

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 24 2013

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

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16	20	Fire Self-Contained Breathing Apparatus Packs
17	21	Poplar Street Two-Way Conversion Project
20	23	Solid Waste Services Mechanical Renovations
21	24	Charlotte-Mecklenburg Police Department Headquarters Renovation Project
28	32	LYNX Blue Line Extension Project – Advanced Public Utility Relocations
34	37	McAlpine Creek Wastewater Treatment Plant Digester Mixer Repair and Gas Scrubber Rehabilitation
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**CITY COUNCIL AGENDA
Monday, June 24, 2013**

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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. Real Estate Actions and the LYNX Blue Line Extension

Resources: Jeb Blackwell, Engineering & Property Management
Brad Branham, City Attorney's Office

Time: 20 minutes

Synopsis

- On February 25, 2013, staff updated City Council on the status of the LYNX Blue Line Extension (BLE) project. The presentation included a summary of upcoming contracts that would be on City Council's agenda as well as a discussion on the magnitude of property transactions required and the importance of maintaining the project schedule.
- For the BLE project, City staff has been following the appropriate local, state, and federal requirements while acquiring right-of-way. The real estate acquisition schedule is compressed to meet the construction contract milestones. Many of the properties are on the critical path and cannot be deferred without affecting the overall project schedule.
- Recently, there have been two property condemnation transactions where property owners requested deferrals of their item. In one instance, City Council granted a deferral - this property is listed as a condemnation under Property Transactions on page 43 of the agenda. A summary of staff efforts to reach an agreement regarding the acquisition is provided in Property Transactions, on page 43 of the agenda.
- Staff understands the concern regarding the condemnation process and Council's desire to ensure property owners are treated fairly. This presentation will provide a description of the general condemnation process with a focus on efforts taken to reach settlements with property owners following Council approval for condemnation. A summary of the real estate activity to date and projected transactions over the next several months will also be provided.

Future Action

There are 41 LYNX BLE property transactions on tonight's City Council agenda (nine settlements and 32 condemnations). Staff has requested to not defer 15 of the condemnations.

3. 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.

4. Closed Session

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

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

7:00 P.M. COUNCIL BUSINESS MEETING

CONSENT

- 5. Consent agenda items 13 through 42 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

6. Public Hearings on Voluntary Annexations

Action: A. Hold public hearings for voluntary annexations 1-17:

1. Privately-owned Charlotte Premium Outlet site,
2. City-owned Wilkinson Blvd./I-485 I,
3. City-owned Wilkinson Blvd./I-485 II,
4. City-owned Wilkinson Blvd./I-485 III,
5. City-owned West Blvd./I-485 I,
6. City-owned West Blvd./I-485 II,
7. City-owned West Blvd./I-485 III,
8. City-owned West Blvd./I-485 IV,
9. City-owned West Blvd./Berewick I,
10. City-owned West Blvd./Berewick II,
11. City-owned Shopton Rd./Coffey Creek Greenway I,
12. City-owned Shopton Rd./Coffey Creek Greenway II,
13. City-owned Dixie River Road right-of-way,
14. City-owned Brantley Oaks/I-485 I,
15. City-owned Brantley Oaks/I-485 II,
16. City-owned Brantley Oaks/I-485 III
17. City-owned Brantley Oaks/I-485 IV, and

B. Adopt ordinances with an effective date of June 30, 2013, for the privately-owned properties and the City-owned properties to extend the corporate limits to include these properties and assign each to the adjacent Council districts.

Staff Resources: Bryman Suttle, Planning
Jonathan Wells, Planning

Policy

City Annexation Policy and State Annexation Laws and Statutes

Explanation

- The purpose of the public hearings is to obtain community input on the proposed voluntary annexations.
- Public hearings are required prior to City Council taking action on all annexation requests.
- A voluntary annexation petition was received from the owner of the Charlotte Premium Outlet site for an 81.14 acre area of privately-owned properties located at the corner of Steele Creek Road and Dixie River Road.
- In addition, the following 374.2 acre areas of City-owned properties is proposed for annexation:

Voluntary Annexation Areas	
(Roman numerals refer to sub-areas. See attached locational maps)	
Wilkinson Boulevard/I-485 Area:	
I	7.79 acres located on the south side of Old Dowd Road adjacent to the airport
II	180.23 acres located at the southeast quadrant of the Wilkinson Boulevard/I-485 interchange
III	60.50 acres located between Wilkinson Boulevard and Tuckaseegee Road
West Boulevard/I-485 Area:	
I	46.92 acres located at Dixie River Road and I-485
II	24.31 acres located west of I-485 south of Walkers Ferry Road
III	2.49 acres located west of I-485 and north of Walkers Ferry Road
IV	1.79 acres located west of I-485 and south of Old Dowd Road
West Boulevard/Berewick Area:	
I	6.18 acres located on West Boulevard west of Steele Creek Road
II	15.11 acres located south of Garrison Road and west of I-485
Shopton Road/Coffey Creek Greenway Area:	
I	9.32 acres located on Shopton Road east of Pinecrest Drive
II	10.43 acres also located on Shopton Road east of Pinecrest Drive
Dixie River Road Right-of-way Area:	
	6.19 acres running between Steele Creek Road and Shopton Road
Brantley Oaks/I-485 Area:	
I	1.56 acres located west of I-485 south of Rocky River Road in east Mecklenburg County
II	0.59 acres also located west of I-485 south of Rocky River Road in east Mecklenburg County
III	0.60 acres located east of I-485 off Plaza Road Extension in east Mecklenburg County
IV	0.19 acres also located east of I-485 off Plaza Road Extension in east Mecklenburg County

- These City-owned properties were identified for potential annexation as part of a routine process that defines publicly-owned properties located immediately beyond the current City limits that share boundaries with the City.
- Annexation of these properties at this time will allow for more orderly extension of City services, capital investments, and annexation processes in the future.
- It also allows City-owned properties to be eligible for City services.
- The proposed annexations are unrelated to specific Capital Investment Program infrastructure proposals recently considered by City Council.
- Annexation ordinances establish effective annexation dates of June 30, 2013, for the privately-owned and City-owned properties.
- Ordinances also assign the annexed areas to adjacent City Council districts.

Consistent with City Council Policies

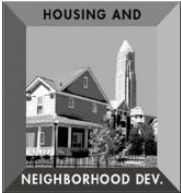
- These annexations:
 - Are consistent with voluntary annexation policies approved on March 24, 2003;
 - Will not adversely affect the City’s ability to undertake future annexations;
 - Will not negatively impact City finances or services; and
 - Will not result in situation where unincorporated areas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

Attachment 1
Maps
Annexation Ordinances

POLICY

7. City Manager's Report

8. Revised Assisted Multi-Family Housing at Transit Station Areas Policy



Action: Approve the Housing & Neighborhood Development Committee's proposed Revised Assisted Multi-Family Housing at Transit Station Areas Policy.

Committee Chair: Patsy Kinsey

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

Explanation

- On June 10, 2013, City Council received a Dinner Briefing presentation on the Revised Assisted Multi-Family Housing at Transit Station Areas policy.
- The presentation outlined the Housing & Neighborhood Development Committee's (Committee) recommended revisions to the policy as approved by the Committee on May 8, 2013.
- Major points of discussion among the City Council included the following:
 - The proposed revised policy language does not allow any one building to be developed as 100% assisted housing. As staff has discussed with the Committee, this provision will make it difficult for a developer to obtain financing for an affordable housing development.
 - A request for clarity to ensure that developers will be allowed to request a waiver from City Council to construct one building that will be 100% assisted and occupied by households earning 60% (\$39,100) and below the area median income.
- The current policy dates back to 2001. There is an increase in development occurring at Transit Station Areas and a revised policy will provide guidance to developers pursuing affordable housing developments at transit station areas.

Background

- On November 26, 2001, City Council approved the existing Assisted Multi-Family Housing at Transit Station Areas policy. The policy included a recommendation to review the policy within 12-24 months of the time the first line opens.
- On June 30, 2011, the Committee approved a process to engage developers and neighborhood representatives to gain their input on proposed policy revisions.
- Staff created a Citizen Advisory Group consisting of developers and neighborhood representatives who assisted in developing a revised policy.
- On April 23, 2012, a public hearing was held during the City Council Business Meeting; nine speakers spoke in favor of the revised policy. Included in the proposed revisions at that time was a staff recommendation to allow one building to be 100% assisted as part of a larger mixed income development.
- 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 due to concerns from several City Council members on the issue

of allowing a single building in a development area to be 100% affordable. The deferral was also requested due to upcoming Affordable Housing Strategy sessions that were held on June 27, 2012, and October 10, 2012.

Committee Action

- On March 7, 2012, the Committee voted 3 to 1 to approve a revised Assisted Multi-Family Housing at Transit Station Areas Policy (Kinsey, Autry, and Barnes voted yes; Cooksey voted no, Mayfield was absent).
- On May 8, 2013, staff presented a revised policy to the Committee. The revised policy addresses previous concerns raised by City Council.
 - During the meeting, the Committee voted 4 to 1 (Kinsey, Mayfield, Autry, Barnes voted yes; Cooksey voted no) to approve the revised policy, including the following changes:
 - 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.

Attachment 2

Citizen Advisory Group

Revised Assisted Multi-Family Housing at Transit Station Areas Policy

City Council Dinner Briefing PowerPoint Presentation on June 10, 2013

BUSINESS

9. Wireless Broadband Network Related Services



Action: Approve the extension of a consultant agreement with Tech USA LLC in an amount not to exceed \$325,000 for a Program Manager to oversee deployment of the Public Safety Long Term Evolution Network for an additional 26-month term.

Staff Resource: Charles Robinson, Shared Services

Explanation

- The Broadband Technology Opportunities Program (BTOP) grant funding for the City's Long Term Evolution (LTE) Wireless Broadband Network Project was temporarily suspended by the US Department of Commerce's Broadband Technology Opportunities Program on May 11, 2012.
 - The suspension was issued because of federal legislation passed in February 2012, which changed the national governance model for public safety broadband deployments. The original project completion date was July 31, 2013.
- Shared Services anticipates the LTE project will be extended until September 2015, and is currently working with the new national governance body (FirstNet) and the Department of Commerce to meet the requirements for removal of the suspension.
- The delay requires the City to extend its contract for program management services to oversee deployment of the LTE Network through September 2015.
- Tech USA, LLC was chosen, through a competitive process, as the vendor to provide these Program Management Services for the BTOP LTE project.
- The contract extension will be funded by the BTOP grant.

Background

- On September 13, 2010, City Council accepted an American Recovery and Reinvestment Act grant, in the amount of \$16.7 million, through the US Department of Commerce's Broadband Technology Opportunities Program.
- The City was one of seven jurisdictions chosen nationally to receive grants to construct wireless LTE (or 4G) cellular broadband network for public safety and other governmental use operating using the 700 MHz public safety spectrum.
- On September 26, 2011, City Council approved contracts for the provision of goods and services in support of the procurement, deployment, operations, maintenance, and support of a LTE Wireless Broadband Network, which included the contract with Tech USA, LLC.
- Unlike commercial cellular networks that are routinely overload during times of crisis (e.g. Washington D.C. during the earthquake and Boston during the marathon bombing), this project will provide a highly reliable, high capacity private network on which public safety communications is the first priority. The network uses the same commercial 4G LTE technology as Verizon, AT&T, and other commercial carriers.
- As the national network is deployed, Charlotte's system will become a part of the national network. This will provide the highest level of interoperability between local, state, and federal agency in times of crisis as well as meeting the demands of local government mobile data services in daily operations.

Small Business Opportunity

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

Funding

BTOP Grant

10. Conclusion of Consent Agenda

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

11. Nominations to Boards and Commissions

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

A. AIRPORT ADVISORY COMMITTEE

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

Attachment 3

Applications

B. CHARLOTTE HOUSING AUTHORITY

- One appointment for an unexpired term beginning immediately and ending December 17, 2013.
 - William Miller has resigned.
- One appointment for a low income housing resident for an unexpired term beginning immediately and ending December 17, 2015.
 - Marcia Simpson has resigned.

Attachment 4

Applications

C. CHARLOTTE-MECKLENBURG PLANNING COMMISSION

- One appointment for an applicant nominated by the Charlotte-Mecklenburg School Board for a three-year term beginning July 1, 2013, and ending June 30, 2016.
 - Margaret Nealon is eligible but has not been nominated by the School Board.
 - The School Board has nominated Randy Fink.

Attachment 5

Applications

D. CHARLOTTE REGIONAL VISITORS AUTHORITY

- One appointment for a representative of a convention hotel for an unexpired term beginning immediately and ending June 30, 2014.
 - Glenn Simon has resigned.

Attachment 6

Applications

E. DOMESTIC VIOLENCE ADVISORY BOARD

- Two appointments for three-year terms beginning September 22, 2013, and ending September 21, 2016.
 - LiMia Bowen and Jacqueline Dienemann are eligible and would like to be reappointed.

Attachment 7

Applications

F. KEEP CHARLOTTE BEAUTIFUL

- One appointment for an unexpired term beginning immediately and ending June 30, 2015.
 - Christine Edwards has resigned.
- One appointment for a three-year term beginning July 1, 2013, and ending June 30, 2016.
 - Numerous attempts to contact Eric Netter, appointed by City Council on April 22, 2013, have been unsuccessful.

Attachment 8

Applications

G. MINT MUSEUM BOARD OF TRUSTEES

- One appointment for a three-year term beginning August 1, 2013, and ending July 31, 2016.
 - Patricia Tracey has completed two, full terms of service and is not eligible for reappointment

Attachment 9

Applications

H. STORM WATER ADVISORY COMMITTEE

- One appointment for a general contractor representative for a three-year term beginning July 1, 2013, and ending June 30, 2016.
 - Matthew Roper has completed two, full terms of service and is not eligible for reappointment.

Attachment 10

Applications

I. WASTE MANAGEMENT ADVISORY BOARD

- Two recommendations for appointments by the Board of County Commissioners for a three-year term: one beginning October 1, 2013, and ending September 30, 2016; and the other beginning July 14, 2013, and ending July 13, 2016.
 - Patrick Darrow is eligible and would like to be reappointed.
 - Jennifer White is eligible but does not wish to be reappointed.

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

Attachment 11

Applications

J. ZONING BOARD OF ADJUSTMENT

- One appointment for an unexpired term beginning immediately and ending January 30, 2015.
 - Numerous attempts to contact Eric Netter, appointed by City Council on March 25, 2013, have been unsuccessful.

Attachment 12

Applications

12. 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."

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

13. Police DNA Equipment and Supplies

Action: **A. Approve the purchase of DNA software upgrades and supplies authorized by the sole source purchasing exemption of G.S. 143-129 (e) (6), and**

B. Approve a three-year contract with Life Technologies Corporation for the purchase of DNA testing software and supplies.

Staff Resources: Vickie Foster, Police
 Matthew Mathis, Police

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 is necessary because Life Technologies Corporation is the only vendor capable of supplying the DNA testing kits, consumables, and software that are compatible with the DNA testing equipment currently used by the Police crime lab.
- The software and supplies provided by Life Technologies Corporation have been validated through an extensive testing process required for the crime lab's accreditation and for coordination with the Federal Bureau of Investigation's national DNA data base.

Explanation

- The Police will purchase upgraded software and licenses for DNA analysts in the first year of the contract for the crime lab. The estimated amount is \$150,000.
- Police will also purchase approximately \$100,000 in DNA testing supplies in each of the three years of the contract.
- Prices for software, licenses, equipment, and supplies are set forth in the contract and are available upon request.
- The three-year contract is estimated to cost \$450,000.

Small Business Opportunity

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

Funding

Police Operating Budget and U.S. Department of Justice Grant

14. Police Ammunition

Action: A. Award low-bid unit price contracts for providing ammunition for a one-year term to the following:

- Lawmen's Safety Supply, Inc.
- Dana Safety Supply, and

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

Staff Resources: Katrina Graue, Police
Cullen Wright, Police

Explanation

- The contracts will be used to supply ammunition for law enforcement training and operations to include:
 - Recruit schools,
 - Annual firearms training for all sworn officers, and
 - Specialized training for SWAT.
- Due to the current shortage of ammunition, which has created a nationwide backlog of ammunition orders, it is necessary for Police to maintain a reliable supplier of ammunition to continue required firearms training and the current level of response to emergency situations.
- The Shared Services Procurement Management Division issued an Invitation to Bid for ammunition on April 23, 2013; two bids were received.
- The contracts are based on unit prices for various types of ammunition.
- The combined annual expenditures are estimated at \$287,000.

Small Business Opportunity

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

Funding

Police Operating Budget

15. Fire Protection Services for Mecklenburg County

Action: Authorize the City Manager to execute a one year contract with Mecklenburg County for \$625,506 to provide all fire protection services in the areas previously served by Newell and Mallard Creek Volunteer Fire Departments.

Staff Resource: Rich Granger, Fire

Explanation

- On June 7, 2011, the Mecklenburg County Commission passed a resolution to approve the Charlotte Rural Fire District consisting of the areas formerly covered by Newell and Mallard Creek Volunteer Fire Department.

- The cost to provide all fire services including protection, inspections, life safety education, and investigation was determined by:
 - Adding all components of the fire department budget, minus projected revenues (i.e. fees, fines, etc.).
 - The derived figure was then divided by the value of one cent on the City's property tax rate. The result is the property tax of 12.01 cents per hundred needed to support the cost of the Fire Department.
 - The property tax was then calculated against the property value of the areas to be served. The result is the recommended cost to the County for the desired service, which is equivalent to the cost of the service to the citizens within the City. The anticipated rate is set annually.
- The one year agreement will ensure that the citizens affected by the closing of these two departments will receive adequate and equal fire protection services.
- The Charlotte Fire Department will provide all fire services to the citizens in these two fires districts, which fall within Charlotte's Sphere of Influence. Approximately 20% of Mallard Creek falls within Huntersville's Sphere of Influence and will be serviced by Huntersville.
- The agreement is renewable on an annual basis and is 100% reimbursed by Mecklenburg County.

Small Business Opportunity

Contracts entered into with other units of federal, state, or local government are exempt (Appendix Section 23.8 of the SBO Policy).

Funding

Mecklenburg County General Fund

16. Fire Self-Contained Breathing Apparatus Packs

Action: A. Approve a low-bid unit price contract with Municipal Emergency Services, Inc. for the purchase of Self-Contained Breathing Apparatus Packs and breathing masks for a three-year term, and

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

Staff Resource: Rich Granger, Fire

Explanation

- The Self-Contained Breathing Apparatus (SCBA) is a backpack system comprised of a metal frame for holding a composite bottle of compressed air and a regulator system that supplies air into a full cover face mask.
- The SCBA allows the firefighter to enter into an incident with an immediately dangerous to life and health atmosphere to perform their daily duties.
- The Shared Services Procurement Management Division issued an Invitation to Bid for SCBA packs and breathing masks on May 20, 2013; two bids were received.
- The first year annual expenditure is estimated at \$3,203,452.
- An additional \$800,000 will be available over the next four years for maintenance and replacements.

Small Business Opportunity

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

Funding

General Capital Equipment Fund, General Capital Investment Plan, Fire Operating Budget, and Urban Area Security Initiative Grants

17. Poplar Street Two-Way Conversion Project

Action: Approve a contract with Duke Energy in the amount of \$355,690 for the purchase and installation of traffic signal mast arms and poles for the Poplar Street Two-Way Conversion project.

Staff Resources: Jimmy Rhyne, Transportation
Ashton Watson, Transportation

Explanation

- The Poplar Street Two-Way Conversion project is part of the City Council adopted Center City Transportation Plan of 2006.
- Two-way streets encourage lower traffic speeds as compared to one-way streets, and typically result in environments that are more pedestrian friendly.
- The \$355,690 is for the purchase and installation of eight traffic signal mast arms and poles associated with the Poplar Street Two-Way Conversion Project.
- The mast arms will be maintained by Duke Energy, which is standard practice with all intersections with traffic signal mast arms in Charlotte.
- The following intersections require additional traffic signal mast arms in order to facilitate the two-way operation of traffic on Poplar Street:
 - West 3rd and South Poplar Streets,
 - West 4th and South Poplar Streets,
 - West Trade and South Poplar and North Poplar Streets,
 - West 5th and North Poplar Streets, and
 - West 6th and North Poplar Streets.
- The traffic signals will meet the same criteria as other traffic signals approved by City Council, and will be installed and operated as part of the existing signal systems in the area.
- The conversion project will be completed in coordination with Romare Bearden Park and the BB&T Ball Park.

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

Transportation Capital Investment Plan

18. Aluminum Sheeting and Sign Posts

Action: A. Award the low-bid unit price contracts for providing aluminum sheeting and sign posts for a three-year term to the following:

- Vulcan Inc.
- P-M Tube Specialties, Inc., and

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

Staff Resource: Ronnie Ashburner, Transportation

Explanation

- The Charlotte Department of Transportation uses aluminum sheeting for the fabrication of traffic signs.
- The sign posts will be used to mount traffic signs made with the aluminum sheeting.
- The Shared Services Procurement Management Division issued an Invitation to Bid for aluminum sheeting and sign posts on May 1, 2013; 10 bids were received.
- The annual expenditures are estimated to be \$275,000.

Small Business Opportunity

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

Funding

Transportation Operating Budget

19. Private Developer Funds Appropriation

Action: Adopt a budget ordinance appropriating \$109,731 of private developer funds for traffic signal improvements with the following Private Developers:

- S/L/H Ballantyne, LLC, and
- Dixie River Partners, LLC.

Staff Resource: Scott Putnam, Transportation

Explanation

- The \$109,731 in private developer funding is for traffic signals, upgrades, and related work associated with developer projects. The funding is restricted to these projects.
- The following developers are fully funding traffic signal installations and improvements to mitigate traffic impacts around their respective development projects:
 - S/L/H Ballantyne, LLC, contributed \$33,000 for the installation of pedestrian signals and a signal modification necessary for an additional left turn lane

(dual left-turn lanes) at the intersection of Providence Road West and Johnston Road.

- Dixie River Partners, LLC, contributed \$76,731 for signal modifications to include the installation of a mast arm and pedestrian signals at the intersection of Dixie River Road and Steele Creek Road.
- The signals meet the same criteria as other traffic signals approved by the City.
- Payments made by the developers are in response to estimates of work prepared by the Charlotte Department of Transportation (CDOT) and supplied to the developers.
- Any funding contributed by the developers for a signal project that is unused by the City will be refunded after project completion.
- CDOT will be installing and operating these new signals as part of the existing signal systems in the area.

Funding

Developer Contributions

Attachment 13

Budget Ordinance

20. Solid Waste Services Mechanical Renovations

Action: Award the low-bid contract of \$1,219,900 to Edison Foard Construction Services, Inc. for the Solid Waste Services Mechanical Renovations project.

Staff Resources: William Haas, Engineering & Property Management
Jude Starrett, City Attorney's Office

Explanation

- The project will include renovation of the existing mechanical system and construction of a one-story, 250 square foot masonry mechanical room at the Solid Waste Services Administration building located at 1105 Otts Street.
- The renovation and construction are necessitated by the defective design and construction work the City believes occurred during the original project.
- The City is pursuing the recovery of these costs through litigation. A lawsuit has been filed against the project architect, Morris-Berg Architects, Inc., mechanical designer, Elm Engineering, Inc., and the general contractor, Shelco, Inc.
- During construction, the Solid Waste Services administrative staff will relocate to the Belmont Center; the field-related staff will relocate to the former Light Vehicle Facility at Otts Street and Seigle Avenue.
- The Shared Services Equipment Management staff, also at the Solid Waste Services Administration building, will relocate to the equipment management facility located at Wilkinson Boulevard.
- Construction is expected to begin August 1, 2013, and be completed first quarter 2014.

Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 3.51%

Edison Foard failed to meet the SBE goal, but earned the required number of Good Faith Effort Points (Part B: Section 2.1 of the SBO Policy). They committed 3.51% (\$42,800) of the total contract amount to the following SBEs: COED Electrical

Services, Inc. (electrical) and D.E. Walker Construction Co. (demolition). Further information on Edison's Good Faith Efforts (GFE) is outlined in the attached GFE summary.

Funding

General Capital Investment Plan

Attachment 14

Good Faith Efforts Summary

21. Charlotte-Mecklenburg Police Department Headquarters Renovation Project

Action: A. **Reject the low-bid of \$290,125 from Bams Contractors LLC due to failure to demonstrate the firm's experience in renovation projects of similar nature, size, and scope, and**

B. **Award a contract to the second lowest responsive, responsible bidder D.E. Brown Construction, Inc. in the amount of \$341,632.50 for the Charlotte-Mecklenburg Police Department Headquarters Renovation project.**

Staff Resources: William Haas, Engineering & Property Management
Johnny Jennings, Police

Explanation

- The project includes the renovation of approximately 6,000 square feet within the Charlotte-Mecklenburg Police Department Headquarters to include:
 - 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.
- The Real Time Crime Center was created to make the most effective use of the Police's public safety technology and resources. The center will be used to 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.
- The total cost of the renovation project is estimated to be \$700,000 (including construction, furniture, and equipment).
 - Furniture is estimated at \$166,000 and will be purchased separately through the existing U.S. Communities Knoll contract, North Carolina General Statute G.S. 143-129(e)(3).
 - The bulk of equipment, estimated at \$150,000, will be purchased under existing service contracts due to the integration with existing systems and software.
- The project will be complete by the end of third quarter 2013.

Award to the Second Lowest Bidder

- Staff recommends the contract be awarded to the second lowest responsive, responsible bidder, D.E. Brown Construction, Inc.
- The lowest bidder, Bams Contractors LLC, is being recommended for rejection for failure to demonstrate the firm's experience in renovation projects of the nature,

size, and scope complexity or with the sensitivity and timeframe critical to this project.

Small Business Opportunity

Established SBE Goal: 11%

Committed SBE Goal: 14.48%

D.E. Brown Construction, Inc. exceeded the established SBE goal and committed 14.48% (\$49,482) of the total contract amount to the following SBE firms: COED Electrical Services, Inc. (electrical), M A K K Services Unlimited, Inc. (cleaning), and Treadaway & Sons Painting & Wallcovering, Inc. (painting). D.E. Brown Construction, Inc. is also a certified SBE.

Funding

Police Operating Budget

22. Airport Advertising Concession Agreements

- Action:**
- A. Approve a concession agreement with Titan Outdoor, LLC for management of the Airport's on-property advertising program, and**
 - B. Approve a concession agreement with Advanced Wireless Group, LLC for management of the Airport's Wi-Fi advertising program.**

Staff Resource: Jerry Orr, Airport

Explanation

- On February 8, 2013, the Airport published a Request for Proposals (RFP) for an advertising concession agreement in an effort to obtain maximum advertising revenues. The RFP included advertising on Airport property, as well as advertising on the free public Wi-Fi system.
- The Airport received a total of four proposals; two for the on-property advertising and two for the Wi-Fi advertising. The Charlotte Regional Visitors Authority (CRVA), the previous advertising manager, elected not to propose.
- A Selection Committee, consisting of three members from the Airport Advisory Committee (Morgan Edwards, Pam Bennett, and Pete Acker), Terri Pope, US Airways' Vice President of Hub Operations at Charlotte Douglas International Airport, and Jerry Orr, Aviation Director, met on April 22, 2013, to review the proposals. The Selection Committee chose to interview three companies.
- Upon completion of the interviews, the Selection Committee selected Titan Outdoor, LLC as the new on-property advertising concessionaire and Advanced Wireless Group, LLC as the new Wi-Fi advertising concessionaire based on their experience, demonstration with effective and efficient management of day-to-day operations, and development plans.

Action A:

- On September 24, 2007, City Council approved a management agreement with the CRVA to manage the Airport's advertising program and to operate the Airport Welcome Center.
- Following discussions with the CRVA, the Airport carried out a competitive process for the advertising program component to maximize advertising revenues.

- On November 12, 2012, City Council approved a month-to-month extension with the CRVA for the same services for up to six months. This agreement expired April 30, 2013.
- On April 22, 2013, City Council approved a new contract with CRVA to continue managing the welcome center. This agreement began on May 1, 2013.
- The new advertising concession agreement with Titan will begin July 1, 2013, and will last for five years.
- Each year, Titan will pay the Airport 65% of the static display gross revenues and 55% of the digital display gross revenues; or they will pay a Minimum Annual Guarantee (MAG) calculated based on the number of annual passenger enplanements, whichever is higher.
- Titan is guaranteeing a minimum of \$1.5 million in revenues to the Airport for the first year, a capital investment of \$1,493,000, and estimating revenues to the Airport of \$14,692,000 for the term of the agreement.
- Titan has reached out to four disadvantaged businesses to use their services under the terms of the agreement:
 - Kellee Communications
 - Absolute Cleaning & Restoration
 - Sign, ETC of Charlotte
 - W.E.G. Electrical
- Titan Outdoor, LLC is the current advertising manager for the Charlotte Area Transit System where they have had a successful relationship, including beating revenue guarantees for every year of the contract thus far.

Action B:

- The Airport owns and operates the free Wi-Fi system available to passengers. The maintenance is provided in-house by the Airport's Information Technology Department.
- Currently, the Airport's Wi-Fi advertising is handled like standard inventory of the overall advertising program. The advertisements use an outdated "redirect model", which limits the functionality of the site.
- In order for the Airport to host the desired Airport-branded splash page that features advertising, the Airport elected to move away from the current redirect model and use an interactive splash page that features Airport information in addition to advertisements.
- The new Wi-Fi advertising concession agreement with Advanced Wireless Group will begin July 1, 2013, and will last for five years.
- Each year, Advance Wireless Group will pay the Airport 55% of the gross revenues or a MAG, whichever is higher.
- Advanced Wireless Group is guaranteeing a minimum of \$425,000 in revenues to the Airport for the first year and a capital investment of \$30,000.
- Each contract year's MAG will be equal to 80% of the revenues paid in the previous year to the Airport.
- Estimated revenues to the Airport for the term of the agreement are \$2,615,100.

Airport Concession Disadvantage Business Enterprise (ACDBE)

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

Titan Outdoor, LLC

Established ACDBE Goal: 23.5%

Committed ACDBE Goal: 23.5%

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

Advanced Wireless Group, LLC

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

23. Airport Business Valet Parking Deck

- Action:**
- A. Approve the low-bid contract of \$37,212,000 with Shelco, Inc. to construct a 3,000 space parking deck for the Airport's Business Valet project,**
 - B. Approve a contract of \$324,980 with PSI, Inc. for construction testing services for the project, and**
 - C. Adopt a budget ordinance appropriating \$37,536,980 from the Airport Discretionary Fund to the Aviation Capital Investment Plan.**

Staff Resource: Jerry Orr, Airport

Explanation

- In 2010, the Airport constructed a 3,200 space parking deck on the corner of Wilkinson Boulevard and Harlee Avenue for the Business Valet Parking.
- Since the Business Valet Deck opened in 2010, the Airport has seen steady demand for business valet parking.
- On November 12, 2012, City Council approved a \$2,410,200 contract with LS3P Associates for the design of a new parking deck.
- The new parking deck will provide 3,000 additional spaces for business valet parking, with the ability to expand to 5,000 spaces as needed.
- These contracts will provide for the construction of the parking deck and the materials testing services during construction.
- On April 19, 2013, Invitations to Bid were advertised; five bids were received.
- Funding for these contracts will come from future General Airport Revenue Bond Proceeds. The debt service will be paid by non-airline revenues.

Small Business Opportunity

Shelco, Inc.

Established SBE Goal: 9%

Committed SBE Goal: 15.07%

Shelco, Inc. exceeded the established SBE goal, and committed 15.07% (\$5,608,700) of the total contract amount to the following SBE firms: Southern Concrete Services (Post tension and rebar), A1 Precision Fence (fencing), and Harco Development (electrical duct bank).

PSI, Inc.

Committed SBE Goal: 10.00%

For professional services-based contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). On this contract, PSI, Inc. committed 10.00% (\$32,498) of the total contract amount to the following SBE firm: On-Spec Engineering, PC (testing).

Funding

Aviation Capital Investment Plan

Attachment 15

Budget Ordinance

24. Airport Corporate Hangar Addition

Action: Approve the low-bid contract of \$375,300 with Edison Foard Construction Services for renovations to a corporate hangar at the Airport.

Staff Resource: Jerry Orr, Airport

Explanation

- United Technologies Corporation leases a hangar in the Corporate Aviation area from the Airport for the storage and maintenance of their corporate aircraft.
- The company has requested 1,500 square feet of office space and new restrooms. As part of the addition, Edison Foard Construction will also install a fall protection safety device for the airplane mechanics and overhead air circulation fans.
- On May 9, 2013, an Invitation to Bid was advertised; four bids were received.
- The project will be funded by the Airport and repaid by the tenant through hangar rents.

Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 19.31%

Edison Foard Construction Services exceeded the established SBE goal, and committed 19.31% (\$72,473) of the total contract amount to the following SBE firms: Gastonia Iron Works (structural steel), Stevens Interiors (drywall/ceiling), and PWP Contractor Services (HVAC).

Funding

Aviation Operating Budget

25. Airport Parking Services Staffing Contract Extensions

- Action:**
- A. Approve a one-year contract extension with Park, Inc. for the management of the valet parking operation at the Airport, and**
 - B. Approve a nine-month contract extension with EJ Services, Inc./Customer Driven Staffing Services (formerly Balance Staffing) for providing parking cashiers and support personnel services at the airport.**

Staff Resource: Jerry Orr, Airport

Explanation

Action A:

- On July 28, 2003, City Council approved a five-year management contract with Park, Inc. (formerly Parking Solutions) to manage the curbside valet parking at the Airport.
- On February 26, 2007, City Council approved contract amendment #1 to add Business Valet, a remote valet service, on Wilkinson Boulevard in anticipation of the construction of a parking deck.
- In May 27, 2008, City Council approved contract extension #1 with Park, Inc., for three years, to manage curbside and business valet parking at the Airport.
- On July 25, 2011, City Council approved contract extension #2 with Park, Inc., for one-year, to manage curbside and business valet parking at the Airport.
- On May 14, 2012, City Council approved contract extension #3 until June 30, 2013.
- Valet operations are interdependent with the Airport's parking deck structures and access roadways. With the current construction cycle, continuity with the existing provider is critical to maintain seamless customer service.
- The Airport needs to execute contract extension #2 with Park Inc. for an additional year.
- Park, Inc. is paid a flat fee of \$900 per month and is eligible for an incentive fee of 5% of annual profits. Additionally, Park, Inc. is reimbursed for allowable expenses according to an annual budget approved by the Airport Director in advance.
- The approved operating budget for valet parking services for FY2014 is \$2,167,735 with gross revenues estimated at \$9.5 million.
- The estimated extension expenditure is \$2,142,000.

Action B:

- The Aviation Department manages the public parking operation at the airport and uses temporary personnel to provide labor for various activities.
- Since 1982, the airport has staffed:
 - Parking cashiers,
 - Customer service representatives,
 - Taxi starters, and
 - Other parking support services through a temporary services contract.
- On January 10, 2005, after a competitive process, City Council approved a contract with EJ Services, Inc., doing business as Balance staffing. The contract was for three years, with two one-year extensions.
- On January 25, 2010, City Council approved a contract extension #1, for a month-to-month up to two years, to allow the Airport to review, purchase, and install a new parking revenue control system.

- On January 23, 2012, City Council approved contract extension #2 until June 30, 2012, to allow the Airport to complete the installation of the system without additional cost of bidding and training a new provider within a short period of time.
- On May 14, 2012, City Council approved contract extension #1 until June 30, 2013.
- On April 8, 2013, a Request for Proposal was issued for Parking Services Staffing; 11 proposals were received.
Most proposers were unable to provide guaranteed pricing for the duration of the contract due to anticipated changes in federal requirements for temporary workers. On this basis, the Airport chose to cancel this Request for Proposal.
- The current construction cycle and the implementation of a new revenue control system makes continuity with the existing provider critical to maintain seamless customer service.
- This action requests that City Council approve contract extension #2 for the existing contract until March 31, 2014, which will allow the Airport time to complete another competitive process and to finish the implementation of the new revenue control system.
- The estimated extension expenditure for parking staffing services is \$1.7 million.

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

26. Airport Rental Car Facility Design Services

Action:

A. Approve a contract of \$234,563 for professional design services to Talbert, Bright & Ellington, Inc., and

B. Adopt a budget ordinance appropriating \$234,563 from the Contract Facility Charge Fund to the Aviation Capital Investment Plan.

Staff Resource: Jerry Orr, Airport

Explanation

- On May 29, 2007, City Council adopted an ordinance imposing a Contract Facility Charge (CFC) on vehicles rented at the Airport to fund construction, maintenance, and operation of current and future rental car facilities.
- On November 14, 2011, City Council approved a contract for the construction of the new Airport parking deck, including a consolidated rental car facility.
- The contract with Talbert, Bright & Ellington, Inc. will provide design for grading and paving a 20-acre site on Wilkinson Boulevard to be used by the rental car companies for the storage and service of their vehicles.
- Talbert, Bright & Ellington, Inc. was selected based on their qualifications as submitted through a Request for Qualifications process conducted by the Airport for various airfield projects on December 21, 2010.
- The investment will be repaid with CFC funds.

Small Business Opportunity

For professional services based contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). On this contract, Talbert, Bright & Ellington committed 5.00% (\$11,728.15) of the total contract amount to the following SBE firm: Flehan Engineering, Inc. (engineering).

Funding

Aviation Capital Investment Plan

Attachment 16

Budget Ordinance

27. Gold Rush Uptown Circulator Service

Action: Approve a one-year agreement with Charlotte Center City Partners for contributions toward the Gold Rush Uptown Circulator Service's annual operating costs, in the amount of \$207,000.

Staff Resource: Larry Kopf, Transit

Explanation

- The Gold Rush Uptown Circulator Service is a fare-free service operated by the Charlotte Area Transit System (Transit) since 2002. It has been popular and effective in opening Uptown Charlotte to the public. Charlotte Center City Partners (CCCP) assists with the operating costs for the Gold Rush service by soliciting contributions from Uptown employers and institutions.
- The current agreement does not expire until 2016, however, lagging private contributions and exhausted grant funds compel the parties to develop a new funding agreement for fiscal year 2014.
- A presentation outlining the proposed funding agreement was scheduled for the April 22, 2013, City Council Dinner Briefing. Due to time constraints the presentation was not made, but the information was communicated to City Council through the Council Manager Memo for April 24, 2013.
- The estimated annual operating cost for fiscal year 2014 is \$883,000. The Charlotte Center City Partners will contribute \$207,000. The balance will be paid with Transit and state transit funds.
- To operate within budget parameters, Transit will reduce Gold Rush service. The Orange Line, which operates on Tryon Street, will be discontinued on July 1, 2013. The Red Line, which operates on Trade Street, will continue to operate between Central Piedmont Community College and Johnson C. Smith University. This information was also communicated in the April 24 Memo.
- The agreement sets CCCP's annual cost-share based on its projections for Uptown employer contributions toward Gold Rush services.
- The new funding arrangement was approved by the Metropolitan Transit Commission at the May 22, 2013 meeting.

Small Business Opportunity

Contracts without a competitive proposal process are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Transit Operating Budget and CCCP Contributions

Attachment 17

Council Manager Memo for April 24, 2013 – Gold Rush

28. LYNX Blue Line Extension Project – Advanced Public Utility Relocations

Action: Award the low-bid contract of \$1,717,748.12 to Sealand Contractors Corporation for the advanced public utility relocations associated with the LYNX Blue Line Extension project.

Staff Resources: Carolyn Flowers, Transit
Jeb Blackwell, Engineering and Property Management

Explanation

- The contract is for utility relocation work associated with the construction of the LYNX Blue Line Extension (BLE) in Segment A (south of 7th Street to north of the proposed Old Concord Road Station).
- The work includes:
 - Grading,
 - Installation of joint utility conduits,
 - Water and sewer installation,
 - Erosion control, and
 - Traffic control.
- The work will be coordinated with relocations performed by the private utilities companies.
- Clearing and Grading are necessary to prep the site for both private and public utility relocations.
- On April 19, 2013, the Transit and Engineering & Property Management departments publicly advertised for prospective bidders to participate in the competitive Invitation to Bid.
 - A pre-bid conference was held on May 7, 2013, to solicit participation and to share information; three bids were received.
 - The apparent low-bidder, Sealand Contractors Corporation (Sealand), did not meet the Disadvantaged Business Enterprise goal; however, the company's Good Faith Efforts to do so were both active and aggressive as required by federal regulations (49 CFR Part 26.53). As a result, Sealand's bid was determined to be responsive, pursuant to the same federal regulations.
 - Sealand has been determined to be qualified and responsive to the local and federal requirements.
- The schedule for this work, including the private utility, will run from July 2013 through June 2014.

Disadvantaged Business Enterprise (DBE)

Established DBE Goal: 7.25%

Committed DBE Goal: 3.00%

Sealand Contractors Corporation was found to be compliant with federal DBE good faith efforts requirements. Sealand Contractors committed 3.00% (\$51,500) of the total bid amount (\$1,717,748.12) to the following DBE firms: Darnell Jones Trucking (hauling) and CES Group Engineers (construction surveying).

Funding

Transit Capital Investment Plan

Attachment 18

Good Faith Efforts Summary for LYNX BLE Contract 1A: Advanced Public Utility Relocation-Segment A

29. Utility Dry Storage Facility

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

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

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

Explanation

- The dry storage facility will be constructed at Charlotte-Mecklenburg Utility Field Operations, Zone 2, located at 5730 General Commerce Drive.
- Dry storage is needed for fill dirt, top soil, crushed stone, and other construction materials associated with water and sewer line repairs on nights, weekends, and when dry materials are not readily available elsewhere.
- In July 2010, it was determined the roof over the existing dry storage building was unsafe and needed to be replaced. A structural analysis revealed the building walls were unable to support a new roof.
- The footprint of the new facility is 105' wide x 46' deep and includes a 26' tall, steel roof covering four existing concrete storage bins.
- Construction is expected to be complete by first quarter 2014.
- Since July 2010, CMUD has been operating without a reliable source of dry material, which has impacted service delivery to customers.

Award to Second Lowest Bidder

- Staff recommends the contract be awarded to the second, lowest responsive bidder, D.E. Brown Construction, Inc.
- The lowest bidder, Husky Construction Corporation, did not meet the established Small Business Enterprise (SBE) goal, proposing a total SBE utilization of 0.00%
- The lowest bidder then submitted their Good Faith Effort (GFE) documentation, and after review, staff determined they also did not meet the minimum required GFE points, achieving only 75 GFE points.
- The lowest bidder failed to achieve compliance with the Small Business Opportunity program by achieving neither the SBE goal of 8.00% or the minimum GFE points of 165 (Part B: Section 2.1 of the SBO Policy).

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 30.00%

D.E. Brown Construction, Inc. exceeded the established SBE goal and committed 30.00% (\$74,305) of the total contract amount to the following SBE firms: Conmat Construction, Inc. (concrete), Cornerstone Construction Group, LLC (roofing), and

Treadaway & Sons Painting & Wallcovering, Inc. (paint). D.E. Brown Construction, Inc. is also a certified SBE.

Funding

Utility Capital Investment Plan

30. Wastewater and Water Treatment Chemicals

Action: A. Award a low-bid unit price contract for wastewater and water treatment chemicals, for a one-year term, to the following companies:

- CFS Enterprises, Inc.,
- General Chemical Performance Products, LLC,
- JCI Jones Chemicals, Inc.,
- Kemira Water Solutions, Inc.,
- Key Chemical, Inc.,
- Shannon Chemical Corporation, and

B. Authorize the City Manager to renew the contracts for two additional, one-year terms, with possible price adjustments.

Staff Resource: Barry Gullet, Utility

Explanation

- Different vendors provide a variety of chemicals used in the water and wastewater treatment processes.
- Each chemical plays an essential role to ensure water is biologically safe for customers and the environment.
- On May 9, 2013, the Charlotte-Mecklenburg Utility Department issued an Invitation to Bid for 20 chemicals, 28 bids were received.
- The total combined estimated expenditure for all 20 chemicals is approximately \$2,853,331 per year.
- Of the 20 chemicals that were advertised:
 - Four received nonresponsive bids,
 - Three were not bid upon, and
 - Three are still being evaluated.
- As a result, some of these chemicals are currently being re-advertised and a separate request for Council action will be presented at a future City Council meeting.
- Annual price adjustments will be based on the Producer Price Index for industrial chemicals.

Small Business Opportunity

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

Funding

Utility Operating Budget

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

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

Staff Resource: Barry Shearin, Utility

Explanation

- The contract will provide the construction of the Crooked Creek Pump Station located in the Matthews area.
- The new wastewater Pump Station will:
 - Eliminate the need for the existing Heathers Pump Station and allow for service to Royal Park Rehabilitation and Nursing Center and other properties in the Matthews area; and
 - Allow for the abandonment of an existing above ground sewer line. Whenever possible, CMUD will remove above ground sanitary sewer crossings in order to eliminate the possibility of failure and or potential health risks to the public.
- Liberty Healthcare Properties is providing the initial funding for the construction of the new pump station and force main, but will be reimbursed by the Charlotte-Mecklenburg Utility Department (CMUD) over a five year period according to existing policy and contract approved by City Council on March 28, 2011.
- The removal of the existing above ground sewer will be funded by CMUD, since it is an improvement to the existing system and not needed by the Liberty Healthcare facility.
- The project is in the CMUD five-year Capital Investment Plan.

Small Business Opportunity

Established SBE Goal: 5.00%

Committed SBE Goal: 8.96%

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

Funding

Utility Capital Investment Plan

32. Laboratory Equipment Support and Warranty Contracts

Action: Award contracts to provide analytical laboratory equipment repair, preventative maintenance, and hardware replacement, for a one-year term, to the following companies:

- Agilent Technologies, Inc.
- Dionex Corporation
- HACH Company
- Horizon Technology, Inc.
- J2 Scientific
- Mettler Toledo, Inc.
- Perkin Elmer Health Science, Inc.
- Spectro Analytical Instruments
- Teledyne Tekmar
- Thermo Fisher Scientific

Staff Resource: Barry Gullet, Utility

Explanation

- The Charlotte-Mecklenburg Utility Department operates highly specialized and sensitive analytical laboratory equipment to monitor water and wastewater quality.
- To maintain operational accuracy and reliability, equipment of this type must be periodically serviced by the manufacturer's certified technicians.
- Also, each piece of laboratory equipment must be serviced by its original manufacturer to maintain or extend warranty coverage of hardware replacement.
- Annual expenditures are estimated at \$230,000 based on the current equipment inventory and service schedules.

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

Utility Operating Budget

33. Medium-Duty Utility Truck Beds

Action: Approve a low-bid unit price contract with Adkins Truck Equipment for the purchase of utility truck beds for a two-year term.

Staff Resource: Barry Gullet, Utility

Explanation

- The utility truck beds will be installed on Ford F550 and F450 trucks used by Charlotte-Mecklenburg Utility Department (CMUD).
- The cabs and chassis will be purchased separately from a vendor under contract.
- The truck beds purchased on this contract come in different configurations, based on the intended use of the vehicle, and will be installed on trucks used by CMUD crews in the course of maintenance and repair tasks throughout the water and sewer systems.

- The truck beds are either covered or open with various compartments and shelving, which can be locked to provide security for tools and equipment.
- An Invitation to Bid was issued on April 17, 2013; four bids were received.
- Annual expenditures are estimated to be \$733,475.

Small Business Opportunity

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

Funding

Utility Capital Equipment Fund

34. McAlpine Creek Wastewater Treatment Plant Digester Mixer Repair and Gas Scrubber Rehabilitation

Action: Approve a low-bid contract for \$867,000 with Wharton Smith for digester mixer repairs and digester gas scrubber rehabilitation at the McAlpine Creek Wastewater Treatment Plant.

Staff Resource: Barry Shearin, Utility

Explanation

- On June 10, 2013, City Council awarded two contracts totaling \$1,010,538 to clean one digester at the McAlpine Wastewater Treatment Plant and purchase the equipment parts for major repairs to three digester mixing systems. The agenda item included that a second contract would be required for the labor to complete the repairs.
- The contract will provide the repair services as well as additional rehabilitation work needed on equipment used to clean the methane gas created in the digester processes (gas scrubbers).
- Digesters are critical to the wastewater process and are used to prepare the biosolids for land application on farmland.
- On May 29, 2013, an Invitation to Bid was issued for the repairs in three digesters and rehabilitation of six digester gas scrubbers; three bids were received.
- The contractor will replace six, 10-foot long blades and remove and replace motor equipment requiring scaffolding and a large crane in three different digesters and completely refurbish six gas scrubbers including replacing process air piping, valves, and media.

Small Business Opportunity

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

Funding

Utility Capital Investment Plan

35. Donation of Surplus Computers and Related Equipment to Goodwill

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

Staff Resource: Charles Robinson, Shared Services

Explanation

- On April 11, 2011, City Council approved a partnership with Goodwill Industries for the management of surplus electronic disposal.
- Since initiation of the partnership, City donated electronics have directly impacted the community by:
 - Making refurbished electronics, such as computers and laptops available at discount pricing,
 - Creating opportunities for 1,375 hours of on-the-job training, and
 - Making employment opportunities available in Goodwill electronic recycling and refurbishing operations.
- G.S. 160A-280 requires that City Council adopt a resolution approving all donations. A list of surplus computers and related electronic equipment will be created for each donation cycle and brought to Council for review and approval.
- Periodically throughout the year, donations will be made as surplus equipment accumulates.

Attachment 19

List of computers and related equipment for donation
Resolution

36. Multi-function Machines, Print Devices, and Print Shop Services

Action: A. Approve the use of multi-function machines, print devices, and print shop services without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3), and

B. Authorize the City Manager to amend the existing lease and service agreement with IKON Office Solutions, Inc. for the provision of multi-function machines, print devices, and print shop services for one additional year.

Staff Resource: Charles Robinson, Shared Services

Cooperative Purchasing Exemption:

- NC Senate Bill 914, effective January 1, 2002, authorizes the exception to competitive bidding for competitive group purchasing.
- On behalf of the US Communities Purchasing Alliance, Los Angeles, California competitively solicited for Multifunction Devices and Managed Print Services and the resulting contract was awarded by the Los Angeles City Council on March 10, 2008, to Ricoh Americas Corporation (Ricoh), parent company to IKON Office Solutions, Inc. (IKON).

- The resulting contract, through US Communities Purchasing Alliance, guaranteed Ricoh's lowest prices and was available on a national level to approximately 87,000 entities.
- Charlotte City Council approved the use of the US Communities contract with Ricoh on March 23, 2009, with the ensuing City Contract for Multi-Function Machines, Print Devices, and Print Shop Services being effective September 29, 2009 through December 28, 2013.
- Subsequently, Fairfax County, VA, on behalf of US Communities, performed a new solicitation for Multi-function Devices and Managed Print Services. The Fairfax Board of Commissioners awarded the contract to Ricoh on March 10, 2013, with an effective term of February 11, 2013, through June 30, 2016, plus six available one year renewals thereafter.
- Staff recommends using the new US Communities Contract to extend the existing services for one additional year.

Explanation

- The City currently uses a managed print services provider to obtain printing, copying, scanning, faxing, and related services for all City Departments and facilities. The City's existing 280 multi-function machines (with print, copy, scan, and fax capabilities) and print devices (with print capabilities only) installed throughout City facilities average 17.5 million impressions annually.
- The City additionally prints approximately three million impressions annually through two print shops located within the Charlotte-Mecklenburg Government Center and the Law Enforcement Center.
- Services are charged to the City based on a defined cost per impression model, which is inclusive of machines, devices, consumables (toner, paper, and other supplies), maintenance services, print shop services, and other related software, solutions, and services.
- All City departments currently receive a credit of \$0.00397 per duplex print (double-sided) or copy on their monthly billing statement, equating to over \$11,000 in annual duplex credits.
- The existing contract with IKON Office Solutions, Inc., a wholly-owned subsidiary of Ricoh Americas Corporation, was approved by City Council on March 23, 2009, also under the cooperative purchasing exemption, and expires on December 28, 2013.
- The City currently collaborates with Mecklenburg County and the City of Rock Hill, SC to secure these services from IKON Office Solutions, Inc., resulting in economies of scale including competitive pricing, additional volume discounts, and rebates on duplex printing, as well as additional services and solutions available for use by each of the entities.
- After much consideration, the City, Mecklenburg County, and City of Rock Hill have determined that re-soliciting for the services under the Charlotte Cooperative Purchasing Alliance, run by the City, will provide the best opportunity to redefine service and equipment requirements, as well as opening the services back up to a competitive and public process to obtain best value.
- The City therefore is requesting a one year extension to the existing agreement to support the need for:
 - Device and utilization process consistency during the ongoing implementation of the Citywide Enterprise Resource Planning System; and
 - Additional time for staff to re-evaluate and re-define equipment, service, and solution requirements to adjust for significant enhancements to technology, service, and solution offerings within the industry.
- For the one year extension, the estimated expenditures are \$1.2 million.

Small Business Opportunity

Contracts entered into without a competitive bidding/proposal process are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Various Departments' Operating Budgets

37. Collection Agency Services

Action: **A. Approve a contract with FirstPoint Collection Resources, Inc. for collection agency services for an initial three-year term, and**

B. Authorize the City Manager to approve up to three, one-year renewal options as authorized by the contract and contingent upon the company's satisfactory performance.

Staff Resource: Susan Walker, Finance

Explanation

- The Finance Department requires collection agency services for past due accounts for water, sewer, and storm water bills, and returned checks for other City of Charlotte services.
- Fees for agency services are 18% of gross funds collected. This percentage applies to both the primary and the secondary placed accounts. There is no charge to the City for services relating to the NC Debt Setoff Program and no percent paid on the funds collected as a result of garnishment.
- The City is in the final year of its contract with Security Collection Agency; and the City requires an agency to perform the services on an ongoing basis.
- FirstPoint Collection Resources, Inc. will:
 - Perform collection services for first and second placements;
 - Electronically submit, update, and process payments; and
 - Remove accounts to and from the clearinghouse for the NC Debt Setoff Program.
 - The City participates in the NC Debt Setoff Program so it may receive payment if the State garnishes the customer's tax refund or lottery winnings.
- A Request for Proposals was issued on February 19, 2013; 13 proposals were received.
- The Project Team, consisting of staff from the Finance Department and Shared Services Procurement Management Division, evaluated the proposals and shortlisted to four service providers for further evaluation including interviews, site visits, and demonstration of the service providers' systems. The Project Team's recommendation for FirstPoint Collection Resources, Inc. is based on qualifications, experience, and cost effectiveness.
- The estimated annual expenditure is \$250,000.

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

Utility, Storm Water, and General Fund Operating Budgets

38. Utility Bill Inserts Printing Services

Action: **A. Approve a contract with Loftin & Company for printing of utility bill inserts for an initial two-year term, and**

B. Authorize the City Manager to approve up to three, one-year renewal options with possible price adjustments as authorized by the contract, and contingent upon the company's satisfactory performance.

Staff Resource: Kimberly McMillan, Corporate Communications & Marketing

Explanation

- The City uses an outside vendor to print and ship the monthly utility bill inserts to the mail house that distributes them to over 250,000 Charlotte citizens monthly.
- Currently, there are two separate contracts or agreements for these services. One for the Storm Water Services inserts and another for both the Corporate Communications & Marketing and the Charlotte-Mecklenburg Utility Department inserts.
- The contract will combine efforts and allow the City to more efficiently use their resources for the printing and shipping of utility bill inserts.
- These inserts educate citizens on water and storm-water related topics, such as the annual wastewater performance report summary, reducing water pollution, and flood safety.
- The inserts satisfy the regulatory requirement under the Federal Clean Water Act requiring ongoing storm water public education and outreach activities.
- The City issued a Request for Proposal on April 22, 2013, for Utility Bill Inserts Printing Services; eight proposals were received.
- The Project Team, consisting of staff from the Shared Services Procurement Management Division, Corporate Communications & Marketing, and Storm Water Services, evaluated the proposals and recommends awarding the contract to Loftin & Company based on qualifications, experience, and cost effectiveness.
- The estimated total contract expenditures are \$555,000 over five years, costing approximately \$.03 cents per household annually with a minimum of 3,056,000 inserts printed each year.

Small Business Opportunity

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

Funding

Corporate Communications & Marketing, Storm Water, and Utility Operating Budgets

39. Refund of Property and Business Privilege License Taxes

Action: A. Adopt a resolution to authorize the refund of property taxes assessed through clerical or assessor error in the amount of \$7,968.92, and

B. Adopt a resolution to authorize the refund of business privilege license payments made in the amount of \$521.33.

Staff Resource: Susan Walker, Finance

Explanation

- Property tax refunds are provided to the City by Mecklenburg County due to clerical or assessor error or as a result of appeals.
- Mecklenburg County reported that refunds are unusually high due to the number of informal and formal appeals that went before the Board of Equalization & Review resulting in reduced taxes due.
- Business privilege license refunds are provided to the City by Mecklenburg County.

Attachment 20

List of refunds
Resolutions

40. Legal Settlement

Action: Approve a settlement in the case of **Dauss v. Eudy and City of Charlotte (12-CVS-19517)** in the amount of **\$175,000**.

Staff Resources: Bob Hagemann, City Attorney's Office
Dan Pliszka, Finance

Explanation

This is the settlement of a lawsuit arising from a City vehicle striking a pedestrian. A privileged and confidential memo explaining the circumstances and basis for the recommended settlement is being sent to City Council separately. If the City Council wishes to discuss this in greater detail, a closed session is recommended.

41. Meeting Minutes

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

- December 17, 2012, Special Meeting
- February 18, 2013, Zoning Meeting
- March 18, 2013, Zoning Meeting
- May 6, 2013, Manager's Recommend Budget Presentation
- May 15, 2013, Budget Adjustment Workshop

Property Transactions

42. Property Transactions

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

For property transactions E-M, Q-AV and AW 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:** 16" Replacement Sewer Main to Serve North Cedar Street, Parcel #2
Owner(s): CP/DB Housing Partners XIII, L.P.
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: None
Zoned: UR-2
Use: Multi Family
Tax Code: 078-141-13
Total Parcel Tax Value: \$4,917,800
Purchase Price: \$80,000

- B. Project:** 16" Replacement Sewer Main to Serve North Cedar Street, Parcel #5
Owner(s): Ronnie D. Frazier and wife, Vonda C. Frazier
Property Address: 221 North Cedar Street
Property to be acquired: 1,914 sq. ft. (.044 ac.) in Sanitary Sewer Easement, plus 502 sq. ft. (.012 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: UR-2
Use: Multi Family
Tax Code: 078-141-14
Total Parcel Tax Value: \$356,200
Purchase Price: \$66,625
- C. Project:** 2011 ANNEXATION: TRUNK EAST / HORSE FARM, Parcel #1.1, #2, #3 and #4
Owner(s): JS Helms Family Properties, LLC
Property Address: 11901 Albemarle Road
Property to be acquired: 46,207 sq. ft. (1.061 ac.) in Sanitary Sewer Easement, plus 30,862 sq. ft. (.708 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 111-461-09,111-461-08, 111-461-05, 111-461-03
Total Parcel Tax Value: \$1,075,973
Purchase Price: \$47,798
- D. Project:** Beatties Ford Road Widening Phase 2, Parcel #54
Owner(s): Sunset Southstar, LLC
Property Address: 5040 Beatties Ford Road
Property to be acquired: 9,223 sq. ft. (.212 ac.) in Fee Simple, plus 10,279 sq. ft. (.236 ac.) in Temporary Construction Easement, plus 99 sq. ft. (.002 ac.) in Utility Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: B-2
Use: Commercial
Tax Code: 041-221-03
Total Parcel Tax Value: \$3,620,000
Purchase Price: \$247,283
- E. Project:** Blue Line Extension, Parcel #1353
Owner(s): Crossroads Charter High School
Property Address: 5500 North Tryon Street
Property to be acquired: 14,024 sq. ft. (.322 ac.) in Fee Simple, plus 21,164 sq. ft. (.486 ac.) in Temporary Construction Easement
Improvements: Asphalt paving, parking spaces
Landscaping: Shrubs
Zoned: B-2
Use: Commercial

Tax Code: 097-111-04
Total Parcel Tax Value: \$2,717,900
Purchase Price: \$139,675

- F. Project:** Blue Line Extension, Parcel #2117
Owner(s): Vernelle F. Davis and Marilyn P. Faulk
Property Address: 5744 North Tryon Street
Property to be acquired: 1,044 sq. ft. (.024 ac.) in Fee Simple, plus 2,017 sq. ft. (.046 ac.) in Temporary Construction Easement
Improvements: Asphalt paving
Landscaping: None
Zoned: I-2
Use: Commercial
Tax Code: 049-011-07
Total Parcel Tax Value: \$602,000
Purchase Price: \$235,781
- G. Project:** Blue Line Extension, Parcel #2167
Owner(s): MTN of NC, LLC
Property Address: 6301 North Tryon Street
Property to be acquired: 11,062 sq. ft. (.254 ac.) in Fee Simple, plus 33 sq. ft. (.001 ac.) in Storm Drainage Easement, plus 532 sq. ft. (.012 ac.) in Access Easement and Utility Easement, plus 6,364 sq. ft. (.146 ac.) in Temporary Construction Easement, plus 2,624 sq. ft. (.06 ac.) in Utility Easement, plus 21 sq. ft. (ac.) in Combined Utility and Waterline Easement, plus 17 sq. ft. (ac.) in Combined Utility, Waterline and Access Easement
Improvements: parking spaces, flag poles, light poles and a monument business sign
Landscaping: Trees and shrubs
Zoned: B-2
Use: Commercial
Tax Code: 089-232-06
Total Parcel Tax Value: \$2,343,900
Purchase Price: \$211,050
- H. Project:** Blue Line Extension, Parcel #2171
Owner(s): Lloyd Neal Hood, Jr. And Janice Hood Johnson
Property Address: 6315 North Tryon Street
Property to be acquired: 11,012 sq. ft. (.253 ac.) in Fee Simple, plus 2,213 sq. ft. (.051 ac.) in Storm Drainage Easement, plus 3,310 sq. ft. (.076 ac.) in Sanitary Sewer Easement, plus 1,689 sq. ft. (.039 ac.) in Temporary Construction Easement, plus 176 sq. ft. (.004 ac.) in Sanitary Sewer Easement and Storm Drainage Easement, plus 2,353 sq. ft. (.054 ac.) in Utility and Sanitary Sewer Easement, plus 124 sq. ft. (.003 ac.) in Utility, Sanitary Sewer and Storm Drainage Easement
Improvements: Bollards and fencing
Landscaping: Shrubs
Zoned: B-2
Use: Retail
Tax Code: 089-232-07
Total Parcel Tax Value: \$620,000
Purchase Price: \$126,000

- I. Project:** Blue Line Extension, Parcel #2173 and #2174
Owner(s): North Tryon Street-Owen Properties, LLC
Property Address: 6324 North Tryon Street
Property to be acquired: 1,528 sq. ft. (.035 ac.) in Fee Simple, plus 3,071 sq. ft. (.071 ac.) in Storm Drainage Easement, plus 7,586 sq. ft. (.174 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: B-2
Use: Commercial
Tax Code: 049-055-05 and 049-055-04
Total Parcel Tax Value: \$1,989,800
Purchase Price: \$62,220
- J. Project:** Blue Line Extension, Parcel #2231
Owner(s): Marvin D. Cope
Property Address: 6835 North Tryon Street
Property to be acquired: 520 sq. ft. (.012 ac.) in Fee Simple, plus 1,553 sq. ft. (.036 ac.) in Temporary Construction Easement, plus 38 sq. ft. (.001 ac.) in Utility Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 089-254-18
Total Parcel Tax Value: \$528,900
Purchase Price: \$74,975
- K. Project:** Blue Line Extension, Parcel #2232
Owner(s): Kenneth Lockard
Property Address: North Tryon Street
Property to be acquired: 7,098 sq. ft. (.163 ac.) in Fee Simple, plus 1,519 sq. ft. (.035 ac.) in Storm Drainage Easement, plus 13,169 sq. ft. (.302 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 049-081-08
Total Parcel Tax Value: \$740,600
Purchase Price: \$148,200
- L. Project:** Blue Line Extension, Parcel #2233
Owner(s): Ellas, Inc.
Property Address: 6912 North Tryon Street
Property to be acquired: 1,984 sq. ft. (.046 ac.) in Fee Simple, plus 5,249 sq. ft. (.121 ac.) in Temporary Construction Easement, plus 16 sq. ft. (ac.) in Utility Easement
Improvements: Two sign posts
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 049-081-02
Total Parcel Tax Value: \$339,800

Purchase Price: \$185,000

- M.** **Project:** Blue Line Extension, Parcel #2234
Owner(s): Chris G. Copsis and wife, Christine K. Copsis
Property Address: 6920 North Tryon Street
Property to be acquired: 1,037 sq. ft. (.024 ac.) in Fee Simple, plus 1,032 sq. ft. (.024 ac.) in Temporary Construction Easement, plus 2,131 sq. ft. (.049 ac.) in Utility Easement
Improvements: Retaining wall and concrete patio
Landscaping: Shrubs
Zoned: B-2
Use: Commercial
Tax Code: 049-081-07
Total Parcel Tax Value: \$209,500
Purchase Price: \$177,000
- N.** **Project:** Gaynor Storm Drainage Improvement Project, Parcel #18
Owner(s): John Patrick Moore, Jr. and wife, Sandra Ann Moore
Property Address: 859 Linda Lane
Property to be acquired: 1,747 sq. ft. (.04 ac.) in Storm Drainage Easement, plus 1,495 sq. ft. (.034 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 157-134-41
Total Parcel Tax Value: \$288,700
Purchase Price: \$16,500
- O.** **Project:** Gaynor Storm Drainage Improvement Project, Parcel #77
Owner(s): Thevaos Family Properties, LLC
Property Address: North Sharon Amity Road
Property to be acquired: 6,331 sq. ft. (.145 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 185-037-02
Total Parcel Tax Value: \$74,400
Purchase Price: \$20,488
- P.** **Project:** Peterson Drive Storm Drainage Improvement, Parcel #3
Owner(s): Dan F. Linder
Property Address: Heriot Avenue
Property to be acquired: 7,420 sq. ft. (.17 ac.) in Storm Drainage Easement, plus 3,233 sq. ft. (.074 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-8
Use: Single Family Residential
Tax Code: 149-026-25

Total Parcel Tax Value: \$30,000

Purchase Price: \$13,775

Condemnations

- Q.** **Project:** Blue Line Extension, Parcel #1103
Owner(s): Seventh Street Investors, LLC and any other parties of interest
Property Address: East 7th Street
Property to be acquired: 1,344 sq. ft. (.031 ac.) in Fee Simple, plus 6,727 sq. ft. (.154 ac.) in Storm Drainage Easement, plus 404 sq. ft. (.009 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: UMUD
Use: Commercial
Tax Code: 080-021-21
Total Parcel Tax Value: \$5,750,100
Appraised Value: \$505,625
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners on a regular basis in December 2009 regarding all aspects of the project. To date, an agreement has not been reached. The property owners are aware of the need to proceed to condemnation 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 #1107 and #1110
Owner(s): Ninth Street Investors, LLC and any other parties of interest
Property Address: 229 East 8th Street
Property to be acquired: 4,761 sq. ft. (.109 ac.) in Fee Simple, plus 7,848 sq. ft. (.18 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: Various plantings
Zoned: UMUD
Use: Commercial
Tax Code: 080-042-02 and 080-042-07
Total Parcel Tax Value: \$2,230,700
Appraised Value: \$717,550
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners on a regular basis in December 2009 regarding all aspects of the project. To date, an agreement has not been reached. The property owners are aware of the need to proceed to condemnation to avoid delay in the project schedule. Staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- S.** **Project:** Blue Line Extension, Parcel #1117
Owner(s): Ninth Street Investors, LLC and any other parties of interest
Property Address: 707 North Brevard Street
Property to be acquired: 4,492 sq. ft. (.103 ac.) in Temporary Construction Easement, plus 10,935 sq. ft. (.251 ac.) in Temporary Utility Easement
Improvements: Two light poles
Landscaping: None
Zoned: UMUD
Use: Commercial
Tax Code: 080-041-05
Total Parcel Tax Value: \$7,451,100
Appraised Value: \$218,450
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners on a regular basis in December 2009 regarding all aspects of the project. To date, an agreement has not been reached. The property owners are aware of the need to proceed to condemnation to avoid delay in the project schedule. Staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- T.** **Project:** Blue Line Extension, Parcel #1257
Owner(s): Carolina Foods, Inc. and any other parties of interest
Property Address: 3214 Cullman Avenue
Property to be acquired: 5,203 sq. ft. (.119 ac.) in Railroad Easement
Improvements: None
Landscaping: None
Zoned: I-1
Use: Industrial
Tax Code: 083-031-05
Total Parcel Tax Value: \$192,200
Appraised Value: \$1,950
Property Owner's Counteroffer: \$82,520
Reason for Condemnation: This parcel was pulled by staff from the June 10, 2013 Council Agenda, per the property owner's request. Staff began working with the property owners in May 2012 and has yet to reach an agreement regarding the acquisition. The agent met with the property owner to discuss a rail-spur license agreement between Vernon Realty and Southern Railroad to address his concerns. The property owner feels the appraised value is insufficient. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- U.** **Project:** Blue Line Extension, Parcel #2101
Owner(s): Buzz R. Sinnett and wife, Donna M. Sinnett and any other parties of interest
Property Address: 5636 North Tryon Street

Property to be acquired: 6,737 sq. ft. (.155 ac.) in Fee Simple, plus 4,623 sq. ft. (.106 ac.) in Temporary Construction Easement, plus 3,185 sq. ft. (.073 ac.) in Utility Easement

Improvements: Fencing and light pole

Landscaping: None

Zoned: I-2

Use: Commercial

Tax Code: 049-011-01

Total Parcel Tax Value: \$199,200

Appraised Value: \$134,150

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owners in October 2012 and has reached an agreement at the appraised value. Upon receipt of the executed documents, this parcel will proceed to a real estate closing. As of the Council meeting date, the documents have not been received; 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 court.

V. Project: Blue Line Extension, Parcel #2102

Owner(s): Wayne A. Cline, Trustee of The Emily R. Cline Revocable Trust Agreement Dated November 14, 2000 and any other parties of interest

Property Address: North Tryon Street

Property to be acquired: 289 sq. ft. (.007 ac.) in Storm Drainage Easement, plus 5 sq. ft. (ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: I-2

Use: Commercial

Tax Code: 049-011-11

Total Parcel Tax Value: \$21,800

Appraised Value: \$300

Property Owner's Counteroffer: None

Reason for Condemnation: This property is currently uneconomic and landlocked. The owner named in the title report does not agree that he or his family owns the property. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

W. Project: Blue Line Extension, Parcel #2115

Owner(s): Peter J. Couchell and wife, Dianna Faye P. Couchell and any other parties of interest

Property Address: 5745 North Tryon Street

Property to be acquired: 12,253 sq. ft. (.281 ac.) in Fee Simple, plus 2,523 sq. ft. (.058 ac.) in Temporary Construction Easement, plus 2,181 sq. ft. (.05 ac.) in Utility Easement

Improvements: Fencing

Landscaping: None

Zoned: B-2

Use: Commercial

Tax Code: 089-201-06

Total Parcel Tax Value: \$748,500

Appraised Value: \$121,507

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owner's legal representative in October 2012 and has yet to reach an agreement regarding the acquisition. Their concerns include area of taking, loss of parking, parcel access, new median and the appraised value. Upon the legal representative's request, staff provided documentation including construction plans, traffic studies and title report for their review. 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 (parcels 2115, 2133, 2153, 2154, 2159 and 2160 are all owner related and represented by the same legal representative).

- X. 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: This parcel was pulled by staff from the June 10, 2013 Council agenda per the property owner's request. Blue Line Extension Parcel #'s 2121 and 2123 are owned by the same property owner. A combined agreement regarding compensation was reached for a total of \$169,360. Staff and the property owner have reached an agreement. However, the property owner has requested City staff guarantee that Pounds and Orr Roads be converted to a 4-way signalized intersection allowing through movements and left turns from Pounds Road. Staff is unable to agree as this is not included in the Blue Line Extension Project. 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 court.
- Y. 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: This parcel was pulled by staff from the June 10, 2013 Council meeting per the property owner's request. Blue Line Extension Parcel #'s 2121 and 2123 are owned by the same property owner. A combined agreement regarding compensation was reached for a total of \$169,360. However, the property owner has requested City staff guarantee that Pounds and Orr Roads be converted to a 4-way signalized intersection allowing through movements and left turns from Pounds Road. Staff is unable to agree as this is not included in the Blue Line Extension Project. 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 court.

- Z.** **Project:** Blue Line Extension, Parcel #2128
Owner(s): Vann Matthews and any other parties of interest
Property Address: 5701 Orr Road
Property to be acquired: 4,262 sq. ft. (.098 ac.) in Fee Simple, plus 270 sq. ft. (.006 ac.) in Temporary Construction Easement, plus 96 sq. ft. (.002 ac.) in Utility Easement
Improvements: Fencing
Landscaping: None
Zoned: I-2
Use: Industrial
Tax Code: 049-021-07
Total Parcel Tax Value: \$221,900
Appraised Value: \$10,650
Property Owner's Counteroffer: \$10,650
Reason for Condemnation: Staff began working with the property owners in October 2012. The property owners were concerned about their driveway access during construction. Staff addressed their concerns by confirming access would be provided at all times during construction. The title report 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.
- AA.** **Project:** Blue Line Extension, Parcel #2133
Owner(s): Peter J. Couchell and wife, Dianna Faye P. Couchell and any other parties of interest
Property Address: 5920 North Tryon Street
Property to be acquired: 441 sq. ft. (.01 ac.) in Fee Simple, plus 4,107 sq. ft. (.094 ac.) in Temporary Construction Easement
Improvements: Masonry sign foundation
Landscaping: None
Zoned: I-2
Use: Commercial

Tax Code: 049-021-04

Total Parcel Tax Value: \$667,200

Appraised Value: \$11,200

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owner's legal representative in October 2012 and has yet to reach an agreement regarding the acquisition. Their concerns include area of taking, loss of parking, parcel access, new median and the appraised value. Upon the legal representative's request, staff provided documentation including construction plans, traffic studies and title report for their review. 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 (parcels 2115, 2133, 2153, 2154, 2159 and 2160 are all owner related and represented by the same legal representative).

AB. Project: Blue Line Extension, Parcel #2137

Owner(s): David L. Williams and wife, Karen B. Williams and any other parties of interest

Property Address: 5925 North Tryon Street, Unit A

Property to be acquired: 7,375 sq. ft. (.169 ac.) in Fee Simple, plus 198 sq. ft. (.005 ac.) in Storm Drainage Easement, plus 4,736 sq. ft. (.109 ac.) in Temporary Construction Easement, plus 1,410 sq. ft. (.032 ac.) in Utility Easement

Improvements: Fencing and asphalt parking lot **Landscaping:** None

Zoned: B-2

Use: Commercial

Tax Code: 089-203-03

Total Parcel Tax Value: \$451,100

Appraised Value: \$103,525

Property Owner's Counteroffer: \$79,195

Reason for Condemnation: Staff began working with the property owners in November 2012 and has yet to reach an agreement regarding the acquisition. The property owners are concerned about the project's impact to the tenant. Staff met on site with the property owners and the tenant to explain the project plans and address their concerns. Although an agreement is anticipated, 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, and just compensation can be determined by the court.

AC. Project: Blue Line Extension, Parcel #2139

Owner(s): John K. Moore and wife, Patricia B. Moore and any other parties of interest

Property Address: 5926 North Tryon Street

Property to be acquired: 2,098 sq. ft. (.048 ac.) in Temporary Construction Easement, plus 20 sq. ft. (ac.) in Utility Easement

Improvements: None

Landscaping: None

Zoned: I-2

Use: Commercial

Tax Code: 049-021-02

Total Parcel Tax Value: \$324,400

Appraised Value: \$3,200

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owners in November 2012 and has yet to reach an agreement regarding the acquisition. The property owner's main concern is the loss of one of the two full access driveway entrances to their parcel. Staff addressed their concern by allowing both entrances to remain open, with conditions. The northern driveway can remain with a reduced width with right-out access only. The southern driveway will remain full access with a reduced width. The property owners requested the City acquire the entire property. Staff could not agree as it is not needed for the Blue Line Extension Project. The property owners also feel the appraised value is insufficient. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, and just compensation can be determined by the court.

AD. Project: Blue Line Extension, Parcel #2141

Owner(s): Jagdish C. Patel and wife, Hansa J. Patel and any other parties of interest

Property Address: 6001 North Tryon Street

Property to be acquired: 11,734 sq. ft. (.269 ac.) in Fee Simple, plus 637 sq. ft. (.015 ac.) in Storm Drainage Easement, plus 11,054 sq. ft. (.254 ac.) in Temporary Construction Easement, plus 2,035 sq. ft. (.047 ac.) in Utility Easement

Improvements: Three hotel rooms, three parking spaces, gates and fencing

Landscaping: Trees and shrubs

Zoned: B-2

Use: Commercial

Tax Code: 089-231-14

Total Parcel Tax Value: \$574,800

Appraised Value: \$165,175

Property Owner's Counteroffer: \$215,000

Reason for Condemnation: Staff began working with the property owners in November 2012 and has yet to reach an agreement regarding the acquisition. The current property use is a motel and the project design requires acquiring a portion of the motel. Upon the property owner's request, staff was able to revise the acquisition area to reduce the number of motel rooms being acquired. The property owners feel the appraised value is insufficient. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

AE. Project: Blue Line Extension, Parcel #2143 and #2155

Owner(s): Ali Darwich and wife, Peggy Darwich and any other parties of interest

Property Address: 6027 And 6125 North Tryon Street

Property to be acquired: 28,812 sq. ft. (.661 ac.) in Fee Simple, plus 701 sq. ft. (.016 ac.) in Storm Drainage Easement, plus 3,383 sq.

ft. (.078 ac.) in Sanitary Sewer Easement, plus 14,767 sq. ft. (.339 ac.) in Temporary Construction Easement, plus 3,730 sq. ft. (.086 ac.) in Utility Easement, plus 3 sq. ft. (. ac.) in Storm Drainage Easement and Utility Easement, plus 3,057 sq. ft. (.07 ac.) in Miscellaneous Easement

Improvements: Parking spaces

Landscaping: Shrubs

Zoned: B-2

Use: Commercial

Tax Code: 089-231-01 and 089-231-15

Total Parcel Tax Value: \$2,460,300

Appraised Value: \$328,925

Property Owner's Counteroffer: \$1,378,774

Reason for Condemnation: Staff began working with the property owners in November 2012 and has yet to reach an agreement regarding the acquisition. The property owners were concerned about the impact the project construction will have on their business regarding security and access. Staff met with the owner on several occasions to explain the project and address their concerns. The owners have obtained legal representation and have since stopped responding to staff contacts. 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.

AF. Project: Blue Line Extension, Parcel #2145 and #2147

Owner(s): National Retail Properties, LP and any other parties of interest

Property Address: 6004 and 6024 North Tryon Street

Property to be acquired: 2,148 sq. ft. (.049 ac.) in Fee Simple, plus 3,258 sq. ft. (.075 ac.) in Storm Drainage Easement, plus 1,460 sq. ft. (.034 ac.) in Sanitary Sewer Easement, plus 15,099 sq. ft. (.347 ac.) in Temporary Construction Easement, plus 39 sq. ft. (.001 ac.) in Utility Easement, plus 146 sq. ft. (.003 ac.) in Sanitary Sewer Easement and Storm Drainage Easement

Improvements: None

Landscaping: Trees and shrubs

Zoned: I-2

Use: Industrial

Tax Code: 049-021-01 and 049-041-02

Total Parcel Tax Value: \$1,290,000

Appraised Value: \$28,250

Property Owner's Counteroffer: \$28,250

Reason for Condemnation: Staff began working with the property owners in December 2012. The property owner's concerns were the impact of the project to their building and fence as well as the grade change of North Tryon. The project will not impact their building or fence and the grade change at this location is minimal. Staff has reached an agreement for the appraised amount and is currently working toward an agreement regarding revisions in the legal agreement. 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.

- AG. Project:** Blue Line Extension, Parcel #2149
Owner(s): Lauren E. Black and Harold D. Black, Successor Trustees for The Dorothy D. Black Trust Agreement and any other parties of interest
Property Address: 6108 North Tryon Street
Property to be acquired: 779 sq. ft. (.018 ac.) in Fee Simple, plus 5,766 sq. ft. (.132 ac.) in Temporary Construction Easement
Improvements: Asphalt drive and parking areas
Landscaping: None
Zoned: I-2
Use: Industrial
Tax Code: 049-041-15
Total Parcel Tax Value: \$346,300
Appraised Value: \$32,960
Property Owner's Counteroffer: \$55,000
Reason for Condemnation: Staff began working with the property owners in November 2012 and has reached an agreement regarding the acquisition at \$40,212. Upon receipt of the executed documents, this parcel will proceed to a real estate closing. As of the Council date the documents have not been received; 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 court.
- AH. Project:** Blue Line Extension, Parcel #2151
Owner(s): Marshall O. Lowery and wife, Cassandra J. Lowery and any other parties of interest
Property Address: 6116 North Tryon Street
Property to be acquired: 791 sq. ft. (.018 ac.) in Fee Simple, plus 2,673 sq. ft. (.061 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: I-2
Use: Industrial
Tax Code: 049-041-12
Total Parcel Tax Value: \$439,100
Appraised Value: \$21,000
Property Owner's Counteroffer: \$81,000
Reason for Condemnation: Staff began working with the property owners in November 2012 and has yet to reach an agreement regarding the acquisition. The owners are concerned about potential loss of business during construction. Staff addressed their concerns by confirming access would be provided at all times during construction. The property owners also feel the appraised value is insufficient. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- AI. Project:** Blue Line Extension, Parcel #2153
Owner(s): PLP Properties, LLC and any other parties of interest
Property Address: 6132 North Tryon Street

Property to be acquired: 1,381 sq. ft. (.032 ac.) in Fee Simple, plus 7,475 sq. ft. (.172 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: I-2
Use: Industrial
Tax Code: 049-041-13
Total Parcel Tax Value: \$1,043,000
Appraised Value: \$32,050
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owner's legal representative in October 2012 and has yet to reach an agreement regarding the acquisition. Their concerns include area of taking, loss of parking, parcel access, new median and the appraised value. Upon the legal representative's request, staff provided documentation including construction plans, traffic studies and title report for their review. Staff has not received a response since providing the offer package. 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 (parcels 2115, 2133, 2153, 2154, 2159 and 2160 are all owner related and represented by the same legal representative).

- AJ. Project:** Blue Line Extension, Parcel #2154
Owner(s): PLP Properties, LLC and any other parties of interest
Property Address: 200 And 210 East Arrowhead Drive
Property to be acquired: 356 sq. ft. (.008 ac.) in Fee Simple, plus 16 sq. ft. (ac.) in Storm Drainage Easement, plus 2,231 sq. ft. (.051 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-2
Use: Industrial
Tax Code: 049-041-11
Total Parcel Tax Value: \$2,388,900
Appraised Value: \$1,775
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owner's legal representative in October 2012 and has yet to reach an agreement regarding the acquisition. Their concerns include area of taking, loss of parking, parcel access, new median and the appraised value. Upon the legal representative's request, staff provided documentation including construction plans, traffic studies and title report for their review. Staff has not received a response since providing the offer package. 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 (parcels 2115, 2133, 2153, 2154, 2159 and 2160 are all owner related and represented by the same legal representative).

AK. Project: Blue Line Extension, Parcel #2158
Owner(s): BWN Investments, LLC and any other parties of interest
Property Address: West Arrowhead Drive
Property to be acquired: 309 sq. ft. (.007 ac.) in Fee Simple, plus 60 sq. ft. (.001 ac.) in Storm Drainage Easement, plus 583 sq. ft. (.013 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 089-232-17
Total Parcel Tax Value: \$492,200
Appraised Value: \$2,875
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 property owners also own an adjoining parcel and plan to develop a gas station/convenience store. Staff has agreed to work with them during the project construction should they obtain approvals to begin constructing their planned development. 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.

AL. Project: Blue Line Extension, Parcel #2159
Owner(s): Couchell/Tsahakis Properties, LLC and any other parties of interest
Property Address: East Arrowhead Drive
Property to be acquired: 738 sq. ft. (.017 ac.) in Fee Simple, plus 5,659 sq. ft. (.13 ac.) in Temporary Construction Easement, plus 455 sq. ft. (.01 ac.) in Utility Easement
Improvements: None
Landscaping: None
Zoned: I-1
Use: Industrial
Tax Code: 049-391-01
Total Parcel Tax Value: \$100,200
Appraised Value: \$22,600
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owner's legal representative in October 2012 and has yet to reach an agreement regarding the acquisition. Their concerns include area of taking, loss of parking, parcel access, new median and the appraised value. Upon the legal representative's request, staff provided documentation including construction plans, traffic studies and title report for their review. Staff has not received a response since providing the offer package. 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 (parcels 2115, 2133, 2153, 2154, 2159 and 2160 are all owner related and represented by the same legal representative).

AM. Project: Blue Line Extension, Parcel #2160
Owner(s): Couchell/Tsahakis Properties, LLC and any other parties of interest
Property Address: 201 East Arrowhead Drive
Property to be acquired: 1,511 sq. ft. (.035 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-1
Use: Industrial
Tax Code: 049-391-02
Total Parcel Tax Value: \$250,000
Appraised Value: \$725
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owner's legal representative in October 2012 and has yet to reach an agreement regarding the acquisition. Their concerns include area of taking, loss of parking, parcel access, new median and the appraised value. Upon the legal representative's request, staff provided documentation including construction plans, traffic studies and title report for their review. Staff has not received a response since providing the offer package. 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 (parcels 2115, 2133, 2153, 2154, 2159 and 2160 are all owner related and represented by the same legal representative).

AN. Project: Blue Line Extension, Parcel #2168
Owner(s): FSC DG Charlotte NC, LLC and any other parties of interest
Property Address: 221 Heathway Drive
Property to be acquired: 11 sq. ft. (ac.) in Fee Simple, plus 2,473 sq. ft. (.057 ac.) in Temporary Construction Easement, plus 109 sq. ft. (.003 ac.) in Utility Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 049-055-06
Total Parcel Tax Value: \$1,492,300
Appraised Value: \$7,225
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in December 2012 and has yet to reach an agreement regarding the acquisition. The property owners were concerned about landscaping and business sign impacts. Staff addressed these concerns by confirming these items would not be impacted during construction. 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.

- AO. Project:** Blue Line Extension, Parcel #2169
Owner(s): Carolina Alliance Bank and any other parties of interest
Property Address: 6300 North Tryon Street
Property to be acquired: 325 sq. ft. (.007 ac.) in Fee Simple, plus 1,708 sq. ft. (.039 ac.) in Temporary Construction Easement, plus 172 sq. ft. (.004 ac.) in Utility Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 049-055-01
Total Parcel Tax Value: \$276,300
Appraised Value: \$5,550
Property Owner's Counteroffer: \$7,716
Reason for Condemnation: Staff began working with the property owners in December 2012 and has yet to reach an agreement regarding the acquisition. This property is currently vacant; however, the property owners feel it will impact any future development. The property owners have concerns regarding the location of the permanent utility easement for a utility pole and guy wire and requested a shorter guy wire. Staff could not agree to reduce the length as it would not provide adequate anchorage for the overhead crossing of North Tryon. The property owners are also concerned with the duration of the temporary construction easement to which staff could not agree to reduce. 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.
- AP. Project:** Blue Line Extension, Parcel #2175
Owner(s): Mary Hunter Bostian and Robert Leonard Hunter, Jr. and any other parties of interest
Property Address: 6351 North Tryon Street
Property to be acquired: 8,844 sq. ft. (.203 ac.) in Fee Simple, plus 1,092 sq. ft. (.025 ac.) in Sanitary Sewer Easement, plus 9 sq. ft. (. ac.) in Access Easement and Utility Easement, plus 2,322 sq. ft. (.053 ac.) in Temporary Construction Easement, plus 509 sq. ft. (.012 ac.) in Utility Easement, plus 692 sq. ft. (.016 ac.) in Unknown Easement
Improvements: None
Landscaping: Trees
Zoned: B-2
Use: Commercial
Tax Code: 089-242-03
Total Parcel Tax Value: \$439,600
Appraised Value: \$65,950
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in December 2012 and has yet to reach an agreement regarding the acquisition. The property owners were concerned about their driveway access during construction. Staff addressed their concerns by confirming access would be provided at all times during construction. 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.

- AQ. Project:** Blue Line Extension, Parcel #2177
Owner(s): S & P Investment Properties, LLC and any other parties of interest
Property Address: 6401 North Tryon Street
Property to be acquired: 7,419 sq. ft. (.17 ac.) in Fee Simple, plus 692 sq. ft. (.016 ac.) in Access Easement and Utility Easement, plus 1,483 sq. ft. (.034 ac.) in Temporary Construction Easement, plus 3,659 sq. ft. (.084 ac.) in Utility Easement
Improvements: Eleven parking spaces, traffic control posts and parking blocks
Landscaping: Trees and shrubs
Zoned: B-2
Use: Commercial
Tax Code: 089-242-07
Total Parcel Tax Value: \$1,506,000
Appraised Value: \$91,650
Property Owner's Counteroffer: \$248,711
Reason for Condemnation: Staff began working with the property owners in December 2012 and has yet to reach an agreement regarding the acquisition. The property owners feel the appraised value is insufficient. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- AR. Project:** Blue Line Extension, Parcel #2179
Owner(s): Carolina Rent-A-Car, Inc. and any other parties of interest
Property Address: 6408 North Tryon Street
Property to be acquired: 1,496 sq. ft. (.034 ac.) in Fee Simple, plus 55 sq. ft. (.001 ac.) in Storm Drainage Easement, plus 5,364 sq. ft. (.123 ac.) in Temporary Construction Easement
Improvements: Asphalt paving
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 049-056-01
Total Parcel Tax Value: \$543,400
Appraised Value: \$34,525
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in December 2012 and has yet to reach an agreement regarding the acquisition. The property owner feels the appraised value is insufficient. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

AS. Project: Blue Line Extension, Parcel #2181
Owner(s): DKVLVN, LLC and any other parties of interest
Property Address: 6411 North Tryon Street
Property to be acquired: 6,090 sq. ft. (.14 ac.) in Fee Simple, plus 517 sq. ft. (.012 ac.) in Access Easement and Utility Easement, plus 5,114 sq. ft. (.117 ac.) in Temporary Construction Easement, plus 3,145 sq. ft. (.072 ac.) in Utility Easement
Improvements: Concrete walkway, six parking spaces, retaining wall and guard rail
Landscaping: Trees and shrubs
Zoned: B-2
Use: Commercial
Tax Code: 089-242-06
Total Parcel Tax Value: \$1,460,700
Appraised Value: \$442,775
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in December 2012 and has yet to reach an agreement regarding the acquisition. The property owner feels the appraised value is insufficient. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

AT. Project: Blue Line Extension, Parcel #2183
Owner(s): Roshan Dhana, Inc. and any other parties of interest
Property Address: 6426 North Tryon Street
Property to be acquired: 719 sq. ft. (.017 ac.) in Fee Simple, plus 2,818 sq. ft. (.065 ac.) in Storm Drainage Easement, plus 12,459 sq. ft. (.286 ac.) in Temporary Construction Easement, plus 49 sq. ft. (.001 ac.) in Utility Easement
Improvements: None
Landscaping: Trees
Zoned: B-2
Use: Commercial
Tax Code: 049-056-11
Total Parcel Tax Value: \$1,171,500
Appraised Value: \$41,975
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in December 2012 and has yet to reach an agreement regarding the acquisition. The property owners feel the appraised value is insufficient. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

AU. Project: Blue Line Extension, Parcel #2207
Owner(s): Kevin Parris Carter and David E. Carter and any other parties of interest
Property Address: 6538 North Tryon Street
Property to be acquired: 3,124 sq. ft. (.072 ac.) in Temporary Construction Easement
Improvements: None

Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 049-056-08
Total Parcel Tax Value: \$588,700
Appraised Value: \$9,375
Property Owner's Counteroffer: \$20,000
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 owners feel the appraised value is insufficient. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

AV. Project: Blue Line Extension, Parcel #2209
Owner(s): Sinkoe Brothers, General Partnership and any other parties of interest
Property Address: 6600 North Tryon Street
Property to be acquired: 3,426 sq. ft. (.079 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 049-081-05
Total Parcel Tax Value: \$2,144,400
Appraised Value: \$119,400
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.

Condemnations Previously Deferred by Council on 5/28/13

AW. Project: Blue Line Extension, Parcel #1349
Owner(s): NRG-Hampshire Hills LLC and any other parties of interest
Property Address: 5420 North Tryon Street
Property to be acquired: 14,864 sq. ft. (.341 ac.) in Fee Simple, plus 30,012 sq. ft. (.689 ac.) in Fee Simple within Existing Right-of-Way, plus 3,068 sq. ft. (.07 ac.) in Storm Drainage Easement, plus 10,831 sq. ft. (.249 ac.) in Temporary Construction Easement, plus 3,866 sq. ft. (.089 ac.) in Utility Easement
Improvements: Asphalt
Landscaping: Trees
Zoned: B-2
Use: Commercial
Tax Code: 097-111-28
Total Parcel Tax Value: \$4,580,200
Appraised Value: \$139,600
Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owners in December 2012 and continues to work towards reaching an agreement. Staff has provided all requested information to the owners for review and consideration.

The following is a summary of the continued communication following Council deferral on 5/28/2013:

5/29/13: Phone conversation informing the property owner that City staff is obtaining responses to owner questions and concerns, which were:

- The distance between the guardrail and the proposed right-of-way,
- The layout/features in the Storm Drainage Easement, and
- Assurance that there will be room for large delivery trucks to get around the back corner of the building.

5/30/13: Emailed the property owner a drawing which shows that trucks can access the loading docks after the easement areas are in place.

6/6/13: Received email from the property owner acknowledging receipt of the drawing. Owner requested additional information including:

- A plan sheet showing that delivery trucks will be allowed to enter a portion of the right-of-way in order to access the loading docks,
- Assurance that advance notice will be given when truck access will be limited,
- Legal agreement language detailing that specific use of right-of-way is for overhead utilities which allow for vehicular use to access loading docks, and, if applicable, a letter stating the project impacts will not cause zoning violations.

6/7/13: Emailed property owner agreeing to provide advance notice before limiting/blocking delivery truck access.

6/10/13: Emailed property owner informing him that the requested agreement revisions are being completed, and providing requested zoning compliance letter.

6/11/13: Emailed the revised legal agreement to property owner and his legal representative.

6/12/13: Emailed the exhibit to the property owner and legal representative depicting the area of the allowed encroachment that will be recorded with the legal agreement.

6/13/13: Called the property owner's legal representative who confirmed receipt of all requested information. He also stated they had not yet reviewed everything and that to his knowledge the bank had not completed their appraisal.

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.

Reference

Property Transaction Process Following Council Approval for Condemnation

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

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

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