

Mayor Anthony Foxx

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

Mayor Pro Tem Patrick D. Cannon

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

CITY COUNCIL MEETING
Monday, June 10, 2013

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

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30	39	LYNX Blue Line Extension - Environmental Services Contract Amendments
44	52	Blue Line Extension Property Transactions E, F, G, and H

**CITY COUNCIL AGENDA
Monday, June 10, 2013**

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Reference

Small Business Opportunity Program Policy

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Resource: Julie Burch, 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. MUMPO Memorandum of Understanding



Committee Chair: David Howard

Resources: Danny Pleasant, Transportation
Debra Campbell, Planning
Bob Cook, Planning

Time: 30 minutes

Synopsis

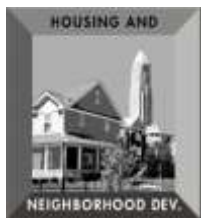
- The purpose of the dinner briefing is to update the Mayor and City Council on the discussions regarding the new Memorandum of Understanding (MOU) for Mecklenburg-Union Metropolitan Organization (MUMPO). The City Council Transportation & Planning Committee (Committee) has been working on this item for several months. Additionally, staff has provided periodic updates to the Mayor and City Council.
- The Census Bureau released 2010 urban area information in March 2012, which showed a significant expansion of the Charlotte Urbanized Area (UZA), both in population and land area. The significance of the expansion is that UZAs are the minimum area for which a Metropolitan Planning Organization (MPO) is required to implement the metropolitan planning process.
- MPOs are required in order to receive federal and state transportation funding. The current organization, MUMPO, has been working with its governing body, Technical Coordinating Committee, and state, local, and regional partners to update its MOU and establish new boundaries. One change that is now being implemented is a name change; MUMPO will now be known as the Charlotte Regional Transportation Planning Organization.
- Efforts to implement the necessary changes have reached a significant milestone. On May 22, 2013, the MOU Subcommittee made recommendations on two key issues:
 - How to share the required match of federal funds used to implement the metropolitan planning process; and
 - Updating the governing body's voting structure.
- The City Council Transportation & Planning Committee then reviewed those recommendations at their May 23 meeting.

- Staff will update the Mayor and City Council on the most recent discussions with the other jurisdictions and outline next steps.
- The Committee will discuss these topics at its June 10 Committee meeting just prior to the dinner briefing. The Committee may have a recommendation to present to Council at the June 10 dinner briefing presentation.
- Following the Committee's recommendation and update to City Council, Council member Howard will request formal direction on his MUMPO vote at the City Council Zoning meeting on June 17, 2013. The next meeting of MUMPO is June 19, 2013.

Future Action

The presentation is for information purposes only, with possible City Council direction for the City's MUMPO representative at the June 17 City Council Zoning meeting

3. Revised Assisted Multi-Family Housing at Transit Station Area Policy



Committee Chair: Patsy Kinsey

Resources: Debra Campbell, Planning
Pamela Wideman, Neighborhood & Business Services

Time: 20 minutes

Synopsis

- On November 26, 2001, City Council approved the existing Assisted Multi-Family Housing at Transit Station Areas policy (Policy).
- On June 30, 2011, the Housing & Neighborhood Development Committee (Committee) initiated a process to develop revisions to the existing Policy that included input from a Citizen Advisory Group comprised of developers and neighborhood leaders.
- Throughout 2012, the Committee reviewed staff's recommended revisions to the Policy. However, on May 14, 2012, City Council unanimously voted to defer the Policy for further study and requested that it be brought back to the City Council at a later date. The deferral was also suggested due to upcoming Affordable Housing Strategy sessions that were held on June 27, 2012, and October 10, 2012, and the continued work of the Incentive Based Inclusionary Housing Citizen Advisory Group.
- In May 8, 2013, staff presented a second draft of revisions to the Policy to the Committee. The revised Policy addresses previous concerns raised by City Council. The Committee voted unanimously (Kinsey, Mayfield, Autry, Barnes, and Cooksey) to approve the revised Policy with additional revisions to staff's recommended policy changes, which include:
 - The assisted multi-family housing units shall be the same in appearance to the portion of the project that is developed as market-rate housing.
 - The assisted multi-family housing units shall be scattered throughout the development area, and no one building shall be 100% assisted.
 - The City shall evaluate and assess the effect of this policy within two years of the first project being developed and operational
- The presentation will cover:
 - An overview of the process used to draft revisions to the Policy; and

- An overview of Policy revisions presented to the Housing & Neighborhood Development Committee in January and February 2012 and May 2013
- Staff recommends the Policy revisions because the current Policy dates back to 2003. Additionally, there is increasing development occurring at Transit Station Areas and a revised Policy will provide guidance to developers pursuing affordable housing developments at Transit Station Areas.

Future Action

City Council will be asked to vote on the proposed revisions to the Assisted Multi-Family Housing at Transit Station Areas policy on June 24, 2013.

4. Urban Design Framework for LYNX Blue Line Extension

Resources: Debra Campbell, Planning
Kathy Cornett, Planning
Andy Mock, Transit

Time: 20 minutes

Synopsis

- The purpose of this presentation is to describe the Urban Design Framework (UDF) and review staff's approach to incorporating the UDF into the LYNX Blue Line Extension (BLE) Project.
- Developed by City staff, the UDF was created to set design criteria for elements within and outside of the BLE right-of-way. In addition, it is designed to leverage public art dollars with infrastructure funding and to integrate public art to mitigate visual impacts, where necessary.
- The UDF outlines design guidelines for corridor elements to include:
 - Walls and bridges,
 - Trackway and pedestrian crossings,
 - Fencing/barriers,
 - Embankments, and
 - System elements (i.e. traction power sub stations, signal houses, and communication cabinets).
- The guidelines are broken into a series of treatment levels based on their visibility, land use adjacencies, and pedestrian proximity. Because the intent of the UDF is to create a transit system that is designed with sensitivity to its surrounding context, solutions that fit the existing or proposed character of an area may be considered on a case-by-case basis.
- The UDF provides broad guidance and does not provide detailed treatments to the BLE Project Team. The dinner presentation presents the project team's interpretation of the guidance from the UDF.

Future Action

Staff is requesting City Council approval of the Consent item for the BLE Urban Design Framework for Walls and Bridge Piers, on page 41 of the agenda, to approve a contract for the production of molds, which will be used to create the form liners for walls and bridge piers.

5. Answers to Mayor and Council Consent Item Questions

Resource: Julie Burch, City Manager's Office

Time: 10 minutes

Synopsis

Staff responses to questions from the beginning of the dinner meeting

7:00 P.M. AWARDS AND RECOGNITIONS

Meeting Chamber

6. Employee of the Year Recognition

Action: Mayor Foxx will recognize Kathleen Santimaw, Senior Engineering Project Manager, as Employee of the Year.

7. USO North Carolina, Charlotte Douglas International Airport Recognition

Action: Mayor Foxx will recognize the USO North Carolina, Charlotte Douglas International Airport for receiving top honor at the first TellUSO Awards Ceremony in the Airport Center category for their commitment and service to America's troops and military families.

COUNCIL BUSINESS MEETING

CONSENT

- 8. Consent agenda items 19 through 45 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

PUBLIC HEARING

9. Public Hearing on a Resolution to Close Marshall Avenue and a Residual Portion of Walker Street

Action: **A. Conduct a public hearing to close Marshall Avenue and a Residual Portion of Walker Street, and**

B. Adopt a Resolution to close.

Staff Resource: Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The rights-of-way are bounded by property owned by the City of Charlotte and no longer function as part of the transportation system or serve a public purpose.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

Petitioner

City of Charlotte

Right-of-Way to be abandoned

Marshall Avenue and a residual portion of Walker Street

Location

Marshall Avenue begins at its intersecting point with Wilkinson Boulevard as a 50-foot wide right-of-way, continuing approximately 658 feet east to its terminus at its intersecting point with Walker Street, and consists of 32,904 square feet; and a residual portion of Walker Street begins approximately 238 feet west of its intersecting point with Marshall Avenue and continues approximately 419 feet east to its terminus, and consists of 20,547 square feet.

Reason

To incorporate the right-of-way into the adjacent property owned by the City of Charlotte for the development of the new entrance road to the Charlotte Douglas International Airport from Little Rock Road at I-85, and a new Business Valet Deck.

Notification

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

Adjoining property owners

City of Charlotte – No objections

Neighborhood/Business Associations

Charlotte Douglas International Airport- No objections

Private Utility Companies – No objections

City Departments

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

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

Attachment 1

Map

Resolution

POLICY

10. City Manager's Report

11. FY2014 & FY2015 Operating Budget and FY2014-2018 Capital Investment Plan

Action: Adopt the FY2014 Appropriations and Tax Levy Ordinance, the FY2015 Operating Resolution, the Capital Investment Plan Resolution for Fiscal Years 2014-2018, the FY2014 Pay and Benefits Resolution and associated Human Resources contracts, and other items related to the Annual Ordinance adoption:

- A. The FY2014 Appropriations and Tax Levy Ordinance (Randy Harrington),
- B. The FY2015 Operating Plan Resolution (Randy Harrington),
- C. The FY2014 Storm Water Interlocal Agreement compliance (Jeb Blackwell),
- D. The FY2014-2018 Capital Investment Plan Resolution (Randy Harrington),
- E. The FY2014 Employee Pay and Benefits Plan Resolution and associated Human Resources contracts (Cheryl Brown),
- F. Outside Agencies Contracts (Randy Harrington),
- G. Municipal Service Districts Contracts (Randy Harrington),
- H. Job Training Contracts (Patrick Mumford),
- I. Out-of-School Time Partners Contracts (Patrick Mumford),
- J. Housing Development and Support Contracts (Patrick Mumford),
- K. Other Budget Items (Randy Harrington),
- L. Charlotte-Mecklenburg Housing Partnership Contract (Patrick Mumford)

Committee Chair: Michael Barnes

Staff Resources: Listed by each section above

Policy

As required by state law, the City of Charlotte adopts an annual appropriation and tax levy ordinance and considers related actions by July 1 of each fiscal year.

Background

- Since February 2013, the Mayor and City Council held four budget workshops and the required Public Hearing to shape development of this budget. On May 6, the City Manager's Recommended Budget was presented. Additionally, Council held their Budget Adjustments meeting on May 15, and the Budget Straw Votes meeting on May 29.
- The FY2014 and FY2015 operating budgets continue current service levels for day-to-day operations with few adjustments:

- City Council directed initiatives including implementing the Charlotte Business INClusion program and partnership to create a Rental Assistance Endowment with The Foundation For The Carolinas;
- Modest pay plan for the employees who deliver City services; and
- Increases to Utility and Storm Water rates to address infrastructure and customer service needs.
- The FY2014-FY2018 capital budget reflects the inclusion of a General Capital Investment Plan that focuses on enhancing infrastructure to leverage private investment to create jobs and housing, resulting in thriving neighborhoods that are economically diverse. The Enterprise Capital budgets continue current projects, experiencing a decrease below the prior five-year capital investment plan.
- FY2014 marks the first year in recent history with the expectation of lower property tax revenue, as a result of the 2011 Mecklenburg County revaluation appeals.

Approved Changes to the Manager's Recommended Budget from May 29th Council Straw Votes

- On May 29, 2013, Council approved the following budget amendment for the operating budget:
 - Amendment 1: Authorize up to \$250,000 for a LYNX Red Line Commuter Rail Study (funded from unexpended FY2013 fuel reserve funds) contingent upon other jurisdictions also contributing an appropriate amount to support the study's cost.

A. Adopt the FY2014 Appropriations and Tax Levy Ordinance

Budget Overview

- The total FY2014 recommended budget is \$1.96 billion, with \$1.18 billion for operating expenditures and \$778.3 million for capital expenditures (all funds). The General Fund operating budget totals \$563.5 million, a 2.3% increase over the FY2013 revised budget.
- The total recommended budget includes the following key revenues:
 - A property tax increase of 3.17¢ to support General capital investments with a long-term, sustainable emphasis on investing in corridors, increasing connections, and improving communities.
 - A Utility rate structure change for both water and sewer volume and fixed charges, resulting in an average monthly total water and sewer bill for residential customers of \$55.17, an increase of \$2.14 per month.
 - A Storm Water impervious surface fee increase of 5.5%, maintaining the existing two-tier methodology.

Property Tax Rate

- The property tax rate for FY2014 is recommended at 46.87¢ per \$100 of assessed valuation, an increase of 3.17¢ to fund community investments through the General Capital Investment Plan. The FY2014 assessed value is estimated at \$88.5 billion, with an estimated collection rate of 97.20%.

Purpose	Current FY2013 Tax Rate	Recommended FY2014 Tax Rate	Rate Increase
General Fund	36.00¢	36.00¢	0.0¢
Capital Debt Service	6.50¢	9.67¢	3.17¢
Pay-As-You-Go Capital	1.20¢	1.20¢	0.0¢
Total	43.70¢	46.87¢	3.17¢

Attachment 2

Annual Budget Ordinance

B. Adopt the FY2015 Operating Plan Resolution

- The Manager’s Recommended Budget includes recommendations for two years of operating budgets. The first year, 2014, is listed in Section A of this action.
- A resolution is adopted for the second year of the two-year budget. The resolution approves the FY2015 Operating Plan as recommended by the City Manager and as amended by Council on May 29th. Adoption of the FY2015 Plan does not appropriate funds.

C. Approve the FY2014 Storm Water Interlocal Agreement

- In accordance with the Interlocal Agreement on storm water services, this action will inform the County of the amount to be charged for the City's portion of the fee. The County Commission will vote on storm water fee changes on June 18th.
- The current long-range plan for the storm water program includes annual increases in the City's storm water fee in order to finance the ongoing response to new and backlogged citizen requests for service.
- The fees for FY2014 maintain the existing two-tier methodology and increase fees by 5.5% from FY2013 to FY2014:

	FY2013 Monthly Fee	FY2014 Monthly Fee	Monthly Change
Detached homes with less than 2,000 sq. ft. impervious area	\$5.08	\$5.36	\$0.28
Detached homes with 2,000 sq. ft. or more impervious area	\$7.48	\$7.89	\$0.41
Other residential or non-residential development per acre of impervious area	\$124.70	\$131.56	\$6.86

- The 5.5% fee increase will result in additional revenue of \$2.8 million in FY2014.
- The City’s General Fund impervious surface rate fee contribution increases \$151,309. FY2014 is the final year of a three-year phase-in of equal increases to restore the \$453,929 General Fund budget reduction implemented in FY2011.
- In accordance with the Interlocal Agreement on storm water services, the Mecklenburg County Board of Commissioners conducted a public hearing on changes to the City's portion of the storm water fee on June 4, 2013. City Council also conducted a public hearing on storm water fees in conjunction with the

- FY2014 budget public hearing on May 13, 2013.
- The Charlotte-Mecklenburg Storm Water Advisory Committee has endorsed the proposed FY2014 Storm Water program.

Attachment 2

Annual Budget Ordinance

D. Adopt the FY2014-2018 Capital Investment Plan (CIP) Resolution

- The resolution approves the five-year Capital Investment Plan expenditure and financing plan totaling \$3.4 billion (all funds), an increase of 2.5% above the prior year.
- Since presentation of the Preliminary Budget, the City was notified of the final allocations for the federal CDBG and HOME grants. The updated allocation from these funding sources is an increase of 7.3%, or \$472,387, above the FY2013 Adopted Budget. These final grant amounts are included in the attached ordinance
- The capital program is based on property tax rates as follows:
 - 9.67¢ for the Municipal Debt Service Fund, an increase of 3.17¢, reflecting the recommended property tax increase
 - 1.20¢ for the Pay-As-You-Go Fund, unchanged from the prior year
- The FY2014-2018 five year General CIP totals \$658.1 million, a 281.0% increase above the current General CIP, comprised of the following categories:
 - Housing and Neighborhood Development: \$192.6 million
 - Transportation: \$205.5 million
 - Economic Development: \$94.0 million
 - Environmental Services: \$16.5 million
 - Facility Investments: \$149.5 million
- The General CIP is supported by two of four proposed bond referenda in 2014 and 2016 (the third and fourth bond referenda in 2018 and 2020 will be reflected in future five-year CIPs beginning in FY2015 for a total recommended General capital debt package of \$816.4 million).

Enterprise-Funded

- Enterprise programs are financially self-sustaining and do not rely on property tax or general government revenues.
- Charlotte Area Transit System (CATS) totals \$1.1 billion, a 9.9% decrease, and is funded by federal and state grants and the one half-cent sales tax for transit.
- Aviation totals 966.8 million, a 7.2% decrease, and is funded by \$624.0 million in revenue bonds, \$156.3 million in Federal Aviation Administration grants, \$40.5 million in Transportation Security Administration funding, and \$146.1 million in cash.
- Storm Water totals \$213.2 million, an 18.2% decrease, and is funded by \$206.5 million in cash and \$6.7 million in revenue bonds.
- Utility Department (Water and Sewer) totals \$461.6 million, a 25.9% decrease, and is funded by \$391.7 million in cash and \$70.0 million in revenue bonds.

Attachment 3

Resolution

List of Projects

E. Adopt the FY2014 Employee Pay and Benefits Plan Resolution and associated Human Resources contracts

- The recommendations included in the FY2014 Pay and Benefits Report include the following:

Pay Plans

- In the Public Safety Pay Plan, the budget includes the following:
 - 2.5% or 5.0% step adjustments; and
 - 1% market adjustment.
- In the Broadbanding Pay Plan, the recommended budget includes a 2% merit pool.

Benefits

- No changes are recommended to the 401(k) plan.
- The State required retirement contribution for non-sworn employees will increase from 6.74% in FY2013 to 7.07% in FY2014. For FY2014, the retirement contribution for sworn police will increase from 6.77% to 7.28%. The Firefighter Retirement System is not impacted, as the system is independent of the State system and administered by a separate Board of Trustees.
- The City contribution to group health insurance increases only 3% due to the City's commitment to the Council adopted philosophy of: aggressive cost management for benefits, employees expected to fairly share in the cost of benefits, moderate level of benefits and pay, and proactive support of wellness programs to reduce future costs.
- The following medical plan design and premium changes are effective January 1, 2014:
 - 3% increase in City's cost.
 - 4% premium increase for employees in PPO Plus Plan.
 - 0% premium increase for employees in PPO Basic Plan.
 - Medical plan deductibles and out-of-pocket maximums will be increased and plan design changes will be implemented.
 - Integrate tobacco user deductible into the overall wellness strategy and expand the wellness incentive strategy to include dependent spouses.
 - Implement a telemedicine service through Teladoc for members covered under the medical plan.
 - Implement the CVS Caremark traditional double generic step therapy program for specified drug classes effective July 1, 2013.
 - Non-Medicare retiree premiums increase the base medical premiums by 15% in the PPO Plus Plan and 3% for the PPO Basic Plan. For retiree only medical coverage, increase the retiree share from 42.5% to 45% of the total premium.
 - The City Manager is authorized to approve changes including plan options, vendors, and future contracts/contract amendments to the fully insured medical and prescription drug plans for Medicare eligible retirees.
 - Since the plans for Medicare eligible retirees are fully insured, the City Manager/designee is authorized to approve cost sharing changes and rate increases as necessary to appropriately fund these plans upon receipt of renewal rates from AmWINS.

- Increase premiums as outlined in the chart below:

Medical Premiums for Active Employees and Retirees				
Level of Coverage	FY2013 Monthly Premium		FY2014 Monthly Premium	
	PPO Basic Plan	PPO Plus Plan	PPO Basic Plan	PPO Plus Plan
Employee Only	\$81.19	\$111.86	\$81.19	\$116.34
Employee/Children	\$349.21	\$422.98	\$349.21	\$439.91
Employee & Spouse/Domestic Partner	\$365.27	\$454.72	\$365.27	\$472.92
Employee/Family	\$387.29	\$488.33	\$387.29	\$507.85
Retiree Only	\$182.37	\$205.59	\$198.89	\$250.30
Retiree/Children	\$527.31	\$574.72	\$543.13	\$660.93
Retiree & Spouse/Domestic Partner	\$551.56	\$611.14	\$568.11	\$702.81
Retiree/Family	\$584.80	\$653.04	\$602.54	\$751.00

Notes: Retiree premiums based on retirees with 20+ years of service for the PPO plans; Employees not participating in specified Wellness Program will have an increased cost of \$400 per year; PPO Plus and PPO Basic plans will continue to have a higher deductible for tobacco users who are not enrolled in a tobacco cessation program.

- The City is currently reviewing and rebidding several processes for group health services. Approval of Action E. authorizes the City Manager/designee to execute the following:
 - Prescription drug coverage: Renegotiate or rebid the current contract. If the contract is rebid, select a vendor and execute the contract and future contract amendments with the selected vendor upon completion of the bid process.
 - Group life and disability coverage: Renegotiate the current contract(s) or select a new vendor(s) as a result of rebidding and execute the contract and future contract amendments with the selected vendor(s) upon completion of the bid process.

Attachment 4

Resolution

F. Approve Outside Agencies Contracts

Safe Alliance (formerly United Family Services) \$333,977

- The Victim Assistance Program provides crisis intervention, community counseling, education, and individual assistance to victims of violent crimes and to families of homicide victims.

Attachment 5

Scope of Services

Community Building Initiative \$49,000

- The Community Building Initiative (CBI) builds the capacity and commitment of individuals, organizations, institutions, and the broad community to successfully work together towards a more inclusive and equitable community. CBI’s services support the City through two strategic approaches with programmatic components: leadership in a diverse world, and community events and outreach.

Attachment 6

Scope of Services

Arts & Science Council (ASC) \$2,940,823

- The Arts & Science Council oversees community-wide cultural planning, fundraising, grant administration, technical assistance, facility review, and other responsibilities to advance the cultural life of Charlotte and Mecklenburg County.

Attachment 7

Scope of Services

Extend the Agreement with the Arts & Science Council and the Public Art Commission for administration of the Public Art Program and approval of the FY2014 Public Art Work Plan

- On May 27, 2003, the City Council adopted an ordinance pertaining to the allocation and administration of funds for public art. The ordinance directs that an amount equal to 1% of the construction costs of eligible capital projects be provided for public art.
- The FY2014 Allocations are:
 - General Fund - \$9,000
 - Aviation - \$283,105
- The FY2014 Public Art Work Plan was presented to the City Council during the May 13, 2013, Dinner Briefing.
- In accordance with the Council approved policy, the Public Art Commission will present a mid-year update of projects and financials in November 2013. At that time, the Commission will provide additional information regarding the proposed process and types of projects contemplated for the FY2014 funding allocation.

Attachment 8

Proposed FY2014 Public Art Work Plan

Charlotte Regional Partnership \$199,034

- The Partnership is a regional economic development organization that works with local governments, the Chamber and others, to enhance economic activity in the region. The amount of City funding is \$124,034 for the base contribution, plus \$75,000 to support the Charlotte Regional Film Commission.

Attachment 9

Scope of Services

Charlotte Regional Visitors Authority (CRVA) \$11,499,500

- Tourism Marketing \$3,876,024
 - Funds the City’s general tourism marketing services contract with CRVA. The amount is based on a portion of projected collections of the occupancy tax and a \$35,000 City contribution for special events.
- Charlotte Convention Center Promotion and Business Development Activities \$7,623,476
 - Funding allocated to the Authority is derived from a portion of the proceeds of the prepared food and beverage tax and a portion of the countywide occupancy tax.
- In addition to the marketing contract dollars listed above, for FY2014 the City also

provides non-marketing financial support for City-owned buildings on behalf of the CRVA for \$6,400,000 for Convention Center Operating and Capital, \$1,103,550 for the Arena and Ovens/Bojangles Capital Maintenance and Repair and \$1,000,000 for NASCAR Hall of Fame Maintenance and Repair.

Attachment 10

Scope of Services

Support to the District Attorney’s Office - Property Crime Unit

- Since 2008, the City has provided annual funding (via the CMPD operating budget) to the District Attorney to hire (2) Assistant District Attorneys and (3) Victim/Witness Legal Assistants from the North Carolina Administrative Office of the Courts to address the backlog of cases in Mecklenburg County and support CMPD crime fighting initiatives. This action authorizes the City Manager to negotiate and execute the FY2014 contract with the District Attorney and NC Administrative Office of the Courts.

G. Approve the Municipal Service District Contracts with Charlotte Center City Partners (\$4,032,178) and University City Partners (\$640,327)

- The municipal service districts (MSDs) were created to enhance the economic viability and quality of life in select areas. Three MSDs are located in the Center City, the fourth is located in the South End area, and the fifth is located in the University City area. Revenues for these districts are generated through ad-valorem taxes paid by property owners in the districts in addition to the City’s regular property tax rate.
- In FY2014, the City will contract with Charlotte Center City Partners (CCCP) for services in the three Center City Municipal Service Districts as well as for services in the South End Municipal Service District. The City will also contract with University City Partners (UCP) for services in the University City Municipal Service District.
- The FY2014 tax rates in the five MSDs remain unchanged from the FY2013 rates.

Municipal Service Districts Summary		
District	FY2014 Tax Rate	FY2014 Contract Amount
District 1-Center City	1.68¢	\$1,284,720
District 2-Center City	2.33¢	\$738,344
District 3-Center City	3.58¢	\$1,256,115
District 4-South End	6.68¢	\$752,999
District 5-University City	2.79¢	\$640,327

Attachment 11

Scope of Services

H. Approve the FY2014 Job Training Contracts

Charlotte-Mecklenburg Workforce Development Board (WDB)
 Job Training Contract up to \$9,000,000

Source of Funds

Workforce Investment Act Grants	\$6,003,294
Carry-over of unexpended FY2013 Grants	\$2,996,706

- The WDB is responsible for implementing the federally funded Workforce Investment Act (WIA) that provides job training and assistance to unemployed and underemployed workers in Mecklenburg County.
- The City serves as the fiscal agent for the program and contracts with the WDB on an annual basis to implement WIA services.
- These funds will be used to provide job search and placement assistance, including career counseling assessment of skills and needs and training from eligible providers such as community colleges and universities.
- The City’s FY2014 contract with the WDB includes the following scope of services for the use of these funds:
 - Serve 40,000 customers through a network of 30+ Shared Network Access Point sites,
 - Provide training assistance to 350 eligible adults and dislocated workers,
 - Provide recruiting or screen assistance to 50 local employers,
 - Support 35,000 visits to the South Boulevard Center and Employer Engagement Center for coaching, job teams, and workshops/classes,
 - Serve 350 WIA eligible youth, and
 - Monitor contracts of agencies charged with delivering direct training services, including the Goodwill Industries, Arbor Education and Training, Q-Foundation, and other youth providers.

I. Approve the FY2014 Out-of-School Time Partners Contracts

- The Community Development Block Grant and Innovative Housing Funds contracts provide educational enrichment activities for elementary, middle, and high school students of families with low incomes who reside in the Housing and Neighborhood Development boundaries.
- On May 9, 2011 Charlotte City Council approved the development and issuance of a Request for Proposal for Out-of-School Time Programs based on evidence-based standards for school age care. FY2014 is the second year of the formal Request for Proposals process.
- During the April 15, 2013 Council Budget Workshop, staff recommended continued use of the Housing Trust Fund model (funding top scored proposals at 100% until funding is exhausted)
- The following five organizations are funded:

– Above and Beyond Students	\$124,158
– YWCA Central Carolinas After School	\$307,000
– Greater Charlotte Enrichment Program	\$400,000
– Police Activities League	\$287,410
– First Baptist Church West	\$81,432

J. Approve the FY2014 Housing Development and Support Contracts

- The 2014 Consolidated Action Plan for Housing and Community Development, approved by Council on May 13, 2013, establishes strategies to provide affordable

housing and supportive services for low and moderate-income families and individuals as part of an overall community revitalization strategy.

Carolinas Care Partnership

\$873,634

- The Consortium manages the City Housing Opportunities for Persons with HIV/AIDS (HOPWA) federal grant. Responsibilities include:
 - Awarding restricted-use grants to qualified organizations in the seven-county metropolitan statistical area (MSA) to provide housing and housing-related services for people living with HIV and AIDS. Servicing the seven-county MSA is a requirement for the City to receive the funds.
 - Distributing funds available through the HOPWA program in compliance with 24 CFR Part 574 and other applicable HUD regulations
 - Ensuring that all HOPWA funds are expended to provide maximum access to housing for eligible people affected by HIV and AIDS, including family as defined by 24 CFR Part 574.3
 - Assist 570 persons with HIV/AIDS
 - Monitoring distribution and proper expenditure of funds distributed to grantee agencies in the region

Crisis Assistance Ministry

\$380,000

- The Ministry programs provide critical assistance to low-income families.
- **Crisis Assistance Energy Assistance (\$180,000)** – These funds are used to directly pay utility companies for bills due from low-income families. This program serves approximately 1,000 families annually.
- **Crisis Assistance Emergency Rental Assistance (\$200,000)** – These funds are targeted for low-income families living in specific areas of the City and address housing problems. This program assists approximately 1,600 families annually.

Community Link

\$450,000

- Community Link provides housing counseling and relocation services with an emphasis in creating homeownership in the City's targeted neighborhoods.
- During FY2013, City Council approved contracts for Community Link to provide housing relocation and post homeowner counseling services previously performed by Charlotte Housing Authority Relocation Services and United Family Services.

Charlotte Family Housing

\$330,000

- Charlotte Family Housing, formerly Workforce Initiative for Supportive Housing, provides supportive housing solutions for homeless working families with children.
- The contract is a performance-based contract; therefore the funding is up to \$330,000. The goal in FY2014 is to serve 75 families per month through the program.

YMCA Community Development

\$48,699

- YMCA Community Development (formerly the Strengthening Families Program) uses core programs to assist east Charlotte, low income youth and families to address issues associated with generational poverty and educational gap.
- Core programs include: Parents as Teachers, Getting Ahead, and Y Achievers.

K. Approve Other Budget Items

- The budget ordinance included is the City's annual budgetary operating ordinance. Sections 1 through 14 of this Ordinance reflect the items included in the Manager's Recommended Budget and all Council amendments that Council is approving with this action.

- The remainder of the Annual Ordinance (Sections 15 through 54) serves to make budgetary corrections to the current fiscal year for technical, accounting and other “wind-up” tasks necessary prior to the fiscal year’s end.

Sections 15 through 23 General Capital Project Funds

- Sections 15 through 23 appropriate and consolidate funding to prepare existing accounts for transactions presented in the FY2014-2018 CIP and make other capital project technical adjustments.

Sections 24 through 25 CATS Operating and Capital Projects Funds

- Section 24 adjusts within the CATS Capital Project Funds to reflect revised funding amounts from grants and local resources.
- Section 25 appropriates the FY2013 transit rideshare grant

Sections 26 through 27 Aviation Operating and Capital Projects Funds

- Section 21 transfers \$0.4 million from Aviation Discretionary funds to the Airport Capital Investment Plan Fund for the Airport Control Room Project
- Section 22 transfers \$86,000 from Aviation Discretionary funds to the Airport Capital Investment Plan Fund for upgrades to Concourse C

Sections 28 through 44 Other Funds

- Sections 28 through 35 appropriate funding from various grants, developer contributions and interest on property tax refund appeals.
- Section 36 appropriates savings from bond refunding to fund other post-employment benefit liability.
- Sections 37 through 41 appropriate funds for unanticipated revenues.
- Section 42 through 43 appropriate Capital funds to the NASCAR Hall of Fame and Charlotte Convention Center for required maintenance
- Section 44 amends prior ordinances to reflect the Municipal Debt Service fund as the funding source for the Eastland acquisition project

Sections 45 through 68

- Section 45 includes technical accounting changes necessary to clarify or correct FY2013 and other prior-year budgetary ordinances.
- Sections 46 through 68 give the Chief Financial Officer authority to make specific routine appropriations and transfers within the adopted budget.

L. Approve the FY2014 Charlotte-Mecklenburg Housing Partnership Contract

Affordable Housing Contract

\$1,960,000

- This contract includes funding to address planning for future multi-family and single-family housing development by:
 - Increase affordable homeownership opportunities. CMHP will assist 100 families to become homeowners.
 - Increase affordable rental opportunities. CMHP will acquire a new property to develop multi-family rental housing.

House Charlotte Program Administration

\$231,000

- This contract funds the administration of the House Charlotte program. The House Charlotte program is outsourced for cost savings and program efficiencies.

12. Park Woodlawn Area Plan



Action: Approve the Transportation and Planning Committee recommendation to adopt the Park Woodlawn Area Plan Volume I: The Concept Plan and receive Volume II: The Implementation Plan as information.

Committee Chair: David Howard

Staff Resource: Alberto Gonzalez, Planning

Explanation

- The Park Woodlawn Area Plan (Plan) covers approximately 2,000 acres and is focused on the Park Road Mixed-Use Activity Center as defined by the Centers, Corridors, and Wedges Growth Framework, as well as the surrounding Wedge neighborhoods.
- The Plan focuses on land use, transportation, community design, natural environment, and public facilities.
- A public kickoff meeting was held in November 2011, followed by six, staff-led Citizen Advisory Group meetings, and a design workshop held in June 2012.
- On December 4, 2012, a public meeting was held to present the draft recommendations, followed by a final public meeting on January 29, 2013, to begin the review and adoption process. Over 150 people attended each public meeting.
- Staff has worked with citizens on specific concerns and in response, developed a Proposed Revisions to Draft Document.
- The Woodlawn Area Plan was included in City Council's packets for the May 13, 2013, Council Business Meeting.

Plan Recommendation

- The Goals and Objectives of the Plan are to:
 - Provide a policy guide to help direct future infill development and redevelopment, especially within the Park Road Activity Center,
 - Preserve existing neighborhoods, and improve connectivity for pedestrian and vehicular circulation and access, and
 - Provide design guidelines for a more urban and pedestrian-oriented form of development.
- The land use recommendations for the Mixed-Use Activity Center feature a mix of uses (residential, office, and/or retail) with a focus on community design and appropriately scaled development, especially when adjacent to single-family neighborhoods. The transportation policies also support the creation of a walkable, neighborhood-centric, mixed-use center.
- The recommendations for the Wedge-area maintain existing single-family and multi-family densities, continuing the current development pattern consistent with the Plan's vision.

Charlotte-Mecklenburg Planning Commission

- The Charlotte-Mecklenburg Planning Commission (Planning Committee) received public comments at the February 19, 2013, meeting. Several residents and property owners were in attendance, and a number of residents expressed support of the Plan recommendations.

- One resident expressed concern with overall pedestrian safety and street crossing improvements. A representative of the Park Road Shopping Center owners expressed some concern over the specific land use language regarding the site.
- A representative of the Real Estate and Building Industry Coalition shared concerns on building height limits, and the impact it would have on future developments.
- Public comments continued as staff worked through the concerns raised at the meeting.
- At the March 19, 2013, meeting, staff presented information in response to concerns expressed by citizens at the February meeting. Additionally the Planning Committee discussed:
 - The possibility of creating separated bike lanes;
 - Detailing the design speeds for the proposed street cross sections;
 - Reconsideration of building height limits;
 - Adding more discussion of recommended building types;
 - Improvements to the intersection of Woodlawn Road and Brandywine Road;
 - Considering a long-term total redevelopment of the Park Road Shopping Center; and
 - The opportunity for more Greenway connections.
- The Planning Committee voted unanimously to recommend adoption of the Plan with proposed revisions at their April 16, 2013, meeting.

Transportation & Planning Committee

- The City Council Transportation & Planning Committee received an overview of the Plan at their April 25, 2013, meeting. The discussion included:
 - The boundaries of the Plan area,
 - Overall vision of the Plan,
 - Community design policies, specifically building height limits of 40 feet for non-residential parcels adjacent to single-family homes, and
 - Future development on Montford Drive.
- The Transportation & Planning Committee voted unanimously (Howard, Autry, Cooksey, and Kinsey; Barnes was absent) to forward the Plan to City Council for public comment at the May 13 Council Business Meeting.
- The Committee met on May 23, 2013, and voted unanimously (Howard, Barnes, Autry, Cooksey, and Kinsey) to recommend adoption of the Plan with the recommended revisions.

City Council

City Council received an overview of the Plan and provided an opportunity for the public to comment at the May 13, 2013, Council Business Meeting; however, there were no speakers.

Attachment 12

Recommended Revisions to the Draft Plan

Woodlawn Area Plan

<http://www.charmeck.org/Planning/ParkWoodlawnAreaPlanDraft.pdf>

13. Charlotte-Douglas International Airport

BUSINESS

14. Urban Progress Zone Designation Renewal

Action: Adopt a resolution requesting the North Carolina Department of Commerce to renew the Urban Progress Zone (UPZ) designation in Charlotte pursuant to N.C. GS 143B-437.09(a).

Staff Resource: Brad Richardson, Neighborhood & Business Services

Explanation

- The State of North Carolina offers tax credits to companies that create jobs and investment, which can be used against a company's State corporate tax liability.
- Urban Progress Zones (UPZs) are designated areas within NC cities with populations greater than 10,000 where businesses are eligible to receive enhanced tax credits.
- These tax credits are marketed by the City and the Charlotte Chamber as a tool for attracting and retaining businesses.
- Charlotte's UPZ (see attached map) extends from the Center City southwest to Beam Road and west to the airport. It generally follows I-85 on the north and reaches as far east as Eastway Drive and The Plaza.
- The City and Chamber worked together to develop the current geography to maximize the UPZ benefits for Charlotte.
- The role of City Council is to request the Secretary of Commerce designate the zone. The program is administered by the North Carolina Department of Commerce. No City funding is involved.
- Under the legislation, areas designated as UPZs cannot exceed 15% of the City's area. This requirement, along with the specific guidelines for drawing a UPZ allow no opportunity to extend or significantly alter the current UPZ; therefore, staff recommends renewing the designation of the current zone.
- Every census tract and census block group that composes the UPZ must meet at least one of the following conditions:
 - Have more than 20% of its population below the poverty level according to the most recent federal decennial census;
 - Be an adjacent census tract or block group in which at least 50% of the area is zoned as nonresidential. No more than 35% of the UPZ may consist of census tracts or census block groups that satisfy this condition only; or
 - Have experienced a major plant closing and layoff within the past 10 years resulting in a layoff of at least 3,000 employees or 7% of the municipality's population laid off (whichever is greater).

Background

- In July 2006, the NC General Assembly passed legislation that created a new tax credit program, Article 3J Credits, which replaced the William S. Lee Tax Credit Act.
- The legislation replaced the State Development Zone with UPZs.
- On November 24, 2008, City Council adopted a resolution requesting the Secretary of Commerce designate a UPZ in Charlotte for tax years 2009 and 2010. The UPZ was renewed and approved by City Council on March 28, 2011.
- A renewal is now needed for tax years 2013 and 2014.

- The State's current guidelines for designating a UPZ are based on 2000 Census data. Companies eligible for State tax credits will use the existing UPZ until the State issues new guidelines relative to the 2010 Census data.

Attachment 13

Urban Progress Zone Resolution
2013/2014 Urban Progress Zone Map
Article 3J Credits Summary Sheet

15. 2013 Community Housing Development Organization Grants

Action: Approve three separate grants totaling \$1,058,000 to three certified Community Housing Development Organizations (CHDO) for the development of affordable housing:

- Belmont Community Development Corporation
- Builders of Hope
- Charlotte-Mecklenburg Housing Partnership

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

Policy

On May 13, 2013, City Council adopted the FY2014 U.S. Department of Housing and Urban Development (HUD) Annual Action Plan (Action Plan). The Action Plan:

- Identifies the need for affordable, safe, and decent housing for low and moderate-income families; and
- Reaffirms the three basic goals of the City's Housing Policy:
 - To preserve the existing housing stock,
 - Expand the supply of affordable housing, and
 - Support family self-sufficiency initiatives.

Explanation

- A Community Housing Development Organization (CHDO) is an organization that develops affordable housing for the community it serves. A Community Development Corporation (CDC) is a non-profit organization incorporated to provide programs, services, and other activities that promote and support a community. Belmont CDC, Builders of Hope, Inc., and the Charlotte-Mecklenburg Housing Partnership, Inc. are each recognized by the City as both a CHDO and a CDC.
- The City of Charlotte has a balance of \$1,103,239 in CHDO federal HOME allocation to be used for housing development activities. After the approval of the \$1,058,000 allocation, there will be \$45,239 remaining for other CHDO eligible activities.
- Staff has reviewed and recommends City Council's approval of the following three proposed developments from the Belmont CDC, Builders of Hope, and Charlotte-Mecklenburg Housing Partnership (CMHP) to develop affordable housing:

Proposed Affordable Housing Developments						
Development Name	Developer	Neighborhood Profile Area	Units	Type	Grant Amount	Total Development Cost
Belmont Bungalows Homeownership	Belmont CDC	Belmont (371) District - 1	4	Single Family: 1 New Construction 3 Rehabilitation	\$283,000	\$348,839
Bradford Apartments Rental	Builders of Hope, Inc.	Thomasboro Hoskins (385) District - 2	44	Multi-family/ Rehabilitation	\$400,000	\$1,365,665
Druid Hills Homeownership	Charlotte-Mecklenburg Housing Partnership	Druid Hills (363) District - 1	3	Single Family/ New Construction	\$375,000	\$375,000
Total			51		\$1,058,000	\$2,089,504

- These developments will serve families earning at or below 60% (\$38,460) of the area median income for multi-family rental units and families earning at or below 80% (\$51,280) of the area median income for single-family homeownership units.
- The Druid Hills development will be the first phase of a planned homeownership development on lots owned by CMHP. Proceeds from the sale of the first three homes will be used to build the next phase of homeownership units.
- These developments will have deed restrictions for a minimum affordability period of 10 years for homeownership and 20 years for multi-family rental.
- Each development will be monitored during and after construction by Neighborhood & Business Services.
- Each CHDO understands and agrees that the development must be completed within the 24 month time span allotted by HUD. If an organization fails to complete their development, or forfeits the CHDO funding due to noncompliance, nonperformance or any other reasons identified by the City, the funds will be redistributed to other CHDO developments.

Background

- The Belmont CDC has successfully delivered 16 affordable housing units since 2005.
- Builders of Hope, Inc. through the Neighborhood Stabilization Program and the HOME program has successfully completed a renovation of the 23-unit New Hope apartments in the Thomasboro-Hoskins neighborhood, 12 units of single-family homeownership and multi-family rental on LaSalle Street, and 10 single-family homeownership units in Lincoln Heights.
- The CMHP is an affordable housing developer and recently qualified as a CHDO. Since 1988, CMHP has completed over 1,600 single-family and multi-family units.

HUD Contracting Requirements

The HUD Section 3 program requires recipients of certain HUD financial assistance, to the greatest extent possible, provide job training, employment, and contract opportunities for low or very-low income residents in connection with developments and activities in their neighborhoods.

Funding

Federal HOME Funds

Attachment 14

Development Summary – Belmont Bungalows
 Development Summary – Bradford Apartments
 Development Summary – Druid Hills

16. Mecklenburg Mills Revenue Bond Issuance Approval

Action: Adopt a resolution supporting the Charlotte Housing Authority issuance of Multi-Family Housing Revenue Bonds to finance the acquisition and renovation of Mecklenburg Mills Apartments.

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

Explanation

- On April 25, 2013, Mecklenburg Mills Limited Partnership received notification from the North Carolina Housing Finance Agency (NCHFA) of approval of Bond allocation capacity totaling \$5.8 million under the Unified Volume Limitations imposed by the Federal Tax Reform Act of 1986.
- The Charlotte Housing Authority (CHA), not the City, will issue the bonds. However, City Council's approval of the bonds is required to satisfy the procedural requirement of the Internal Revenue Service Code Section 147(f) which requires the local governing unit having jurisdiction over the area where the development will be located to indicate its support by formally approving the bond issuance.
- Therefore, the CHA is requesting the City adopt a resolution supporting issuance of multi-family housing revenue bonds (bonds) for Mecklenburg Mills Apartments. The bonds, not to exceed \$5.8 million will be used to finance a portion of the acquisition and renovation of Mecklenburg Mills.
- Because CHA is issuing the bonds, the City is not responsible for any bond obligations.

Background

- On April 25, 2011, City Council authorized the sale of the Johnston and Mecklenburg Mills properties to The Community Builders, Inc. (TCB) for the sum of \$1,240,250, with the inclusion of the following restrictive covenants:
 - Preservation of the Mills' historic designation for ten years;
 - Development of a minimum of 20% of total residential units affordable for 20 years to households earning 60% (\$39,100) or below the Area Median Income;
 - Commencement of the development within three years of the sale; and
 - Maintenance of the existing security measures to keep the mills properties secure.
- Mecklenburg Mills Apartments is currently owned by TCB NoDa Mills, LLC, a North Carolina limited liability company, and will be sold to Mecklenburg Mills Limited Partnership, a North Carolina limited partnership. TCB NoDa Mills, LLC is wholly-owned by The Community Builders, Inc. (TCB), a Massachusetts nonprofit corporation. TCB formed Mecklenburg Mills Limited Partnership to develop, acquire and operate the Mecklenburg Mills Apartments.
- The development will consist of approximately 48 multi-family units, located on a 3.14 acre site at 3327 North Davidson Street. The development will serve

households earning between 50% and 60% of the area median income (\$32,050-\$38,460).

- On October 8, 2012, City Council granted \$1.25 million of carryover Community Development Block Grant funds for the redevelopment of the Mecklenburg Mills property. Council also granted a waiver to the existing Assisted Multi-Family Housing at Transit Station Areas Policy.
- A waiver to the existing Assisted Multi-Family Housing at Transit Station Areas policy was required due to the following policy language:
 - At least 30% of the assisted multi-family housing units developed at a particular site shall be reserved for households earning 30% (\$19,550) or less of the area median income.
 - The assisted multi-family housing shall be scattered throughout the development and not concentrated in one area.
- The award of City funding and dispersal was contingent on the successful award of Federal Low Income Housing Tax Credits, a Federal Historic Tax Credit, and a North Carolina Mill Credit. NCHFA confirmed through a letter on May 2, 2013, the project is entitled to receive the 4% Federal Low Income Housing Tax Credit award.
- TCB has also been approved as eligible to receive both the Federal Historic and North Carolina Mill Credits.
- The City's funds will be the last source of funds dispersed on the project during the construction period.
- The development is scheduled to be completed by the end of 2014.

Attachment 15

CHA – Mecklenburg Mills Resolution

CHA – Mecklenburg Mills – Volume Cap Allocation Letter

17. Conclusion of Consent Agenda

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

18. Mayor and Council Topics

Council members may share information and raise topics for discussion.

CONSENT

Introduction to CONSENT

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

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

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

Contractors and Consultants

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

19. Charlotte-Mecklenburg Regional Housing Consortium Grant

Action: Authorize the City Manager to enter into a contract with the town of Cornelius in the amount of \$280,700 for the development of two affordable homeownership units.

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

Policy

- On May 13, 2013, City Council adopted the FY2014 U.S. Department of Housing and Urban Development (HUD) Annual Action Plan (Action Plan). The Action Plan:
 - Identifies the need for affordable, safe, and decent housing for low and moderate-income families; and
 - Reaffirms the three basic goals of the City's Housing Policy:
 - To preserve the existing housing stock
 - Expand the supply of affordable housing, and
 - Support family self-sufficiency initiatives.

Housing Consortium

- On June 26, 2000, City Council adopted a resolution for the City of Charlotte to enter into a cooperative agreement to form the Charlotte-Mecklenburg Regional Housing Consortium (Consortium).
- The Consortium was established for the purpose of cooperatively providing safe, affordable housing in Mecklenburg County.
- Consortium members include the City of Charlotte, Mecklenburg County, and the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville.
- The Consortium Agreement allows the County and surrounding towns to receive federal HOME funds to increase affordable housing opportunities.
- Under this agreement, the City of Charlotte is the lead entity for the Consortium and serves as a pass through agency for the federal HOME funding.

Town of Cornelius

- Consortium members recommend an award of \$280,700 to the town of Cornelius for the development of two affordable homeownership units located at Ferry Street, Cornelius, NC. The recommended award includes land acquisition and construction costs.
- The town of Cornelius will partner with Our Towns Habitat for Humanity, Inc., to develop these two units.
- The two homeownership units will serve households at or below 50% (\$32,050) of the area median income.
- Construction is expected to be completed by December 2013.

Small Business Opportunity

Contracts with other units of government are exempt (Appendix Section 23.8 of the SBO Policy).

Funding

Federal HOME Funds

20. Police and Fire Communications Study

Action: **A. Approve a contract with Fields Consulting Group, Inc. to conduct a comprehensive review of the Police and Fire Communications Centers, and**

B. Adopt a budget ordinance appropriating \$48,700 in assets forfeiture funds.

Staff Resources: Katrina Graue, Police
 Jeff Dulin, Fire

Explanation

- The goal of the study is to receive recommendations for changes that will provide optimal operational efficiency in answering and dispatching 911 calls while providing a positive work environment for Communications personnel.
- The study was precipitated by concerns regarding recruitment and retention of Communications personnel.
- Police and Fire are also looking ahead to a Joint Communications Center and will use this study to help identify the best policies and procedures for a consolidated 911 answering and dispatch function.
- The scope of the study will include recruitment and hiring, retention of employees, scheduling, and operational procedures.
- The study will begin July 1, 2013, and be completed by December 31, 2013.
- The cost of the study is \$60,000, which will be shared between Police (\$48,700 from assets forfeiture funds) and Fire (\$11,300 from the operating budget).
- Fields Consulting Group was selected by Police based on the quality of work performed on prior projects such as the development of promotional processes.
- The contract with Fields Consulting Group requires Council approval because cumulative work performed by the company in 2013 will exceed \$100,000.

Small Business Opportunity

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

Funding

Police Assets Forfeiture Funds and Fire Operating Budget

Attachment 16

Budget Ordinance

21. Traffic Signal at the Intersection of Grier Road and Old Concord Road Municipal Agreement

Action: Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for installing a traffic signal at the intersection of Grier Road and Old Concord Road.

Staff Resource: Charles Abel, Transportation

Explanation

- The North Carolina Department of Transportation (NCDOT) funded project will realign Grier Road to create a new intersection with Old Concord Road.
- NCDOT has authorized the City to install a traffic signal when construction is complete.
- A Municipal Agreement between NCDOT is needed for the City to be fully reimbursed for the work it performs up to the estimated cost of \$123,500.
- The format and cost sharing philosophy is consistent with past Municipal Agreements

Small Business Opportunity

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

Funding

Transportation Capital Investment Plan

Attachment 17

Resolution

22. Private Developer Funds for Traffic Signal Improvements

Action: A. Authorize the City Manager to execute a Developer Agreement between South End Partners, LLC, and

B. Adopt a budget ordinance appropriating \$212,963 in Private Developer Funds for traffic signal improvements.

Staff Resource: Scott Putnam, Transportation

Explanation

- South End Partners, LLC, contributed \$212,963 for signal modifications and improvements to complete the fourth leg of the intersection of South Boulevard and Iverson Way to provide primary access to their development project. The funding is restricted to this project.
- The above signal meets the same criteria as other traffic signals approved by the City.
- Payments made by the developer are in response to estimates of work prepared by the Charlotte Department of Transportation (CDOT) and supplied to the developer.
- Any funding contributed by the developer for a signal project that is unused by the City will be refunded after project completion.

- CDOT will install and operate these signals as part of the existing signal systems in the area.

Funding

Developer Contributions

Attachment 18

Budget Ordinance

23. Independence Boulevard Buildings Demolition

Action:

A. Reject the low-bid of \$571,200 from NEO Corporation for failure to comply with the Small Business Opportunity Program requirements, and

B. Award a contract to the second lowest, responsive bidder Empire Dismantlement Corporation in the amount of \$692,475 for the Independence Boulevard Buildings Demolition.

Staff Resource: Robert Drayton, Engineering & Property Management

Explanation

- On November 26, 2012, City Council approved the acquisition of:
 - 2701 East Independence Boulevard (parcel identification 129-101-70),
 - 2715 East Independence Boulevard (parcel identification 129-101-71), and
 - 2721 East Independence Boulevard (parcel identification 129-101-73).
- The acquisition of 2701 East Independence Boulevard was jointly funded by the City (50% from City Business Corridor and Charlotte-Mecklenburg Utility department funds) and Mecklenburg County (50% from County Storm Water fees and the Park and Recreation department). The County's 50% ownership will be transferred to the City in exchange for a \$730,000 credit on the City/County Land Ledger.
- The properties were acquired to:
 - Reduce crime and nuisances,
 - Lessen the impacts from flooding in the area,
 - Create open space adjacent to a neighborhood,
 - Eliminate abandoned and blighted structures, and
 - Facilitate installation of a future sewer line for the Charlotte-Mecklenburg Utility Department.
- After acquisition, Mecklenburg County will transfer its 50% ownership to the City with restrictions that prohibit future habitable buildings from being placed within the Federal Emergency Management Agency floodplain and with the requirement for the City to coordinate with Mecklenburg County on future uses of the property.
- The scope of this project includes asbestos abatement, erosion control, demolition, and debris removal of three structures on East Independence Boulevard including 2701 (Charlotte Inn), 2715 (IHOP Restaurant), and 2721 (Comfort Inn), and site grading and restoration.

Award to Second Lowest Responsive Bidder

- Staff recommends the contract be awarded to the second lowest responsive bidder, Empire Dismantlement Corporation.
- The low bidder did not meet the established SBE goal, proposing a total SBE utilization of 0.00%.
- The low bidder then submitted their good faith effort documentation, and after review, staff determined they also did not meet the minimum required good faith effort points, achieving only 10 good faith effort points.
- The low bidder failed to achieve compliance with the SBO Program by achieving neither the SBE Goal of 10% nor the minimum good faith effort points of 165 (Part B: Section 2.1 of the SBO Policy).

Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 11.70%

Empire Dismantlement Corporation met the established SBE goal and committed 11.70% (\$81,000) of the total contract amount to the following SBE firms: RJJ Construction (hauling), Martin Landscaping (mulch & seeding), and Mid-Atlantic Erosion Control (erosion control).

Funding

Business Corridor Revitalization Fund

24. Police Department Headquarters Renovation Contract Amendment

Action: Approve contract amendment #3 with Fryday & Doyne, Inc. for design services in the amount of \$50,000.

Staff Resource: Kathleen Santimaw, Engineering & Property Management

Explanation

- The project includes the renovation of approximately 6,000 square feet within the Charlotte-Mecklenburg Police Department (CMPD) Headquarters to include:
 - An additional office space within the Human Resources and Fiscal Affairs divisions; and
 - The upfit of the existing Video Observation Center to meet the needs and functionality of the Real Time Crime Center (RTCC).
- The RTCC was created to make the most effective use of the CMPD public safety technology and resources. The center will begin investigations on crimes through the review of surveillance cameras, license plate readers, Department of Transportation traffic cameras, as well as software and databases to develop investigative leads.
- In March 2010, the City Manager approved the \$50,000 design contract with Fryday & Doyne, Inc.
- As part of the contract, amendment #1 was approved by the City Engineer in August 2011 in an amount of \$18,000 to include a programming study for the CMPD Command Center, Video Observation Center, and Audio-Visual Integration of these spaces.
- Amendment #2, in the amount of \$20,000, was approved by the City Engineer in February 2012 to cover the design of the CMPD lobby renovations.

- Amendment #3 is necessary for additional design services for renovation to include:
 - The demolition of existing interior walls;
 - The construction of new private offices,
 - Installation of electrical and mechanical systems; and
 - Installation of new workstations.
- Fryday & Doyne, Inc. was chosen using the Council-approved qualifications-based selection process and will be paid on an hourly and unit price basis at rates comparable to those charged by other firms for similar services.
- The total contract amount to date including these amendments is \$138,000 and funding is available in the project center; this is the final amendment for this contract.
- Construction is scheduled to begin in third quarter 2013.

Small Business Opportunity

All additional work involved in this amendment will be performed by Fryday & Doyne, Inc. and their existing sub consultants (Part D: Section 6 of the SBO Policy). Fryday & Doyne is also a certified SBE.

Funding

Police Operating Budget

25. Interlocal Agreement for Briar Creek and Chantilly Water Quality Improvement Project

Action: Adopt a resolution to approve an Interlocal Agreement between Mecklenburg County for funding of the Briar Creek and Chantilly Water Quality Improvement Project in an amount up to \$2.0 million.

Staff Resource: Daryl Hammock, Engineering & Property Management

Explanation

- The agreement outlines the City's partnership with Mecklenburg County to construct the Briar Creek and Chantilly water quality improvements on the site of Mecklenburg County's Doral and Cavalier Apartments Floodplain Buyout located near Monroe Road and Seventh Street.
- It will be beneficial for both parties to co-locate the improvements and coordinate use of the same design team and construction contractor.
- The County will contract for final design, bid and construction of the project, and serve as the project leader.
- The City and County are funding portions of the project that meet their respective goals and fulfill their individual responsibilities as defined in 1993 by the interlocal agreement that established the storm water utility.
- The City's portion of the project includes design and construction of a 2.5 acre pond and a 0.45 acre wetland, providing storm water runoff treatment for approximately 136 acres of developed land, and design and construction of approximately 1,000 feet of stream restoration on the minor system, a City responsibility.
- Mecklenburg County will restore 3,300 linear feet of stream on the major system as outlined in the agreement, a County responsibility.

- The Briar Creek and Chantilly improvements area drains directly into Briar Creek, which is designated as impaired according to Clean Water Act standards.
- The pond and wetland will improve the quality of water before discharging into Briar Creek, and the stream stabilization will convert degraded, eroded streams to a stable condition, which also improves water quality.
- The City’s portion of the project is estimated at \$2.0 million, which includes design, construction, and inspection services. The total project cost is approximately \$3.6 million, and the County will fund the balance of the project.
- A portion of the funding comes from mitigation fees paid to the City for compliance with the Post Construction Ordinance by private redevelopment projects in this watershed, whose water quality impacts will be mitigated by this project.
- A minimum of \$970,000 in mitigation fees from six redevelopment projects will be used to fund the City portion of this project. Additional mitigation fees from private development projects collected in the interim may be applied to this project prior to construction.
- On January 14, 2013, City Council approved a grant application for \$600,000 from the North Carolina Clean Water Management Trust Fund to help fund construction of the project, which if received in August, will offset project costs.
- The Agreement describes cost-sharing and reimbursement specifics for construction activities, an easement agreement, and maintenance responsibilities.

Small Business Opportunity

Interlocal Contract Agreements are exempt (Appendix Section 23.8 of the SBO Policy).

Funding

Storm Water Services Capital Investment Plan

Attachment 19

Resolution

26. Mallard Creek Road Sidewalk Improvements

Action: Award the low-bid contract of \$247,606.70 to Bullseye Construction, Inc. for the Mallard Creek Road Sidewalk Improvement 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 work includes:
 - Filling in sidewalk gaps along Mallard Creek Road from Crescent View to Lexington Approach Drive and on Galloway Road (0.61 miles),
 - Planting strips,
 - Curb and gutter,
 - Driveways,
 - Accessible ramps, and

- Storm drainage improvements.
- Construction is expected to be complete by fourth quarter 2013.

Small Business Opportunity

Established SBE Goal: 9%

Committed SBE Goal: 9.01%

Bullseye Construction, Inc. met the established SBE goal and committed 9.01% (\$22,300.00) of the total contract amount to the following SBE firms: Pavers, Walls and Stamped Concrete, LLC (concrete) and Barton Contracting (asphalt). Bullseye Construction, Inc. is also a certified SBE.

Funding

General Capital Investment Plan

27. Voluntary Annexation Public Hearing Date

Action: Adopt resolutions setting public hearings for June 24, 2013, for Voluntary Annexation of several City-owned and privately-owned properties.

Staff Resources: Bryman Suttle, Planning
Jonathan Wells, Planning

Explanation

- On May 13, 2013, City Council adopted a set of resolutions setting public hearings for May 28, 2013, for voluntary annexation of these City-owned and privately-owned properties.
- In the May 22, 2013 Council-Manager Memo to City Council, an explanation was provided on not meeting the 10 day public notice requirement.
- City Council is being asked to consider new resolutions establishing public hearing dates for June 24, 2013.
- The voluntary annexation petition includes an 81.14 acre area of privately-owned properties associated with the Charlotte Premium Outlet (Tanger) site located on Steele Creek Road.
- The City has also initiated voluntarily annexation of 374.2 acres of City-owned properties primarily located on the west side and acquired for airport purposes that consist of:
 - Three areas in the vicinity of the Wilkinson Boulevard/I-485 interchange acquired for airport purposes (248.52 acres);
 - Four areas in the West Boulevard/I-485 area, immediately west of I-485 near Walkers Ferry Road and Dixie River Road acquired for airport purposes (75.51 acres);
 - Two areas in the West Boulevard/Berewick area, one located east of I-485 and the other located west of I-485 acquired for airport purposes (21.29 acres);
 - Two areas along Shopton Road and the Coffey Creek greenway acquired for airport purposes (19.75 acres);
 - An area consisting of a portion of the relocated Dixie River Road right-of-way located northwest of its intersection with Steele Creek Road (6.19 acres); and
 - Four areas east of the Brantley Oaks community fronting on I-485 near Starwood Avenue originally acquired for utility purposes associated with the 2009 annexation (2.94 acres).

- The City is anticipating submittal of additional voluntary annexation petitions of County-owned properties consisting of a school and park land on the west side once the City-owned properties have been annexed.
- Public hearings are required prior to City Council taking action on any and all annexation requests.
- Recent changes to State annexation laws and statutes in 2011 still allow for local administration of annexation processes, including voluntary annexation.
- The City periodically assesses publicly-owned properties that are contiguous to its corporate limits to undertake City-initiated voluntary annexations, the last of which occurred in summer of 2012.
- These proposed City-initiated and privately petitioned voluntary annexations comply with current City Council Policies and State laws and statutes.
- Properties for these proposed voluntary annexations do not contain habitable structures and are within Charlotte's extraterritorial jurisdiction.
- Areas proposed for voluntary annexation share boundaries with current City limits.
- Voluntary annexation of proposed areas at this time will allow for more orderly extension of City services, capital investments, and annexation processes in the future.
- For City-owned properties, City Council must adopt Resolutions of Intent (attached) setting the date for public hearings.

Consistency with City Council Policies

- These annexations:
 - Are consistent with City voluntary annexation policies approved by City Council on March 24, 2003.
 - Will not adversely affect the City's ability to undertake future annexations.
 - Will not have undue negative impact on City finances or services.
 - Will not result in a situation where unincorporated areas will be encompassed by new City limits.

Public Hearing Date

- The Resolutions set Tuesday June 24, 2013, as the date for the public hearings on the voluntary annexations.
- City Council will be asked to take action on the voluntary annexations at the conclusion of the public hearings.

Attachment 20

Resolutions
Maps

28. Airport Grant Acceptance

- Action:**
- A. Adopt a resolution accepting a Federal Aviation Administration (FAA) grant in the amount of \$12 million for Airport projects related to the third parallel runway,**
 - B. Adopt a budget ordinance appropriating \$12 million in FAA grant funds, and**
 - C. Adopt a budget ordinance transferring \$12 million in 2010 Series 'C' General Airport Revenue Bonds to the Debt Service Fund.**

Staff Resource: Jerry Orr, Aviation

Explanation

- In December 2006, the Federal Aviation Administration (FAA) issued its Letter of Intent (LOI) to provide \$80 million over eight years in discretionary federal funds to be applied towards the cost of constructing the third parallel runway.
- The FY2013 allocation of this LOI is \$12 million. This is the seventh installment of the LOI, which funds a portion of the paving and lighting of the runway.
- The financial plan for the construction of the runway included the issuance of short-term, variable rate General Airport Revenue Bonds that are redeemable upon the receipt of federal grant funds.
- The FAA grant will allow the City to redeem \$12 million of these variable rate bonds.

Funding

Aviation Capital Investment Plan

Attachment 21

Resolution

Budget Ordinance

29. Airport Escalator and Elevator Maintenance Services

- Action:**
- A. Award a low-bid contract with Schindler Elevator for maintenance services on the Airport's escalators and elevators for a five-year term, and**
 - B. Authorize the City Manager to approve two additional, annual renewals as stipulated in the contract.**

Staff Resource: Jerry Orr, Aviation

Explanation

- The contract will provide:
 - Labor and parts to maintain and repair 75 moving sidewalks, escalators, and elevators;

- Rapid maintenance response to any breakdowns or failures, between the hours of 6am and 9pm, seven days a week; and
- Call back labor between 9pm and 6am, for units which have been designated as “critical use units”.
- The vendor also will perform inspections as part of the state elevator code requirements.
- The contract includes 240 additional labor hours at the annual cost of \$36,480 for any maintenance or repairs not included as part of the contract (e.g. damage from misuse and or abuse of the equipment).
- An Invitation to Bid was issued on April 12, 2013; three bids were received.
- The total contract amount is estimated to be \$2,807,400 for the five-year term.

Small Business Opportunity

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

Funding

Aviation Operating Budget

30. LYNX Blue Line Extension - Utility Relocation Agreement with Duke Energy

Action: Approve an amendment to the Utility Relocation Agreement with Duke Energy for the LYNX Blue Line Extension Project for up to \$2.3 million.

Staff Resources: Carolyn Flowers, Transit
 Danny Rogers, Transit
 Brad Thomas, City Attorney’s Office

Explanation

- On February 27, 2012, City Council approved a Utility Relocation Agreement (Agreement) with Duke Energy to use a cost-sharing approach to relocate privately-owned poles and overhead electrical wires to accommodate the LYNX Blue Line Extension (BLE) Project.
- The Agreement was prepared in order to satisfy Federal Transit Administration (FTA) requirements to have utility agreements completed prior to FTA approval to enter final design.
- The Agreement follows the terms of the Utility Relocation Agreement between the City and Duke Energy, which was approved by City Council in 1999.
- The amendment provides the necessary funding amount of \$2.3 million to reimburse Duke Energy for their BLE Project related work in Segment C of the project (Stetson Drive to UNC Charlotte Station) and inserts appropriate federal rules that are now required by the FTA; it is not related to the recent partnership agreement with UNC Charlotte and Duke Energy.
- The cost for this Agreement is included in the approved BLE Project budget.

Disadvantaged Business Enterprise

Duke Energy will complete the required construction. The City will not contract for this work.

Funding

Transit Capital Investment Plan

31. LYNX Blue Line Extension - Environmental Services Contract Amendments

- Action:**
- A. Approve contract amendment #2 with the Hart & Hickman, PC environmental services contract in the amount of \$125,000,**
 - B. Approve contract amendment #1 with Terracon Consultants, Inc. environmental services contract in the amount of \$125,000, and**
 - C. Authorize the City Manager to execute up to two, one year renewals for each contract in the amount of \$125,000 per renewal.**

Staff Resource: Carolyn Flowers, Transit**Explanation**

- On March 28, 2011, City Council approved a three-year contract in the amount of \$125,000 with Hart & Hickman, PC and Terracon Consultants, Inc. to provide environmental services.
- The work has allowed the City to maintain compliance with Federal Transit Administration requirements and state Environmental Protection Agency environmental regulations.
- During the planning and design of the LYNX Blue Line Extension (BLE) Project, the contracts provided:
 - Environmental site assessment,
 - NC Department of Environment and Natural Resources coordination,
 - Real estate due diligence, and
 - Site remediation design services.
- On July 9, 2012, the City Manager authorized amendment #1 in the amount of \$95,000 for the Hart & Hickman, PC contract. The contracts are based on geographic area; the area assigned to Hart & Hickman, PC was found to have a greater number of environmental issues.
- These amendments will allow the consultants to continue providing environmental services for the construction phase of the LYNX BLE.
- For Hart & Hickman, PC, amendment #2 will bring the total three year contract amount to \$345,000, and for Terracon Consultants, Inc., amendment #1 will bring the total three year contract amount to \$250,000.
- The contract pricing has remained fixed with the same terms and conditions for the duration of the contracts; and the costs are within the project budget.

Disadvantaged Business Enterprise OpportunityHart & Hickman, PC

Established DBE Goal: 5.00%

Committed DBE Goal: 5.00%

Terracon Consultants, Inc.

Established DBE Goal: 5.00%

Committed DBE Goal: 5.00%

Funding

Northeast Corridor Fund, FTA Funded (50%), State (25%), and Transit Capital Investment Plan (25%)

32. LYNX Blue Line Extension Phase Two - Construction Management Contract Amendment

Action: Approve contract amendment #1 with HNTB for construction management consultant services for the LYNX Blue Line Extension (BLE) Project Phase Two in the amount up to \$35,312,798.

Staff Resources: Carolyn Flowers, Transit
 Danny Rogers, Transit
 John Mrzygod, Engineering & Property Management

Explanation

- On November 12, 2012, City Council approved Phase One of the construction management agreement with HNTB for a cost of \$3.0 million.
- At the November 2012, meeting, staff indicated the return of this item for City Council approval of Phase Two. The reason for separating the contract into two phases was to manage project cash flow and provide additional time to negotiate the majority of the contract scope.
- Phase Two of the construction management services will include:
 - Pre-construction meetings,
 - Construction scheduling,
 - Inspections and quality control,
 - Job meetings,
 - Change orders,
 - Contractor coordination,
 - Progress reports acceptance inspections, and
 - Project close-out.
- The construction management consultant will oversee the construction of the LYNX BLE Project in compliance with Federal Transit Administration recommended best practices and in coordination with the designer and the City's construction team.
- Construction activities requiring the services of a construction manager will begin in June with the work for advanced relocations of utilities.
- The contract phase of construction management services covers all construction activities through project close-out and will run from approximately June 2013, through June 2018.
- The contract amendment #1 will increase the total contract value to \$38,312,798. The cost is in the LYNX BLE Project budget.

Disadvantaged Business Opportunity

Established DBE Goal: 9.00%

Committed DBE Goal: 9.00%

HNTB committed to assign approximately \$3,440,743 of the total contract amount to the following DBE firms: Keville Enterprises (project controls), McFarland and Corbitt (site sustainability), Rohadfox Construction (Construction Services), and Business Transformation Group (Construction Services).

Funding

Federal and State Grants and Transit Capital Investment Plan

33. LYNX Blue Line Extension – Urban Design Framework for Walls and Bridge Piers

Action: Approve a contract with Braaksma Design, Inc. in the amount of \$450,000 for the fabrication of carved prototypes and the production of “master” molds to construct retaining walls and bridge piers.

Staff Resources: Carolyn Flowers, Transit
Danny Rogers, Transit

Explanation

- There are a total of 108 walls of varying types and sizes that will be built as part of the LYNX Blue Line Extension (BLE) Project. The three primary types of walls will be mechanically stabilized earth, cast-in-place concrete, and pile panel.
- As outlined in the Dinner Briefing item, on page 3 of the agenda; in accordance with the Urban Design Framework (UDF), 48 out of the 108 walls as well as the bridge piers require a higher level of aesthetic design treatment.
- Braaksma Design, Inc. has created designs for the 48 walls and bridge piers selected for the UDF treatment and will also provide the following services:
 - Carve 17 prototypes in specific dimensions ranging from 5’x5’ to 18’ x 26’ and oversee the production of master molds form liners produced from the prototypes;
 - Produce approximately 50 “master” molds. The master molds are crated and shipped to Transit for use by multiple general contractors who will produce form liners and construct the different types of LYNX BLE walls and bridge piers; and
 - Provide quality assurance before, during, and after fabrication and delivery.
- With the prototypes and “master molds”, contractors will create form liners to construct the concrete and pile panel walls and bridge piers.

Funding

Transit Capital Investment Plan

34. Irwin Creek Wastewater Treatment Plant Hot Water Boiler Replacement

Action: A. Approve the purchase of two hot water boilers as authorized by the sole source purchasing exemption of G.S. 143-129 (e) (6), and

B. Approve a contract with Richard K. Hunter & Co. for the purchase of two hot water boilers in the amount of \$229,665.

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 of supply
 - Standardization and compatibility is the overriding consideration
- Sole sourcing is necessary for performance of the equipment.

Explanation

- The existing hot water boilers at Irwin Creek Wastewater Treatment Plant (WWTP) are at the end of their useful life and staff is beginning to experience a high occurrence of maintenance issues.
- The manufacturer is no longer in business; and it has become difficult to obtain replacement parts.
- The boilers are essential to achieve proper treatment of biosolids produced at the WWTP and maintain compliance with applicable regulations and permits.
- Failure to meet permit requirements will require the biosolids be disposed of in a landfill, which significantly increases operating costs.
- The Charlotte-Mecklenburg Utility Department (CMUD) evaluated several types of boilers and found the recommended model is reliable, efficient, and decreases the cost of modifications to the existing building and piping for the installations.
- Given the long lead time for manufacturing, CMUD is purchasing the boilers and will bid the installation in the next several months.

Small Business Opportunity

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

Funding

Utility Capital Investment Plan

35. McAlpine Creek Wastewater Treatment Plant Digester Cleaning and Replacement Parts

Action:	<p>A. Approve a contract for \$118,885 with IVAC for digester cleaning and related services,</p> <p>B. Approve the purchase of digester mixer equipment parts as authorized by the sole source purchasing exemption of G.S. 143-129(e)(6), and</p> <p>C. Approve a contract with SPX Flow Technology/Lightning for \$891,653 for digester mixer equipment parts.</p>
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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 is not available.
 - A needed product is available from only one source or supply.
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing, from SPX Flow Technology/Lightning, is necessary for standardization and compatibility of the mixer parts to the existing equipment.

Explanation

- Digesters are enclosed circular concrete tanks that each have a mixing system and are used in the wastewater treatment process to prepare the biosolids for land application on farm land.
- The mixing system consists of six 10-foot long stainless steel mixer blades and a gear box. The mixing system in two of the digesters has failed, and the mixing system in the third digester is showing similar signs of failure.
- The contract is for the purchase of the new blades and gear box for three digesters to allow for the mixing necessary to meet federal permit requirements.
- Removal of the damaged blades and installation of the new blades will be completed by a contractor under a separate contract.
- Under a previous contract, the two tanks were cleaned to evaluate the failure and determine the repair parts needed.
- The two million gallon tank must be drained and cleaned before the vendors are able to enter the tank to install new mixer blades and perform other repairs.
- The cleaning process for these tanks involves pumping out thousands of gallons of biosolids, removing the excess water, and hauling the remaining material to the landfill. The contractor must also wash the tank interior, which given the size of the tanks, involves the use of scaffolding.
- It is anticipated that similar tank cleaning and mixer repairs will be needed on additional tanks in the next 12 to 18 months.
- A Request for Proposals was issued on April 30, 2013, for the cleaning of one digester tank; three proposals were received.
- The tank cleaning contract is being awarded to IVAC for \$118,885.

Small Business Opportunity

IVAC

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

SPX Flow

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

Funding

Utility Capital Investment Plan

36. Utility Bypass Pumping Services

Action: **A. Approve three contracts for bypass pumping services for a one-year term with the following companies:**

- **Rain For Rent, Inc.,**
- **Sunbelt Rentals, Inc., and**
- **Xylem Dewatering Solutions.**

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

- Bypass pumping involves the renting of pumps, related equipment, and an operator (either vendor supplied or City staff) to temporarily reroute flow during scheduled or emergency repairs.
- The Charlotte-Mecklenburg Utility Department (CMUD) currently uses multiple vendors to perform bypass pumping in parts of the sanitary sewer pipe collection system, wastewater treatment processes, sewage lift stations, and to remove water from large excavation areas.
- A Request for Proposals for bypass pumping services was issued on April 24, 2013; three proposals were received.
- Evaluation criteria included:
 - Competitiveness of pricing,
 - Background and experience of the company, including references,
 - Operational qualifications of equipment and personnel,
 - A customer service approach, and
 - A willingness and ability to comply with the terms of the agreement.
- A contract award to multiple vendors will ensure access to resources for these emergency services, which are needed on a 24/7 basis. A bypass pump operation may be called upon to safely reroute up to 54 million gallons of sewage in a single day.
- Based on past experience, CMUD could need these services one to two times per week.
- The annual expenditures are anticipated to total \$300,000 per company.

Small Business Opportunity

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

Funding

Utility Operating Budget and Utility Capital Investment Plan

37. Utility Pipe Corrosion Protection Services

Action: Award a contract with Rummel, Klepper & Kahl, LLP, in the amount of \$250,000 for design, inspection, and repair of new and existing corrosion control systems related to the water and sanitary sewer system throughout Mecklenburg County.

Staff Resource: Barry Shearin, Utility

Explanation

- Corrosion protection is necessary to prevent the accelerated deterioration of metal pipe caused by reactions between the pipe and corrosive soils.
- Studies performed at individual construction sites can measure the risk of corrosion and allow for a custom-designed protective system. The specific type of system will depend on the kind of pipe material being used and the severity of the corrosive soil.
- The majority of corrosion systems are installed on the large steel water lines where the soil is deemed corrosive or on steel or iron water lines near electric vehicle rail lines or steel gas mains.
- The Charlotte-Mecklenburg Utility Department has several hundred corrosion test stations currently in use that need to be inspected and maintained.
- Typical corrosion control systems include:
 - Installation of a plastic casing around the pipe; and
 - Installation of electrodes to attract corrosive forces away from the pipe.
- The contract provides funding for the following items:
 - Development of specifications, plans, and details for corrosion control systems for specific utility projects, including field and laboratory analysis, and
 - Corrosion control system field inspection services and performance of minor repairs and maintenance-related work on existing corrosion protection systems.
- The Request for Qualifications was issued on February 10, 2013; three submittals were received.
- The consultant will be used on projects such as the Steele Creek Pumping Station Replacement and Force Main Project, the CityLYNX Gold Line, and Light Rail Projects where there is a need to look at the potential for accelerated corrosion.

Small Business Opportunity

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

Funding

Utility Capital Improvement Plan

38. Utility Acoustic Diagnostic Equipment

- Action:**
- A. Approve the purchase of acoustic Sewer Line Rapid Assessment Tools (SL-RAT™) as authorized by the sole source exemption of G.S. 143-129(e)(6),**
 - B. Approve a unit price contract with InfoSense, Inc. for the purchase of 12 SL-RAT™ Units and maintenance agreement for a one-year term, and**
 - C. Authorize the City Manager to approve three additional annual renewals with possible price adjustments as stipulated in the contract.**

Staff Resource: Barry Gullet, 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 of supply
 - Standardization or compatibility is the overriding consideration
- Sole sourcing is necessary because the SL-RAT™ is available from only one source of supply and there is no performance or price competition available.

Explanation

- The Sewer Line Rapid Assessment Tools (SL-RAT™) units are highly portable acoustic devices manufactured and sold by InfoSense, Inc.
- The device, transmitting sound waves, quickly screens sanitary sewer pipelines to show the presence and magnitude of blockages, which could contribute to sewer overflows and backups.
- Identification of such blockages eliminates uncertainty and enables Charlotte-Mecklenburg Utility Department (CMUD) to maintain sewer utilities based on the actual condition of the sewer pipes. This contributes to CMUD's effort to create a more sustainable, strategic, and efficient sewer maintenance program.
- Under current methodology, the Charlotte-Mecklenburg Utility Department (CMUD) cleans sewer lines based on a history of sewer overflows for the sewer line or based on a predetermined schedule, which may or may not be accurate as to what the cleaning frequency needs to be.
- The acoustic device will eliminate uncertainty and preventively maintain sewer utilities based on the actual condition of the sewer pipe, which contributes to CMUD's effort to create a more sustainable, strategic, and efficient sewer maintenance program.
- The expenditure for the first year is estimated at \$179,120. The first year expenditure includes a \$25,000 buy back credit for various prototype units held by CMUD.
- The annual expenditure for additional renewals, if executed, are estimated at \$204,120 plus adjustments based on the PCU334 Computer & Electronic Product Manufacturing Cost Index. The annual renewals provide for maintenance of existing units and the purchase of additional units as needed.
- The contract total including three annual renewals is estimated at \$791,480.

Small Business Opportunity

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

Funding

Utility Operating Fund

39. Utility Water Meter Equipment

- Action:**
- A. Approve the purchase of water meters, registers, and transmitters as authorized by the sole source exemption of NC G.S. 143-129(e)(6),**
 - B. Approve a one-year contract with Badger Meter, Inc. for the purchase of water meters and registers, and**
 - C. Approve a one-year contract with Itron, Inc. for the purchase of transmitters.**

Staff Resource: Barry Gullet, Utility

Sole Source Exemption

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

Explanation

- In 2002, the Charlotte-Mecklenburg Utility Department (CMUD) contracted with Badger Meter, Inc. (Badger) to convert to an automated, drive-by water meter reading system. As part of the contract, Badger provided transmitters, distributed from Itron, Inc. (Itron), which are jointly used to produce a water meter installation unit.
- Water metering equipment is required for new connections and on-going maintenance to the CMUD reading system.
- Total expenditures are estimated at \$875,900 with Badger and \$1,325,000 with Itron.
- Under these contracts, purchases will be on an as-needed basis for the on-going maintenance and replacement of existing meters and transmitters.
- CMUD is developing a Request for Proposals (RFP) for a long-term water metering solution that will determine the best types of water meters and transmitters for the CMUD system. The RFP is expected to be released in December 2013.

Small Business Opportunity

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

Funding

Utility Department Capital Investment Plan

40. Utility Mowing and Related Services

- Action:**
- A. Approve a one-year contract for mowing and related services to the following companies:**
- Carolina Commercial Landscaping,
 - Edwards Landscape Company,
 - Napper Services, LLC,
 - SEL Development, Inc.,
 - Single Oak Farm Grading & Landscaping,
 - The Carolina Landworks, Inc., and
 - Triple L. Landscaping
- B. Authorize the City Manager to renew the contracts for two additional one-year terms, with unit adjustments prices as stipulated in the contract.**

Staff Resource: Barry Gullet, Utility

Explanation

- The contract will provide services at the Charlotte-Mecklenburg Utility Department water and wastewater treatment facilities, lift stations, tank sites, administrative offices, and booster pump stations to include:
 - Mowing,
 - Trimming,
 - Weed control,
 - Mulching, and
 - Pruning.
- A Request for Proposals was issued on March 22, 2013; 13 proposals were received.
- The mowing locations were divided into 14 groups based primarily on proximity to other locations. Vendors were instructed to propose for one or more of groups.
- The selected firms were chosen based on their experience, references, equipment, qualifications, and price.
- The annual expenditures are anticipated to total \$750,000 per year.

Small Business Opportunity

No SBE goal was set for these contracts because there are no SBE subcontracting opportunities (Part C: Section 2.4 of the SBO Policy). However, five of the selected firms (Carolina Commercial Landscaping; Edwards Landscape Company; Napper Services, LLC; The Carolina Landworks, Inc.; and Triple L. Landscaping) are each certified SBEs.

Funding

Utility Operating Budget

41. Utility Water and Wastewater Engineering Services

Action: Award contracts to the following firms for unspecified engineering services on an as-needed basis. These contracts will be for the combined amount of \$2.9 million:

- Black and Veatch International (\$600,000),
- Hazen & Sawyer (\$500,000),
- CDM-Smith (\$400,000),
- HDR Engineering (\$600,000),
- Brown & Caldwell (\$200,000),
- McKim & Creed (\$200,000),
- Pease Engineering & Architecture (\$300,000), and
- GHD (\$100,000).

Staff Resource: Barry Shearin, Utility

Explanation

- At times, City staff may require the assistance of outside engineering services due to the volume and timing of work to be completed, and the need for technical expertise is not available within the City.
- The contracts will provide for water treatment, wastewater treatment, and structural engineering services required by Charlotte-Mecklenburg Utility Department (CMUD).
- A Request for Qualifications for unspecified water and wastewater engineering services was issued on January 25, 2013; 11 submittals were received. Each firm submitted qualifications for the areas of expertise within their firm.
- All firms selected have previously worked with the City and have highly experienced personnel with a wide depth of project experience in water and wastewater engineering.
- The firms will be used on an as-needed basis and paid based on an hourly rate.

Small Business Opportunity

For professional engineering services contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). All firms have included SBE firms on their design teams, to be utilized based on the needs of each individual project:

<u>Contractor</u>	<u>Small Business Enterprise</u>
Black & Veatch	The Survey Co. and Joel E. Wood & Associates
Brown & Caldwell	LandDesign Surveying, Inc. and AmeriDrill
CDM-Smith	Red Dog Drilling and Barry D. Davis Surveying, PLLC
Hazen & Sawyer	Hinde Engineering; Barry D. Davis Surveying, PLLC, On-Target Utility, Southeastern Consulting Engineers; and HARP
HDR	Joel E. Wood & Associates and R. Joe Harris
McKim & Creed	Capstone Civil Group
Pease Engineering	Origin Land Surveying & Mapping; Capstone Civil Group; and Richa Graphics
GHD	Avoimage Mapping Services, Inc.; Barry D. Davis Surveying, PLLC; Joel E. Wood & Associates; On-Target Utility Locate Services, Inc., and Gavel & Dorn Engineering, PLLC

Funding

Utility Capital Investment Plan

42. Utility Field Operations Center Renovation

Action: **A. Reject the low-bid of \$1,320,000 from Matthews Construction Co., Inc. for failure to comply with the Small Business Opportunity Program requirements, and**

B. Award a contract to the second, lowest bidder, G.W. Liles Construction Company in the amount of \$1,323,535 for renovation and upfit of the Utility Field Operations Center.

Staff Resource: Barry Shearin, Utility**Explanation**

- On February 27, 2012, City Council approved the purchase of a 10 acre site on Hord Drive in Huntersville, NC for the relocation of the existing field operations center at a cost of \$1,599,000. The site was formally a building supply distribution center and contained an office and warehouse building that could be renovated for use as the operations center.
- The Charlotte-Mecklenburg Utility Department (CMUD) Field Operations Division currently maintains the water and sewer lines throughout Mecklenburg County. The Division operates from four geographically-spaced centers in order to reduce crew travel and response times. The northern center currently operates from a leased space in Huntersville; it is the only leased facility.
- The current leased facility does not have sufficient space for equipment parking or staff assembly. Also the heavy traffic volumes on Highway 73 pose access challenges for the large trucks and trailers entering and exiting the driveway.
- The renovation of the existing warehouse and office space for the CMUD Field Operations Division will be completed through a general construction contract, furniture and workstation purchase contract, and several informal contracts for smaller costs items such as security systems, computer network wiring, and hardware.
- The general construction contract being awarded will provide the major construction of the building modifications to meet current building codes and to convert the needed spaces for use by the Field Operations Division.
- The contract does not include several other specialty services required to complete the building renovation, such as access control, burglar alarms, video monitoring, and computer network systems. These systems will be installed under future contracts and are estimated to cost \$460,000.
- The furniture and workstations will be purchased through the existing City contract with Knoll Furniture and the estimated cost is \$130,000.
- Total cost for the renovation and upfit of this facility is estimated at \$1,913,535 in comparison to the estimated cost of more than \$6 million to build a new operations center facility of comparable size.

Award to Second Lowest Bidder

- Staff recommends the contract be awarded to the second lowest bidder, GW Liles Construction.

- The low bidder, Matthews Construction Co., Inc., did not meet the established SBE goal of 10%.
- The low bidder then submitted their good faith effort documentation, and after review, staff determined they also did not meet the minimum required good faith effort points of 165 but only achieved 90 good faith effort points.
- The low bidder failed to achieve compliance with the City’s SBO Program by achieving neither the SBE Goal of 10% nor the minimum good faith effort points of 165 (Part B: Section 2.1 of the SBO Policy).

Small Business Opportunity

Established SBE Goal: 10.00%

Committed SBE Goal: 29.08%

G.W. Liles Construction exceeded the established SBE goal and committed 29.08% (\$385,000) of the total contract amount to the following SBE firm: COED Electrical Services, Inc. (electrical).

Funding

Utility Capital Investment Plan

43. Refund of Business Privilege License Taxes

Action: Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$45.

Staff Resource: Greg Gaskins, Finance

Explanation

Business privilege license refunds are provided to the City by Mecklenburg County.

Attachment 22

Resolution

List of business privilege license refunds

44. Meeting Minutes

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

- December 10, 2012 Business Meeting
- December 17, 2012 Business Meeting
- January 7, 2013 Workshop
- January 14, 2013 Legislative Breakfast
- January 14, 2013 Business Meeting
- January 22, 2013 Zoning Meeting
- February 7-8, 2013 Council Retreat
- February 25, 2013 Business Meeting
- February 27, 2013 Budget Workshop
- March 20, 2013 Budget Workshop
- April 10, 2013 Budget Workshop
- April 15, 2013 Budget Workshop

PROPERTY ITEMS

45. Property Transactions

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

For property transactions A-D and G-R, property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation and Federal Transit Administration reimbursement.

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
 - Sending introductory letters via regular and certified mail
 - Making several site visits
 - Leaving door hangers and business cards
 - Seeking information from neighbors
 - Searching the internet
 - Obtaining title abstracts
 - Leaving voice messages
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If City Council approves the resolutions, the City Attorney's Office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.

Acquisitions

- A. Project:** Blue Line Extension, Parcel #1377
Owner(s): Wayne A. Cline, Trustee of the Emily R. Cline Revocable Trust Agreement
Property Address: 5703 North Tryon Street
Property to be acquired: 15,151 sq. ft. (.348 ac.) in Fee Simple, plus 5,597 sq. ft. (.128 ac.) in Temporary Construction Easement, plus 1,959 sq. ft. (.045 ac.) in Utility Easement
Improvements: none
Landscaping: none
Zoned: B-2
Use: Commercial

Tax Code: 089-201-04A
Total Parcel Tax Value: \$710,100
Purchase Price: \$108,600

- B. Project:** Blue Line Extension, Parcel #2113
Owner(s): Maher Youssef Harb and wife, Farida Khalil
Property Address: 5735 North Tryon Street
Property to be acquired: 5,482 sq. ft. (.126 ac.) in Fee Simple, plus 1,628 sq. ft. (.037 ac.) in Temporary Construction Easement, plus 1,047 sq. ft. (.024 ac.) in Utility Easement
Improvements: Asphalt
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 089-201-05
Total Parcel Tax Value: \$271,400
Purchase Price: \$111,313
- C. Project:** Blue Line Extension, Parcel #2125
Owner(s): Wright's Pecan Grove Mobile Home Park Limited Partnership and any other parties of interest
Property Address: 5800 North Tryon Street
Property to be acquired: 8,857 sq. ft. (.203 ac.) in Fee Simple, plus 8,586 sq. ft. (.197 ac.) in Fee Simple within Existing Right-of-Way, plus 10,378 sq. ft. (.238 ac.) in Temporary Construction Easement, plus 34 sq. ft. (.001 ac.) in Utility Easement
Improvements: Driveway
Landscaping: None
Zoned: I-2
Use: Commercial
Tax Code: 049-011-12
Total Parcel Tax Value: \$516,000
Purchase Price: \$90,875
- D. Project:** Blue Line Extension, Parcel #2185
Owner(s): GFL Associates, LLC
Property Address: 6442 North Tryon Street
Property to be acquired: 85 sq. ft. (.002 ac.) in Fee Simple, plus 5,550 sq. ft. (.127 ac.) in Temporary Construction Easement
Improvements: Concrete
Landscaping: Trees and shrubs
Zoned: B-2
Use: Commercial
Tax Code: 049-056-05
Total Parcel Tax Value: \$323,500
Purchase Price: \$10,725
- E. Project:** McAlway/Churchill Storm Drainage Improvement Project, Parcel #6
Owner(s): CCSMCT, LLC
Property Address: 3719 Wendwood Lane
Property to be acquired: 50,663 sq. ft. (1.163 ac.) in Natural Storm Drainage Easement

Improvements: None
Landscaping: None
Zoned: UR-2CD
Use: Multi Family
Tax Code: 157-072-38
Total Parcel Tax Value: \$6,859,000
Purchase Price: \$86,275

Condemnations

- F. Project:** 16" Replacement Sewer Main to Serve North Cedar Street, Parcel #2
Owner(s): CP/DB Housing Partners XIII, L.P. and any other parties of interest
Property Address: 219 North Cedar Street
Property to be acquired: 6,898 sq. ft. (.158 ac.) in Sanitary Sewer Easement, plus 6,999 sq. ft. (.161 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: UR-2
Use: Multi Family
Tax Code: 078-141-13
Total Parcel Tax Value: \$4,917,800
Appraised Value: \$69,825
Property Owner's Counteroffer: \$100,000
Reason for Condemnation: Staff began working with the property owners in June 2012 and has yet to reach an agreement regarding the acquisition. Staff agreed to the property owner's request to change the design in order to reduce property impacts. 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.
- G. Project:** Blue Line Extension, Parcel #1241
Owner(s): Patrick Speckman and Susan C. Speckman and any other parties of interest
Property Address: 3110 Cullman Avenue
Property to be acquired: 5,019 sq. ft. (.115 ac.) in Railroad Easement, plus 215 sq. ft. (.005 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-1
Use: Industrial
Tax Code: 083-031-13
Total Parcel Tax Value: \$246,100
Appraised Value: \$0
Property Owner's Counteroffer: \$57,908.75
Reason for Condemnation: Staff began working with the property owners in October 2012 and has yet to reach an agreement regarding the acquisition. The property has existing environmental

contamination, and the cost to mitigate the contamination is greater than the total appraised land value. The proposed permanent railroad easement is located completely inside of an existing Norfolk Southern Railroad easement; therefore no unencumbered land is affected except for the 3-year period that the temporary construction easement is in place. Because the area is already encumbered, the appraised value of the permanent easement is \$0. Staff has offered \$1000 for the areas needed and the property owner has counteroffered \$57,908.75. Staff and the property owner agree that condemnation is necessary in order to complete the transaction. Therefore, 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.

- H. Project:** Blue Line Extension, Parcel #1243
Owner(s): Detrex Corporation and any other parties of interest
Property Address: 3114 Cullman Avenue
Property to be acquired: 4,907 sq. ft. (.113 ac.) in Railroad Easement
Improvements: None
Landscaping: None
Zoned: I-1
Use: Industrial
Tax Code: 083-031-12
Total Parcel Tax Value: \$290,300
Appraised Value: \$0
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 has existing environmental contamination, and the cost to mitigate the contamination is greater than the total appraised land value. The proposed permanent railroad easement is located completely inside of an existing Norfolk Southern Railroad easement; therefore no unencumbered land is affected except for the 3-year period that the temporary construction easement is in place. Because the area is already encumbered, the appraised value of the permanent easement is \$0. Staff has offered \$500 for the areas needed and the property owner has not provided staff with a counteroffer. Therefore, to avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- I. Project:** Blue Line Extension, Parcel #1245
Owner(s): Detrex Corporation and any other parties of interest
Property Address: 3124 Cullman Avenue
Property to be acquired: 4,672 sq. ft. (.107 ac.) in Railroad Easement
Improvements: None
Landscaping: None
Zoned: I-1
Use: Industrial

Tax Code: 083-031-11

Total Parcel Tax Value: \$224,500

Appraised Value: \$0

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 has existing environmental contamination, and the cost to mitigate the contamination is greater than the total appraised land value. The proposed permanent railroad easement is located completely inside of an existing Norfolk Southern Railroad easement; therefore no unencumbered land is affected except for the 3-year period that the temporary construction easement is in place. Because the area is already encumbered, the appraised value of the permanent easement is \$0. Staff has offered \$500 for the areas needed and the property owner has not provided staff with a counteroffer. Therefore, to avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

J. Project: Blue Line Extension, Parcel #1251.1

Owner(s): David W. Watson, Jr. and any other parties of interest

Property Address: 3162 Cullman Avenue

Property to be acquired: 5,127 sq. ft. (.118 ac.) in Railroad Easement

Improvements: None

Landscaping: None

Zoned: I-1

Use: Industrial

Tax Code: 083-031-08

Total Parcel Tax Value: \$246,400

Appraised Value: \$0

Property Owner's Counteroffer: \$7,686.45

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 has existing environmental contamination, and the cost to mitigate the contamination is greater than the total appraised land value. The proposed permanent railroad easement is located completely inside of an existing Norfolk Southern Railroad easement; therefore no unencumbered land is affected except for the 3-year period that the temporary construction easement is in place. Because the area is already encumbered, the appraised value of the permanent easement is \$0. Staff has offered \$1000 for the areas needed and the property owner has counteroffered \$7,686.45. Staff and the property owner agree that condemnation is necessary in order to complete the transaction. Therefore, to avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- K.** **Project:** 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: None
Reason for Condemnation: Staff began working with the property owners in May 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
- L.** **Project:** Blue Line Extension, Parcel #1375
Owner(s): Bakis Associates, Inc. and any other parties of interest
Property Address: 5655 North Tryon Street
Property to be acquired: 4,699 sq. ft. (.108 ac.) in Fee Simple, plus 1,384 sq. ft. (.032 ac.) in Temporary Construction Easement, plus 1,160 sq. ft. (.027 ac.) in Utility Easement
Improvements: Asphalt
Landscaping: Trees and shrubs
Zoned: B-2
Use: Commercial
Tax Code: 089-201-02
Total Parcel Tax Value: \$525,600
Appraised Value: \$537,325
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owners in October 2012 and has yet to reach an agreement regarding the acquisition. The appraisal included compensation for damages attributed to the loss of parking as well as loss of visibility due to the bridge retaining wall being placed in the median of North Tryon Street in front of this property. 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 #2103 and #2104
Owner(s): Quiktrip Corporation and any other parties of interest
Property Address: 5700 North Tryon Street and 5711 Old Concord Road
Property to be acquired: 6,619 sq. ft. (.152 ac.) in Fee Simple, plus 11,288 sq. ft. (.259 ac.) in Storm Drainage Easement, plus 10,628 sq. ft. (.244 ac.) in Temporary Construction Easement, plus 3,863 sq. ft. (.089 ac.) in Utility Easement, plus 13 sq. ft. (ac.) in Storm Drainage Easement and Utility Easement

Improvements: None

Landscaping: None

Zoned: I-2

Use: Commercial

Tax Code: 049-011-10 and 049-011-02

Total Parcel Tax Value: \$616,800

Appraised Value: \$352,775

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owners in November 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.

N. Project: Blue Line Extension, Parcel #2105

Owner(s): Donald Wilson Killian and wife, Deborah B. Killian and any other parties of interest

Property Address: 5716 North Tryon Street

Property to be acquired: 108 sq. ft. (.002 ac.) in Fee Simple, plus 198 sq. ft. (.005 ac.) in Storm Drainage Easement, plus 254 sq. ft. (.006 ac.) in Access Easement, plus 7,211 sq. ft. (.166 ac.) in Temporary Construction Easement

Improvements: Wood shed, light pole

Landscaping: No landscaping is impacted.

Zoned: I-2

Use: Commercial

Tax Code: 049-011-09

Total Parcel Tax Value: \$306,500

Appraised Value: \$228,350

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owners in November 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.

O. Project: Blue Line Extension, Parcel #2107

Owner(s): WHVN, Inc. and any other parties of interest

Property Address: 5732 North Tryon Street

Property to be acquired: 396 sq. ft. (.009 ac.) in Fee Simple, plus 1,542 sq. ft. (.035 ac.) in Temporary Construction Easement, plus 42 sq. ft. (.001 ac.) in Utility Easement

Improvements: None

Landscaping: Shrubs

Zoned: I-2

Use: Office

Tax Code: 049-011-17

Total Parcel Tax Value: \$231,300

Appraised Value: \$52,750

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owners in October 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.

- P. Project:** Blue Line Extension, Parcel #2119
Owner(s): Storage Trust Properties, L.P. and any other parties of interest
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
Appraised Value: \$27,900
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in October 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 #2121
Owner(s): Harvey W. Gouch and wife, Louise G. Gouch and any other parties of interest
Property Address: 5753 North Tryon Street
Property to be acquired: 5,475 sq. ft. (.126 ac.) in Fee Simple, plus 2,060 sq. ft. (.047 ac.) in Temporary Construction Easement, plus 707 sq. ft. (.016 ac.) in Utility Easement
Improvements: None
Landscaping: None
Zoned: B-2(CD)
Use: Commercial
Tax Code: 089-201-22
Total Parcel Tax Value: \$581,300
Appraised Value: \$47,325
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in October 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.

- R. Project:** Blue Line Extension, Parcel #2123
Owner(s): Harvey W. Gouch and wife, Louise G. Gouch and any other parties of interest
Property Address: 5801 North Tryon Street
Property to be acquired: 11,062 sq. ft. (.254 ac.) in Fee Simple, plus 5,750 sq. ft. (.132 ac.) in Temporary Construction Easement, plus 1,602 sq. ft. (.037 ac.) in Utility Easement
Improvements: Bollards, asphalt and gravel parking areas
Landscaping: Trees and shrubs
Zoned: B-2
Use: Commercial
Tax Code: 089-201-25
Total Parcel Tax Value: \$541,000
Appraised Value: \$103,235
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in October 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.
- S. Project:** Crooked Creek Pump Station and Sanitary Sewer Improvements, Parcel #4
Owner(s): Oakhaven Enterprises, Inc. and any other parties of interest
Property Address: 11145 East Independence Boulevard
Property to be acquired: 2,019 sq. ft. (.046 ac.) in Temporary Construction Easement, plus 1,473 sq. ft. (.034 ac.) in Permanent Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: B-2
Use: Commercial
Tax Code: 193-311-29
Total Parcel Tax Value: \$1,099,000
Appraised Value: \$15,425
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. 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:** Crooked Creek Pump Station and Sanitary Sewer Improvements, Parcel #5
Owner(s): Oakhaven Enterprises, Inc. and any other parties of interest
Property Address: 1601 Matthews-Mint Hill Road
Property to be acquired: 1,561 sq. ft. (.036 ac.) in Temporary Construction Easement, plus 1,145 sq. ft. (.026 ac.) in Permanent Easement

Improvements: Light Pole

Landscaping: Trees

Zoned: B-2

Use: Commercial

Tax Code: 193-311-25

Total Parcel Tax Value: \$620,200

Appraised Value: \$9,300

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.

- U. Project:** Crooked Creek Pump Station and Sanitary Sewer Improvements, Parcel #6
- Owner(s):** Pettit Limited Partnership and any other parties of interest
- Property Address:** 1623 Matthews-Mint Hill Road
- Property to be acquired:** 4,915 sq. ft. (.113 ac.) in Temporary Construction Easement
- Improvements:** None
- Landscaping:** None
- Zoned:** B-2
- Use:** Commercial
- Tax Code:** 193-311-31
- Total Parcel Tax Value:** \$633,000
- Appraised Value:** \$6,875
- Property Owner's Counteroffer:** None
- Reason for Condemnation:** Staff began working with the property owners in November 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.
- V. Project:** Hope Valley/ Oak Forest Neighborhood Improvement Project, Parcel #39
- Owner(s):** Dora Gonzalez-Mendez and Santos Martin Solis-Cedillo and any other parties of interest
- Property Address:** 3923 Slagle Drive
- Property to be acquired:** 634 sq. ft. (.015 ac.) in Right-of-Way and Utility Easement, plus 2,274 sq. ft. (.052 ac.) in Temporary Construction Easement
- Improvements:** None
- Landscaping:** Shrubs
- Zoned:** R-4
- Use:** Single Family Residential
- Tax Code:** 099-162-25
- Total Parcel Tax Value:** \$74,500
- Appraised Value:** \$1,225
- Property Owner's Counteroffer:** None

Reason for Condemnation: Staff has been attempting to contact the property owner through all possible channels since October 2012 and has yet to receive a response. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

- W. Project:** Hope Valley/ Oak Forest Neighborhood Improvement Project, Parcel #124
Owner(s): Helen M. Wilson, Representative of the Estate of Arthur P. Pickney and wife, Margaret C. Wilson and any other parties of interest
Property Address: 2401 Lanecrest Drive
Property to be acquired: 1,741 sq. ft. (.04 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 107-026-10
Total Parcel Tax Value: \$85,400
Appraised Value: \$300
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 title abstract also revealed issues that will prevent the City from obtaining clear title. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- X. Project:** Hope Valley/ Oak Forest Neighborhood Improvement Project, Parcel #143
Owner(s): Bluestone Investments, Inc. and any other parties of interest
Property Address: 2306 Briargrove Drive
Property to be acquired: 155 sq. ft. (.004 ac.) in Right-of-Way and Utility Easement, plus 1,950 sq. ft. (.045 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 107-021-24
Total Parcel Tax Value: \$83,300
Appraised Value: \$375
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in December 2012 and reached an agreement regarding acquisition. However, the property owner has since become nonresponsive to numerous staff contact attempts. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- Y.** **Project:** Hope Valley/ Oak Forest Neighborhood Improvement Project, Parcel #145
Owner(s): Adelfo Chaparro and wife, Antonia A. Chaparro and any other parties of interest
Property Address: 2240 Briargrove Drive
Property to be acquired: 129 sq. ft. (.003 ac.) in Right-of-Way and Utility Easement, plus 1,625 sq. ft. (.037 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Tree
Zoned: R-4
Use: Single Family Residential
Tax Code: 107-021-26
Total Parcel Tax Value: \$92,000
Appraised Value: \$300
Property Owner's Counteroffer: None
Reason for Condemnation: Staff has been attempting to contact the property owner through all possible channels since December 2012 and has yet to receive a response. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- Z.** **Project:** Hope Valley/ Oak Forest Neighborhood Improvement Project, Parcel #152
Owner(s): Charlotte Residential Asset Fund, LLC and any other parties of interest
Property Address: 2525 Lanecrest Drive
Property to be acquired: 351 sq. ft. (.008 ac.) in Right-of-Way and Utility Easement, plus 1,572 sq. ft. (.036 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-17MF
Use: Single Family Residential
Tax Code: 107-026-22
Total Parcel Tax Value: \$73,300
Appraised Value: \$525
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in December 2012 and reached an agreement regarding acquisition. However, the property owner has since become nonresponsive to numerous staff contact attempts. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- AA.** **Project:** Hope Valley/ Oak Forest Neighborhood Improvement Project, Parcel #164
Owner(s): Frank Leon McClough and wife, Marjorie Elaine McClough and any other parties of interest
Property Address: 2209 Lanecrest Drive

Property to be acquired: 1,443 sq. ft. (.033 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: R-4

Use: Single Family Residential

Tax Code: 107-026-02

Total Parcel Tax Value: \$15,200

Appraised Value: \$250

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owners in November 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.

AB. Project: Hope Valley/ Oak Forest Neighborhood Improvement Project, Parcel #165

Owner(s): Frank Leon McClough and wife, Marjorie Elaine McClough and any other parties of interest

Property Address: 2201 Lanecrest Drive

Property to be acquired: 136 sq. ft. (.003 ac.) in Storm Drainage Easement, plus 1,714 sq. ft. (.039 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: Trees and shrubs

Zoned: R-4

Use: Single Family Residential

Tax Code: 107-026-01

Total Parcel Tax Value: \$86,500

Appraised Value: \$1,825

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owners in November 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.

AC. Project: McAlway/Churchill Storm Drainage Improvement Project, Parcel #7

Owner(s): Robert A. Pressley and Valerie W. Pressley and any other parties of interest

Property Address: 342 Wendover Hill Court

Property to be acquired: 16,925 sq. ft. (.389 ac.) in Natural Storm Drainage Easement

Improvements: None

Landscaping: None

Zoned: R-3

Use: Single Family Residential

Tax Code: 157-073-17

Total Parcel Tax Value: \$774,100

Appraised Value: \$29,650

Property Owner's Counteroffer: \$300,000

Reason for Condemnation: Staff began working with the property owners in February 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.

Reference

Small Business Opportunity Program Policy Reference

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

Part A: Administration & Enforcement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Part B: Formal Construction Bidding

Part B: Section 2.1: When the City Solicitation Documents for a Construction Contract contain an SBE Goal, each Bidder must either: (a) meet the SBE Goal, or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements. Failure to do so constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

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

Part C: Services Procurement

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

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

Part D: Post Contract Award Requirements

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

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

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