

Mayor Patsy Kinsey

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

Mayor Pro Tem Patrick D. Cannon

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

CITY COUNCIL MEETING
Monday, July 22 2013

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

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26	23	Prosperity Church Road Northwest Arc Funding Agreements
42	37	LYNX Blue Line Extension – Utility Relocation Agreement with AT&T
43	38	LYNX Blue Line Extension – Light Rail Vehicle Parts
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60	53	Miscellaneous Fire Equipment
62	55	General Obligation Refunding Bonds and Issuance of Housing Bonds
70	60	Blue Line Extension Property Transactions P. (Parcel #2217 and 2221), Q. (Parcel #2223) and T. (Parcel #2242).

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

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Resource: Eric Campbell, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Charlotte B-cycle System Update

Resources: Dianna Ward, Charlotte B-cycle
Phil Reiger, Transportation

Time: 20 minutes

Synopsis

- Bike share systems are rapidly growing throughout the nation.
- The Charlotte B-cycle system began operations in August, 2012.
- Charlotte B-cycle was created through a public, private, and non-profit partnership.
- Charlotte B-cycle is funded entirely through private sponsorships. The primary sponsors to date are Blue Cross Blue Shield of North Carolina, Carolina Healthcare System, and Verizon Wireless.
- Since opening, the 20-station and 200-bicycle system has flourished and accommodated over 30,000 trips on the B-cycle system.
- The City of Charlotte helped advance the Charlotte B-cycle system by updating the Zoning Ordinance to recognize bike share stations and assisting with B-cycle station location and site preparation within the City rights-of-way.
- The City of Charlotte also assisted Charlotte B-cycle by authorizing a temporary one-year lease of space for the B-cycle Hub at Time Warner Cable Arena. In addition, the City of Charlotte leased a decommissioned City van to Charlotte B-cycle to balance and redistribute B-cycles to/from the 20 stations.
- Staff communicated the Time Warner Cable Arena temporary lease to the City Council in October 2012.
- B-cycle staff will present a status update on the first year of operations and request City Council's continued support and partnership in extending the leases for the B-cycle Hub and the decommissioned van.

Future Action

Staff recommends City Council approve Consent Item 18, on page 16, which extends the B-cycle Time Warner Cable space and decommissioned van leases.

3. Charlotte Housing Authority Update

Resources: Fulton Meachem, Chief Executive Officer, Charlotte Housing Authority

Time: 20 minutes

Synopsis

- The Charlotte Housing Authority is a non-profit real estate holding company with the purpose to provide decent, safe, and affordable housing to low-and moderate-income families while supporting their efforts to achieve self-sufficiency.
- The Charlotte Housing Authority currently provides housing to over 22,000 Charlotte residents, many of whom are working families. The agency currently owns, manages, or provides rental subsidies to a diverse portfolio of 53 properties, totaling 9,711 units. Additionally, Charlotte Housing Authority offers other rental housing through workforce housing units (including tax credit-assisted units) and market rate units.
- Through its comprehensive and partnership centered approach, the Charlotte Housing Authority continues to be a vital contributor to the economic prosperity of Charlotte and the region.
- In October 2012, Mr. Meachem embarked on a 100 Day Forethought Tour across the City of Charlotte with the purpose to meet with legislators, community leaders, non-profit chief executive officers, and other key stakeholders. The purpose of the tour was to gain community perspective on both the Charlotte Housing Authority and workforce housing developments throughout the city.
- During tonight's dinner briefing, Mr. Meachem will discuss:
 - His experiences in talking with key stakeholders;
 - The role of the Charlotte Housing Authority in furthering its mission to create housing for all citizens regardless of income;
 - The implications of the recent federal sequestration, which created a \$2.5 million budget shortfall; and
 - Strategies the agency has implemented to address budget reductions and the efforts to reduce the impact to Charlotte Housing Authority residents.
- The Charlotte Housing Authority believes it is essential to create a clear expectation that all participants who are non-elderly and non-disabled should work.
- A work requirement has been implemented at HOPE VI Family Self Sufficiency sites.
- Therefore, Charlotte Housing Authority plans to institute a work requirement across the portfolio, where supportive services are provided, under which the head of household will be expected to work full-time at a minimum of 30 hours per week.

Future Action

The presentation is for information purposes only.

4. Answers to Mayor and Council Consent Item Questions

Resource: Eric Campbell, City Manager's Office

Time: 10 minutes

Synopsis

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

5. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(3) to go in 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 of a claim.

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

7:00 P.M. AWARDS AND RECOGNITIONS

6. "Do the Right Thing" Student Recognition

Action:	Mayor Kinsey will recognize Jonathan Traverso from Ardrey Kell High School and Aliyah Morris from Harding University High School who, in the face of overwhelming odds, exhibited character and integrity.
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CONSENT

- 7. Consent agenda items 18 through 71 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

ZONING

8. Rezoning Petition 2013-047

Action: Render a decision on the proposed rezoning 2013-047 by Brookline Residential, LLC from MX-1, mixed use to UR-2(CD), urban residential, conditional.

Staff Resource: Shad Spencer, Planning Department

Explanation

- At their July 15, 2013, Zoning Meeting, City Council deferred the decision of this rezoning petition to allow the petitioner time to have additional discussions with area residents.
- The property is approximately 26.68 acres located on the west side of Interstate 77 north of the intersection of Reames Road and Lakeview Road (Council District 2 – Mitchell).
- A protest petition has been submitted and deemed to be insufficient.
 - The petition was found to be inconsistent with the Northlake Area Plan; however, to be reasonable and in the public interest.
- The Zoning Committee voted 4-1 to recommend approval of this petition with the following modifications:
 1. Modified Note 4.C. to reference driveway permits to be approved by CDOT and NCDOT.
 2. Modified the last sentence of Note 4.D. to read: "...is valid for a period of ten (10) years from the date of the first certificate of occupancy being issued on the site ~~original approval of the Brookline site plan~~".
 3. Eliminated Note 4.E.
 4. Eliminated Note 4.G.
 5. Modified the second sentence of Note 4.H. to read: "Petitioner may ~~shall~~ be allowed to construct control access gates at the project entrance, generally as depicted on the schematic site plan and subject to CDOT and Planning approval".
 6. Provided an additional "Transportation" note indicating the petitioner will construct a concrete passenger waiting pad for bus service along the eastern side of Reames Road and that the location will be coordinated with CATS.
 7. Provided an additional "Transportation" note that reads: "During the subdivision development review process, it will be determined if a vehicular/pedestrian connection(s) will be required to the abutting property north of the site. If such connection(s) is required and the development of this site occurs prior to the redevelopment of the abutting site to the north, the portion of the connection(s) on the site will be designed and constructed at the property line within two feet above or below the existing grade of the northern abutting parcel to facilitate the connection. Once such connection(s) is made it shall remain open to the public and any gate if installed to date must be removed."
 8. Modified Note 5.D. to read: "...masonry materials including ~~(brick, stone, brick veneer, and/or simulated stone~~ architectural lock and other masonry materials".
 9. Eliminated Note 6.A.
 10. Eliminated the last sentence of Note 6.B.
 11. Eliminated Note 6.D.
 12. Eliminated Note 6.E.
 13. Eliminated Note 6.F.

14. Provided a conditional note regarding the open space areas, including tree save and storm water areas that indicate what amenities will be provided.
 15. Removed the note on Sheet RZ-2 that states: "Due to existing conditions/perennial stream along this property line, roadway connection per USDG shall not be required".
 16. On Sheet RZ-2, extended the internal sidewalk along the private street between buildings 4 and 5 out to the internal sidewalk along Boylston Drive.
 17. On Sheet RZ-2, extended the internal sidewalk along the private street between buildings 7 and 11 out to the internal sidewalk along Boylston Drive.
 18. The building elevation on Sheet RZ-3 indicates "accent vents and cupola on featured buildings". Provided additional notes that clearly define the featured buildings that will be constructed with the additional architectural elements.
 19. Addressed Transportation comments.
 20. The buffer width along Interstate 77 has been increased from a 50-foot Class "C" buffer to a 75-foot buffer along a majority of the road frontage. A portion of the buffer adjacent to the storm water management pond has been increased to 65 feet.
 21. The minimum requirement for masonry materials on the exterior building walls has been increased from 25 % to 30 %. The percentage requirement for the carriage unit facades facing Boylston Street and the single family homes has been increased to 75 % and their elevations have been modified to incorporate covered porches.
 22. Provided a note to allow the eight current homeowners within Brookline to use the pool facility at the proposed apartment community for an annual fee of \$600.
 23. Provided a note indicating the petitioner will fund the repair of the existing gate at the Lakeview Road entrance and commit to having the apartment community pay for the long term maintenance of the gates.
 24. Provided a note indicating the apartment community will share in the cost of maintaining the private roads in Brookline and in keeping up the landscaping along Reames Road.
- Staff agrees with the Zoning Committee recommendation.

Attachment 1

Zoning Committee Recommendation

Vicinity Map

Locator Map

Site Plan

POLICY

9. City Manager's Report

10. District 1 Council Member Vacancy

Action: **A. Receive comments from qualified candidates interested in filling the District 1 Council member vacancy created by the resignation of former Council member Patsy Kinsey, and**

B. Appoint a qualified individual to fill the District 1 Council member vacancy.

Staff Resource: Bob Hagemann, City Attorney's Office

Explanation

- City Council member Patsy Kinsey, representing District 1, resigned from the City Council effective July 1, 2013, upon being appointed by the City Council as Mayor.
- State statutes provide that the vacancy be filled by appointment of the City Council. In cities where elections are conducted on a partisan basis, the person appointed shall be a member of the same political party as the person being replaced. Other qualifications as provided for by statute are that the appointed successor:
 - Be 21 years of age or older, and
 - Be a resident in and registered to vote in District 1.
- On July 1, 2013, the City Council approved the process for filling the vacancy left by Ms. Kinsey's resignation.
- Applications received by the noon, July 15 deadline are attached.
- In accordance with the approved vacancy process, the City Council will:
 - Hear from interested candidates who have applied if they wish to speak; and
 - Appoint a qualified individual to fill the District 1 seat.
- The person appointed to fill the vacancy will be sworn-in on Tuesday, July 23, 2013.

Attachment 2

District 1 Applications
City Council Vacancy Process

11. Wetland Determination Letters Amendment



Action: Approve the Environment Committee recommendation to revise the current policy governing the submittal of wetland determination letters to be required only when requested by the City as part of the rezoning process.

Committee Chair: John Autry

Staff Resource: Tammie Keplinger, Planning

Explanation

- The City Council policy currently requires that a wetland determination letter be submitted for each rezoning application.
- The letters were originally designed to establish awareness of wetlands on property being rezoned. The City Engineering & Property Management Department staff now reviews the rezoning petitions and identifies cases for issuing a wetland determination letter.
- Staff requests that the current policy be amended to require wetland determination letters for rezoning applications to be required only when requested by the Engineering & Property Management department.
- Modifying the requirement will decrease the cost associated with the rezoning process for most petitioners. It will also reduce the risk of delays in the rezoning process if not submitted by the established deadline.
- Wetlands on properties to be rezoned will continue to be identified and protected by the Engineering & Property Management staff.

Environment Committee

- On December 17, 2012, the City Council referred this item to the Environment Committee.
- On June 17, 2013, the Environment Committee (Committee) discussed the request. The Committee reviewed the background information, the rationale for the requested changes, and the benefits of the changes. Staff clarified that the alterations to the process would not affect Federal Emergency Management Agency or the Department of Health and Environmental Management Agency flood study requirements.
- The Committee voted unanimously (Autry, Fallon, Dulin, Howard, and Pickering) to recommend the proposed policy changes to the City Council for approval.

Attachment 3

Wetland Determination Letter Presentation from the June 17, 2013, Environment Committee meeting

BUSINESS

12. Brooklyn Village Interlocal Agreement Amendment

Action: Adopt a resolution approving the third amendment to the 2007 Brooklyn Village/Knights Baseball Stadium Interlocal Agreement with Mecklenburg County to allow the City, the County, the Board of Education and the Charlotte Housing Authority the time necessary to develop a phased sale approach for the Second Ward property and to preserve the City's leverage for the development of affordable housing on the site.

Staff Resources: Anna Schleunes, City Attorney's Office
Pamela Wideman, Neighborhood & Business Services

Explanation

- The Interlocal Agreement needs to be amended to change the date by which the City can ask Mecklenburg County to re-convey Marshall Park from June 1, 2013 to October 1, 2013. The City Council approval of the amendment will:
 - Preserve the City's leverage for the development of affordable housing through its right to reacquire Marshall Park in the event development of Second Ward proves to be unworkable;
 - Allow the City, Mecklenburg County, the Board of Education, and the Charlotte Housing Authority more time to determine a development plan for the Second Ward property, which includes the development of 30 units of affordable housing.
- In 2007, the City conveyed Marshall Park to Mecklenburg County under an Interlocal Agreement requiring that the site be sold for construction of Brooklyn Village, a mixed-use development that would include 30 units of affordable housing.
 - The Interlocal Agreement required that Mecklenburg County sell the site by May 1, 2009, and gave the City the option to take Marshall Park back if the sale did not occur by that date. Mecklenburg County entered into a sales contract to sell the Brooklyn Village site, but was unable to close the sale by May 1, 2009. As a result, the sales deadline was extended twice, most recently to June 1, 2013.
- On January 28, 2013, the City Council approved the June 1, 2013, extension, but the purchaser, Spectrum Investment Services, Inc. (Spectrum), was unable to close by the June 1, 2013, deadline and thereby lost its right to purchase the Second Ward property. The missed deadline also triggered the City's right to ask Mecklenburg County to give back Marshall Park.
- Under the current Interlocal Agreement with Mecklenburg County, because of the failed sale to Spectrum, the City has until July 31, 2013, to ask Mecklenburg County to re-convey Marshall Park to the City. Both parties desire to amend the Interlocal Agreement to extend the City's deadline for seeking re-conveyance of Marshall Park to October 1, 2013.
- On July 2, 2013, the Board of County Commissioners approved this amendment.
- If this amendment is approved by the City Council, Mecklenburg County will convene a meeting that includes the City, the Board of Education, and the Charlotte Housing Authority to determine next steps for creation of a phased development plan for Second Ward that includes affordable housing.

Background

- Due to the Jerry Reese lawsuits, the City Council and the Board of County Commissioners voted to amend the Interlocal Agreement as of December 7, 2007, to extend the date for the County to sell the Brooklyn Village site to December 1, 2012. As amended, the re-conveyance option provided that if the County did not sell the Brooklyn Village site by December 1, 2012, the City could within 60 days following that date require the County to convey the Marshall Park property back to the City.
- To implement the affordable housing requirements set forth in the Interlocal Agreement, the parties executed the December 7, 2007 Brooklyn Village Affordable Housing Agreement and Declaration of Restrictive Covenants. The Affordable Housing Agreement requires 30 units of affordable housing serving households earning 30% (\$19,550) and below the area median income.
- Pursuant to the Interlocal Agreement and Affordable Housing Agreement, Mecklenburg County entered into a contract to sell the Brooklyn Village site to Brooklyn Village LLC on January 17, 2008. Brooklyn Village LLC subsequently assigned its rights to Spectrum.
- On November 7, 2012, Spectrum requested that Mecklenburg County extend the time for closing from December 1, 2012, to June 1, 2013, to allow Spectrum adequate time to finish raising the capital to proceed with development.
- On November 20, 2012, the Board of County Commissioners approved an amendment to the sales contract extending the deadline for Spectrum to purchase the Brooklyn Village site from December 1, 2012, until June 1, 2013.

Attachment 4

Proposed Third Amendment to Interlocal Agreement
Resolution

13. City Council Meeting Schedule Amendment

Action: Approve the amendment to the City Council calendar to add quarterly meetings of the Mayor/Council and City Manager as part of the Manager's evaluation process for the following dates:

- **August 26, 2013**
- **November 25, 2013**

Staff Resource: Ron Carlee, City Manager

Explanation

- On May 13, 2013, the City Council approved the Council-Manager Relations Committee recommendation to amend the City Council calendar for a quarterly briefing by the City Manager.
- On June 10, 2013, the Mayor, the City Council, and the City Manager held the first quarterly meeting to discuss the performance of the City Manager, as part of the Manager's evaluation process.
- It is recommended that the City Council calendar be amended to establish the next two meetings on the following dates:
 - Monday August 26, 2013, 10:30 a.m. - 1:00 p.m. in Room CH14 of the Charlotte-Mecklenburg Government Center, and
 - Monday November 25, 2013, 12:00 p.m. - 2:00 p.m. in Room CH14 of the Charlotte-Mecklenburg Government Center.
 -

14. Conclusion of Consent Agenda**15. Nominations to Boards and Commissions**

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

A. AIRPORT ADVISORY COMMITTEE

- One appointment for an at-large representative for a three-year term beginning August 1, 2013, and ending July 31, 2016.
 - Todd Fuller is eligible and would like to be reappointed.
- One appointment for an aviation representative for a three-year term beginning August 1, 2013, and ending July 31, 2016.
 - Andrew Riolo has completed two full terms of service and is not eligible for reappointment.

Attachment 5

Applications

B. STORM WATER ADVISORY COMMITTEE

- One appointment for a general contractor representative for a three-year term beginning July 1, 2013, and ending June 30, 2016.
 - Matthew Roper has completed two full terms of service and is not eligible for reappointment.
 - Tyrone Harmon was nominated at the June 24, 2013, meeting by Council members Howard and Mitchell. He respectfully declined the nomination.

Attachment 6

Applications

C. WASTE MANAGEMENT ADVISORY BOARD

- One recommendation for appointment by the Board of County Commissioners for a three-year term beginning July 14, 2013, 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 7

Applications

16. Appointments to Boards and Commissions

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

A. CHARLOTTE HOUSING AUTHORITY

- One appointment for an unexpired term beginning immediately and ending December 17, 2013.
 - Arthur Griffin Jr. by Council members Autry, Barnes, Cannon, Fallon, Howard, Mayfield, Mitchell, and Pickering.
 - Faheem Rathore by Council member Kinsey.
 - Frank Spencer by Council member Dulin.
 - Alex Vuchnich by Council member Cooksey.
- One appointment for a low-income housing resident for an unexpired term beginning immediately and ending December 17, 2015.
 - Lucy Brown by Council members Autry and Fallon.
 - Teresa Hughes by Council member Kinsey.
 - Linda Morant by Council member Mitchell.
 - James Rogers by Council member Cooksey.
 - Tawanna Wilson by Council members Barnes and Mayfield.
 - Toi Parks by Council members Howard and Pickering.

Attachment 8 Applications

B. CHARLOTTE REGIONAL VISITORS AUTHORITY

- One appointment for a representative of a hotel/convention for an unexpired term beginning immediately and ending June 30, 2014.
 - Jaclyn Blair by Council members Autry, Mayfield, and Pickering.
 - William DeLoache by Council members Barnes, Cannon, Howard, and Kinsey.
 - Adam Zembruski by Council member Cooksey.
 - John Collett by Council member Dulin.
 - Nina Lipton by Council member Fallon.
 - Jacqueline Yelverton by Council member Mitchell.

Attachment 9 Applications

C. KEEP CHARLOTTE BEAUTIFUL

- Three appointments for unexpired terms; two beginning immediately and ending June 30, 2015, and the other beginning immediately and ending June 30, 2014.
- One appointment for a three-year term beginning July 1, 2013, and ending June 30, 2016.
 - Russel Adams by Council members Barnes, Fallon, Kinsey, and Pickering.
 - Joshua Arnold by Council member Dulin.
 - Jaclyn Blair by Council member Barnes.
 - Hung Chau by Council members Autry, Cannon, Mayfield, and Pickering.
 - Camille Cunningham by Council members Autry, Barnes, Cannon, and Mayfield.

- Jacob Eddy by Council members Cooksey and Dulin.
- Joseph Franco by Council member Kinsey.
- Charles Jewett by Council members Dulin, Fallon, and Pickering.
- Deborah Lee by Council members Cannon and Kinsey.
- Stephen Marcus by Council member Fallon.
- Samantha Pendergrass by Council members Cannon, Cooksey, Fallon, and Kinsey.
- James Rhodes by Council members Cooksey and Dulin.
- Chandler Woods by Council members Barnes and Pickering.
- Michael Zytkow by Council members Autry, Cooksey, and Mayfield.

Attachment 10

Applications

D. MINT MUSEUM BOARD OF TRUSTEES

- One appointment for a three-year term beginning August 1, 2013, and ending July 31, 2016.
 - Ina Jones by Council members Autry and Mitchell.
 - Morris McAdoo by Council member Fallon.
 - Sonja Nichols by Council members Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield, and Pickering.

Attachment 11

Applications

E. ZONING BOARD OF ADJUSTMENT

- One appointment for an unexpired term beginning immediately and ending January 30, 2015.
 - Tyler Conner by Council members Autry and Dulin.
 - Russell Hughes by Council member Cooksey.
 - Jason Mathis by Council members Cannon, Mayfield, and Pickering.
 - Cardiff Shea by Council members Barnes, Howard, Kinsey, and Mitchell.

Attachment 12

Applications

17. 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 Charlotte 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 RCA.

For the July 22, 2013, Council Business Agenda, all RCA items were solicited under the SBO Policy, therefore all policy references in this attachment pertain to the SBO Policy.

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.

18. Charlotte B-cycle Lease Agreements

Action: Approve an extension of the Lease agreements with Charlotte Center City Partners Community Trust for:

- Space at Time Warner Cable Arena, and
- Decommissioned City van.

Staff Resources: Robert Drayton, Engineering & Property Management
Dan Gallagher, Transportation

Explanation

- Bike share systems are rapidly growing throughout the nation. The Center City 2020 Vision Plan called for development of a bike share system for residents, employees, and visitors to travel around Center City.
- This goal was realized in August 2012 with the opening of the Charlotte B-cycle system. The Charlotte B-cycle system not only advanced the goals of the Center City 2020 Vision Plan but also supports the goals and policies of the City of Charlotte Bicycle Plan.
- Charlotte B-cycle is a non-profit bike share system operating under the umbrella of Center City Partners.
- The system includes 20-stations and 200-bicycles operating within Center City, Southend and along the Little Sugar Creek Greenway. The system accommodated over 30,000 bicycle trips in its first year of operation.
- Charlotte B-cycle is privately funded through June 30, 2017 and relies on strong intergovernmental partnerships.
- The City of Charlotte assisted Charlotte B-cycle by amending the zoning ordinance to recognize bike share stations and by helping to locate bike stations in the public right-of-way.
- In 2012, in an effort to quickly implement a bike share system in Charlotte, the City Manager authorized staff to partner with Charlotte B-cycle to provide a one-year lease for space at the Time Warner Cable Arena and a one-year lease for a 2002 van that had been decommissioned and was to be auctioned. The van is used to rebalance and distribute bicycles to/from the 20 stations each day.
- Staff communicated the temporary Time Warner Cable Arena lease to the City Council via a Council-Manager Memorandum in October of 2012.
- Prior to being occupied by Charlotte B-cycle, the Time Warner Cable space had been vacant for some time. Charlotte B-cycle has been a quality tenant during their first year and has helped to activate a storefront that has been historically difficult to lease.
- Charlotte Center City Partners is requesting the extension of the current leases for space at the Time Warner Cable Arena and for the decommissioned city van.
- Staff recommends extending the leases through June 30, 2017 to coincide with the end of funding agreements with current sponsors.

Time Warner Cable Arena Lease Terms

- Extend the current lease for 333 E. Trade Street, Suite A; Time Warner Cable Arena for \$1,000 per month through June 30, 2017. Charlotte B-cycle is responsible for utility expenses. The proposed lease rate is within market range. The lease rate is impacted by the lack of parking and the irregular configuration of the space.
- The proposed lease includes a provision that allows the City to consider offers at a higher rental rate from others, but provides Center City Partners Community Trust the right of first refusal to match any higher rent offer.

Decommissioned Van Lease Terms

- Extend the current lease for the decommissioned City van for one dollar a year through June 30, 2017.
- Charlotte B-cycle is responsible for all van maintenance costs. Van maintenance is conducted by the City of Charlotte (at Charlotte B-cycle's expense).

Funding

Center City Partners Community Trust, private sector sponsors and membership fees

19. Juvenile Offender Diversion Program Grant

Action: A. Accept a grant from the Mecklenburg County Juvenile Crime Prevention Council, in the amount of \$76,053, to fund the Juvenile Offender Diversion Program, and

B. Adopt a budget ordinance appropriating \$76,053 in funds from Mecklenburg County.

Staff Resource: Vickie Foster, Police

Explanation

- Each year, Mecklenburg County's Juvenile Crime Prevention Council (JCPC) receives funds from the North Carolina Division of Juvenile Justice for programs targeting youth offenders.
- The JCPC has awarded the Charlotte-Mecklenburg Police Department \$76,053 to fund the second year of a Juvenile Offender Diversion Program.
 - The funds will enable School Resource Officers and staff from the N.C. Department of Juvenile Justice and Delinquency Prevention to refer up to 126 juvenile offenders to a diversion program that will help them build their interpersonal and decision making skills. In addition, the program will serve up to 101 parents/guardians (assuming an 80% participation rate) to receive parental skills training.
- Juvenile offenders who have committed a first offense such as simple assault, larceny, public disturbance, trespassing, or damage to property may be referred to the program if they meet the criteria established by Police and the District Attorney. The youth are referred to the program in lieu of being arrested for the crime they have committed. Pre-adjudicated youth who are given the opportunity to attend the Youthful Offender Juvenile Diversion Program, in lieu of arrest, but fail to do so will then be subject to arrest.
- The Juvenile Offender Diversion Program consists of two, two-hour sessions focused on building communication skills, decision making, learning to take responsibility for one's actions, and developing education/career plans. There is also a joint session where youth are joined by their parents to address issues related to family dynamics.
- Once a youth has completed the diversion program, the assigned School Resource Officer will engage the youth in weekly conversations to help apply the lessons learned through the program.
- During the first six months of the program 239 youth agreed to participate in the program, along with 243 parents. To date, 203 of the youth have successfully completed both of the Saturday sessions along with 205 parents.
- As required by the grant, the Charlotte-Mecklenburg Police Department is providing an in-kind match of \$46,352. The in-kind match is 30% of the salary

- of the School Resource Sergeant who is responsible for the day-to-day management of the program and the use of the Greenville Center as the program site.
- The grant period is from July 1, 2013, through June 30, 2014.

Funding

Mecklenburg County Juvenile Crime Prevention Council and Police Operating Budget

Attachment 13

Budget Ordinance

20. Assets Forfeiture Appropriation

Action: Adopt a budget ordinance appropriating \$25,000 in assets forfeiture funds for training for the District Attorney's Office.

Staff Resource: Sherie Pearsall, Police

Explanation

- For the last two years, Police has appropriated assets forfeiture funds to supplement the training budget for the District Attorney's Office.
- The funds are used to broaden and strengthen the skills of the District Attorney's staff to be more effective in working with the Police department to build cases that can be successfully prosecuted.
- The types of training provided with these funds include hands-on trial skills for Assistant District Attorneys and bringing in trial attorneys from around the country to provide intensive training on oral advocacy.
- The \$25,000 in assets forfeiture funds would provide a third year of specialized training for the District Attorney's Office. Some of the training for this year will focus on prosecution of cases involving technology, including a seminar on the prosecution of technology facilitated crimes against children.

Funding

Assets Forfeiture Funds

Attachment 14

Budget Ordinance

21. Hazard Mitigation Plan Revision

Action:

A. Accept a grant in the amount of \$52,500 from the North Carolina Department of Public Safety, Division of Emergency Management, on behalf of the U. S. Department of Homeland Security, for the updating of the Charlotte-Mecklenburg Multi-Hazard Mitigation Plan, and

B. Adopt a budget ordinance appropriating \$52,500 from the North Carolina Department of Public Safety Division of Emergency Management, on behalf of the US Department of Homeland Security.

Staff Resources: Wayne Broome, Fire
Jeff Dulin, Fire

Explanation

- In 2009, public safety agencies in Charlotte-Mecklenburg performed a comprehensive update to the 2005 Multi-Jurisdictional Hazard Mitigation Plan. The plan was updated in order to be in full compliance with existing federal regulations.
- The plan was approved ensuring that Charlotte and the incorporated municipalities within Mecklenburg County remained eligible for hazard mitigation grant funding.
- The Federal Emergency Management Agency (FEMA) requires all local jurisdictions to revise their hazard mitigation plans on a five-year schedule to remain in compliance with the hazard mitigation planning standards.
- A FEMA grant has been made available to financially assist in revising the Charlotte-Mecklenburg Multi-Jurisdictional Hazard Mitigation Plan.
- The plan will be updated to assess all current threats, hazards, and vulnerabilities facing the jurisdictions in the Charlotte-Mecklenburg area.
- The grant requires a 25% in-kind match, in the amount of \$17,500, associated with plan development and revision. The grant and the in-kind match bring the project amount total to \$70,000.
- In order to meet the required in-kind match, Fire will track and submit the Fire Department Emergency Management personnel hours dedicated to the plan revision. No City funds will be expended for the required match.
- The final draft of the plan and all associated documentation will be submitted to North Carolina Division of Emergency Management (NCEM) and FEMA for final approval and implementation.
- Once NCEM and FEMA approvals are awarded, the next step is to request the City Council approval of the plan.

Attachment 15

Budget Ordinance

22. Fire Department Equipment Donation

Action: Adopt a resolution approving the donation of the Safe Kids' trailer to the Matthews Police Department.

Staff Resource: Robert Kinniburgh, Fire

Explanation

- North Carolina General Statute §160A-280 authorizes the donation of personal property from a City to a non-profit organization upon adoption of a resolution by the City Council.
- Fire received the trailer from the Safe Kids Organization upon becoming the lead agency for program in the Charlotte-Mecklenburg area. Periodically, the lead agency for the program changes.
- In 2013, the Matthews Police Department became the new Safe Kids Lead Agency and will use the trailer for traffic safety efforts.
- The current value of the trailer is approximately \$5,000.
- The Matthews Police Department will be responsible for all maintenance and replacement costs.

Attachment 16

Resolution

23. Surplus Sweeper Truck Donation

Action: Adopt a resolution authorizing the donation of one surplus sweeper truck to Charlotte-Mecklenburg Schools for the purpose of parking lot trash and debris removal at school bus maintenance facilities.

Staff Resource: Victoria Johnson, Solid Waste Services

Explanation

- North Carolina General Statute §160A-280 authorizes the donation of personal property from a City to a non-profit organization upon adoption of a resolution by the City Council.
- Solid Waste Services uses sweeper trucks to clean and remove debris from city streets and thoroughfares.
- Solid Waste Services has been approached by Charlotte-Mecklenburg Schools (CMS) regarding the availability and disposition of a sweeper truck at the end of its useful life.
- The City Council approval is required in order to donate a retired sweeper truck to CMS.
- One of the sweeper trucks has reached the end of its useful life and is eligible for surplus; the sale value is estimated at \$5,000.
- CMS would use the donated equipment to remove trash and debris from school bus parking lots at CMS bus maintenance facilities.
 - Currently CMS staff is responsible for manual trash and debris removal.
 - The donated equipment would allow CMS to comply with environmental regulations related to storm water runoff.

- Alternative solutions such as rental equipment or vendor service are cost prohibitive to CMS.
- CMS would accept the donated sweeper truck “as is” and be responsible for all maintenance and replacement costs.

Attachment 17

Resolution

24. Traffic Signal Mast Arms

Action: Approve a contract with Duke Energy in an amount up to \$238,900 for the purchase and installation of traffic signal mast arms at the new airport entrance road and Wilkinson Boulevard intersection.

Staff Resource: Gus Jordi, Transportation

Explanation

- Duke Energy will be installing four mast arms for a traffic signal at the new airport entrance road and Wilkinson Boulevard intersection.
- The Charlotte Department of Transportation will be installing a traffic signal, in the amount of \$86,524, in conjunction with the mast arm installation to facilitate traffic movements in and out of the new main airport entrance off Wilkinson Boulevard.
- The Airport contributed the entire project cost of \$325,424.
- Any funding contributed by the Airport that is unused will be refunded after project completion.

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

General Capital Investment Plan

25. Traffic Data Reporting Software

Action: A. Approve a contract with Midwestern Software Solutions for Traffic Data Reporting Software for an initial term of five years, and

B. Authorize the City Manager to approve two, one-year renewal options with possible price adjustments as authorized by the contract.

Staff Resources: Debbie Self, Transportation
Johanna Quinn, Transportation

Explanation

- The City of Charlotte Department of Transportation (CDOT) requires a comprehensive software solution that includes traffic collision reporting, traffic

- data management and travel time data to provide a safe and efficient transportation system and to plan for future growth.
- Data is used by the Charlotte-Mecklenburg Police Department and CDOT to analyze traffic patterns, crash patterns, and other areas to improve safety and traffic flow.
 - Traffic data is also used to maintain the Metrolina Regional Travel Demand Model.
 - The software will provide staff with quick and easy access to data for reporting purposes.
 - The software is provided in separate modules for implementation and funding. The cost breakdown for each module is as follows:
 - Traffic collision reporting module implementation and training costs during the first year are \$99,800. Support and maintenance is estimated at \$15,420 annually.
 - Traffic count data module implementation and training costs during the first year are \$167,000. Support and maintenance is estimated at \$24,120 annually.
 - Travel time module implementation and training costs during the first year are \$151,000. Support and maintenance is estimated at \$22,020 annually
 - The total contract expenditure is estimated at \$725,600 for the first five years.

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

Transportation Capital Investment Plan, Pedestrian & Traffic Safety Program, and the Unified Planning Work Program Grant

26. Prosperity Church Road Northwest Arc Funding Agreements

- Action:**
- A. Adopt a resolution authorizing the City Manager to execute a municipal agreement with the North Carolina Department of Transportation for \$2.1 million for the right-of-way and construction costs of the Prosperity Church Road Northwest Arc project (Part A),**
 - B. Adopt a resolution authorizing the City Manager to execute a municipal agreement with the North Carolina Department of Transportation for \$2.7 million for the right-of-way and construction costs of the Prosperity Church Road Northwest Arc project (Part B),**
 - C. Approve a budget ordinance appropriating \$5.2 million from the Municipal Debt Service Fund to the Prosperity Church Road Northwest Arc project, and**
 - D. Approve a budget ordinance appropriating \$4.8 million from the North Carolina Department of Transportation for the Municipal Agreements in Actions A and B.**

Staff Resources: Phil Reiger, Transportation
Randy Harrington, Budget & Evaluation

Explanation

- The Prosperity Church Road Northwest Arc is a crucial link in the Prosperity Village/I-485 Interchange as envisioned in the 1999 Prosperity Church Road Villages Plan. The village concept provides for an interconnected street network with pedestrian oriented streets, pedestrian oriented development, mixed development uses, diverse housing, and sustainable development patterns. The Northwest Arc is the third of three minor thoroughfares that create the framework for the Prosperity Village concept.
- Construction of the street network began with development. Slowdown in development and acceleration of I-485 makes it necessary for the City to advance construction of key portions of the network to ensure the I-485 interchange operates acceptably and to avoid significant congestion on local streets.
- The project includes construction of the Northwest Arc itself (royal blue on the attached map) along with an extension of Ridge Road (light blue on the attached map), and three local subdivision connections (orange on the attached map).
- The Northwest Arc was considered as a November 2012 bond project, but due to delay in the Capital Investment Plan, the City must advance the commitment to complete the project in time for the opening of the I-485 interchange.
- The project has been reviewed by the Transportation and Planning Committee in both the Capital Investment Plan review and Prosperity-Hucks Area Plan. The attached excerpts from the Capital Investment Plan Referral and Prosperity-Hucks Area Plan presentations depict the infrastructure to complete the village concept, corresponding projected land uses, and the village street network within the Prosperity-Hucks area network of streets and greenways.

- The total project cost for the Northwest Arc is estimated to be \$11.2 million. Funding will come from the following:
 - \$5.2 million from the Municipal Debt Service Fund (Action C)
 - \$4.8 million from the North Carolina Department of Transportation (Action D)
 - \$1.2 million in existing CIP program funds

Actions A, B, and D:

- The Northwest Arc project is composed of two component projects for phasing and schedule purposes, identified as Parts A (U-5507A) and B (U-5507B). The North Carolina Department of Transportation prepared two municipal agreements, one for each component that provide a combined \$4.8 million in Surface Transportation Program – Direct Attributable funding for the real-estate and construction phases of each project.

Action C:

- The FY2014-2018 Capital Investment Plan adopted by the City Council on June 10, 2013, includes \$5.2 million to fund the Northwest Arc project. This project is proposed for the November 2014 Bond Referendum; the funding would be appropriated in FY2015.
- To complete the Northwest Arc in conjunction with the scheduled completion of I-485, staff proposes advancing \$5.2 million of revenue from the Municipal Debt Service Fund. Following approval of the November 2014 referendum, the revenue to the Municipal Debt Service Fund would be restored through the issuance of debt. As long as repayment occurs in FY2015, future debt capacity will not be impacted.

Charlotte Business INclusion

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

Funding

Transportation Capital Investment Plan and NCDOT

Attachment 18

Map

Resolutions

Budget Ordinances

Capital Investment Plan Referral PowerPoint Slide

Prosperity Hucks Area Plan PowerPoint Slides

27. Traffic Signals at the I-485 Ramps and Johnston Road Municipal Agreement

Action: Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for installing a traffic signal at both intersections of I-485 and Johnston Road.

Staff Resource: Charles Abel, Transportation

Explanation

- The North Carolina Department of Transportation (NCDOT) authorized the City to install a new traffic signal at both intersections of I-485 and Johnston Road in conjunction with the widening of I-485.
- These signals are required to keep ramp traffic from backing up onto I-485.
- A Municipal Agreement with NCDOT is needed for the City to be fully reimbursed for the work it performs up to the estimated cost of \$111,000.
- 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 19

Resolution

28. Traffic Signals at the I-485 Ramps and Steele Creek Road Municipal Agreement

Action: Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for installing a traffic signal at both ramp intersections of I-485 and Steele Creek Road.

Staff Resource: Charles Abel, Transportation

Explanation

- The North Carolina Department of Transportation (NCDOT) has authorized the City to install a traffic signal at both ramp intersections of I-485 and Steele Creek Road.
- These signals are required to keep ramp traffic from backing up onto I-485.
- A Municipal Agreement with NCDOT is needed to reimburse the City for the work it performs up to the estimated cost of \$121,000.
- 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 20

Resolution

29. Metrolina Regional Model Development and Maintenance Municipal Agreements

- Action:**
- A. Adopt a resolution authorizing the City Manager to negotiate and approve separate Municipal Agreements to reimburse the City for development and maintenance of the Metrolina Regional Travel Demand Model with the:**
- North Carolina Department of Transportation,
 - South Carolina Department of Transportation,
 - City of Rock Hill,
 - City of Gastonia,
 - City of Concord, and
- B. Adopt a budget ordinance appropriating \$443,240.94 in state and municipal funding.**

Staff Resource: Anna Gallup, Transportation**Explanation**

- The Metrolina Regional Travel Demand Model is a computer model tool for evaluating existing and future travel in the Metrolina Region.
- Ongoing refinement and updates of the Metrolina Regional Travel Demand Model are necessary to maintain the state-of-the-practice travel demand model as required by U.S. Department of Transportation for air quality conformity determinations, highway travel forecasts, and transit ridership forecasts.
- These 2013 municipal agreements extend the completion date and revise funding of the 2010 agreements with the same agencies. The new agreements will continue to cover model maintenance and development. These expenditures are necessary to provide the information used for ongoing transportation planning in the bi-state region, as well as for air quality conformity.
- The North Carolina Department of Transportation (NCDOT), the South Carolina Department of Transportation (SCDOT), and the lead Metropolitan Planning Organization planning agencies (Charlotte, Rock Hill, Concord, and Gastonia) will share in model maintenance and development costs based on the annual tasks and budget that were approved by the regional model's Model Team and Planning and Applications Oversight Committee per the Metrolina Regional Funding Schedule. Cost sharing covering model maintenance and development for NCDOT, SCDOT, Rock Hill, Gastonia, and Concord are not to exceed:
 - NCDOT: \$400,000
 - SCDOT: \$10,000
 - Rock Hill on behalf of the Rock Hill-Fort Mill Area Transportation Study: \$9,968.21
 - Gastonia on behalf of the Gaston Urban Area Metropolitan Planning Organization: \$10,679.99
 - Concord on behalf of Cabarrus-Rowan Metropolitan Planning Organization: \$12,592.74

- The Mecklenburg-Union Metropolitan Planning Organization's funding share totals \$63,610.87 as programmed in the Mecklenburg-Union Metropolitan Planning Organization federally-funded Unified Planning Work Program. Charlotte's share is \$12,722.17, which represents the 20% local match for this work item.

Background

- In 2005 the development phase of the Metrolina Regional Travel Demand Model was completed at a cost to the region of \$5 million.
- In 2007, an agreement between the NCDOT, the City of Charlotte, the City of Rock Hill, the City of Concord, and the City of Gastonia was established to maintain a best practice travel demand model ready for use for future air quality conformity determinations, highway travel forecasts, and transit ridership forecasts. The SCDOT entered into the agreement in 2009.

Charlotte Business INclusion

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

Funding

NCDOT, SCDOT, Rock Hill, Gastonia, and Concord

Attachment 21

Resolution

SFY2014 Metrolina Regional Model Funding Schedule

Budget Ordinance

30. Blue Heron Drive Sidewalk Improvements

Action: Award the low-bid contract of \$282,829.25 to DOT Construction, Inc. for the Blue Heron Drive Sidewalk Improvements Project.

Staff Resource: Bette Frederick, Engineering & Property Management

Explanation

- The project will support the City's Sidewalk Program to enhance connectivity, offer transportation choices, and improve pedestrian safety.
- The project includes the installation of a sidewalk along the west side of Blue Heron Road from Pineville-Matthews Road to Park Road and along the east side from Pineville-Matthews Road to Castlekeep Drive (0.52 miles). Planting strips, curb and gutter, driveways, accessible ramps, and storm drainage improvements will also be included as part of the project.
- Construction is expected to be complete by fourth quarter 2013.

Charlotte Business INclusion

Established SBE Goal: 9%

Committed SBE Goal: 10.56%

DOT Construction, Inc. exceeded the established SBE goal and committed 10.56% (\$29,875) of the total contract amount to the following SBE firms: Hemar Inc. (concrete) and D's Trucking (hauling). DOT Construction is also a Certified SBE firm.

Funding

General Capital Investment Plan

31. Brentwood Place Storm Drainage Improvement Project

Action: Award the low-bid contract of \$1,941,837.46 to Ferebee Corporation for the Brentwood Place Storm Drainage Improvement Project – Phase I.

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- This project will address flooding and structural concerns within the Brentwood Place Phase I project area. The project was phased to quickly address structural concerns of the drainage system near Remount Road.
- The project is bordered by Wilkinson Boulevard to the north, Remount Road to the west, Berryhill Road to the east, and the Norfolk Southern Railroad to the south.
- Construction will include grading, drainage culverts and structures, curb and gutter, driveways, sidewalks, water line replacement, milling, and resurfacing.
- Construction is scheduled to be complete by second quarter 2014.

Charlotte Business INclusion

Established SBE Goal: 10%

Committed SBE Goal: 11.59%

Ferebee Corporation exceeded the established SBE goal and committed 11.59% (\$225,000) of the total contract amount to the following SBE firm: Harvest Environmental (demolition services).

Funding

Storm Water Capital Investment Plan

32. City View Stream Restoration Project

Action: Award the low-bid contract of \$1,493,770.80 to Onsite Development, LLC for the City View Stream Restoration project.

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- The City View Stream Restoration project will include stream restoration and stabilization to City View Creek, a tributary of Campbell Creek to reduce erosion and acquire mitigation credits. These improvements will also provide a more natural, stable stream system throughout the area. Additionally, the project will address structure and road flooding concerns on Streamside Drive, Campbell Creek Lane, Brook Crossing Court, and Dion Avenue.
- Construction will include culvert rehabilitations, culvert installations, grading, installation of drainage pipe and structures, paving, channel improvements, utility relocation, and stream restoration.
- The project is bordered by City View Drive to the north, Independence Boulevard to the west, East Lane Drive to the south, and East/West Harris Boulevard to the east.
- Completion is scheduled for fourth quarter 2014.

Charlotte Business INclusion

Established SBE Goal: 12%

Committed SBE Goal: 12.02%

OnSite Development, LLC met the established SBE goal and committed 12.02% (\$179,500) of the total contract amount to the following SBE firms:

Husky Construction (construction), Muddrunners, Inc. (hauling), Streeter Trucking (hauling), and OnTime Construction (masonry).

Funding

Storm Water Capital Investment Plan

33. Park Road Pedestrian Crossing

Action: Award the low-bid contract of \$107,140 to W.M. Warr & Son, Inc. for the Park Road Pedestrian Crossing project.

Staff Resource: Bette Frederick, Engineering & Property Management

Explanation

- The project will support the City's Sidewalk Program to enhance connectivity, offer transportation choices, and improve pedestrian safety.
- The project includes the installation of a sidewalk along the west side of Park Road from Holmes Drive to Drexel Place (0.16 miles). Planting strips, curb and gutter, driveways, pedestrian refuge, accessible ramps, and storm drainage improvements will also be included as part of the project.
- This pedestrian crossing is consistent with the Park Road/Woodlawn Area Plan.
- 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).

Funding

General Capital Investment Plan

34. Tree Removal and Pruning Arborist Services

- Action:**
- A. Approve the following tree removal contracts in the total amount up to \$1,724,000 over a two-year term:**
- Heartwood Tree Service, Inc., \$334,000
 - E. Schneider Enterprises, \$334,000
 - The Davey Tree Expert Company, \$334,000
 - Cadieu Tree Experts, Inc., \$388,000
 - Frady Tree Care, \$334,000, and
- B. Approve the following tree pruning arborist contracts in the total amount up to \$600,000 over a two-year term:**
- Heartwood Tree Service, Inc., \$100,000
 - E. Schneider Enterprises, \$150,000
 - The Davey Tree Expert Company, \$150,000, and
 - Arborguard, Inc., \$200,000.

Staff Resource: Don McSween, Engineering & Property Management

Explanation

- The following contracts will provide tree removal and pruning services for various locations within the City of Charlotte.
- The City will issue work orders for specific individual projects separately to each contractor.
- A Request for Proposals for these services was advertised in May 2013; 12 firms submitted proposals – six for tree removal services and six for tree pruning services.
- Firms were selected based on criteria that included capability to perform, past performance, and pricing using the City Council-approved selection process.

Tree Removal Services

- These contracts will include the removal of trees identified by the City that are storm damaged, diseased/deteriorated, or pose a safety hazard to the public.
- Services include stump grinding, debris removal and disposal, seeding, mulching, and clean up.

Tree Pruning Arborist Services

- These contracts will include systematic tree pruning services throughout the City for completing street tree pruning.
- Multiple crews can be retained for faster, ongoing pruning services as well as quick response to storm events.
- Systematic tree pruning is important in reducing safety and liability issues as well as maintaining the overall health of the tree.

Charlotte Business INclusion

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

The SBO Office, in partnership with Engineering & Property Management, hosted an outreach session for landscaping SBEs to inform them of the bid opportunities and encourage SBE participation as Primes; however no SBEs submitted proposals on these contracts.

Funding

General Capital Investment Plan Pay-As-You-Go funds

35. Airport Shuttle Buses

Action: Approve a unit price contract for providing Airport Executive Shuttle Buses for a one-year term to Hendrick Motors of Charlotte.

Staff Resource: Jerry Orr, Aviation

Explanation

- In May 2012, the Airport purchased a Mercedes Sprinter bus to be used in its valet operations as a test product to improve customer service and achieve higher fuel efficiency.
- The bus' average miles per gallon after five months in operation is 16.6 - more than double the average miles per gallon for other small passenger buses in the fleet.
- On June 6, 2013, the Airport issued an Invitation to Bid for two more Mercedes Sprinter buses; two bids were received.
- The unit cost of a bus is \$79,458.82.
- The Airport will employ these buses in its valet operations.

Charlotte Business INclusion

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

Funding

Aviation Operating Budget

36. Airport Advertising Agreement

Action: Approve an agreement with Titan Outdoor, LLC for management of the Airport's on-property advertising program.

Staff Resource: Jerry Orr, Aviation

Explanation:

- After a thorough review of the Airport's advertising program, the Airport decided the management contract model was no longer the most beneficial. The Airport determined moving from a management contract to a concession agreement as well as working with a company that had experience in other large markets would be the best way to attract lucrative national campaigns and advertisers.
- On February 8, 2013, the Airport published a Request for Proposals for an advertising concession agreement in an effort to maximize advertising revenues. The Request for Proposals was for advertising on Airport property, as well as advertising on the free public WiFi system.
- The Airport received four proposals, which included two for the on-property advertising and two for the WiFi advertising; the WiFi portion was approved by the City Council on June 24, 2013. The Charlotte Regional Visitors Authority (CRVA), the previous on-property advertising manager, elected not to propose.
- A Selection Committee, consisting of three members from the Airport Advisory Committee (Morgan Edwards, Pam Bennett, and Pete Acker), Terri Pope, US

Airways' Vice President of Hub Operations at CLT, and Jerry Orr, Aviation Director, met on April 22, 2013, to review the proposals. The Selection Committee opted to interview the three companies who met the initial qualifications.

- Upon completion of the interviews, the Selection Committee selected Titan Outdoor, LLC as the new on-property advertising concessionaire.

Contract Terms

- The new agreement with Titan will begin August 1, 2013, and will last through fiscal year 2018.
- Each year, Titan will pay the Airport 65% of the static display gross revenues and 55% of the digital display gross revenues; or they will pay a Minimum Annual Guarantee calculated based on the number of annual passenger enplanements, whichever is higher.
- Titan is guaranteeing a minimum of \$1.5 million in revenues to the Airport for the first year, a capital investment of \$1,493,000, and estimating revenues to the Airport of \$14,692,000 for the term of the agreement.
- Titan has reached out to four disadvantaged businesses to use their services under the terms of the agreement:
 - Kellee Communications,
 - Absolute Cleaning & Restoration,
 - Signs, ETC of Charlotte, and
 - W.E.G. Electrical.
- Titan Outdoor, LLC is the current advertising manager for the Charlotte Area Transit System, where they have had a successful relationship, including beating revenue guarantees for every year of the contract thus far.

Background

- On September 24, 2007, the City Council approved a management agreement with the CRVA to manage the Airport's advertising program and to operate the Airport Welcome Center.
- On November 12, 2012, the City Council approved a month-to-month extension with the CRVA for the same services for up to six months. This agreement expired April 30, 2013.
- On April 22, 2013, the City Council approved a new contract with the CRVA to continue managing the welcome center. This agreement began on May 1, 2013.

Airport Concession Disadvantaged Business Enterprise (ACDBE)

Contracts subject to Federal ACDBE are exempt from establishing an SBO goal (Appendix Section 23.5 of the SBO Policy).

Established ACDBE Goal: 23.5%

Committed ACDBE Goal: 23.5%

The Airport established an ACDBE goal of 23.5% for Titan and committed to meet this goal.

Attachment 22

Council-Manager Memo for June 21, 2013 – Airport Advertising Concession

37. Airport Concourses B and C Elevators

Action:

- A. Approve the low-bid contract of \$1,065,000 with Edison Foard Construction Services, Inc. d/b/a Edison Foard for the construction of three elevators,**
- B. Adopt a budget ordinance appropriating \$710,000 from the Airport Discretionary Fund to the Airport Capital Investment Plan, and**
- C. Adopt a budget ordinance appropriating \$355,000 from a contribution from US Airways.**

Staff Resource: Jerry Orr, Aviation

Explanation

- Concourses B and C are two of the busiest concourses in the terminal; however, they are the only concourses without elevators.
- Due to the lack of elevators, tenants are required to move goods through the concourses, which cause additional congestion for passengers.
- Two of these elevators, one for each concourse, will allow the tenants to move supplies and merchandise out of public view and move them more efficiently. These elevators are intended to be used primarily by tenants for the movement of goods and staff; they may be used for passengers on an as-needed basis.
- The third elevator will provide access to the ramp level for US Airways flight crews and support staff on Concourse C. This elevator is included in the project at the request of US Airways.
- On October 8, 2012, the City Council approved a design contract with DAS Architecture, Inc. in the amount of \$137,750 for the design of three elevators on Concourses B and C.
- On May 24, 2013, invitations to bid were advertised. Only two bids were received. The project was re-advertised on June 25, 2013 and two bids were received.
- Pending the Federal Aviation Administration approval, two of the elevators will be repaid from future bond proceeds and pay-as-you-go funds.
- The third elevator will be for US Airways. The Airport will fund the project in an excluded cost center and be repaid by the airline.

Charlotte Business INclusion

Established SBE Goal: 10%

Committed SBE Goal: 18.55%

Edison Foard exceeded the established SBE goal, and committed 18.55% (\$197,521.00) of the total contract amount to the following SBE firms: Stevens Interiors (Drywall and ACT assemblies), COED Electrical Services, Inc. (Electrical), J.M. Painting Company (Painting), and PWP Contractor Services, Inc. (HVAC).

Funding

Aviation Capital Investment Plan

Attachment 23

Budget Ordinance

38. Airport Parking Design Services

Action: Approve a contract of \$399,235 for professional design services to Talbert, Bright & Ellington, Inc. for an expansion of long-term public parking at the Airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport is currently constructing multiple projects that have impacted the available parking spaces for the public, including the construction of the Hourly/Rental Car Parking Deck and the Airport Entrance Road.
- This contract with Talbert, Bright & Ellington, Inc. will provide design and bidding services for grading and paving of additional public parking.
- Talbert, Bright & Ellington was selected based on their qualifications as submitted through a Request for Qualifications process conducted by the Airport for various projects on December 21, 2010.
- Funding for this contract comes from prior proceeds of the General Airport Revenue Bonds.

Charlotte Business INclusion

For professional services contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). On this contract, Talbert, Bright & Ellington committed 6.51% (\$26,000) of the total contract amount to the following SBE firm(s): Flehan Engineering (Stormwater).

Funding

Aviation Capital Investment Plan

39. Airport Grant Re-Appropriation

Action: Adopt a budget ordinance appropriating \$30,009 of grant proceeds from the Aviation Capital Investment Plan to claim the full amount of a grant from the Federal Aviation Administration.

Staff Resource: Jerry Orr, Aviation

Explanation

- On June 25, 2012, the City Council accepted an Airport Improvement Program grant in the amount of \$20.5 million for projects related to the construction of the new runway, including environmental permitting, the relocation of West Boulevard and Wallace Neel Road, the grading for the runway, and the construction of two taxiway bridges.
- The grant was part of the Letter of Intent signed by Federal Aviation Administration before construction started on the runway in 2006 that provides grant funds over seven years for the runway project. This particular grant covered a portion of the eligible costs for each of the items listed above.
- The eligible costs for the West Boulevard project element was lower than anticipated by \$30,009. In order to claim the entire grant amount, the Airport identified \$30,009 of additional eligible cost for the taxiway bridge construction project.

- Re-appropriating these grant proceeds to the taxiway bridge project will allow the Airport to earn the full grant amount.

Funding

Aviation Capital Investment Plan

Attachment 24

Budget Ordinance

40. Airport Telecommunications Contract

Action: Approve the annual pricing of the Master Services Agreement with AT&T in the amount of \$137,935.88 for maintenance of the Airport's telecommunications system.

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1990, the Airport entered into a Master Services Agreement with AT&T for a dedicated on-site technician to maintain its AT&T Centrex telephone system at the request of the airlines, who pay a proportional share (88%) of the expense.
- The Master Service Agreement allows AT&T to submit pricing annually for the services outlined in the agreement, including the technician, a vehicle, and maintenance equipment.
- The annual pricing for this year is \$137,935.88, which is flat from previous years.
- The telephone system currently has 3,135 lines, of which the Airport uses 366 lines.
- The technician is responsible for all moves/adds/changes, routes all lines from the trunk in the basement to the user's phone, troubleshoots technical issues, and repairs outages.

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

Aviation Operating Budget

41. Airport Deicing Trucks

Action: **A. Approve a contract in the amount of \$2,992,536 with Global Ground Support, LLC for eight deicing trucks, and**

B. Adopt a budget ordinance appropriating \$2,992,536 from the Airport Discretionary Fund to the Airport Capital Investment Plan.

Staff Resource: Jerry Orr, Aviation

Explanation

- During the 2010 and 2011 winter seasons, the Airport has provided a consolidated aircraft deicing facility operated by a third-party vendor using 28 deicing trucks provided by the Airport.
- The facility also includes a state-of-the-art, environmentally friendly glycol dispensing system located close to the deicing pads on Runway 5/23. This facility has more fluid capacity and more efficient pumps than the old system, which allows for more time on the pads for the trucks.
- On November 8, 2010, the City Council approved a contract with Global Ground Support, LLC in the amount of \$10,548,853 for the acquisition of the 28 deicing trucks and four deicing simulators.
- The contract with Global Ground Support included an option, at the Airport's discretion, to procure additional deicing trucks at the same cost per truck up to three years after entering into the original contract.
- The airlines that use the deicing services provided by the Airport have requested the purchase of eight additional trucks to improve the efficiency and throughput of the system during a winter event.
- Funding for these trucks will come from future Passenger Facility Charges, pay-as-you-go funds, pending FAA approval.

Charlotte Business INclusion

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

Funding

Aviation Capital Investment Plan

Attachment 25

Budget Ordinance

42. LYNX Blue Line Extension - Utility Relocation Agreement with AT&T

Action: Authorize the City Manager to negotiate and execute multiple amendments to the Utility Relocation Agreement with AT&T for the LYNX Blue Line Extension project for a total amount up to \$1.5 million.

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

Explanation

- On February 27, 2012, the City Council approved a utility relocation agreement with AT&T.
- The agreement provides for the sharing of costs to relocate AT&T owned poles, wires, and other telecommunications infrastructure to accommodate the LYNX Blue Line Extension (BLE) project.
- The agreement with AT&T is similar to the terms of the Utility Relocation Agreement between the City and Duke Energy, which was approved by the City Council in 1999. The Federal Transit Administration (FTA) process required a separate agreement with AT&T for the BLE project.
- The agreement, in principle, that was previously approved by the City Council on February 27, 2012, was prior to cost estimates being prepared and was done in order to satisfy Federal Transit Administration requirements to have utility agreements completed prior to getting FTA approval to enter final design.
- AT&T's work is critical to the LYNX BLE project schedule. Their work is divided into several components that AT&T will design and construct over the next several months. In order for AT&T to become mobile and execute their portion of work in phases, the City will need to be able to authorize AT&T's work in a phased manner.
- The action provides the estimated funding amount, of \$1.5 million, to reimburse AT&T for their LYNX BLE project related work and inserts appropriate federal rules that are now required by the FTA. It also gives authority to the City Manager to negotiate and execute multiple amendments to the agreement that reflect actual cost once bids are received by AT&T.
- If additional funding is required beyond the City Council authorization of \$1.5 million; then additional City Council action will be required.
- The funding for this agreement is included in the approved LYNX BLE project budget.

Disadvantaged Business Enterprise

AT&T will complete the required construction. The City will not contract for this work.

Funding

Transit Capital Investment Plan

43. LYNX Blue Line Extension - Light Rail Vehicle Parts

Action:

A. Approve contract amendment #1 with Siemens Industries to include an option to purchase spare parts, and

B. Authorize the City Manager to exercise the option to purchase Light Rail Vehicle Initial Inventory Parts through the City's contract with Siemens Industries in an amount up to \$2.4 million.

Staff Resources: John Muth, Transit
Allen Smith, Transit

Explanation

- The Charlotte Area Transit System (Transit) currently operates and maintains a fleet of 20 Siemens light rail vehicles.
- On September 24, 2012, the City Council approved the purchase of 22 additional light rail vehicles from Siemens in an amount up to \$87 million. The procurement of the vehicles was done jointly with TriMet Transit of Portland and provided advantageous pricing through a larger combined production order.
- According to Federal Transit Administration requirements, light rail vehicles must receive routine maintenance and include an inventory of readily available spare parts.
- The contract with Siemens provides the City an option to purchase parts.
- City staff has reviewed the recommended initial inventory parts list provided by Siemens and has determined the parts inventory initially needed to meet Federal Transit Administration (FTA) maintenance requirements.
- Siemens will soon begin the production of the vehicles ordered by Portland and Charlotte and is beginning to place its orders for parts.
- Transit can take advantage of favorable pricing by placing the order for its initial inventory parts during this period of vehicle manufacture.
- The total LYNX Blue Line Extension project budget for spare vehicle parts is \$7,377,500. This initial order, estimated at \$2.4 million, is comprised of those long lead items best ordered at the time of vehicle manufacture in order to obtain the most advantageous pricing.
- Transit anticipates returning to the City Council in the future for approval of additional spare parts (within the \$7,377,500) after further analysis of its inventory requirements and after completion of negotiations with Siemens.
- Contract amendment #1 will bring the total contract amount up to \$89.4 million.

Disadvantaged Business Enterprise/DBE (FTA Funding) Opportunity

Siemens Transportation Systems has certified their compliance with the Federal Transit Administration Regulation 49CFR Part 26.49.

Funding

Transit Capital Investment Plan

44. Ticket Vending Machine System Upgrades

Action: Approve a contract with Affiliated Computer Services, Inc. for upgrades to the Ticket Vending Machine system software in the amount of \$117,609.

Staff Resources: John Muth, Transit
Mike Haddad, Transit

Explanation

- Ticket vending machines are used to collect revenue and dispense tickets for the LYNX Blue Line. Affiliated Computer Services, Inc. is the original equipment manufacturer of the ticket vending machines.
- These system upgrades will provide additional security measures to ticket vending machine transactions by adding:
 - Zip Code Checking – adds additional security to credit card transactions by requesting the patron to enter his/her zip code.
 - Card Use Checking – limits fraud by capping both the total dollar amount and number of transactions per credit card during a predefined period. Any credit card transaction beyond the cap is automatically rejected until the end of the period.
- To improve performance, Affiliated Computer Services, Inc. is currently in the process of modifying the ticket vending machines software to improve ticket printing speed by as much as 40% when printing multiple tickets.
- The Zip Code Checking project (\$63,688) and Card Use Checking project (\$53,921) are 90% funded by a State technology grant with a 10% local match.

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

Transit Capital Investment Plan

45. Utility Dry Storage Facility

Action: A. Reject the low-bid contract of \$225,500 from Husky Construction Corporation for failure to comply with the Small Business Opportunity Program requirements, and

B. Award a contract to the second lowest, responsive bidder D.E. Brown Construction, Inc. in the amount of \$247,672.70 for the Charlotte-Mecklenburg Utility Department Dry Storage Facility.

Staff Resources: William Haas, Engineering & Property Management
Barry Gullet, Utility

Explanation

- The dry storage facility will be constructed at the Charlotte-Mecklenburg Utility Department (CMUD) Field Operations, Zone 2, located at 5730 General Commerce Drive.

- Dry storage is needed for fill dirt, top soil, crushed stone, and other construction materials associated with water and sewer line repairs on nights, weekends, and when dry materials are not readily available elsewhere.
- In July 2010, it was determined the roof over the existing dry storage building was unsafe and needed to be replaced. A structural analysis revealed the building walls were unable to support a new roof.
- The footprint of the new facility is 105' wide x 46' deep and includes a 26' tall, steel roof covering four existing concrete storage bins.
- Construction is expected to be complete by first quarter 2014.
- Since July 2010, CMUD has been operating without a reliable source of dry material, which has impacted service delivery to customers.
- An Invitation to Bid was issued on May 21, 2013; three bids were received.

Award to Second Lowest Bidder

- Staff recommends the contract be awarded to the second lowest, responsive bidder, D.E. Brown Construction, Inc.
- The low bidder, Husky Construction Corporation, did not meet the established Small Business Enterprise (SBE) goal, proposing a total SBE utilization of 0.00%
- The low bidder then submitted their good faith effort (GFE) documentation, and after review, staff determined they also did not meet the minimum required GFE points, achieving only 40 GFE points.
- The low bidder failed to achieve compliance with the Small Business Opportunity (SBO) Program by achieving neither the SBE goal of 8.00% or the minimum GFE points of 165, as referenced in part B: Section 2.1 of the SBO policy.
- The low bidder requested a review of the City's SBO Program Manager's decision to reject their bid, and also requested consideration from the SBO Program Manager to grant a minor non-compliance waiver, per SBO Policy Part A: Section 8.5.
- Per SBO Policy Part A: Section 8.6, a full review of the decision was conducted by the City SBO Program Manager, the City Economic Development Manager, and the Deputy City Manager.
- The final decision of all three reviews was to concur with the rejection of Husky Construction Corporation's bid, and deny a minor non-compliance waiver. A detailed write-up of the review process is attached.

Charlotte Business INclusion

Established SBE Goal: 8.0%

Committed SBE Goal: 30.00%

D.E. Brown Construction, Inc. exceeded the established SBE goal and committed 30.00% (\$74,305) of the total contract amount to the following SBE firms: Conmat Construction, Inc. (concrete), Cornerstone Construction Group, LLC. (roofing), and Treadaway & Sons Painting & Wallcovering, Inc. (paint). D.E. Brown is also a Certified SBE firm.

Funding

Utility Capital Investment Plan

Attachment 26

SBO Bid Rejection of Husky Construction Corporation

SBO Decision Letter for July 12, 2013

SBO Decision Letter for July 17, 2013

46. Emergency Generators Emission Upgrades

- Action:**
- A. Approve the purchase of equipment and modifications as authorized by the sole source purchasing exemption G.S. 143-129 (e) (6),**
 - B. Approve a contract with Carolina Tractor and Equipment Company for the purchase of equipment and modification of existing Utilities Caterpillar generators in the amount of \$897,128.24, and**
 - C. Approve a contract with Cummins Atlantic, LLC for the purchase of equipment and modification of existing Utilities Cummins generators in the amount of \$716,211.**

Staff Resource: Barry Shearin, Utility

Sole Source Exemption

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

Explanation

- The U.S. Environmental Protection Agency air emission standards require Charlotte-Mecklenburg Utility Department (CMUD) to perform exhaust equipment upgrades to 17 existing generators.
- The sole source contracts are necessary due to existing maintenance contracts and warranties on the existing generators. Any work or modifications not made by the authorized manufacturer will void the warranties.
- The generators are used during power failures as well as allowing CMUD to utilize electrical power saving plans from Duke Energy that will result in enough electrical savings to pay for the improvements in less than three years for most of these generators.
- The contracts will provide the upgrades to bring the CMUD Caterpillar and Cummins brand generators into compliance with the new mandated emission standards.
- The generators are located at the Franklin Water Treatment Plant, Idlewild Water Booster Pump Station, Sardis Water Booster Pump Station, Sharon Road Water Booster Pump Station, Lee S. Dukes Water Treatment Plant, Mallard Creek Wastewater Treatment Plant, Sugar Creek Wastewater Treatment Plant, McAlpine Creek Wastewater Treatment Plant, and Paw Creek Wastewater Lift Station.

Charlotte Business INclusion

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

Funding

Utility Capital Investment Plan

47. Wastewater and Water Treatment Chemicals

- Action:**
- A. Award a low-bid, unit price contract for wastewater and water treatment chemicals, for a one-year term, to the following companies:**
- Brenntag Mid-South, Inc.
 - Lhoist North America of Virginia, Inc.
 - Polytec, Inc.
 - Premier Magnesia, LLC
 - Standard Purification,
 - Water Guard, Inc, and
- B. Authorize the City Manager to renew the contracts for two additional, one-year terms, with possible price adjustments.**

Staff Resource: Barry Gullet, Utility

Explanation

- Different vendors provide a variety of chemicals used in the water and wastewater treatment processes.
- Each chemical plays an essential role to ensure water is biologically and chemically safe for customers and the environment.
- Charlotte-Mecklenburg Utility Department issued an Invitation to Bid for nine chemicals on June 18, 2013. On June 26, 2013 seven bids were received.
- In addition to the nine chemicals that were advertised, one extra chemical contract is being awarded at this time from a previous solicitation in May 2013.
- Annual price adjustments will be based on the Producer Price Index for industrial chemicals.
- The total combined estimated annual expenditure for all ten chemicals is approximately \$4.4 million.

Charlotte Business INclusion

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

Funding

Utility Operating Budget

48. Water and Sewer Connections

Action: Award a low-bid contract for \$144,098 with BRS, Inc. for construction and installation of multiple commercial water and sanitary sewer service installations to serve the Circle Alexander Village apartment complex.

Staff Resource: Barry Shearin, Utility

Explanation

- The contract is for construction of water and sewer service connections for the Circle Alexander Village Apartments located on Graham Ridge Drive in the university area. This development is a new apartment complex consisting of 320 units.
- A total of six water service connections and three sewer service connections are required to provide water, sewer, and fire protection services to this apartment complex.
- The costs for these taps will be paid for by the developer based on the Charlotte-Mecklenburg Utility Department policy for commercial water and sewer taps.
- Most developments of this type do not require this many large service connections which usually allows for these contracts to be awarded at the City staff level.

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 29.1 of the SBO Policy).

Funding

Utility Capital Investment Plan

49. Crooked Creek Wastewater Pump Station, Force Main, and Gravity Sewer Pipe

Action: Award a low-bid contract of \$1,185,433.54 to R.H. Price for construction of Crooked Creek Pump Station, Force Main, and Gravity Sewer Pipe and the abandonment of the existing Heathers Lift Station and an existing aerial sewer line.

Staff Resource: Barry Shearin, Utility

Explanation

- The contract will provide the construction of the Crooked Creek Pump Station located in the Matthews area.
- The new Pump Station will:
 - Eliminate the need for the existing Heathers Pump Station and allow for service to Royal Park Rehabilitation and Nursing Center and other properties in the Matthews area; and
 - Allow for the abandonment of an existing above ground sewer line. Whenever possible, the Charlotte-Mecklenburg Utility Department (CMUD) will remove

above ground sanitary sewer crossings in order to eliminate the possibility of failure and or potential health risk to the public.

- Liberty Healthcare Properties is providing the initial funding for the construction of the new pump station and force main, but will be reimbursed by the CMUD over a five -year period according to existing policy and contract approved by the City Council on March 28, 2011.
- The removal of the existing above ground sewer also will be funded by the CMUD, since it is an improvement to the existing system and not needed by the Liberty Healthcare Facility.
- The project is in the CMUD five-year Capital Investment Plan.

Charlotte Business INclusion

Established SBE Goal: 5%

Committed SBE Goal: 8.96%

R.H. Price exceeded the established SBE goal, and committed 8.96% (\$106,160) of the total contract amount to the following SBE firms: Barton Contracting (paving and resurfacing); Page Power Services (electrical).

Funding

Utility Capital Investment Plan

50. HVAC Preventative Maintenance and Repair Services

Action: Approve contracts, for a three-year term, to the following companies to provide HVAC services to various treatment plant facilities:

- **Bowers Heating & Air, Inc.**
- **Brady Trane Services, Inc.**
- **Environmental Services of Charlotte**
- **Honeywell, and**
- **Redblue.**

Staff Resource: Barry Gullet, Utility

Explanation

- The HVAC contracts will provide for equipment, materials, tools, labor and supervision to perform all regularly scheduled preventative maintenance of the HVAC systems at Charlotte-Mecklenburg Utility Department (CMUD) treatment plants and lift stations. Unexpected repairs will be completed on a time and material basis. Combined annual cost for these services is estimated at \$300,000.
- CMUD treatment plant facilities and lift stations require heating, ventilation and air conditioning systems to condition buildings for occupancy, proper operation of equipment, and safety.
- Due to the critical nature of this equipment, CMUD uses multiple vendors to ensure adequate coverage and resources for these services.
- CMUD issued a Request for Proposals for these services and received seven proposals in response to the solicitation issued on June 14, 2013.
- Each firm was selected based on its qualifications, experience, financial qualifications, cost effectiveness, and value.

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

51. Irwin Creek Wastewater Treatment Plant Boiler Replacement

Action: Award a low-bid contract of \$908,509 with Quate Industrial Service, Inc. for installation of two boilers at Irwin Creek Wastewater Treatment Plant.

Staff Resource: Barry Shearin, Utility

Explanation

- On June 10, 2013, the City Council approved the purchase of two hot water boilers.
- The contract with Quate Industrial Service, Inc. includes the labor to install two boilers along with related piping, valves, and mechanical equipment.
- The Irwin Creek Wastewater Treatment Plant (WWTP), located near Billy Graham Parkway, uses several boilers to provide hot water to process biosolids as part of the treatment process.
- The existing boilers at Irwin Creek WWTP are at the end of their useful life and require reoccurring maintenance. Replacement of the boilers is critical to meet permit requirements.

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 Capital Investment Plan

52. Analytical Laboratory Services

Action: Approve a two-year contract for analytical laboratory services with Pace Analytical Services, Inc.

Staff Resource: Barry Gullet, Utility

Explanation

- The Federal Safe Drinking Water Act requires all drinking water suppliers to analyze their product for various compounds. This monitoring and analysis ensures drinking water meets regulatory requirements for consumer health and safety.
- The services in this contract include additional analyses of compounds listed under new regulations and other guidelines required by the U.S. Environmental Protection Agency (EPA). The EPA is requiring the Charlotte-Mecklenburg Utility Department (CMUD) to undertake a two-year special sampling series.

- The existing CMUD Laboratory Services division is not equipped to perform these specific types of analyses.
- A Request for Proposals for these specific analytical laboratory services was issued on April 22, 2013; four proposals were received.
- Evaluation and selection were based upon competitiveness of pricing, background and experience of the company (including references), and required certifications.
- The annual expenditures are anticipated to total \$130,000.

Charlotte Business INclusion

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

Funding

Utility Operating Budget

53. Long Creek Storage Tank Project

Action: Award a low-bid contract of \$2,797,000 with State Utility Contractors for construction of a new concrete tank at the Long Creek Lift Station.

Staff Resource: Barry Shearin, Utility

Explanation

- An additional concrete storage tank is needed at the Long Creek Pump Station to manage peak wet weather flows in the area. This tank, which is the third tank at this lift station, is 170 feet in diameter and has a capacity of five million gallons.
- The Charlotte-Mecklenburg Utility Department operates numerous sewer lift stations throughout Mecklenburg County in areas where sewer service cannot be reasonably accomplished solely by gravity flow pipelines.
- The original Long Creek Sewer Lift Station was replaced with a much larger lift station in 2006 to address needed sewer capacity in northwest Charlotte.
- The lift station was constructed with two, large concrete tanks that were designed to capture very high peak flows during heavy rainstorms. Without these tanks the lift station cannot handle the additional flow, which would result in sewer overflows.
- A third tank was planned at the inception of the project.

Charlotte Business INclusion

Established SBE Goal: 3%

Committed SBE Goal: 5.74%

State Utility Contractors exceeded the established SBE goal, and committed 5.74% (\$160,550) of the total contract amount to the following SBE firms: Oliver Paving (asphalt paving), Vector Electric (electrical), Mid Atlantic (erosion control), TWD Enterprises (hauling).

Funding

Utility Capital Investment Plan

54. Mallard Creek Wastewater Treatment Plant Professional Design Services

Action: Approve a contract with Brown and Caldwell, Inc. in the amount of \$209,525 for design and construction administration for the Mallard Creek Wastewater Treatment Plant Aeration Basin and Centrifuge Improvements project.

Staff Resource: Barry Shearin, Utility

Explanation

- The Mallard Creek Wastewater Treatment Plant, located near Charlotte Motor Speedway, require repair and modification related to the:
 - Aeration system and solids dewatering system, and
 - Centrifuges, a set of equipment used to extract water during the processing of biosolids.
- Modifications to the existing centrifuges are necessary to increase the reliability and to provide reliable redundancy.
- These two systems are essential pieces of the overall wastewater treatment process.
- Brown and Caldwell, Inc. will provide design and construction administration of new air pipes and valves to the aeration basins and modifications to the centrifuges.

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 Capital Investment Plan

55. North Cedar Street Sanitary Sewer Replacement

Action: Award the low-bid contract of \$331,420.91 to State Utility Contractors, Inc. for construction of the North Cedar Street Sanitary Sewer Replacement Project.

Staff Resource: Barry Shearin, Utility

Explanation

- This project is for the construction of approximately 975 feet of 16-inch sewer main near North Cedar and North Clarkson Streets to serve residential and commercial customers in the uptown area. The sewer main will replace an existing 10-inch sewer main that does not have the capacity to carry peak flows.
- The sewer main needs to be installed prior to November 1, 2013, to avoid interference with a five-story apartment building scheduled for construction on an adjoining parcel.

Charlotte Business INclusion

Established SBE Goal: 7%
Committed SBE Goal: 7.00%

State Utility met the established SBE goal, and committed 7.00% (\$23,200) of the total contract amount to the following SBE firms: Jaamco, (CCTV sewer services), D's Trucking, (hauling), Union Paving, (asphalt repair), and Fernandez Construction (concrete).

Funding

Utility Capital Investment Plan

56. Sugar Creek Wastewater Treatment Plant Tank Cleanup Project, Professional Services Contract

Action: Approve the professional services contract with Hart and Hickman, PC in the amount of \$127,100 for design and bidding services for the Sugar Creek Tank Cleanup Project.

Staff Resource: Barry Shearin, Utility

Explanation

- The Sugar Creek Wastewater Treatment Plant has several above-ground and underground concrete tanks that were used in the treatment process between the 1920's and 1970's, which are currently abandoned and need to be demolished for site safety.
- In preparation for demolition of these tanks, an inspection of the underground tanks revealed the presence of a significant amount of old sludge and groundwater. The material must be removed before demolition can begin.
- The Charlotte-Mecklenburg Utility Department issued a Request for Proposals in February 2013; Hart and Hickman, PC was selected to perform testing, design, and bid-phase engineering services.
- The contract includes development of design plans and specifications to remove the material from the tanks, and to dewater and properly dispose of the material.
- Structural engineering services are also included to assist in development of bid documents for demolition.
- Staff will recommend to the City Council to award a subsequent contract at a later date for construction administration and inspection services.
- Based on the plans prepared as part of this contract, clean out and demolition of the tanks will be bid in early spring 2014.

Charlotte Business INclusion

For service-based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). On this contract, Hart and Hickman committed <1% (\$250) of the total contract amount to the following SBE firms: Richa Graphics (printing) and Enviro-Equipment (field testing supplies).

Funding

Utility Capital Investment Plan

57. Address Master Data Management Technology Solution

- Action:**
- A. Authorize the City Manager to approve a one-year contract with Information Builders, Inc. for the Address Master Data Management technology solution,**
 - B. Authorize the City Manager to approve up to two renewal options for continuing software maintenance and support, with possible price adjustments as authorized by the contract, and contingent upon the company's satisfactory performance, and**
 - C. Authorize the City Manager to approve additional purchases as authorized by the contract.**

Staff Resource: Jeff Stovall, City Manager's Office

Explanation

- The City initiated the Address Management Program to standardize, enrich, and drive continuous improvements to the quality of address data and business processes related to the use of address data.
- The initial phase of the program will focus on a Solid Waste Services implementation, with an emphasis on meeting specific address need relating to property type, routing assignments, and service detail.
- An existing staff resource funded within Solid Waste Services will serve in the address coordination role.
- The Solution for the Address Management Program will provide the City with a centralized, one-solution approach to improve address data quality and process efficiencies with managing address data. Address data will be more up to date, returned mail will be reduced, and more information will be available about service events occurring at locations.
- The Solution is scalable to allow for additional City department needs in the future.
- The estimated cost for implementation of the Solution during year one is \$595,000, which includes implementation Services, iWay Software and maintenance, and training services.
- Estimated annual expenditures for ongoing maintenance and support following the initial year are \$52,000.

Selection Process

- The City issued a Request for Quotes (RFQ) for a master address data management solution on April 3, 2012.
- In response to the RFQ, the City received three proposals from interested service providers.
- The Project Team, consisting of staff from City Departments, evaluated the proposals and did not select any of them for the full Solution due to lack of fit with meeting the business requirements.
- The North Carolina General Statutes exclude services from the competitive bidding requirements.
- As this Solution is considered to be comprised of predominately services, the Office of the Chief Information Officer has investigated other opportunities to contract for the full Solution and has determined that Information Builders is able to meet the City's business requirements and contractual terms and conditions.

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

Technology Capital Investment, City Manager's Office Operating Budget, and Solid Waste Services Operating Budget

58. Work and Asset Management Implementation Services

- Action:**
- A. Approve a contract with GHD, Inc. for work and asset management program implementation services in the not to exceed amount of \$710,000 to expand the usage of Azteca Cityworks for the Charlotte-Mecklenburg Utility Department,**
 - B. Approve a contract with GHD, Inc. for work and asset management program implementation services in the not to exceed amount of \$550,000 to implement Azteca Cityworks for Solid Waste Services Department, and**
 - C. Approve a contract with GHD, Inc. for work and asset management program implementation services in the not to exceed amount of \$500,000 to implement Azteca Cityworks for Transit Facilities Management.**

Staff Resources: Jeff Stovall, City Manager's Office
 Barry Gullet, Utility
 Victoria Johnson, Solid Waste Services
 Carolyn Flowers, Transit

Explanation

- As a component of a long-term, enterprise technology strategy, Azteca Cityworks is being extended for use in departments as work and asset management and inventory control where needs have arisen.
- These contracts would replace seven additional end-of-life, unsupported, and inadequate work management applications with the Cityworks enterprise application for Charlotte-Mecklenburg Utility Department, Solid Waste Services, and Transit.
- Benefits of the contracts include:
 - Improved service delivery and tracking capabilities;
 - Enhanced support for preventative maintenance activities;
 - Field automation of work order and inventory control processes;
 - Better assessment of asset condition and operational life; and
 - More reliable information for prioritizing maintenance, repair & overhaul activities.
- Staff recommends that the City contract with GHD, Inc. to implement improved work and asset management processes and to lead the Cityworks software configuration process in Utility, Solid Waste Services, and Transit.
- The use of GHD's knowledge and experience in the City environment, capabilities as a premier international asset management implementer, and ability to use proven methods rendered from previous Charlotte Mecklenburg Utility Department successes are critical to the effective implementation of the program.

- Based on the difference in funding sources from general and enterprise departments and the Federal Transit Administration grant, separate contracts and City Council actions are requested.
- Additional services may be required as Cityworks' usage is extended within the City.

Background

- On June 25, 2012, the City Council approved a professional services contract with GHD, Inc. to configure a work and asset management process base for the Charlotte Mecklenburg Utility Department.
- Currently Azteca Cityworks is an existing City/County system used by Engineering & Property Management and the Charlotte Mecklenburg Utility Department, and is being extended to Solid Waste Services and Transit.
 - GHD, Inc. led the successful implementation of Cityworks, in both Departments, which resulted in replacement of six applications.

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 Capital Investment Plan, Transit Capital Investment Plan, General Capital Investment Plan, Solid Waste Services Operating Budget, and Federal Transit Administration Grant

59. Fire Uniforms, Related Equipment and Services

- Action:**
- A. Approve a unit price contract extension with Best Uniforms for the term of one year for the purchase of fire uniforms, related equipment, and services,**
 - B. Authorize the City Manager to extend the contract for one additional, one-year term with possible price adjustments,**
 - C. Award a low-bid, unit price contract with Showfety's, Inc. for the provision of fire uniforms, related equipment, and services for a term of three years, and**
 - D. Authorize the City Manager to extend the Showfety's, Inc. contract for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract.**

Staff Resources: Charles Robinson, Shared Services
Rich Granger, Fire

Explanation

- The Charlotte Fire Department purchases uniforms, related equipment, and services including, but not limited to dress uniforms, long and short sleeve shirts, pants, hats, ties, leather belts, and shoes.
- On June 23, 2008, the City Council approved an estimated annual expenditure of \$408,487 for a three-year term and two one-year extensions with Best Uniforms.

- The Shared Services Procurement Management division, on behalf of the Charlotte Fire Department and the Charlotte Cooperative Purchasing Alliance, issued an Invitation to Bid for fire uniforms, related equipment, and services on March 28, 2013, that required bidders to furnish sample garments and also required on-line ordering capabilities.
- After issuing the Invitation to Bid and further assessing on-line ordering capabilities, the Charlotte Fire Department, the Procurement Management division and the City Attorney's Office determined that additional time would be required to assess the impact of on-line ordering relative to the current City Enterprise Resource Planning (ERP) system implementation schedule.

Action A and B

- The one-year extension with Best Uniforms should provide the City adequate time for the design and completion of business processes required for on-line ordering within the ERP system. Accordingly, the Charlotte Fire Department and the Procurement Management division recommend extending the current Best Uniforms contract to allow the ongoing ERP implementation activities to be completed.
- The expenditures under the first one-year extension of the Best Uniform contract are estimated to be \$350,000.

Action C and D

- While it is necessary for the City to continue procuring items from the current Best Uniform contract until the on-line ordering issues can be resolved through additional ERP implementation, staff recommends the City Council approval to award a contract to Showfety's, Inc. for the purchase of fire uniforms, related equipment, and services – except job/polo shirts - through the Charlotte Cooperative Purchasing Alliance.
 - The Charlotte Fire Department will continue to purchase job/polo shirts through the existing contract with Municipal Emergency Services, because doing so will result in a savings of \$10,000 over three years.
 - The Charlotte Cooperative Purchasing Alliance is a cooperative purchasing program established by Shared Services/Procurement Management with the specific purpose of reducing procurement costs by leveraging aggregate purchasing volume to receive better pricing.
 - Approximately 10 public entities have expressed interest in using the Charlotte Cooperative Purchasing Alliance contract for purposes of procuring fire uniforms, related equipment, and services.
- The unit prices are set forth in the proposed contract, and are available upon request.
- Upon completion of the current Best Uniforms contract extension, the Charlotte Fire Department will evaluate whether to initiate a new solicitation and/or purchase from the Charlotte Cooperative Purchasing Alliance contract.

Charlotte Business INclusion

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

Funding

Fire Department Operating Budget

60. Miscellaneous Fire Equipment

Action: A. Award low-bid, unit price contracts for providing miscellaneous fire equipment for a term of two years to the following:

- Municipal Emergency Services (for boots and hoses)
- Newton’s Fire and Safety (for helmets), and

B. Authorize the City Manager to extend the contracts for up to three additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract.

Staff Resources: Charles Robinson, Shared Services
Rich Granger, Fire

Explanation

- The Charlotte Fire Department uses fire equipment such as turnout gear, boots, and helmets which are used as personal protective equipment for firefighting, search and rescue situations, and building entrapments while performing daily tasks.
- New and replacement boots and helmets are needed for the over 30 new recruits and to replace a percentage of the boots and helmets each year on an eight-year replacement cycle (1/8 per year).
- Fire hoses are replaced on an as needed basis every six to eight years and when damaged.
- The Charlotte Fire Department requires the following hoses based on the type of fire and amount of water required:
 - Five inch large diameter supply line,
 - One and 3/4 inch attack line,
 - Two and 1/2 inch attack line, and
 - Wildland forestry.
- The Shared Services Procurement Management division, on behalf of the Charlotte Cooperative Purchasing Alliance, issued an Invitation to Bid for Miscellaneous Fire Equipment on May 7, 2013; four bids were received.
- Unit prices are set forth in the proposed contract, and are available upon request.
- The annual expenditures are estimated to be a combined total of \$101,050.

Charlotte Business INclusion

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

Funding

Fire Operating Budget

61. New and Retread Tires, Related Products and Services

Action: **A. Award the low-bid unit price contracts for providing various new and retread tires and related products and services for a term of three years to the following:**

- 1. New tires:**
 - The Goodyear Tire & Rubber Company,
 - McCarthy Tire,
 - Parrish Tire Company,
 - Snider Fleet Solutions, and
- 2. Retread tires and related service**
 - Parrish Tire Company, and

B. Authorize the City Manager to extend the contracts for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract.

Staff Resource: Charles Robinson, Shared Services

Explanation

- The requested contracts will provide the Shared Services Fleet Management division with the necessary brands, specifications, and sizes of new tires, heavy and medium truck retread tires, related products and services necessary to service the City's fleet of vehicles and equipment.
- These products and services are required for the normal customary preventive maintenance schedules, and the safe operation of vehicles and equipment including, but not limited to fire apparatus, law enforcement vehicles, sedans, medium trucks, heavy trucks, construction equipment, and other City fleet assets.
- Multiple contracts are requested for award based on the lowest responsive, responsible bidder for each line item. This will allow the Fleet Management division various brand options for all City vehicles and equipment.
- The Shared Services Procurement Management division issued an Invitation to Bid for new and retread tires, related products, and services on May 30, 2013; five bids were received.
- The combined annual expenditures under the contracts are estimated to be \$1.5 million.

Charlotte Business INclusion

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

Funding

Various Departments' Operating Budgets

Attachment 27

Summary of Bids by Line Items

62. General Obligation Refunding Bonds and Housing Bonds Issuance

Action: A. Adopt a bond order, a findings resolution, and an issuing resolution to provide for the issuance of General Obligation Refunding Bonds in an amount not to exceed \$115 million to refund outstanding 2003 bonds, and

B. Adopt an issuing resolution to provide for the issuance of \$34,370,000 of Housing Bonds.

Staff Resource: Greg Gaskins, Finance

Explanation

- The action will authorize the refunding of \$115 million of General Obligation Bonds and issuance of \$34,370,000 of Housing Bonds.
- Any savings from the refunding will be used to offset future financial obligations.
- Approximately \$32 million of the refunded General Obligation debt was used for water/sewer infrastructure and is repaid from the Charlotte-Mecklenburg Utility Department (CMUD). Savings for that portion of the refunding will offset future obligations of the CMUD.
- This action will fully fund all housing bonds approved by voters through 2010; the bonds will be sold in August 2013.

Funding

Municipal Debt Service Fund

Attachment 28

Resolutions

63. 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 \$7,060.17, and

B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$1,100.49.

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 29

Resolutions

List of Refunds

64. Legal Settlement

Action: Approve a settlement in the condemnation case of City of Charlotte v. Robert C. Spivey, Jr., et al (12-CVS-4043) in the amount of \$193,347.38 in addition to the \$606,550 previously approved by the City Council.

Staff Resource: Bob Hagemann, City Attorney's Office

Explanation

- On March 2, 2012, the City Council approved this condemnation in the amount of \$606,550. As the matter proceeded through litigation, the City's updated appraisal valued the property at \$781,250. This increase was due to a \$41,000 math error and increased square footage value due to more recent comparable sales.
- Statutory interest on the increased amount is \$18,647.38.
- The property owner has agreed to settle the case for the newly appraised amount plus statutory interest.

65. Resolution of Intent to Abandon Alan Street

Action: A. Adopt the Resolution of Intent to abandon Alan Street; and
B. Set a public hearing for August 26, 2013.

Staff Resource: Jeff Boenisch, Transportation

Attachment 30

Map
Resolution

66. Resolution of Intent to Abandon a Residual Portion of Steelescroft Parkway

Action: A. Adopt the Resolution of Intent to abandon a residual portion of Steelescroft Parkway, and
B. Set a public hearing for August 26, 2013.

Staff Resource: Jeff Boenisch, Transportation

Attachment 31

Map
Resolution

67. Resolution of Intent to Abandon a Residual Portion of Bermuda Road

Action: A. Adopt the Resolution of Intent to abandon a residual portion of Bermuda Road, and

B. Set a public hearing for August 26, 2013.

Staff Resource: Jeff Boenisch, Transportation

Attachment 32

Map
Resolution

68. Sale of Land at Brookshire Boulevard and John McCarroll Avenue

Action: Adopt a resolution approving the contract, in the amount of \$20,000, with Liganore Realty Holdings, LLC, for the sale of a .31 acre parcel at the corner of Brookshire Boulevard and John McCarroll Avenue (Tax Parcel I.D. Number 039-036-01).

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

Explanation

- In 2001, the property was acquired for the Brookshire Boulevard widening project; the remainder property is no longer needed for government use.
- The .31 acre parcel is currently zoned as multi-family. The neighboring parcels along Brookshire Boulevard are zoned as business. The buyer is proposing to assemble this parcel with the other commercially zoned parcels along Brookshire Boulevard.
- The buyer understands the Thomasboro Hoskins Small Area Plan recommends single-family development for this site. Planning Department staff would be supportive of a non-residential rezoning only if the proposed development is beneficial to the neighborhood.
- The parcel was appraised according to its current zoning (R-2MF) but is being sold above the appraised value due to the parcel's viable commercial use, with the understanding that the buyer assumes the risk of having the parcel rezoned.
- The parcel was advertised for upset bids. No other bids were received.
- The Charlotte-Mecklenburg Planning Commission Planning Committee Mandatory Referral recommendation states their first preference would be to sell the parcel for residential development, but if it is to be sold for commercial development, such development should incorporate adjoining parcels and the development should exhibit quality design features.

Attachment 33

Resolution

69. In Rem Remedy

For In Rem Remedy A-E, 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 Department
2. Complaint – petition by citizens, tenant complaint or public agency referral
3. Field Observation – concentrated code enforcement program

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

Public Safety:

- A. 3922 A&B Pine Street a/k/a Davis Lane (Neighborhood Profile Area 237)

Field Observation:

- B. 1135 Jensen Street (Neighborhood Profile Area 10)
C. 9209 Raintree Lane (Neighborhood Profile Area 29)
D. 2028 Saint Mark Street (Neighborhood Profile Area 374)
E. 4318 Tantilla Circle (Neighborhood Profile Area 247)

Public Safety:

A. 3922 A&B Pine Street a/k/a Davis Lane

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3922 A&B Pine Street a/k/a Davis Lane (Neighborhood Profile Area 237).

Attachment 34

Field Observation:

B. 1135 Jensen Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1135 Jensen Street (Neighborhood Profile Area 10).

Attachment 35

C. 9209 Raintree Lane

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9209 Raintree Lane (Neighborhood Profile Area 29).

Attachment 36

D. 2028 Saint Mark Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2028 Saint Mark Street (Neighborhood Profile Area 374).

Attachment 37

E. 4318 Tantilla Circle

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4318 Tantilla Circle (Neighborhood Profile Area 247).

Attachment 38

70. Property Transactions

Action: Approve the following property transaction(s) (A-K) and adopt the condemnation resolution(s) (L-Y).

For property transactions C-H, L-U 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 the 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:** 8" Sanitary Sewer to Serve 720 Marion Drive, Parcel #1
Owner(s): Acts Retirement-Life Communities, Inc.
Property Address: Pineville-Matthews Road
Property to be acquired: 3,380 sq. ft. (.078 ac.) in Sanitary Sewer Easement, plus 6,846 sq. ft. (.157 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-15
Use: Senior Living Community
Tax Code: 227-027-41
Total Parcel Tax Value: \$215,800
Purchase Price: \$19,497

- B. Project:** 8" Sanitary Sewer to Serve 720 Marion Drive, Parcel #2
Owner(s): Acts Retirement-Life Communities, Inc.
Property Address: 737 Plantation Estates Drive
Property to be acquired: 2,939 sq. ft. (.067 ac.) in Sanitary Sewer Easement, plus 6,427 sq. ft. (.148 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-I
Use: Senior Living Community
Tax Code: 227-027-43
Total Parcel Tax Value: \$36,081,400
Purchase Price: \$12,559
- C. Project:** Blue Line Extension, Parcel #2119
Owner(s): Storage Trust Properties, L.P.
Property Address: 5748 North Tryon Street
Property to be acquired: 610 sq. ft. (.014 ac.) in Fee Simple, plus 7,185 sq. ft. (.165 ac.) in Easement within Existing Right-of-Way by Maintenance, plus 2,234 sq. ft. (.051 ac.) in Temporary Construction Easement, plus 3,247 sq. ft. (.075 ac.) in Utility Easement
Improvements: Parking
Landscaping: None
Zoned: I-2
Use: Industrial
Tax Code: 049-011-20
Total Parcel Tax Value: \$1,491,200
Purchase Price: \$13,420
- D. Project:** Blue Line Extension, Parcel #2127
Owner(s): iStar Bowling Centers II LP
Property Address: 5900 North Tryon Street
Property to be acquired: 2,081 sq. ft. (.048 ac.) in Fee Simple, plus 176 sq. ft. (.004 ac.) in Sidewalk and Utility Easement, plus 9,889 sq. ft. (.227 ac.) in Temporary Construction Easement, plus 39 sq. ft. (.001 ac.) in Utility Easement
Improvements: Light pole and parking spaces
Landscaping: None
Zoned: I-2
Use: Commercial
Tax Code: 049-021-05
Total Parcel Tax Value: \$1,576,000
Purchase Price: \$40,050
- E. Project:** Blue Line Extension, Parcel #2207
Owner(s): Kevin Parris Carter and David E. Carter
Property Address: 6538 North Tryon Street
Property to be acquired: 3,124 sq. ft. (.072 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 049-056-08

Total Parcel Tax Value: \$588,700

Purchase Price: \$10,275

- F.** **Project:** Blue Line Extension, Parcel #2211
Owner(s): Maria Bania Balatsias, Trustee under Family Trust Of Dionysios Balatsias dated February 19, 1996
Property Address: 6643 North Tryon Street
Property to be acquired: 7,691 sq. ft. (.177 ac.) in Fee Simple, plus 2,578 sq. ft. (.059 ac.) in Temporary Construction Easement, plus 774 sq. ft. (.018 ac.) in Utility Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 089-172-44
Total Parcel Tax Value: \$107,800
Purchase Price: \$158,525
Explanation: The total "before" appraised value of the property is \$224,200. The purchase price reflects damages to the remainder, due to the diminished utility of the site as a standalone parcel.
- G.** **Project:** Blue Line Extension, Parcel #2227
Owner(s): Marsha C. Cole, Trustee of the Patricia B. Davis Irrevocable Trust Agreement dated April 10, 2006
Property Address: 6801 North Tryon Street
Property to be acquired: 1,898 sq. ft. (.044 ac.) in Fee Simple, plus 3,720 sq. ft. (.085 ac.) in Temporary Construction Easement, plus 1,018 sq. ft. (.023 ac.) in Utility Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 089-254-19
Total Parcel Tax Value: \$565,700
Purchase Price: \$16,425
- H.** **Project:** Blue Line Extension, Parcel #2235
Owner(s): XGC LLC
Property Address: 6820 North Tryon Street
Property to be acquired: 1,266 sq. ft. (.029 ac.) in Fee Simple, plus 2,554 sq. ft. (.059 ac.) in Temporary Construction Easement, plus 5,473 sq. ft. (.126 ac.) in Utility Easement
Improvements: None
Landscaping: Shrubs and various plantings
Zoned: B-2
Use: Commercial
Tax Code: 049-081-01
Total Parcel Tax Value: \$547,400
Purchase Price: \$360,000

- I. Project:** Brentwood Place, Parcel #148
Owner(s): Trustees of Greater Mt. Sinai Baptist Church
Property Address: 1243 West Boulevard
Property to be acquired: 13,378 sq. ft. (.307 ac.) in Storm Drainage Easement, plus 2 sq. ft. (0ac.) in Sanitary Sewer Easement, plus 28,858 sq. ft. (.662 ac.) in Temporary Construction Easement, plus 2,798 sq. ft. (.064 ac.) in Utility Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: R-4
Use: Single Family Residential
Tax Code: 119-033-25
Total Parcel Tax Value: \$4,310,400
Purchase Price: \$30,000
- J. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel #29
Owner(s): Larry L. Martin, Jr. and wife, Jill Best Martin
Property Address: 1111 Bolling Road
Property to be acquired: 2,533 sq. ft. (.058 ac.) in Storm Drainage Easement, plus 57 sq. ft. (.001 ac.) in Sanitary Sewer Easement, plus 964 sq. ft. (.022 ac.) in Temporary Construction Easement, plus 44 sq. ft. (.001 ac.) in Sanitary Sewer Easement and Storm Drainage Easement
Improvements: Pergola/Bench
Landscaping: Trees and shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-101-45
Total Parcel Tax Value: \$536,900
Purchase Price: \$154,890
- K. Project:** Lyon Court Storm Drainage, Parcel #5
Owner(s): Michael H. Lemmond and wife, Brenda P. Lemmond
Property Address: 1438 Landis Avenue
Property to be acquired: 15,950 sq. ft. (.366 ac.) in Fee Simple
(TOTAL TAKE)
Improvements: Two-story frame house (contains three rental units)
Landscaping: None
Zoned: R-22MF
Use: Single Family Residential
Tax Code: 095-071-14
Total Parcel Tax Value: \$567,100
Purchase Price: \$325,000

Condemnations

- L. Project:** Blue Line Extension, Parcel #1257
Owner(s): Carolina Foods, Inc. and any other parties of interest
Property Address: 3214 Cullman Avenue
Property to be acquired: 5,203 sq. ft. (.119 ac.) in Railroad Easement
Improvements: None
Landscaping: None
Zoned: I-1

Use: Industrial

Tax Code: 083-031-05

Total Parcel Tax Value: \$192,200

Appraised Value: \$1,950

Property Owner's Counteroffer: \$82,520

Reason for Condemnation: This parcel was pulled by staff from the June 10 and the June 24, 2013, Council Business Agendas, per the property owner's request. Staff began working with the property owners in May 2012 and has yet to reach an agreement regarding the acquisition. Staff has met with the property owner to discuss a rail-spur license agreement between Vernon Realty and Southern Railroad to address his concerns. The property owner feels the appraised value is insufficient. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- M. Project:** Blue Line Extension, Parcel #1291
Owner(s): D&K Properties, LLC and any other parties of interest
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: Loading ramp reconstruction
Landscaping: None
Zoned: I-2
Use: Industrial
Tax Code: 091-072-03
Total Parcel Tax Value: \$1,137,500
Appraised Value: \$9,825
Property Owner's Counteroffer: \$11,625
Reason for Condemnation: Staff began working with the property owners in January 2013 and has yet to reach an agreement regarding the acquisition. The property owner is concerned about the length of time their loading ramp will be inoperable due to the need to reconstruct it with the project. The appraisal includes compensation for a forklift rental to be utilized for unloading truck deliveries during this estimated one week period of time. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- N. Project:** Blue Line Extension, Parcel #2139
Owner(s): Moore Beatty Investments, LLC and any other parties of interest
Property Address: 5926 North Tryon Street
Property to be acquired: 2,098 sq. ft. (.048 ac.) in Temporary Construction Easement, plus 20 sq. ft. (.00046 ac.) in Utility Easement
Improvements: None
Landscaping: None
Zoned: I-2
Use: Commercial
Tax Code: 049-021-02

Total Parcel Tax Value: \$324,400

Appraised Value: \$3,200

Property Owner's Counteroffer: None

Reason for Condemnation: This parcel was pulled by staff from the June 24, 2013, Council Business Agenda to allow additional time to work with the owner, with whom staff began working in November 2012, and with no acquisition agreement yet reached. The property owner's main issue is the loss of one of two full-access driveway entrances to their parcel. The concern was addressed by allowing both entrances to remain open, with right-in/right-out access. The property owners requested the City acquire the entire property, which staff cannot agree to since it is not needed for the LYNX Blue Line Extension project. The property owners also feel the appraised value is insufficient. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation, during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court

- O. Project:** Blue Line Extension, Parcel #2213
Owner(s): 6624 North Tryon, LLC and any other parties of interest
Property Address: 6624 North Tryon Street
Property to be acquired: 3,742 sq. ft. (.086 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 049-081-04
Total Parcel Tax Value: \$270,100
Appraised Value: \$6,050
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in January 2013 and has yet to reach an agreement regarding the acquisition. The property owners requested staff proceed to condemnation per their attorney's recommendation. Therefore, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- P. Project:** Blue Line Extension, Parcel #2217 and #2221
Owner(s): Devita Investments, Inc. and any other parties of interest
Property Address: 6701 and 6523 North Tryon Street
Property to be acquired: 12,061 sq. ft. (.277 ac.) in Fee Simple, plus 322 sq. ft. (.007 ac.) in Sanitary Sewer Easement, plus 9,675 sq. ft. (.222 ac.) in Temporary Construction Easement, plus 1,284 sq. ft. (.029 ac.) in Utility Easement, plus 289 sq. ft. (.007 ac.) in Combined Sanitary Sewer and Utility Easement
Improvements: Marketing sign and fence
Landscaping: Trees and shrubs
Zoned: B-D
Use: Commercial
Tax Code: 089-172-38 and 089-172-99
Total Parcel Tax Value: \$2,399,100
Appraised Value: \$99,682

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owners in December 2012 and has yet to reach an agreement regarding the acquisition. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- Q. Project:** Blue Line Extension, Parcel #2223
Owner(s): JSK Investments Company, LLC and any other parties of interest
Property Address: 6736 North Tryon Street
Property to be acquired: 3,488 sq. ft. (.08 ac.) in Fee Simple, plus 866 sq. ft. (.02 ac.) in Storm Drainage Easement, plus 16,540 sq. ft. (.38 ac.) in Temporary Construction Easement
Improvements: Fencing, concrete go-cart track paving, and signage
Landscaping: None
Zoned: B-2(CD)
Use: Commercial
Tax Code: 049-081-03
Total Parcel Tax Value: \$780,000
Appraised Value: \$31,600
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in December 2012 and has yet to reach an agreement regarding the acquisition. The property owner has requested their driveway be relocated to be in line with the proposed Orchard Trace signalized intersection. Staff is unable to accommodate this request due to the property owner not having approved development plans. In addition, the property has an existing go-cart track that has not been maintained. The property owner has requested the track be repaired or completely removed, or for the installation of a retaining wall for its protection. Staff was unable to agree to their request due to the following reasons: removal of the track is outside of the current scope of the project and the track cannot be repaired due to the location of the fill line. The property owner has retained attorney representation. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- R. Project:** Blue Line Extension, Parcel #2237 and #2238
Owner(s): Berkley Company, et al and any other parties of interest
Property Address: 7140 North Tryon Street
Property to be acquired: 1,076 sq. ft. (.025 ac.) in Fee Simple, plus 11,055 sq. ft. (.254 ac.) in Temporary Construction Easement, plus 52 sq. ft. (.001 ac.) in Utility Easement
Improvements: None
Landscaping: None
Zoned: B-2(CD)
Use: Commercial
Tax Code: 049-141-20 and 049-141-19
Total Parcel Tax Value: \$4,784,500
Appraised Value: \$15,025

Property Owner's Counteroffer: \$20,000

Reason for Condemnation: Staff began working with the property owners in December 2012 and has yet to reach an agreement regarding the acquisition. The property owner is concerned about the additional water runoff that will be dispersed on the properties due to the impervious areas built with the project and possible erosion that will occur. Staff assured the property owner the project design considers the additional water flow and includes measures to prevent possible erosion. One of the property owners is willing to settle for \$20,000. However, the remaining property owners are not in agreement. The property owners have retained attorney representation. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- S. Project:** Blue Line Extension, Parcel #2241
Owner(s): James Huston Davis, Jr. and any other parties of interest
Property Address: 103 Stetson Drive
Property to be acquired: 1,875 sq. ft. (.043 ac.) in Fee Simple, plus 3,409 sq. ft. (.078 ac.) in Temporary Construction Easement, plus 4,356 sq. ft. (.1 ac.) in Utility Easement
Improvements: Parking spaces
Landscaping: Trees and shrubs
Zoned: I-1
Use: Commercial
Tax Code: 047-221-01
Total Parcel Tax Value: \$344,300
Appraised Value: \$70,425
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in December 2012 and has yet to reach an agreement regarding the acquisition. The property owner is concerned with the fee simple area that is needed and how this will affect the property with future building requirements, loss of parking, and the business sign. Staff explained that parking would be allowed in the permanent easement. Staff confirmed the sign will not be impacted by the project. The appraisal includes compensation for the cost to pave an additional parking area. The property owner has retained attorney representation. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- T. Project:** Blue Line Extension, Parcel #2242
Owner(s): Alfred Mark Green and Mary Ann S. Green and any other parties of interest
Property Address: 7305 North Tryon Street
Property to be acquired: 1,159 sq. ft. (.027 ac.) in Fee Simple, plus 4,791 sq. ft. (.11 ac.) in Temporary Construction Easement, plus 1,176 sq. ft. (.027 ac.) in Utility Easement
Improvements: None
Landscaping: Shrubs
Zoned: I-1

Use: Commercial

Tax Code: 047-221-20

Total Parcel Tax Value: \$374,200

Appraised Value: \$28,800

Property Owner's Counteroffer: \$58,893.90

Reason for Condemnation: Staff began working with the property owners in February 2013 and has yet to reach an agreement regarding the acquisition. The property owner is concerned with current erosion and the possibility of additional erosion that may occur after the project is complete and has requested construction fencing be installed at the construction limits. The property owner also requested an existing planter be removed. Staff agreed to install fencing at the construction limits and explained the proposed curb that will be installed to address erosion on the property. Staff could not agree to remove the planter for environmental reasons due to an existing gas pump island that is concealed by the planter. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- U. Project:** Blue Line Extension, Parcel #2243
Owner(s): Pappasons, LLC and any other parties of interest
Property Address: 127 Stetson Drive
Property to be acquired: 605 sq. ft. (.014 ac.) in Utility Easement
Improvements: None
Landscaping: None
Zoned: I-1
Use: Industrial
Tax Code: 047-221-30
Total Parcel Tax Value: \$295,400
Appraised Value: \$675
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in February 2013 and has yet to reach an agreement regarding the acquisition. The property owner is concerned with the impacts the permanent easement will have to the property's building setbacks. Staff addressed this concern by informing them the setbacks would not change due to the easement. The property owner also feels the appraised value is insufficient. The property owner has retained attorney representation. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- V. Project:** Gaynor Storm Drainage Improvement Project, Parcel #38
Owner(s): David B. Catron and any other parties of interest
Property Address: 4926 Gaynor Road
Property to be acquired: 3,891 sq. ft. (.089 ac.) in Storm Drainage Easement, plus 4,565 sq. ft. (.105 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: R-3

Use: Single-Family Residential

Tax Code: 185-036-14

Total Parcel Tax Value: \$329,200

Appraised Value: \$37,775

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owners in May 2012 and has yet to reach an agreement regarding the acquisition. The property owner is concerned with the size of the storm drainage easement and loss of trees. Staff assured the property owners the design was optimized to save as many trees as possible. The appraisal includes compensation for the loss of trees and landscaping. The property owner expressed concern about two existing pipes that will remain. Staff is reinforcing the pipes to ensure they are in proper working condition. The property owners also have concerns with the replanting of shrubs and trees in close proximity to construction areas. Staff provided detailed information regarding the precautions taking place for protection of shrubs and trees. The property owner feels the appraised value is insufficient and has obtained legal representation. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

W. Project: Hope Valley/ Oak Forest Neighborhood Improvement Project, Parcel #2

Owner(s): Minnie L. Withers and any other parties of interest

Property Address: 3813 Colebrook Road

Property to be acquired: 973 sq. ft. (.022 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: Trees and bushes

Zoned: R-4

Use: Single-Family Residential

Tax Code: 099-145-10

Total Parcel Tax Value: \$77,300

Appraised Value: \$575

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began efforts to contact the property owners in October 2012 and has yet to receive a response to numerous contact attempts. The title also reveals issues that may prevent the City from obtaining clear title. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

X. Project: Idlebrook Sanitary Sewer Replacement, Parcel #9

Owner(s): Charity M. Brimley and Tyler Ezell Eaddy and any other parties of interest

Property Address: 6309 Idlebrook Drive

Property to be acquired: 938 sq. ft. (.022 ac.) in Sanitary Sewer Easement, plus 1,501 sq. ft. (.034 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: Various plantings

Zoned: R-4

Use: Single Family Residential

Tax Code: 133-201-10

Total Parcel Tax Value: \$80,800

Appraised Value: \$1,750

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owner in December 2012. The title report revealed issues which will prevent the City from obtaining clear title. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

Y. Project: Steele Creek Pump Station Replacement Final, Parcel #20 and #29

Owner(s): John Stephen Miller, Jr. and Mary Carter G. Miller; Rebecca Miller Mahon and Bernard Mahon; Kenneth R. Downs, Jr.; Robert Lanier and any other parties of interest

Property Address: Franklin Street

Property to be acquired: 78,984 sq. ft. (1.813 ac.) in Sanitary Sewer Easement

Improvements: None

Landscaping: None

Zoned: R

Use:

Tax Code: 205-021-18 and 123-456-78

Total Parcel Tax Value: \$374,565

Appraised Value: \$15,550

Property Owner's Counteroffer: \$15,550

Reason for Condemnation: Staff began working with the property owner in July 2010 and has reached an agreement regarding the acquisition for the appraised value. However, the title report revealed issues which will prevent the City from obtaining clear title. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

71. Meeting Minutes

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

- **March 4, 2013, Council Workshop**
- **March 25, 2013, Council Business Meeting**
- **April 1, 2013, Council Workshop**
- **April 8, 2013, Council Business Meeting**
- **April 15, 2013, Zoning Meeting**
- **May 6, 2013, Council Workshop**
- **May 29, 2013, Budget Straw Votes**

Reference



For the July 22, 2013, Council Business Agenda, all RCA 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.