In return, the Davidson Police Department responds to calls for police service in the town's sphere of influence.
- The dispatch workload generated by the Davidson Police Department is minimal and has not required the Charlotte-Mecklenburg Police Department to add any additional employees to perform the tasks.
- The agreement has been amended on an annual basis in 2010, 2011, and 2012.
- The City Council is asked to approve the 2013 amendment to the communications agreement which will remain in effect until July 1, 2014.
- The Davidson Town Board approved the agreement on July 9, 2013.

Funding

Police Operating Budget

20. Police Rank Promotional Services

Action: A. Approve a contract with Fields Consulting Group, Inc. to provide professional services for administration of the Police rank promotional process for a three-year term, and

B. Authorize the City Manager to approve two, one-year contract extensions as authorized by the contract, contingent upon the company's satisfactory performance.

Staff Resources: Sherie Pearsall, Police
Kellie High-Foster, Police

Explanation

- The Charlotte-Mecklenburg Police Department contracts for services related to the promotional rank process of Police Sergeant, Police Lieutenant, and Police Captain.
- The promotional processes consist of a written exam and an assessment center.
- Police desires to contract with Fields Consulting Group to perform all tasks related to the development, validation, and administration of the promotional process.
- The scope of work for the contract includes:
 - Development and administration of the written exams and assessment centers for each rank,
 - Scoring of all exams,
 - Compiling scores and reports, and
 - Providing post-test consultation.
- Total expenditures are estimated at \$321,500 for the five-year term.

Charlotte Business INclusion

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

Police Operating Budget

21. Fire Computer-Aided Dispatch System

- Action:**
- A. Authorize the City Manager to execute a contract with TriTech Software Systems for a one-year term to provide maintenance for the Fire Department's Computer-Aided Dispatch System, and**
 - B. Authorize the City Manager to extend the contract for up to four, one-year additional terms with possible price adjustments at the time of renewal as authorized by the contract.**

Staff Resource: Rich Granger, Fire

Explanation

- The Computer-Aided Dispatch is the primary software system used for dispatching the closest and most appropriate apparatus to a call for service.
- Fire implemented the TriTech Software System in 2002.
- On September 24, 2012, the City Council approved a contract with Trittech Software Systems for a one-year term to provide maintenance on the Fire Department's Computer-Aided Dispatch System.
- In fiscal year 2013, Fire purchased three additional software licenses to increase the number of available dispatching consoles from eight to 11 in order to accommodate the need to serve as a temporary backup location should there be a need to relocate the 911 center.
- The contract will cover the maintenance for the original eight licenses, and the renewals will cover the maintenance for all 11 licenses.
- Expenditures for the 11 licenses are expected to increase by a minimum of 2% annually.
- The total estimated expenditure is \$700,000 for a five-year term.

Charlotte Business INclusion

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

Funding

Fire Operating Budget

22. Brentwood Place Storm Drainage Improvement Project - Phase II

Action: Award the low-bid contract of \$7,511,011.59 to Zoladz Construction Company, Inc. for the Brentwood Place Storm Drainage Improvement project - Phase II.

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- The project is bordered by Remount Road to the south, Barringer Drive to the east, Remount Road and Weyland Avenue to the west, and Marlowe Avenue to the north.
- The purpose of the project is to reduce structure, street flooding, and channel erosion issues throughout the neighborhood; it will include:
 - Grading,
 - Installation of drainage culverts, pipes, and structures,
 - Jack and bore installation of steel drainage pipe,
 - Installation of retaining walls,
 - Asphalt replacement and pavement markings,
 - Replacement of curb and gutter, sidewalks and driveways,
 - Channel stabilization, and
 - Utility relocation.
- Construction is scheduled to be complete by end of second quarter 2016.

Small Business Opportunity

Established SBE Goal: 15%

Committed SBE Goal: 15.00%

Zoladz Construction Company met the established SBE goal and committed 15.00% (\$1,126,652) of the total contract amount to the following SBE firms: D's Trucking Service (hauling), P&TL Inc. (erosion control), Pavers Walls & Stamped Concrete (curb & gutter) and On Time Construction (concrete).

Funding

Storm Water Capital Investment Plan

23. Community House Road – Phase I

Action: Award the low-bid contract of \$1,323,782.35 to Red Clay Industries, Inc. for the Community House Road – Phase I project.

Staff Resource: Jim Keenan, Engineering & Property Management

Explanation

- The project includes improvements to Community House Road from Providence Road West to Tamarron Drive to benefit all roadway users including drivers, pedestrians, and cyclists.
- The improvements will include:
 - Additional turn lanes,
 - New curb and gutter,
 - Construction of medians, bike lanes, sidewalks, driveways, and wheelchair ramps,
 - Asphalt overlay,
 - Pavement markings,
 - Traffic signals, and
 - Storm drainage improvements.
- The project is part of the Farm-to-Market Program and is funded by Transportation Bonds approved in 2008 and 2010.
- Construction is scheduled to be completed by third quarter 2014.

Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 10.00%

Red Clay Industries met the established SBE goal and committed 10.00% (\$132,437.90) of the total contract amount to the following SBE firms: Ram Pavement Services (striping), Harvest Environmental (conduit), Sanders Construction (water main), Mid-Atlantic Erosion Control (erosion control) and Express Logistics (hauling).

Funding

Transportation Capital Investment Plan

24. **Graham Street/Mallard Creek Road Extension Municipal Agreement**

Action: **A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation to install sidewalks and bus pads along the Graham Street Extension/Mallard Creek Widening project, and**

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

Staff Resource: Ashton Watson, Transportation

Explanation

- The North Carolina Department of Transportation (NCDOT) project will extend Graham Street northward from Sugar Creek Road and widen existing Mallard Creek Road up to West Harris Boulevard.
- The project will include sidewalk and bus pad installation per the City's request through a cost sharing agreement:
 - City will reimburse NCDOT an estimated \$258,000 (50%) for the sidewalks
 - City will reimburse NCDOT an estimated \$15,000 (100%) for the bus pads
- Bus pads are poured between the sidewalk and the curb to accommodate wheelchair bus access.
- NCDOT requires the City enter into a Municipal Agreement for the cost of the improvements prior to construction, and to reimburse NCDOT for their work, estimated at \$273,000.
- The Charlotte Department of Transportation will review the invoice to validate charges and make any needed corrections once the project is complete.
- At the end of the project, the City will reimburse NCDOT for actual construction costs associated with the sidewalk and bus pads.
- Should the actual cost be different from the estimated amount of this Agreement, the City Manager will sign a Supplemental Agreement for the cost differential. Final invoice differences can be attributed to:
 - Actual unit price bids being different than estimated,
 - Changes in material costs between when the estimate was prepared and the completion of the project, or
 - Required design modifications resulting from NCDOT project changes
- Construction is scheduled to begin in late 2013 and will take up to three years to complete.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Charlotte Business INclusion

Municipal agreements are exempt (Appendix Section 23.8 of the SBO Policy).

Funding

Transportation Capital Investment Plan

Attachment 9

Resolution

25. Sugar Creek Road/Eastway Drive Municipal Agreement

- Action:**
- A. Adopt a resolution supporting North Carolina Department of Transportation's use of funds in the amount of \$400,000, and**
 - B. Authorize the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for intersection and sidewalk improvements at the intersection of Sugar Creek Road and Eastway Drive.**

Staff Resources: Debbie Self, Transportation
Ashton Watson, Transportation

Explanation

- The project will enhance pedestrian and motor vehicle safety at the intersection of Sugar Creek Road and Eastway Drive near Garinger High School.
- The project will:
 - Realign Sugar Creek Road to eliminate the high speed and free flow right turn from eastbound Sugar Creek Road to southbound Eastway Drive;
 - Add pedestrian countdown signals, high visibility marked crosswalks, and accessible ramps; and
 - Complete sidewalk gaps to provide a continuous pedestrian path along Sugar Creek Road from Eastway Drive to The Plaza.
- Charlotte-Mecklenburg Schools and the public are supportive of this project.
- The North Carolina Department of Transportation (NCDOT) requires a resolution of support in order to allocate funds for this project.
- A Municipal Agreement between the City and NCDOT is necessary for the City to be reimbursed. The format and philosophy of the Municipal Agreement is consistent with past agreements.
- The total project cost is \$1,150,000 and the cost share is:
 - NCDOT funds \$400,000
 - City funds \$750,000

Charlotte Business INclusion

Municipal agreements are exempt (Appendix Section 23.8 of the SBO Policy).

Funding

NCDOT and the Transportation Capital Investment Plan

Attachment 10

Resolution

26. City Boulevard Extension

Action: Award the low-bid contract of \$7,033,134.30 to Triangle Grading and Paving, Inc. for the City Boulevard Extension project.

Staff Resource: Tim Greene, Engineering & Property Management

Explanation

- The City Boulevard Extension Project will extend University City Boulevard westward from its existing intersection at Neal Road to the proposed alignment of the North Carolina Department of Transportation (NCDOT) Mallard Creek Road near Rumble Road.
- The design will include a four-lane median-divided roadway with planting strips, sidewalks, curb and gutter, and storm drainage improvements.
- The project will improve street connectivity in northeast Charlotte by linking two major thoroughfares – University City Boulevard and the NCDOT proposed Graham Street/Mallard Creek Road Extension Project.
- Funding for the project was included in the 2008 Bond Referendum.
- Construction is expected to be complete by second quarter 2015.

Charlotte Business INclusion

Established SBE Goal: 12%

Committed SBE Goal: 12.00%

Triangle Grading and Paving met the established SBE goal and committed 12.00% (\$843,980) of the total contract amount to the following SBE firms:

R.E. Sifford Utility, Inc. (electrical), P&TL, Inc. (erosion control) and R&N Construction Group, LLC (retaining wall).

Funding

Transportation Capital Investment Fund

27. Private Developer Funds for Traffic Signal Improvements

Action: Adopt a budget ordinance appropriating \$20,900 in private developer funds for traffic signal improvements with the following Private Developers:

- Pedulla Trucking, Excavating and Paving, Inc., and
- Zula Express Inc. DBA Fast Mart

Staff Resource: Scott Putnam, Transportation

Explanation

- The \$20,900 in private developer funding is for traffic signals, upgrades, and related work associated with developer projects. The funding is restricted to these projects.
- The following developers are fully funding traffic signal installations and improvements to mitigate traffic impacts around their respective development projects:

- Pedulla Trucking, Excavating and Paving, Inc., contributed \$2,500 for the relocation of a pedestrian signal at the intersection North Caldwell and E. 12th Street.
- Zula Express Inc. DBA Fast Mart, contributed \$18,400 for the relocation of a signal pole and installation of new loop detectors at the intersection of Idlewild Road and Margaret Wallace Road.
- The above signals meet the same criteria as other traffic signals approved by the City.
- Payments made by the developers are in response to estimates of work prepared by the Charlotte Department of Transportation and supplied to the developers.
- Any funding contributed by the developers for a signal project that is unused by the City will be refunded after project completion.

Funding

Developer Contributions

Attachment 11

Budget Ordinance

28. Pavement Condition Rating Analysis Services

- Action:**
- A. Approve a contract with KRK Consulting, PLLC up to \$200,000 for rating analysis of pavement conditions within the city of Charlotte, and**
 - B. Authorize the City Manager to approve up to three, one-year renewals each not to exceed the original contract amount.**

Staff Resources: Charles Jones, Transportation
Bryan Tarlton, Engineering & Property Management

Explanation

- Pavement condition surveys are critical to identify streets in need of maintenance. The ratings from these surveys allow the programming of limited resurfacing dollars to maximize the City's overall pavement condition rating.
- The last pavement condition survey was conducted during the summer of 2010 by KRK Consulting.
- This survey will provide analysis on approximately one-third of the system mileage or 815 miles.
- The data from this survey will be used to update pavement condition models used to support and guide the maintenance decisions of the Street Maintenance Division.

Charlotte Business INclusion

For services based contracts, the City negotiates a SBE goal after the proposal selection process (Part C: Section 2.2 of the SBO Policy). On this contract KRK Consulting, PLLC committed 5% of the contract amount to the following SBE firm: Capstone Civil Group, P.A. (engineering).

Funding

Powell Bill Street Maintenance Fund

29. Poplar Street Two-Way Conversion Project

Action: Award the low-bid contract of \$429,539.28 to Red Clay Industries, Inc. for the Poplar Street Two-Way Conversion project.

Staff Resource: Leon Howe, Engineering & Property Management

Explanation

- The Poplar Street Two-Way Conversion project is part of the Center City Transportation Plan adopted by the City Council in 2006.
- The project will convert Poplar Street from a one-way to two-way street and include larger curb returns, striping, and wiring for new signalization at the following intersections:
 - West 3rd & South Poplar Streets
 - West 4th & South Poplar Streets
 - West Trade & South Poplar & North Poplar Streets
 - West 5th & North Poplar Streets
 - West 6th & North Poplar Streets
- Two-way streets encourage lower traffic speeds as compared to one-way streets and typically result in environments that are more pedestrian friendly.
- The conversion project will be completed in coordination with Romare Bearden Park and the BB&T Ball Park.

Charlotte Business INclusion

Established SBE Goal: 14%

Committed SBE Goal: 14.20%

Red Clay Industries, Inc. met the established SBE goal and committed 14.20% (\$60,984) of the total contract amount to the following SBE firm: Ram Pavement Services, Inc. (concrete milling).

Funding

Transportation Capital Investment Fund

30. 5th Street Streetscape Project

Action: Award the low-bid contract of \$932,444.15 to Carolina Cajun Concrete, Inc. for the 5th Street Streetscape project.

Staff Resource: Jim Keenan, Engineering & Property Management

Explanation

- This project was identified in the West End Land Use and Pedscape Plan adopted by the City Council in 2005. It was selected to improve connectivity between the West End/Johnson C. Smith University area and Center City.
- Construction will include:
 - Curb and gutter,
 - Sidewalk improvements,
 - A conduit for decorative lighting,
 - Landscaped medians,
 - Wheelchair ramps,
 - A pedestrian refuge island, and

- Bicycle lanes along 5th Street from Beatties Ford Road to Irwin Avenue.
- Construction is expected to be complete fourth quarter 2014.

Charlotte Business INclusion

Established SBE Goal: 14%

Committed SBE Goal: 14.06%

Carolina Cajun Concrete, Inc. exceeded the established SBE goal and committed 14.06% (\$131,146) of the total contract amount to the following SBE firms: Ground Effects, Inc. (pavement markings), OnTime Construction, Inc. (masonry), Union Pavers Contractors, Inc. (asphalt) and Pavers, Walls and Stamped Concrete, LLC (concrete work). Carolina Cajun Concrete, Inc. is also a certified SBE firm.

Funding

Transportation Capital Investment Fund

31. West Boulevard Sidewalk Project

Action: Award the low-bid contract of \$169,972.88 to Armen Construction, LLC for the West Boulevard Sidewalk project.

Staff Resource: Troy Eisenberger, Engineering & Property Management

Explanation

- This project will support the City's Sidewalk Program to enhance connectivity, offer transportation choices, and improve pedestrian safety.
- The project includes:
 - Installation of sidewalk along West Boulevard from Dawnalia Drive to connect to Norfolk Southern Railroad (.40 mile);
 - Planting strips,
 - Curb and gutter,
 - Driveways,
 - Accessible ramps, and
 - Storm drainage improvements.
- Construction is expected to be complete by fourth quarter 2013.

Charlotte Business INclusion

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). Armen Construction, LLC is a certified SBE firm.

Funding

Transportation Capital Investment Fund

32. Nevin Neighborhood Improvement Project

Action: Award the low-bid contract of \$1,780,973.70 to Carolina Cajun Concrete, Inc. for the Nevin Neighborhood Improvement Project.

Staff Resource: Carl Jarrett, Engineering & Property Management

Explanation

- This is a 2010 Neighborhood Bond Project and will include infrastructure improvements in the area bounded by Statesville Road, Starita Road, and Durham Lane.
- This project includes:
 - Curb and gutter,
 - Sidewalk improvements, and
 - Storm drainage improvements.
- Construction is expected to be complete by first quarter 2015.

Charlotte Business INclusion

Established SBE Goal: 14%

Committed SBE Goal: 14.04%

Carolina Cajun Concrete, Inc. exceeded the established SBE goal and committed 14.04% (\$250,000) of the total contract amount to the following SBE firms: R.E. Sifford Utility, Inc (utility work) and On Time Construction, Inc. (masonry). Carolina Cajun Concrete, Inc. is also a certified SBE firm.

Funding

Neighborhood Improvement Capital Investment Fund

33. Newell-South Neighborhood Improvement Project Contract Amendment

Action: Approve contract amendment #3 for engineering services in the amount of \$158,796 with Atkins North America, Inc.

Staff Resource: Carl Jarrett, Engineering & Property Management

Explanation

- The 2010 Neighborhood Improvement Project is bounded by North Tryon Street, Old Concord Road, and Rocky River Road.
- Contract amendment #3 will provide funding for necessary storm drainage analysis and potential design services including:
 - Analysis of one culvert under Kemp Street and one culvert under Sandy Avenue; and
 - Develop required storm drainage remediation designs downstream of the Kemp Street culvert.
- Approval of this amendment will fund additional storm drainage work that was not identified during the design phase. The re-work required will be at the design consultant's expense. Contract amendment #3 will cover design work that would have originally been required with the project.

- On August 25, 2008, the City Council approved the original design services contract in the amount of \$333,000 with Atkins North America, Inc. (formerly PBS&J).
- The City Manager's Office approved contract amendment #1 in the amount of \$29,000 on January 23, 2012 and contract amendment #2 in the amount of \$28,500 on September 14, 2012, both resulting from design revisions requested by residents during the public involvement process.
- Contract amendment #3 brings the new total contract amount to \$549,296; funding is available in the project budget.
- Atkins North America, Inc. was selected using the Council-approved qualifications based selection process.

Charlotte Business INclusion

All additional work involved in this amendment will be performed by Atkins North America, Inc. and their existing subcontractors (Part D: Section 6 of the SBO Policy).

Funding

Neighborhood Improvement Capital Investment Fund

34. Airport Fuel Farm Expansion

Action: Approve the low-bid contract of \$7,693,006 with Bolt Construction, Inc. for expanding the existing fuel farm used by the airlines serving the Airport.

Staff Resource: Jack Christine, Aviation

Explanation

- In 1981, the Airport constructed the consolidated fuel farm. The original project constructed three, 10,000 barrel capacity fuel tanks.
- The fuel farm has been expanded multiple times since it opened, adding additional capacity as needed.
- Most recently, in 2008, the Airport constructed two additional 30,000 barrel tanks.
- On January 24, 2011, the City Council approved a \$142,600 design contract to Robert and Company to design an expansion to the fuel farm facility.
- The contract with Bolt Construction, Inc. will construct new fuel lines to the E Concourse Ramp to provide total fuel system redundancy around the terminal complex. The project will also replace pumps and controls for more efficient fuel delivery to the aircraft.
- On April 23, 2013, Invitations to Bid were advertised. Three bids were received; however, due to the bids being over budget, all bids were formally rejected on May 30, 2013. The project scope was adjusted and the project was re-advertised on June 28, 2013. Four bids were received; however, the bids were still over the project budget.
- In an effort to bring this project within budget, the Airport reached out to the low bidder and engineer to look for cost saving ideas. The low bidder provided value engineering opportunities without changing the scope of work, and the Airport has accepted those changes.
- This project is funded with proceeds of the 2007 General Airport Revenue Bonds.

Charlotte Business INclusion

Established SBE Goal: 7%

Committed SBE Goal: 10.89%
 Bolt Construction, Inc. exceeded the established SBE goal, and committed 10.89% (\$838,000.00) of the total bid amount to the following SBE firms: Page Power System (Electrical) and Camps Construction (Concrete and Buildings).

Funding

Aviation Capital Investment Plan

35. Airport Project Management Services

Action: **A. Approve the professional services contract with Turner Construction Company in an amount up to \$1,886,772 for Airport project management services for a three-year term, and**

B. Approve a budget ordinance appropriating \$1,886,772 from the Airport Discretionary fund to the Airport Capital Investment Plan.

Staff Resource: Jack Christine, Aviation

Explanation

- On June 9, 2003, Turner Construction was selected to manage construction projects at the Airport.
- Since then Turner has provided two people full-time to work with Aviation Department personnel to manage the following projects:
 - Rental Car Facility and Hourly parking Deck: \$120 million
 - Checked Baggage In-line System: \$50 million
 - Business Valet Parking Deck: \$40 Million
 - West Terminal Expansion: \$10 million
- Upcoming projects that Turner personnel will assist in managing include:
 - Fourth Parallel Runway: \$100 million
 - Commercial / Passenger Driving Lane: \$37 million
 - Remote Rental Car Maintenance Facility: \$15 million
 - East Terminal Expansion- Phase 2: \$10 million
- The Turner personnel will continue to establish and maintain project schedules and budgets, monitor quality control, and coordinate the work of various contractors and Airport operations.
- The contract term is three years, although the City may terminate it at any time for any reason.
- The Airport will pay Turner up to \$51,376 per month for the first 12 months. On December 1, 2014, the monthly maximum will increase to \$52,403, and on December 1, 2015, the monthly maximum will increase to \$53,452.
- The City will also pay Turner for pre-approved out-of-pocket expenses.

Disadvantaged Business Enterprise (DBE)

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

Funding

Aviation Capital Investment Plan

Attachment 12
Budget Ordinance

36. Terminal Curbfront Roadway Project Change Order

Action: **A. Approve change order #1 with HNTB North Carolina, P.C. in the amount of \$362,081 for additional design services for the Terminal Curbfront Roadway project, and**

B. Adopt a budget ordinance appropriating \$362,081 from the Airport Discretionary Fund to the Airport Capital Investment Plan.

Staff Resource: Jack Christine, Aviation

Explanation

- The development plan for the terminal complex anticipates a new eight-lane curbside roadway in front of the terminal building on both the arrival and departure levels, with three lanes for commercial vehicles and five lanes for private occupancy vehicles.
- On November 8, 2010, the City Council approved a design contract with HNTB in the amount of \$1,695,615 for the design of the new roadway for the terminal curbside.
- Change order #1 is needed for additional design services to:
 - Modify the roadway foundations to also support the future canopy for the terminal lobby expansion.
 - Increase the height clearances on the baggage claim level, which will be necessary to accommodate a ventilation system on that level in the future when the terminal lobby is expanded.
 - Modify the curbside layout to add 120 feet of roadway to match changes in the future expansion of the terminal lobby.
- Repayment for this change order will come from future Passenger Facility Charges and pay-as-you-go funds, pending approval by the Federal Aviation Administration.
- With the change order, the new total contract value is \$2,057,696.

Charlotte Business INclusion

All additional work involved in this Change Order will be performed by HNTB North Carolina, P.C. and their existing subcontractors (Part D: Section 6 of the SBO Policy).

Funding

Aviation Capital Investment Plan

Attachment 13
Budget Ordinance

37. Transit Automated Teller Machine Lease Agreement

- Action:**
- A. Adopt a resolution approving a five-year lease agreement with Bank of America for an automated teller machine at the LYNX I-485 station, and**
 - B. Authorize the City Manager to approve one, five-year lease renewal.**

Staff Resource: Olaf Kinard, Transit

Explanation

- In September 2012, Transit received an unsolicited proposal from Lincoln Harris, Bank of America's leasing agent, offering to lease space for the installation of a free-standing, drive through automated teller machine (ATM) at the I-485 Station parking facility.
- In November 2012, Transit advertised for additional proposals for the ATM in response to the unsolicited proposal and received only one additional response.
- Transit selected the Bank of America proposal based on their provision of the best financial solution for Transit operations.
- Negotiations occurred in early 2013 and a non-binding Letter of Intent was produced by both parties to advance the project through Bank of America's initial capital funding process.

Lease Terms

- Five-year lease with option for one additional five-year renewal.
- Transit will install electrical and telephone lines that will be separately metered.
- Bank of America will pay all costs associated with construction, installation, and maintenance of the ATM, including monthly utility costs.
- Bank of America will pay an annual flat fee of \$15,600, resulting in approximately \$78,000 in revenue over the initial five-year term of the lease.
- If the optional five-year renewal is exercised, Bank of America will pay an annual flat fee of \$16,848, resulting in approximately \$84,240 in revenue over the optional five-year term.

Attachment 14

Resolution

38. Transit Security Services

- Action:**
- A. Approve a contract with G4S Secure Solutions (USA) Inc. for transit security services (sworn and unarmed) for various Transit facilities for a three-year term, and**
 - B. Authorize the City Manager to extend the contract for two additional terms with possible price adjustments at the time of renewal as authorized by the contract.**

Staff Resources: Carolyn Flowers, Transit
Allen Smith, Transit

Explanation

- Transit expanded its contracted security services to include company police officers in 2007 in preparation for the opening of the Light Rail line.
- On August 27, 2007, the City Council approved a contract with Allied-Barton to provide security services for the LYNX Light Rail line. The contract included two, one-year renewal options, both of which were exercised.
 - The contract was expected to expire in October 2012 but on September 26, 2011, the City Council approved a one-year contract extension to avoid any disruptions in service in preparation for the Democratic National Convention.
- Transit currently uses a combination of sworn and unarmed security personnel:
 - Four Charlotte-Mecklenburg Police Transit Unit officers,
 - 41 company police officers,
 - 22 security guards, and
 - Seven dispatchers
 - Sworn police officers are authorized to carry firearms and have arrest powers on Transit property. Officers are certified under North Carolina Law and receive at least 600 hours of basic law enforcement training.
 - Company police and security officers are trained in all areas relevant to providing security to a transit system, including anti-terrorism.
 - The officers will be deployed at several Transit facilities including Rosa Parks, Eastland Mall, and the uptown Charlotte Transportation Center.
- The proposed contract requires strict adherence to all applicable laws and Transit customer service and courtesy guidelines.
 - The City will have the full ability to terminate the contract immediately for default including any violation of the law and may terminate, without cause, upon 30 days written notice to the vendor.
 - Authority to terminate or modify the contract is delegated to the City Manager.
 - The contract anticipates the need and provides the required flexibility for additional officers required for the LYNX Blue Line Extension, CityLynx Gold Line, and for uptown special events.
- A team composed of Transit and Police representatives evaluated the three proposals that were received. Based on selection criteria that included; price, company experience in a transit environment, and staff qualifications; the evaluation team determined that G4S Secure Solutions best met the proposal requirements.
- The estimated annual expenditure is \$3,023,037.76

Charlotte Business INclusion

For services contracts, the City may negotiate SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy).

No SBEs currently have been identified for participation on this contract; however, MWSBE participation efforts were incorporated into the solicitation and evaluation process.

G4S has committed 10% of the monthly project totals to the following certified MWBE firm: Security 1 Solutions (unarmed security services). In addition, GFS has agreed to work with the City during the term of the contract to find additional subcontracting opportunities for SBEs and MWBEs.

Funding

Transit Operating Budget

39. Sewer Rehabilitation Contract FY2014

Action: A. Award the low-bid unit price contract of \$2,676,318.75 to Atlantic Coast Contractors, Inc. for the FY2014 Sewer Rehabilitation contract, and

B. Authorize the City Manager to renew the contract for two additional terms.

Staff Resource: Barry Shearin, Utility

Explanation

- The Charlotte-Mecklenburg Utility Department (CMUD) operates and maintains more than 4,100 miles of sanitary sewer lines throughout Mecklenburg County. Many of these pipes are several decades old and often need repairs or rehabilitation.
- The contract provides unit prices for various types of sewer line repairs and rehabilitation, including:
 - Repair of defects on pipe mains, manholes, and service lines,
 - Installing sections of new pipe to replace defective pipe,
 - Installing pipe liners,
 - Sewer cleaning, and
 - Television inspection.
- The work is necessary in order to maintain operational integrity of the sanitary sewer system. By using a unit price repair contract, CMUD will also be able to address structural issues as a preventative measure to sanitary sewer overflows.
- The contract allows for two renewals with price adjustments based on the construction cost index.

Charlotte Business INclusion

Established SBE Goal: 7%

Committed SBE Goal: 7.58%

Atlantic Coast Contractors exceeded the established SBE goal, and committed 7.58% (\$202,750) of the total contract amount to the following SBE firms: B&N Grading, (paving); The Huffstetler Group, (concrete); Venture Utility Corporation, (utility

construction); Jaamco Drain Cleaning, (CCTV); Jones Grading and Fencing, (fencing and hauling).

Funding

Utility Capital Investment Plan

40. Wastewater Pipe Inspection Services

- Action: A. Approve the professional services contract with Infrastructure Technologies, Inc. in the amount of \$161,400 to manage the collection and quality assurance review of wastewater pipe inspection video data, and**
- B. Authorize the City Manager to renew the contract for two additional terms.**

Staff Resource: Barry Gullet, Utility

Explanation

- As part of Charlotte-Mecklenburg Utility Department's (CMUD) wastewater collection system maintenance strategy, staff and contractors operate video equipment inside wastewater pipes to inspect pipe condition and collect asset data.
- Staff and the contractors currently use a software application from Infrastructure Technologies, Inc. to manage collection of video and inspection data.
- The contract will provide services for:
 - Continued inspection and uploading of incoming pipeline video data into CMUD's production database; and
 - Additional services to evaluate for accuracy against industry standards a percentage of collected pipe inspection and video data from staff and contractors.
- Based on an estimate of past work it is expected that Infrastructure Technologies, Inc. would upload approximately 200,000 linear feet of incoming data, and would evaluate the inspection quality of approximately 30,000 linear feet of data.
- Infrastructure Technologies, Inc. was selected to perform this expanded work because of their specific knowledge of the application being used by CMUD, industry expertise, knowledge of CMUD's system, and past performance.

Charlotte Business INclusion

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

Utility Operating Budget

41. McAlpine Creek Wastewater Treatment Plant System Improvements

Action: Award a low-bid contract of \$496,750 to Crowder Construction Company for construction of the sodium bisulfite system reliability improvements at the McAlpine Creek Wastewater Treatment Plant.

Staff Resource: Barry Shearin, Utility

Explanation

- An essential part of the wastewater treatment process at the McAlpine Creek Wastewater Treatment Plant is the sodium bisulfite system, which removes chlorine from treated wastewater prior to its discharge into the creek.
- The key Sodium Bisulfite System components include a chemical storage tank, chemical feed pumps and circulation pumps. The system has been in service since 1994 and the tank is at the end of its useful life.
- The project includes replacing the existing tank and installing a second tank along with its associated piping, pumps, and other equipment for redundancy and reliability purposes.
- In addition, a galvanized steel canopy will be installed over both tanks to protect them from the weather and extend their life.
- If the existing system is not replaced, it may result in tank operational failure and ultimately discharge permit violations.

Charlotte Business INclusion

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

Funding

Utility Capital Investment Plan

42. Utility Field Operations Facility Contract Amendment

Action: Approve contract amendment #1 for \$500,000 with C-Design, Inc. for additional architectural services for the design and construction administration of a new Utility Field Operations Facility.

Staff Resource: Barry Shearin, Utility

Explanation

- On November 12, 2007, the City Council approved a design contract with C-Design, Inc for \$1,423,900 for the design and construction administration of a new Utility Field Operations Facility to replace the old West Tyvola Road field operations facility. Significant work was done on this design but construction was postponed in 2009 due to other capital budget priorities.
- A recent assessment of the field operations' workspace identified replacement of the mobile office operation facility, at the McAlpine Creek Treatment Plant site in Pineville, as an even higher priority than the old West Tyvola field operations facility.

- Since the Field Operations facilities generally follow the same layout, adjusting for staffing levels, staff recommends using a similar building design at both locations.
 - Applying a shared design approach supports standardization of building maintenance and operation, thus providing cost savings in maintaining the facilities.
- Contract amendment #1 will allow C-Design to use the existing facility design concepts for the West Tyvola Road location and proceed with final design and site layout for the Pineville location.
- Contract amendment #1 will bring the new total value of the contract to \$1,923,900, which is in the project budget.

Background

- The Charlotte-Mecklenburg Utility Department's (CMUD) Field Operations division operates and maintains more than 8,200 miles of water and sewer pipes throughout Mecklenburg County. During the past decade, CMUD field crews have operated from one of four geographically spaced operation centers in order to reduce crew travel and response times.
- The creation of four operation zones led to the establishment of two additional facilities, one in a leased space off N.C. Highway 73 in Huntersville, and the other in Pineville in mobile office space on the McAlpine Creek Wastewater Treatment site. From the beginning, both added facilities were slated for eventual upgrade.

Charlotte Business INclusion

All additional work involved in this amendment will be performed by the consultant and their existing sub-consultants (Part D: Section 6 of the SBO Policy). C-Design is also a certified SBE firm.

Funding

Utility Capital Investment Plan

43. NC Clean Water Revolving Fund Application

Action: **A. Adopt a Resolution authorizing the Charlotte-Mecklenburg Utility Department to apply for a Clean Water State Revolving Fund Loan in an amount not to exceed \$3.5 million.**

B. Authorize the City Manager to sign and submit an application to the Clean Water State Revolving Fund Loan Program.

Staff Resources: Barry Gullet, Utility
 Chad Howell, Utility

Explanation

- The Charlotte-Mecklenburg Utility Department is applying for a zero percent loan from the Clean Water State Revolving Fund Loan Program for the construction of a Combined Heat and Power Project at McAlpine Wastewater Treatment Plant.
- The loan will fund the installation and construction of a generator and associated equipment converting waste methane gas, produced during treatment, into power for use at the McAlpine Treatment Plant.
 - Power generated would meet approximately 14% of McAlpine's needs.
 - The project will qualify for renewable energy credits.

Attachment 15
Resolution

44. Public Auction for Disposal of Equipment and Police Unclaimed Property

Action: A. Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus, and

B. Authorize said items for sale by public auction on September 21, 2013, and September 28, 2013.

Staff Resource: Charles Robinson, Shared Services

Explanation

- Pursuant to North Carolina G.S. 160A-270(b) approval is requested for two public auctions as follows:
 - On September 21, 2013, at 10:00 a.m. to dispose of City owned property declared as surplus.
 - On September 28, 2013, at 10:00 a.m. to dispose of police unclaimed property.
- Each auction is conducted at the City-County Asset Recovery and Disposal facility located at 5550 Wilkinson Blvd, Charlotte, North Carolina.
- The City selected Rogers Realty and Auction Company, Inc. – a woman-owned business - as the auction service provider through a competitive selection process.
- Services provided include up to 20 days of labor for one employee to assist with set up of the rolling stock auction. On auction day, four auctioneers and all support staff will be onsite to ensure a successful auction. Rogers also provides one employee for one week following the auction to disperse vehicles to buyers.
- The auction company will be compensated for the sale through auction proceeds in the following manner:
 - Rolling stock equipment – 9.50% of the total gross sale price
 - Police unclaimed property – 9.50% of the total gross sale price
 - Miscellaneous items – 9.50% of the total gross sale price

Charlotte Business INclusion

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

Attachment 16

List of Property to be declared as Surplus
Resolution

45. Electronic Auction for Disposal of Trolley Buses

Action: **A. Adopt a resolution declaring specific vehicles as surplus, and**
 B. Authorize said items for sale by electronic auction beginning
 August 27, 2013 and ending November 29, 2013.

Staff Resource: Charles Robinson, Shared Services

Explanation

- Pursuant to North Carolina G.S. 160A-270(c) approval is requested for an electronic auction as follows:
 - Beginning August 27, 2013 and ending November 29, 2013, five trolley buses will be offered for electronic auction.
- City staff believes that the use of electronic auction will provide a larger audience of qualified bidders and return maximum revenue from these specialized vehicles.
 - GovDeals.com, with a commission rate of 7.5%, is an electronic auction service that provides a hosted website to advertise and auction end-of-life assets, with no additional on-site services.
 - GovDeals.com has been used successfully in the past to perform electronic auctions for Fire Trucks and other specialized vehicles.
- The trolley buses were used for the Gold Rush and are being removed from service due to age and/or mileage.

Charlotte Business INclusion

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

Attachment 17

A List of Property to be declared Surplus
Resolution

46. Small Package Delivery Services

- Action:**
- A. Approve the use of a government rate structure for small package delivery services from the state contract as authorized by G.S. 143-129C (9),**
 - B. Approve a contract with Federal Express Corporation (FedEx) for the purchase of small package delivery services for an initial term of one year, and**
 - C. Authorize the City Manager to extend the contract for two consecutive years at the prices, terms, and conditions offered under the State contract.**

Staff Resource: Charles Robinson, Shared Services

State Contract Exemption

- G.S. 143-129(e)(9) allows local government to purchase from state contracts if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the state contract.

Explanation

- The City of Charlotte currently uses FedEx, United Parcel Services, and the United States Postal Service to meet a variety of shipping needs. In addition, the City also has internal and external courier services for local mail and package delivery within Mecklenburg County.
- The agreement provides the City with access to a preferred government rate, offering approximately 60% in cost savings, along with the following additional offerings:
 - Access to a dedicated Government team,
 - Access to run weekly and monthly usage and financial reports 24/7 on 24 months of historical data, and
 - Package tracking and customer support access 24/7.
- Annual expenditures are estimated at approximately \$90,000.

Charlotte Business INclusion

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

Funding

Various Departments' Operating Budget

47. Vehicles and Equipment Purchase – State Contract Exemption

- Action:**
- A. Approve the purchase of vehicles and equipment from a state contract as authorized by G.S. 143-129(e)(9),**
 - B. Approve a unit price contract with the following vendors for the purchase of vehicles and equipment for a three-year term:**
 - Bobby Murray Chevrolet
 - Capital Ford Raleigh
 - Capital Ford of Wilmington
 - Piedmont Ford Truck Center
 - Deere and Company
 - Rob’s Hydraulics
 - Sir Walter Chevrolet, and
 - C. Authorize the City Manager to extend the contracts for an additional one-year term as long as the state contract is in effect, at prices and terms that are the same or more favorable than those offered under the state contract.**

Staff Resource: Charles Robinson, Shared Services

State Contract Exemption

- G.S. 143-129(e)(9) allows local government to purchase from state contracts if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the state contract.

Explanation

- The Fleet Management Division of Shared Services collaborates with other city departments on an annual basis to identify vehicles and equipment that are suitable for replacement based on a rating assessment of vehicle condition and maintenance history.
- State contracts offer the City purchasing power based on state-wide demand. The vendors listed above are willing to provide vehicles and equipment to the City at the same or better terms as are provided in their contracts with the State of North Carolina.
- Unit prices are set forth in the proposed contract, and are available upon request.
- Total annual expenditures are estimated to be \$2,325,000 as follows:
 - Bobby Murray Chevrolet – utility vehicles in the estimated amount of \$155,000;
 - Capital Ford Raleigh – trucks, vans, and utility vehicles in the estimated amount of \$375,000;
 - Capital Ford of Wilmington – trucks in the estimated amount of \$750,000;
 - Piedmont Ford Truck Center – trucks in the estimated amount of \$510,000;
 - Sir Walter Chevrolet – utility vehicles in the estimated amount of \$80,000;
 - Rob’s Hydraulics - construction equipment in the estimated amount of \$320,000; and
 - Deere and Company - grounds maintenance equipment in the estimated amount of \$135,000.
- An itemized capital equipment replacement list is available upon request.

Background

- State Statute does not allow preferential purchasing based on vendor location.
- Shared Services contracts with local vendors for police pursuit vehicles and administrative vehicles and spends \$5.0 million annually.
- In the past, Shared Services contracted with local vendors for pickup trucks and spent 8% more per vehicle.
- State contracts for pickup trucks offer 2014 model year vehicles at 2013 prices until the contracts are renewed in October.

Charlotte Business INclusion

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

Funding

FY2014 Capital Equipment Replacement Fund

Attachment 18

FY2014 Capital Equipment List

48. Vehicle and Equipment Purchases - Cooperative Purchasing Exemption

- Action:**
- A. Approve the purchase of off-road grounds equipment and sewer cleaning equipment from a cooperative purchasing exemption contract as authorized by G.S. 143-129(e)(3),]**
 - B. Approve a unit price contract with the following vendors for the purchase of vehicles and equipment for a one-year term:**
 - **Kubota Tractor Corporation**
 - **Sewer Equipment Company of America**
 - **Grove US LLC, and**
 - B. Authorize the City Manager to extend each contract for an additional one-year term as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

Staff Resource: Charles Robinson, Shared Services

Cooperative Purchasing Exemption

- NC S.L. 2001-328, effective January 1, 2002 authorizes competitive group purchasing.

Explanation

- The Fleet Management Division of Shared Services collaborates with other city departments on an annual basis to identify vehicles and equipment that are suitable for replacement based on a rating assessment of vehicle condition and maintenance history.
- Kubota Tractor Corporation and Sewer Equipment of America have contracts awarded through the Houston-Galveston Area Council that offers competitively obtained contracts to public agencies nationwide.

- Grove US LLC has a contract awarded through the National Joint Powers Alliance that offers competitively obtained contracts to public agencies nationwide.
- Cooperative contracts offer the City purchasing power based on national demand.
- Unit prices are set forth in the proposed contracts, and are available upon request.
- Total annual expenditures are estimated to be \$580,000 as follows:
 - Kubota Tractor Corporation – both off-road grounds equipment and sewer cleaning equipment - in the estimated amount of \$250,000;
 - Sewer Equipment Company of America – off-road grounds equipment only - in the estimated amount of \$100,000; and
 - Grove US LLC – public works equipment only - in the estimated amount of \$230,000.
- An itemized capital equipment replacement list is available upon request.

Charlotte Business INclusion

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

Funding

FY2014 Capital Equipment Replacement Fund

Attachment 18

FY2014 Capital Equipment List

49. Enterprise Learning Management System Upgrade

Action: Approve a contract with SuccessFactors, Inc. (formerly Plateau Systems, Ltd.) for the upgrade of the enterprise learning management system and related services in the amount of \$128,638.

Staff Resource: Cheryl Brown, Human Resources

Explanation

- The City's learning management system, SuccessFactors Learning, has reached end of the current life system.
 - On September 24, 2008, the City Council approved a contract with Plateau Systems, Ltd. for the provision of an enterprise learning management system and related services in the amount of \$332,256. The City Council also approved up to \$50,000 in maintenance and support fees for FY2009 and FY2010.
 - The first upgrade was approved by the City Manager's Office in 2010 in the amount of \$71,625.
- The current upgrade will move the City to version 6.4, which has more robust administrator tools that will assist in importing training records, tracking certifications, and developing more comprehensive training reports.
- The latest version of the SuccessFactors LMS will ensure the City system has continued technical and maintenance support by the company.
- If the upgrade does not occur, the City will no longer receive technical and maintenance support for ongoing system capability. This will impact the organization's ability to deliver online training and track training requirements. The largest employee population impacted is Police.
- The second upgrade brings the new contract value to approximately \$582,519.

Background

- The Charlotte-Mecklenburg Police Department and the Charlotte-Mecklenburg Utility Department have successfully and effectively used Plateau LMS for training purposes since 2001 and 2005 respectively.
- All departments have access to the system, and use it in many ways, including delivering e-learning modules, tracking state and federal training requirements, and reporting on requirements.
- Plateau Systems, Ltd. was purchased in 2010 by SuccessFactors, Inc.

Charlotte Business INclusion

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

Technology Capital Investments

50. Order of Collection for Tax Year 2013

- Action:**
- A. Enter into record the Tax Collector's Settlement Statement for tax year 2012, and**
 - B. Adopt an Order of Collection, NC General Statute 105-373(3); authorizing the tax collector of Mecklenburg County to collect the taxes set forth in settlement statement for tax year 2013.**

Staff Resource: Henry Simmons, Finance

Explanation

- According to NC General Statute 105-373(3), the Tax Collector's Settlement Statement must be entered into the official record of the governing board.
- The Tax Collector's Settlement Statement is used to present the real estate and motor vehicle collection rates for the previous tax year and prior years.
- The Tax Collector's Office issued an Order of Collection to authorize the collection of real estate and motor vehicle taxes for tax year 2013.
- The Order of Collection must be ratified and returned to the Mecklenburg County, Office of the Tax Collector, by September 1, 2013.

Attachment 19

Tax Collector's Settlement
Order of Collection

51. Refund of Property and Business Privilege License Taxes

Action: A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$68,433.19, and

B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$13,288.74.

Staff Resource: Henry Simmons, 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.
- Business privilege license refunds are provided to the City by Mecklenburg County.

Attachment 20

List of refunds
Resolutions

52. Independence Boulevard Widening Project Land Purchase

Action: Approve the sale of a portion of two City-owned parcels to the North Carolina Department of Transportation for the Independence Boulevard Widening Project including:

- Parcel I is 0.111 acre located at the corner of Lanier Avenue and Independence Boulevard, (Tax I.D. #161-036-44) for \$78,700, and
- Parcel II is 0.019 acre of CMUD land located at the corner of Idlewild Road and Monroe Road, (Tax I.D. #191-011-01) for \$16,800.

Staff Resource: Timothy O'Brien, Engineering & Property Management

Explanation

- The North Carolina Department of Transportation (NCDOT) is undergoing major roadway improvements along Independence Boulevard (US 74) from Albemarle Road (NC 27) to Wallace Lane.
- As a result of the road widening project, NCDOT needs a narrow strip from two City-owned parcels.

Parcel I – 0.111 Acre

- The City acquired the 0.60 acre parcel of land, located at Independence Boulevard and Lanier Avenue, for \$450,643 in February, 2001 as a protective

measure to avoid development of the parcel prior to the upcoming roadway project.

- NCDOT is requesting to purchase 0.111 acre of land for the roadway project at fair market value of \$78,700. The land that NCDOT would be acquiring is within the transitional setback area which would prevent any future development with permanent improvements on this portion of the parcel.
- Upon completion of construction, the City will evaluate the remaining parcel to determine if there is a public use for this land or if it should be sold as surplus.

Parcel II – 0.019 Acre

- The 0.019 acre of the 0.63 acre parcel of land, located at Idlewild Road and Monroe Road, is used by the Charlotte-Mecklenburg Utility Department (CMUD) as a booster pump station.
- NCDOT is requesting to purchase 0.019 acre of land for the roadway project at fair market value of \$16,800. The area of acquisition is beyond the driveway of the booster pump station and would not have any impact on the operation of CMU's facility.
- The revenue from the 0.111 acre sale will be deposited in the City's General Fund; and from the 0.019 acre sale in the Utility Operating Fund.

53. Sale of City-Owned Properties

Action: A. Adopt a resolution approving the sale of four City-owned properties including:

- **530 Ambassador Street (071-091-33),**
- **1932 Umstead Street (083-131-01),**
- **9829 Packard Street (205-102-12),**
- **2323 Old NC Hwy 27/Gaston County (175996), and**

B. Authorize the City Manager to execute the sale documents for these transactions.

Staff Resources: Pamela Wideman, Neighborhood & Business Services
Robert Drayton, Engineering & Property Management

Explanation

- The City owns several vacant lots and single-family residential properties located in various neighborhoods.
 - Three properties were acquired due to the death of the borrower and one by default of a loan issued by Neighborhood & Business Services.
 - The properties were offered to non-profit development partners to be reused as affordable housing, but none of the partners were interested in assuming the properties.
 - The property at 2323 Old NC Hwy 27, in Gaston County, was acquired by default of a loan made for relocation as a result of a code enforcement action. Under the former City Relocation Program, the resident was eligible to move anywhere within a 50-mile radius of their previous residence. In this case, the resident selected a property in Gaston County.
- The Charlotte-Mecklenburg Planning Committee approved mandatory referrals in favor of the sale of the properties for residential uses on the open market.
- The properties were offered for sale at appraised values, initial offers were received and the properties were advertised for upset bids.

- The following properties will be sold for the highest bid:
 - 530 Ambassador Street (071-091-33): \$21,500
 - 1932 Umstead Street (083-131-01): \$58,368
 - 9829 Packard Street (205-102-12): \$49,500
 - 2323 Old NC Hwy 27, Gaston County (175996): \$11,000
- The proceeds of sales from 530 Ambassador Street and 1932 Umstead Street will be returned to the Community Development Block Grant Fund as required by federal program regulations.
- The proceeds of sales from 2323 Old NC Hwy 27/Gaston County and 9829 Packard Street will be returned to HOME Investment Partnerships Program Fund as required by federal program regulations.

Attachment 21

Photos
Resolutions

54. **Approve Resolution of Intent to Abandon a Residual Portion of Camden Road and Lancaster Street**

Action: **A. Adopt the Resolution of Intent to abandon a residual portion of Camden Road and Lancaster Street, and**

B. Set a public hearing for September 23, 2013.

Staff Resource: Jeff Boenisch, Transportation

Attachment 22

Map
Resolution

55. **Approve Resolution of Intent to Abandon an Alleyway off South Graham Street**

Action: **A. Adopt the Resolution of Intent to abandon an Alleyway off of South Graham Street, and**

B. Set a public hearing for September 23, 2013.

Staff Resource: Jeff Boenisch, Transportation

Attachment 23

Map
Resolution

56. Approve Resolution of Intent to Abandon Various Rights-of-Way within the Moores Park Neighborhood

Action: A. Adopt the Resolution of Intent to abandon a Portion of Shoreline Drive, Moores Lake Drive, Virginia Court, Virginia Circle, Virginia Avenue, Lake Barry Drive, Shady Circle, Tersa Avenue, and Marshall Avenue, and

B. Set a public hearing for September 23, 2013.

Staff Resource: Jeff Boenisch, Transportation

Attachment 24

Map
Resolution

57. Meeting Minutes

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

- April 22, 2013, Council Business Meeting
- May 13, 2013, Council Business Meeting
- June 3, 2013, Council Workshop

58. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Field Observation:

- A. 3322 Tuckaseegee Road (Neighborhood Profile Area 5)

Field Observation:

A. 3322 Tuckaseegee Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3322 Tuckaseegee Road (Neighborhood Profile Area 5).

Attachment 25

59. Property Transactions

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

For property transactions A-C, F-K 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 #1291
Owner(s): D&K Properties, LLC
Property Address: 4000 Raleigh Street
Property to be acquired: 45 sq. ft. (.001 ac.) in Fee Simple, plus 7,335 sq. ft. (.168 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-2
Use: Industrial
Tax Code: 091-072-03
Total Parcel Tax Value: \$1,137,500
Purchase Price: \$11,625
- B. Project:** Blue Line Extension, Parcel #2236
Owner(s): Howard P. Brady and wife, Frances L. Brady

Property Address: 7000 North Tryon Street
Property to be acquired: 1,226 sq. ft. (.028 ac.) in Temporary Construction Easement, plus 2,832 sq. ft. (.065 ac.) in Utility Easement
Improvements: None
Landscaping: Trees
Zoned: B-2
Use: Commercial
Tax Code: 049-113-22
Total Parcel Tax Value: \$487,200
Purchase Price: \$403,675

- C. Project:** Blue Line Extension, Parcel #3179
Owner(s): Bellsouth Telecommunications, Inc.
Property Address: 8430 North Tryon Street
Property to be acquired: 7,409 sq. ft. (.17 ac.) in Fee Simple, plus 3,163 sq. ft. (.073 ac.) in Temporary Construction Easement, plus 777 sq. ft. (.018 ac.) in Utility Easement
Improvements: None
Landscaping: Trees
Zoned: I-2(CD)
Use: Office
Tax Code: 049-331-01
Total Parcel Tax Value: \$1,279,900
Purchase Price: \$108,000
- D. Project:** Pressley Road Extension Project, Parcel # 3
Owner(s): James E. Davis
Property Address: 1300 Caldwell Williams Road
Property to be acquired: 17,546.6 sq. ft. (.403 ac.) in Fee Simple, plus 6,834.15 sq. ft. (.157 ac.) in Fee Simple within Existing Right-of-Way, plus 1,951.79 sq. ft. (.045 ac.) in Storm Drainage Easement, plus 9,863.09 sq. ft. (.226 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-1
Use: Industrial
Tax Code: 035-121-11
Total Parcel Tax Value: \$176,200
Purchase Price: \$20,450
- E. Project:** Raw Water Right-of-Way Protection, Parcel #2
Owner(s): Harley Richard Smith
Property Address: 405 Oakdale Road
Property to be acquired: 22,828 sq. ft. (.524 ac.) in Fee Simple
(TOTAL TAKE)
Improvements: Building
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 035-031-23
Total Parcel Tax Value: \$84,200
Purchase Price: \$80,000

Condemnations

- F.** **Project:** Blue Line Extension, Parcel #1293
Owner(s): Brownstone Properties X, LLC and any other parties of interest
Property Address: 600 East Sugar Creek Road
Property to be acquired: 105,236 sq. ft. (2.416 ac.) in Fee Simple, plus 8,980 sq. ft. (.206 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-2
Use: Industrial
Tax Code: 091-072-04
Total Parcel Tax Value: \$2,026,300
Appraised Value: \$321,500
Property Owner's Counteroffer: \$1,000,000
Reason for Condemnation: Staff began working with the property owner in December 2012 and has yet to reach an agreement. The property owner has requested that the City purchase the entire property, because he is concerned the land will lose value and he will lose his tenant. The City cannot agree to purchase the entire property because it is not required for the Blue Line Extension Project. Staff is prepared to relocate the tenant. To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- G.** **Project:** Blue Line Extension, Parcel #2191
Owner(s): Sam's Mart, LLC and any other parties of interest
Property Address: 6500 North Tryon Street
Property to be acquired: 260 sq. ft. (.006 ac.) in Fee Simple, plus 6,825 sq. ft. (.157 ac.) in Temporary Construction Easement, plus 47 sq. ft. (.001 ac.) in Utility Easement
Improvements: None
Landscaping: Shrubs
Zoned: B-2
Use: Commercial
Tax Code: 049-056-10
Total Parcel Tax Value: \$1,069,300
Appraised Value: \$34,400
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owner in November 2012 and has yet to reach an agreement. The property owner has concerns about the loss of traffic due to relocating the driveway away from the intersection. Staff informed the property owner that loss of traffic is non-compensable. The property owner has existing cross-easements with Auto Bell (adjacent property) that need to be reconfigured between the two property owners. To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- H. Project:** Blue Line Extension, Parcel #2219
Owner(s): First Citizens Bank and Trust Company and any other parties of interest
Property Address: 6709 North Tryon Street
Property to be acquired: 7,035 sq. ft. (.162 ac.) in Fee Simple, plus 7,208 sq. ft. (.165 ac.) in Temporary Construction Easement, plus 3,382 sq. ft. (.078 ac.) in Utility Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 089-172-45
Total Parcel Tax Value: \$1,372,000
Appraised Value: \$143,100
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owner in December 2012 and has yet to reach an agreement. Property owner concerns include loss of staff and customer parking, traffic flow through their parking lot and driveway access. The property owner requested that the City redesign to address these issues. CATS redesigned a new version of the parking, driveways and storm drainage system. Property owner has legal representation and has not responded to the re-design or the offer. To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- I. Project:** Blue Line Extension, Parcel #2225
Owner(s): Simmco, LLC and any other parties of interest
Property Address: 6797 North Tryon Street
Property to be acquired: 2,317 sq. ft. (.053 ac.) in Fee Simple, plus 226 sq. ft. (.005 ac.) in Sanitary Sewer Easement, plus 4,309 sq. ft. (.099 ac.) in Temporary Construction Easement, plus 381 sq. ft. (.009 ac.) in Utility Easement, plus 180 sq. ft. (.004 ac.) in Combined Utility and Sanitary Sewer Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 089-251-97
Total Parcel Tax Value: \$303,100
Appraised Value: \$25,725
Property Owner's Counteroffer: \$40,065
Reason for Condemnation: Staff began working with the property owners in December 2012 and has yet to reach an agreement. All of the property owner's concerns have been addressed to his satisfaction however staff were unable to reach agreement with property owner in regards to compensation. To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- J. Project:** Blue Line Extension, Parcel #3155
Owner(s): Esa P Portfolio, LLC
Property Address: 8211 University Executive Park Drive
Property to be acquired: 5,271 sq. ft. (.121 ac.) in Fee Simple, plus 17,605 sq. ft. (.404 ac.) in Temporary Construction Easement, plus 1,645 sq. ft. (.038 ac.) in Utility Easement
Improvements: Irrigation system, light pole and sign
Landscaping: Trees and shrubs
Zoned: O-15
Use: Office
Tax Code: 047-451-19
Total Parcel Tax Value: \$5,091,300
Appraised Value: \$175,375
Property Owner's Counteroffer: \$214,391
Reason for Condemnation: Staff began working with the property owners in July 2012 and was able to reach a settlement which was approved by the City Council on March 25, 2013. The closing attorney has been unable to obtain a release from the lender. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which we continue to work to obtain the release from the lender.
- K. Project:** Blue Line Extension, Parcel #3195
Owner(s): SHRI Gopinath Hospitality, LLC
Property Address: 8517 North Tryon Street
Property to be acquired: 1,081 sq. ft. (.025 ac.) in Fee Simple, plus 132 sq. ft. (.003 ac.) in Access Easement and Utility Easement, plus 419 sq. ft. (.01 ac.) in Waterline Easement, plus 377 sq. ft. (.009 ac.) in Temporary Construction Easement, plus 613 sq. ft. (.014 ac.) in Utility Easement, plus 319 sq. ft. (.007 ac.) in Combined Utility and Waterline Easement, plus 69 sq. ft. (.002 ac.) in Combined Utility, Waterline, and Access Easement
Improvements: None
Landscaping: Trees
Zoned: B-2(CD)
Use: Office
Tax Code: 047-211-05
Total Parcel Tax Value: \$4,640,800
Appraised Value: \$16,875
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in July 2012 and was able to reach a settlement which was approved by the City Council on March 25, 2013. The closing attorney has been unable to obtain a release from the lender. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which we continue to work to obtain the release from the lender.
- L. Project:** East Forest Neighborhood Improvement Project - Phase II, Parcel #67
Owner(s): Camellia S. Dunn and any other parties of interest
Property Address: 6600 Old Post Road
Property to be acquired: 2,795.84 sq. ft. (.064 ac.) in Temporary Construction Easement

Improvements: None
Landscaping: Planter bed
Zoned: R-3
Use: Single Family Residential
Tax Code: 189-016-33
Total Parcel Tax Value: \$163,400
Appraised Value: \$2,400
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in March 2013 and was unable to reach a settlement. The property owner is opposed to the project, however the work cannot be removed, and it will be required on this property for this project. To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- M. Project:** Hope Valley/ Oak Forest Neighborhood Improvement Project, Parcel #77
Owner(s): Jaqueline D. Morrison and Jackie Brown and any other parties of interest
Property Address: 4346 Tipperary Place
Property to be acquired: 1,741 sq. ft. (.04 ac.) in Temporary Construction Easement
Improvements: Fencing
Landscaping: Landscape timbers and planting bed
Zoned: R-4
Use: Single Family Residential
Tax Code: 099-162-01
Total Parcel Tax Value: \$83,500
Appraised Value: \$500
Property Owner's Counteroffer: None
Reason for Condemnation: Staff started working with the property owner in November of 2012 and has yet to reach an agreement. This parcel is being submitted for condemnation due to non-communication with the property owner. The agent made multiple attempts via voice mail, mail and in person, but has yet to speak with the property owner. To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- N. Project:** Manning/Wintercrest Sidewalk, Parcel #9
Owner(s): Nicholas T. Bresnahan and wife, Elizabeth Bresnahan and any other parties of interest
Property Address: 215 Manning Drive
Property to be acquired: 1,066 sq. ft. (.024 ac.) in Temporary Construction Easement
Improvements:
Landscaping: Several shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 175-112-21

Total Parcel Tax Value: \$285,600

Appraised Value: \$1,000

Property Owner's Counteroffer: None

Reason for Condemnation: City staff started working with the property owner in March 2013 and has yet to reach a negotiated settlement. The property owner is opposed to the project: he has concerns about losing parking and privacy. Staff developed solutions to many concerns however was unable to settle with the property owner. To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- O. Project:** Meadowbrook Sanitary Sewer Easement Improvements, Parcel #2
- Owner(s):** Geosam Capital US LLC, and any other parties of interest
- Property Address:** 8108 Starnes Randall Road
- Property to be acquired:** 4,847 sq. ft. (.111 ac.) in Sanitary Sewer Easement, plus 16,481 sq. ft. (.378 ac.) in Temporary Construction Easement
- Improvements:** None
- Landscaping:** None
- Zoned:** R-4
- Use:** Single Family Residential - Rural Acreage
- Tax Code:** 111-131-01
- Total Parcel Tax Value:** \$788,100
- Appraised Value:** \$1,000
- Property Owner's Counteroffer:** None
- Reason for Condemnation:** Staff began working with the property owner in February 2013. City staff has made attempts to communicate with the property owner, but all contact has ceased from the property owner. Staff is yet unable to reach a negotiated settlement with the property owner. To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- P. Project:** North Church Street Rail Road Closing, Parcel #1
- Owner(s):** C.D. Stampley Enterprise, Inc. and any other parties of interest
- Property Address:** 1135 North Tryon Street
- Property to be acquired:** 16,289 sq. ft. (.374 ac.) in Fee Simple, plus 59 sq. ft. (.001 ac.) in Water Main Easement, plus 15,957 sq. ft. (.366 ac.) in Temporary Construction Easement
- Improvements:** Office/Warehouse building, fencing and parking
- Landscaping:** Shrubs
- Zoned:** I-2
- Use:** Industrial
- Tax Code:** 078-118-01
- Total Parcel Tax Value:** \$526,000
- Appraised Value:** \$356,500
- Property Owner's Counteroffer:** \$500,000
- Reason for Condemnation:** Staff started working with property owners in February 2013 and has yet to reach a negotiated settlement

with the property owner. Compensation was established by two independent, certified appraisals and an appraisal review. The property owner challenged the appraisal methods in detail; each issue was addressed by staff. The City was unable to justify meeting the counteroffer. To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

Reference



For the August 26, 2013, Council Business Agenda, all Requests for Council Action items were solicited under the SBO Policy, therefore all policy references in this attachment pertain to the SBO Policy.

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

Part A: Administration & Enforcement

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

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

Appendix Section 23: Exempt Contracts: Contracts that fall within one or more of the following categories shall be "Exempt Contracts" for the purposes of establishing an SBE subcontracting goal, unless the Department 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 Department 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 Department and the Program Manager agree that the Department 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.

Reference

Property Transaction Process Following Council Approval for Condemnation

The following overview is intended to provide further explanation for the process of property transactions that are approved by City Council for condemnation.

Approximately six weeks of preparatory work is required before the condemnation lawsuit is filed. During this time, City staff continues to negotiate with the property owner in an effort to reach a mutual settlement.

- If a settlement is reached, the condemnation process is stopped and the property transaction proceeds to a real estate closing.
- If a settlement cannot be reached, the condemnation lawsuit is filed. Even after filing, negotiations continue between the property owner and the City's legal representative. Filing of the condemnation documents allows:
 - The City to gain access and title to the subject property so the capital project can proceed on schedule.
 - The City to deposit the appraised value of the property in an escrow account with the Clerk of Court. These funds may be withdrawn by the property owner immediately upon filing, and at any time thereafter, with the understanding that additional funds transfer may be required at the time of final settlement or at the conclusion of litigation.
- If a condemnation lawsuit is filed, the final trial may not occur for 18 to 24 months; however, a vast majority of the cases settle prior to final trial. The City's condemnation attorney remains actively engaged with the property owner to continue negotiations throughout litigation.
 - North Carolina law requires that all condemnation cases go through formal non-binding mediation, at which an independent certified mediator attempts to facilitate a successful settlement. For the minority of cases that do not settle, the property owner has the right to a trial by judge or jury in order to determine the amount of compensation the property owner will receive.