

Mayor Patsy Kinsey

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

Mayor Pro Tem Patrick D. Cannon

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

CITY COUNCIL MEETING
Monday, October 28, 2013

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

Item #	Page #	Title
38	32	LYNX Blue Line Extension Project – Advanced Public Utility Relocations
60	52	Property Transactions for the LYNX Blue Line Extension project – Parcels #2173 and #2174

**CITY COUNCIL AGENDA
Monday, October 28, 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. Charlotte Works

Resources: Steve Partridge, President and Chief Executive Officer, Charlotte Works

Time: 20 minutes

Synopsis

- Charlotte Works, formerly known as the Charlotte-Mecklenburg Workforce Development Board, is responsible for implementing the federally funded Workforce Investment Act that provides job training and assistance to unemployed and underemployed workers in Mecklenburg County.
- Charlotte Works partners with the City, which serves as the program's fiscal agent, and works with both City and State governments to deliver services.
- In 2012, Charlotte Works reorganized its service delivery model to create greater alignment with the unique needs of Charlotte-Mecklenburg employers and residents.
- During tonight's meeting, the City Council will receive an update on current programs and initiatives of the organization.

Future Action

The presentation is for informational purposes only.

3. Mecklenburg County Domestic Violence Advisory Board Report

Resource: LiMia Bowen, Chair, Domestic Violence Advisory Board

Time: 20 minutes

Synopsis

- In 1992, the City of Charlotte and Mecklenburg County formed a citizen advisory commission entitled Domestic Violence Advisory Board to address the systemic problems associated with domestic violence.
- This body is charged to review and evaluate Mecklenburg County and City of Charlotte domestic violence services and make appropriate recommendations to the Board of County Commissioners and the City Council on the need for

- additional services to victims of domestic violence. The members are appointed by the Mayor, the Board of County Commissioners, and the City Council.
- The Domestic Violence Advisory Board also provides vigorous advocacy and works to increase public awareness of domestic violence within the community.
 - The Domestic Violence Advisory Board will present its 2012 Annual Report to the City Council.

Future Action

The presentation is for informational purposes only.

4. 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.

5. Closed Session

Action: Adopt a motion pursuant to NC General Statute 143-318.11(a)(5) to go into closed session to establish, or to instruct staff or negotiating agents concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

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

7:00 P.M. AWARDS AND RECOGNITIONS

6. 2013 Mayor's International Community Awards

Action: Mayor Kinsey will present the 2013 Mayor's International Community Awards to the foreign-owned company winners.

7. 2013 Neighborhood Leadership Awards

Action: Mayor Kinsey will recognize the recipients of the 2013 Neighborhood Leadership Awards.

8. Keep Charlotte Beautiful Grant

Action: Mayor Kinsey will recognize Waste Management who will present Keep Charlotte Beautiful with a \$10,000 Keep America Beautiful/Waste Management Think Green Grant.

CONSENT

9. **Consent agenda items 20 through 60 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

10. Public Hearings on Voluntary Annexations

Action: A. Hold public hearings for the following voluntary annexations:

- West Blvd./Berewick III,
- Berewick Townhomes,
- Meridale, and

B. Adopt ordinances with an effective date of October 28, 2013, to extend the corporate limits to include these properties and assign each to the adjacent Council districts.

Staff Resources: Jonathan Wells, Planning
Bryman Suttle, 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 the City Council taking action on all annexation requests.
- A voluntary annexation petition was received from Mecklenburg County for the 209.67-acre West Blvd./Berewick III area that contains Berewick Park and the Berewick Elementary School, located on Dixie River Road west of I-485.
- Voluntary annexation petitions have also been received from owners of the 18.58-acre Berewick Townhomes property on the south side of Berewick Commons Parkway and the 82.530-acre Meridale property south of Eastfield Road.
- Annexation of these properties at this time will allow for more orderly extension of City services, capital investments, and annexation processes in the future.
- Annexation ordinances establish an effective annexation date of October 28, 2013, for these properties.
- Ordinances also assign the annexed areas to adjacent City Council districts.

Consistent with the City Council Policies

- These annexations:
 - Are consistent with City 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

11. City Manager's Report

12. Out of School Time Request for Proposal Process Modifications



Action: Approve the Economic Development Committee recommendation for Out of School Time Request for Proposal process modification recommendations to:

1. Scale back maximum agency funding from \$400,000 to:
 - \$350,000 in FY2015
 - \$300,000 in FY2016, and
2. Shift to a two-year funding cycle, starting with the FY2016 funding period.

Committee Chair: James Mitchell

Staff Resource: Tom Warshauer, Neighborhood & Business Services

Explanation

- On April 15, 2013, the City Council requested staff examine the Out of School Time Request for Proposal process and present modification recommendations to the Economic Development Committee (Committee).
- On September 19, 2013, the Committee discussed two recommended modifications to the current Proposal process:
 - Scale back the maximum agency funding from \$400,000 to \$350,000 in FY2015 and \$300,000 in FY2016 in order to ensure that multiple agencies offer programs throughout the city.
 - Implement a two-year funding cycle for the FY2016-FY2017 funding period in order to give agencies more funding certainty.
- The Committee voted unanimously (Mitchell, Cooksey, Maddalon, and Mayfield; Cannon and Howard absent) to recommend the proposed modifications.
- Following the Committee's action, staff contacted current Out of School Time agencies to inform them of the pending changes to program funding limits.
- The next Out of School Time Request for Proposal will be released in November 2013, with a January 24, 2014 deadline for agency submissions. Staff will present recommendations for funding to the City Council in April 2014.

Background

- Since 1978, the City has provided funding to agencies that offer Out of School Time enrichment programs to elementary, middle, and high school students.
- Funding provided to Out of School Time agencies is comprised of federal Community Development Block Grant and local Innovative Housing/PAYGO sources.
- For the past 12 years, the City's annual allocation to Out of School Time agencies has been \$1.2 million.

- On May 9, 2011, the City Council approved the implementation of an Out of School Time Request for Proposal process that included evidence-based standards for school-age care.
- On November 26, 2012, the City Council established a maximum agency funding limit of \$400,000.

Attachment 2

FY2014 Out Of School Time Funding Recipients

13. Code of Ethics for Boards, Committees and Commissions

Action: Adopt a Resolution outlining a Code of Ethics for Members of Boards, Committees, and Commissions of the City of Charlotte as recommended by the Council-Manager Relations Committee.

Committee Chair: Warren Cooksey

Staff Resource: Bob Hagemann, City Attorney's Office

Explanation

- In 1983, the City Council adopted a Conflict of Interest Policy for members of City Boards, Committees, and Commissions.
- In 2010, the City Council adopted a Council Code of Ethics.
- At the April 22 meeting of the Council-Manager Relations Committee (Committee), the City Attorney was asked to adapt the City Council's Code of Ethics to the City's Boards, Committees and Commissions.
- Throughout the summer the Committee worked with the City Clerk to review a Handbook for Citizen Boards, Committees and Commission members which includes the proposed Code of Ethics. The Handbook will be given to all City appointees to Boards, Committees and Commissions.
- On September 23, 2013, the Committee (Cooksey, Kinsey, and Mitchell) endorsed the Handbook including the Code of Ethics Resolution, which would also repeal the 1983 Conflict of Interest policy.
- The Resolution uses the same principles adopted by the City Council as its own Code of Ethics.
- The Code of Ethics applies to not only City Boards, Committees and Commissions, but also to Mayor and City Council appointed members of non-City Boards and Commissions.

Attachment 3

Code of Ethics Resolution

BUSINESS

14. Brooklyn Village Interlocal Agreement Amendment

- Action:**
- A. Approve the Term Sheet for the Sale of Property and Development of Brooklyn Village among Mecklenburg County, the City of Charlotte, the Charlotte-Mecklenburg Board of Education, and the Charlotte Housing Authority, and,**
 - B. Adopt a resolution that authorizes the City Manager to execute:**
 - A fourth amendment to the 2007 Brooklyn Village/Knights Baseball Stadium Interlocal Agreement with Mecklenburg County extending the City’s leverage for development of affordable housing on the Brooklyn Village site for an additional 18 months, and**
 - A new Interlocal Agreement with Mecklenburg County that preserves the City’s leverage for the development of affordable housing in any future development of the Brooklyn Village site during the implementation of the development plan set forth in the Term Sheet.**

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

Explanation

- On July 22, 2013, the City Council approved the third amendment to the 2007 Brooklyn Village/Knights Baseball Stadium Interlocal Agreement with Mecklenburg County to allow the City of Charlotte, Mecklenburg County, the Charlotte-Mecklenburg Board of Education, and the Charlotte Housing Authority time to develop a phased sale approach for the Brooklyn Village site in Second Ward while preserving the City’s leverage for the development of affordable housing on the site.
- As a result of the City Council’s July 22 action, the deadline by which the City must request a re-conveyance of Marshall Park from the County was extended to December 1, 2013.
- The City, the County, the Board of Education, and the Charlotte Housing Authority have met and agreed to a phased development in accordance with the Term Sheet.
- The new Term Sheet enables the City to:
 - Extend the date for activation of the Reversion Option to convey the Marshall Park property back to the City to December 31, 2019 in the event none of the Brooklyn Village Parcels are sold.
 - Describe the acceptable development of the Brooklyn Village Parcels by one or more buyers and developers of the Brooklyn Village Parcels, and
 - Describe the purchase and development of Brooklyn Village Parcels and necessary infrastructure to allow an incremental approach for sale of the Brooklyn Village Parcels to different developers at different times.

- In order to maintain leverage for the development of affordable housing as part of the phased development, the City needs to retain its right to request a re-conveyance of Marshall Park.
- The provisions of the 2007 Brooklyn Village/Knights Baseball Stadium Interlocal Agreement are obsolete except for the provision relating to the possible re-conveyance of Marshall Park.
- A new Interlocal Agreement with the County is necessary to preserve the City's leverage for affordable housing on the Brooklyn Village site while giving the City, the County, the Board of Education, and the Charlotte Housing Authority sufficient time to implement a phased development.
- The Mecklenburg County Board of Commissioners will consider a similar action on November 19, 2013.

Attachment 4

Brooklyn Village Term Sheet

Proposed Fourth Amendment to the Interlocal Agreement

Resolution Approving Fourth Amendment and New Interlocal Agreement

15. Octapharma Plasma Business Investment Grant

Actions: **Approve the City's share of a Business Investment Grant to Octapharma Plasma, Inc. in the total estimated amount of \$244,711 over three years (Total City/County estimated amount of \$688,327).**

Staff Resource: Brad Richardson, Neighborhood & Business Services

Explanation

- Octapharma Plasma, Inc. is a subsidiary of Swiss-based Octapharma AG.
- In Charlotte, Octapharma develops pharmaceuticals for hematology, immunotherapy, and intensive care/emergency medicine from its office in Southwest Charlotte. The company currently employs 56 persons.
- Octapharma is planning an expansion to provide space for a research facility and a plasma storage center (currently provided by an out-of-state third party).
- The company has proposed the purchase and expansion of a building located at 11110 Westlake Drive (located near Arrowood Road in the Business Investment Zone).
- On October 10, 2013, Octapharma announced it had selected Charlotte for its expansion. The company had considered sites in York County and had received competitive incentive proposals from South Carolina and York County.
- In Charlotte, the project will include the following:
 - \$22.6 million in capital investment (\$13.6 million for real estate, \$9 million for personal property), and
 - 31 new jobs over three years with an average annual wage of \$47,900 (141% of regional average production salary).

Business Investment Grant

- The project meets each of the Council-approved criteria for a three-year Business Investment Grant.
- On April 22, 2013, the City Council indicated its intent to approve a Business Investment Grant to Octapharma in a closed session.

- On May 7, 2013, the Board of County Commissioners indicated its intent to approve a Business Investment Grant to Octapharma in a closed session, and will vote in public session on November 5, 2013.
- On October 15, 2013, the Board of County Commissioners approved the County's portion of the Business Investment Grant in public session.
- The following schedule is an estimate of the City and County share of the Investment Grant payments to Octapharma representing 90% of net new property taxes paid by the company over the three-year term:

Year	City	County	Total
1	\$ 84,992	\$ 154,075	\$ 239,067
2	\$ 81,452	\$ 147,658	\$ 229,110
3	\$ 78,267	\$ 141,883	\$ 220,150
Total	\$ 244,711	\$ 443,616	\$ 688,327

- The general terms and conditions of this grant include:
 - A portion of the grant must be repaid if the company moves this investment from Charlotte within three years of the end of the grant term.
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - All property taxes due from the company must be paid before a grant payment is made.

Funding

Business Investment Grant

16. Charlotte Fire Department Official Tartan Adoption

Action: Adopt a resolution approving the adoption and registration of the official tartan design for the Charlotte Fire Department.

Staff Resource: Jon Hannan, Fire

Explanation

- The Charlotte Fire Department Pipe and Drum band was formed in 2001 as a part of the department's Honor Guard.
- Pipe and Drum bands are a part of Fire Service tradition and represent honor and pride in the department they are representing.
- The tartan is a pattern of intersecting stripes that run horizontally and vertically through a Scottish wool woven fabric. This design makes a plaid pattern and is used to make kilts and accessories.
- Individual tartans are a symbol used to identify Pipe and Drum bands with the heritage of their city and department.
- Currently, the tartan being worn by the Charlotte Fire Department Pipe and Drum band is known as the National Millennium Tartan. The tartan has no direct correlation to the City of Charlotte, specifically the Charlotte Fire Department.
- The members of the Charlotte Fire Department Pipe and Drum band have designed a tartan specifically for the city and department that will be known as the "Black Watch".
- The colors of the "Black Watch" tartan have specific meanings to them:
 - Black is for the night or third watch,
 - Red is for the fire service,
 - Green symbols the City of Charlotte and growth,

- Gold represents the prosperity of the City and its people,
- Blue is for truth and humility, and
- White embodies service and sacrifice.
- Once adopted, the tartan will be registered with the Scottish Registry of Tartans so that no other organization can copy or wear this design making it a permanent part of Charlotte's history.

Attachment 5

Photo of the Tartan Design
Resolution

17. Conclusion of Consent Agenda

18. Nominations to Boards and Commissions

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

A. BICYCLE ADVISORY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending December 31, 2013, and then continuing for a full three-year term beginning January 1, 2014, and ending December 31, 2017.
 - Matt Fowler has resigned.
- One appointment for a three-year term beginning January 1, 2014, and ending December 31, 2017.
 - Martin Zimmerman is eligible and would like to be reappointed.

Attachment 6

Applications

B. CHARLOTTE HOUSING AUTHORITY

- One appointment for a three-year term beginning December 18, 2013, and ending December 17, 2016.
 - Arthur Griffin Jr. is eligible and would like to be reappointed.

Attachment 7

Applications

C. HOUSING APPEALS BOARD

- One appointment for a housing industry representative for a three-year term beginning January 1, 2014, and ending December 31, 2017.
 - Timothy O'Neil is eligible and would like to be reappointed.

Attachment 8

Applications

D. NEIGHBORHOOD MATCHING GRANTS FUND

- One appointment for a business representative for an unexpired term beginning immediately and ending April 15, 2014.
 - Jeffrey Chen has resigned
- One appointment from a non-profit organization for an unexpired term beginning immediately and ending April 15, 2014.
 - Wofford Boyd has resigned.

Attachment 9

Applications

E. TREE ADVISORY COMMISSION

- Two appointments for three-year terms beginning December 14, 2013 and ending December 13, 2016.
 - Jim Cochran is eligible but not interested in reappointment.
 - Carrie Winter has completed two, full terms and not eligible for reappointment.

Attachment 10

Applications

F. WASTE MANAGEMENT ADVISORY BOARD

- One recommendation for appointment by the Board of County Commissioners for an unexpired term beginning immediately and ending February 1, 2014, and then continuing for a full three-year term beginning February 2, 2014, and ending February 1, 2017.
 - Mark Joyce has resigned.

Attachment 11

Applications

19. Mayor and Council Topics

Council members may share information and raise topics for discussion

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CONSENT

Introduction to CONSENT

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



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

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

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

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

Disadvantaged Business Enterprise

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

Contractors and Consultants

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

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

20. 2013 Urban Areas Security Initiative Grant Acceptance

- Action:**
- A. Authorize the City Manager to accept a grant in the amount of \$2.4 million from the U.S. Department of Homeland Security's 2013 Urban Areas Security Initiative Grant Program, and**
 - B. Adopt a budget ordinance appropriating \$905,249 in Urban Areas Security Initiative grant funds.**

Staff Resource: Jon Hannan, Fire

Explanation

- The 2013 Urban Areas Security Initiative (UASI) Grant Program allowed 25 applicants to apply for funding to aid in the prevention, protection, response, and recovery from terrorist attacks.
- The City of Charlotte was awarded the grant by the U.S. Department of Homeland Security based on the risks and threats for our community.
- In developing a regional approach, as mandated by the grant guidelines, the following counties were included as part of a regional implementation concept: Cabarrus County, NC; Catawba County, NC; Gaston County, NC; Iredell County, NC; Lincoln County, NC; Lancaster County, SC; Stanly County, NC; Union County, NC; and York County, SC.
- The total amount of the grant awarded to Charlotte was \$3.0 million. The North Carolina Division of Emergency Management (Division) is eligible to retain up to 20% of the funds under the program guidelines. The Division elected to retain the full 20% for the management and administration of the grant program, and to support the North Carolina Voice Interoperability Plan for Emergency Responders radio system.
- Funds will be used for terrorism preparedness activities such as equipment acquisition, planning, exercise, and training.
- Grant revenue was anticipated during the budget process at the level received during previous grant years. However, the amount received for 2013 was greater than anticipated and a budget ordinance is needed to appropriate the remaining amount of funding.
- No matching funds are required with this grant.

Funding

2013 Urban Areas Security Initiative

Attachment 12

Budget Ordinance

21. Police Assets Forfeiture Appropriation

Action: Adopt a budget ordinance appropriating in \$921,783 in police assets forfeiture funds.

Staff Resource: Sherie Pearsall, Police

Explanation

- Asset forfeiture funds are needed for several public safety projects.
- \$382,179 will be used to purchase new server hardware and additional Oracle database licenses and software for the Knowledge Based Community Oriented Policing System which is the records management system for police.
 - The current servers were purchased in 2008 and are all located at Police Headquarters.
 - The funds will allow Police to install servers at two physical locations to provide offsite disaster recovery and immediate failover capacity for the system. The software will provide a more efficient way to replicate data for presentation at staff meetings and CompStat (a comprehensive approach to crime reduction and personnel and resource management. CompStat uses crime mapping and real time data to identify problems and develop strategies to address emerging trends).
- \$250,000 will be used to implement a new timekeeping and scheduling system which will:
 - Allow first line supervisors to schedule personnel based on recommended staffing models,
 - More effectively manage overtime,
 - Use activity codes for more accurate classification of time and officer activity,
 - Provide more detailed payroll budget forecasting on a weekly, monthly, and quarterly basis, and
 - Interface directly with the PeopleSoft payroll system.
- \$105,000 will fund the replacement of outdated and defective recording equipment in the interview rooms in four patrol division offices. Department policy requires that interviews be recorded and retained.
- \$90,000 will be used to fund Dismantling Racism training for three recruit classes (107 recruits plus 11 officers assigned to the Recruitment Section) plus 70-85 other Police employees and personnel from Mecklenburg County Social Services, the Charlotte-Mecklenburg School system, the Mecklenburg County Sheriff's Office, and the District Attorney's Office.
 - The training helps employees to understand and deal more effectively with a diverse population.
 - The training is jointly funded by Police, Mecklenburg County Social Services, and the Charlotte-Mecklenburg School system.
- \$75,000 will fund outsourcing of DNA analysis of evidence in 83 cases pertaining to:
 - Assault with a deadly weapon,
 - Armed robbery, and
 - Use of firearms by felons.
- DNA analysis will assist in the identification of the suspect and therefore enable police to arrest the offenders and present their cases to the District Attorney for prosecution.
- \$19,604 will fund two Smart Boards and accompanying personal computers. One will be used in the Real Time Crime Center; the other will be located in Fiscal Affairs Division.

Funding

Police Assets Forfeiture Funds

Attachment 13

Budget Ordinance

22. Police Governor's Highway Safety Program Grant Acceptance

Action: **A. Accept a grant from the Governor's Highway Safety Program, in the amount of \$982,717, to fund a Driving While Impaired Task Force, and**

B. Adopt a budget ordinance appropriating \$982,717 in grant funds.

Staff Resources: Doug Gallant, Police
 Andy Kornberg, Police

Explanation

- On September 23, 2013, the City Council approved adopting a resolution authorizing the Police Department to apply for a grant from the Governor's Highway Safety Program for a Driving While Impaired (DWI) Task Force.
- The grant will fund six existing, experienced officers and one sergeant that will be assigned to the task force and allows the City to hire seven positions to take the place of the grant-funded officers.
- The grant is for a one-year period and is renewable for three additional years, contingent upon the performance of the task force.
- The grant would fund the officers at 100% in FY2014, 85% in FY2015, 70% in FY2016, and 50% in FY2017. In FY2018, the City would assume full cost associated with the task force.
- The grant is for \$982,717 which funds 100% of the cost of the task force for the first year. Assuming the grant is funded for an additional three years, the City will fund 15% of the cost in the second year, 30% in the third year, and 50% in the fourth year. After the grant ends, the annual cost to the City for the seven backfill positions is estimated to be \$507,127 plus future salary adjustments.
- As a result, the estimated net cost to the City is as follows:
 - FY2014: (\$312,042)
 - FY2015: (\$120,101)
 - FY2016: (\$15,027)
 - FY2017: \$129,551
 - FY2018: \$507,127 (City assumes full cost).

Funding

Governor's Highway Safety Program Grant

Attachment 14

Budget Ordinance

23. 2013 Governor's Highway Safety Program Grant Application

Action: Adopt a resolution authorizing the Charlotte-Mecklenburg Police Department to apply for \$20,000 in grant funds from the Governor's Highway Safety Program

Staff Resources: Doug Gallant, Police
Andy Kornberg, Police

Explanation

- The Charlotte-Mecklenburg Police Department has the opportunity to apply for \$20,000 in grant funds from the Governor's Highway Safety Program.
- \$12,000 will be used to purchase two additional radar units.
- \$8,000 will be used to fund the travel expenses for a Sergeant in the Police Traffic Unit who serves as the Regional Law Enforcement Liaison for the Governor's Highway Safety Program. He provides training for other departments in the region and attends an annual national conference on traffic enforcement.
- The Governor's Highway Safety Program requires that the City Council pass a resolution authorizing Police to apply for the funding.
- The grant is for a period of one year and does not required matching funds from the City.

Funding

Governor's Highway Safety Program Grant

Attachment 15
Resolution

24. Police Undercover Vehicle Lease

Action: Approve a lease agreement with Enterprise Fleet Management, Inc. to provide 27 undercover vehicles for a four-year term.

Staff Resources: Kerr Putney, Police
Freda Lester, Police

Explanation

- Police's Investigative Group uses a variety of undercover vehicles in its investigations of criminal activity.
- The department has been leasing vehicles since 2000 since it allows investigators to specify specific vehicles based on their needs.
- A vehicle can be rapidly switched out if it is identified as an undercover car.
- The contract with Enterprise Fleet Management, Inc. will provide 27 undercover vehicles for use by Vice and Narcotics, the Gang Enforcement Unit, and the Violent Criminal Apprehension Team.
- Enterprise Fleet Management Inc. submitted the lowest of the three bids that were received; their bid included new fuel efficient vehicles.
- Enterprise Fleet Management, Inc. provides a wide range of vehicles leasing from \$277 to \$425 a month. The vehicles leased by Police will average \$350 per month.
- The total cost of the lease agreement for four years is estimated at \$450,892.

- The contract will be effective December 1, 2013.

Charlotte Business INclusion

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

Funding

Police Operating Budget

25. North Tryon Street (US 29) Bridges/Sidewalk Municipal Agreement

- Action:**
- A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for installing sidewalks along North Tryon Street (US 29) at the bridges over Mallard Creek, and**
 - B. Authorize the City Manager to approve the final pay request for the actual cost of construction.**

Staff Resource: Timothy Gibbs, Transportation

Explanation

- The State is replacing the two bridges on North Tryon Street over Mallard Creek at an estimated cost of approximately \$3.5 million.
- The project will include sidewalk installation at the City's request through a cost sharing agreement where the City will reimburse the State an estimated \$134,431 for the sidewalks.
- The State requires the City enter into a Municipal Agreement for the cost of the improvements prior to construction, and to reimburse the State for their work.
- The Charlotte Department of Transportation will review the invoice to validate charges and make any needed adjustments once the project is complete.
- At the end of the project, the City will reimburse the State for actual construction costs associated with the sidewalk construction.
- Should the actual cost be different from the estimated amount of this Agreement, the City Manager will sign a Supplemental Agreement for the cost differential. Final invoice differences can be attributed to:
 - Actual unit price bids being different than estimated,
 - Changes in material costs between when the estimate was prepared and completion of the project, or
 - Required design modifications resulting from State project changes.
- Construction is scheduled to begin in late 2013/early 2014 and will take up to two years to complete.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Charlotte Business INclusion

This is an Interlocal agreement and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Funding

Transportation Capital Investment Plan

Attachment 16

Resolution

26. Shopton/Beam Roundabout Municipal Agreement

- Action:**
- A. Authorize the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for a roundabout at the intersection of Shopton Road and Beam Road,**
 - B. Adopt a resolution accepting a Congestion Mitigation Air Quality grant from the Federal Highway Administration allocated through the North Carolina Department of Transportation to the City of Charlotte in the amount of \$1,125,000, and**
 - C. Adopt a budget ordinance appropriating \$1,125,000 in North Carolina Department of Transportation funds.**

Staff Resources: Johanna Quinn, Transportation
Ashton Watson, Transportation

Explanation

- The Shopton Road and Beam Road Roundabout Project will build a modern roundabout in place of the existing multi-way stop controlled intersection to reduce congestion and enhance traffic flow.
- The project was nominated and selected for Congestion Mitigation Air Quality grant funding in 2010. The project had the highest daily emissions reduction and cost-to-benefit ratio of any other intersection project submitted by the City that year.
- The grant funding is applicable to the planning, design, environmental, right-of-way acquisition, utility relocation, and construction phases of the project.
- Public engagement, planning, and design will commence in the first quarter of 2014.
- The State requires a resolution of support in order to allocate funds for this project.
- A Municipal Agreement between the City of Charlotte and the State is necessary for the City to be reimbursed. The format and philosophy of the Municipal Agreement is consistent with past agreements.
- The total project cost is \$1,650,000 and the cost share is:
 - North Carolina Department of Transportation funds \$1,125,000, and
 - City of Charlotte funds \$525,000.

Charlotte Business INclusion

This is an Interlocal agreement and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Funding

North Carolina Department of Transportation and the Transportation Capital Investment Plan

Attachment 17
Resolution
Budget Ordinance

27. North Carolina Railroad/Sugar Creek Road Project Funding and Municipal Agreements

Action: Approve a resolution authorizing the City Manager to execute Funding and Municipal Agreements with the North Carolina Department of Transportation in the amount of \$5.0 million for improvements associated with the North Carolina Railroad/Sugar Creek Road Grade Separation Project.

Staff Resources: Danny Pleasant, Transportation
Timothy Gibbs, Transportation

Explanation

- The 2012-2018 North Carolina State Transportation Improvement Program calls for improvements at the junction of Sugar Creek Road and the North Carolina Railroad in northeast Charlotte to modernize the existing railroad infrastructure and improve safety for vehicles and pedestrians.
- This \$43 million project is a component of the Charlotte Railroad Improvement and Safety Program, an initiative by:
 - The City of Charlotte,
 - The State of North Carolina,
 - The North Carolina Railroad Company,
 - CSX Transportation, and
 - Norfolk Southern Railroad.
- The \$5.0 million in City funds will be used to enhance street connectivity to provide for wider sidewalks, bridge enhancements, and lighting on and under the bridge.
- The project is being coordinated to ensure infrastructure improvements with the State's and the Charlotte Area Transit System's Blue Line Extension construction schedules.
- A Funding Agreement is an agreement between the partners noting the financial participation of each partner and the Municipal Agreement specifies particular items and relative costs that will be included in the agreement between the City and the State.
- A Municipal Agreement between the City and the State is necessary for the State to be reimbursed.

Charlotte Business INclusion

This is an Interlocal agreement and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Funding

Transportation Capital Investment Plan

Attachment 18

Charlotte Railroad Improvement and Safety Program Map
Resolution

28. Geotechnical and Construction Materials Testing Services

- Action:**
- A. Approve a one-year term contract, each in an amount up to \$150,000, for geotechnical and construction materials testing services with the following firms:**
- AMEC Environmental & Infrastructure, Inc.,
 - ECS Carolinas,
 - ESP Associates, PA,
 - Froehling & Robertson, Inc.,
 - Gavel & Dorn Engineering,
 - Joel E. Wood & Associates,
 - Kleinfelder Southeast, Inc.,
 - Professional Service Industries, Inc.
 - S&ME, Inc.
 - Terracon Consultants, Inc., and
- B. Authorize the City Manager to approve two, one-year renewals for each contract in an amount up to the original contract amount.**

Staff Resources: Susan Tolan, Engineering & Property Management
David Meachum, Engineering & Property Management

Explanation

- These contracts will provide geotechnical and construction materials testing such as soil sampling and laboratory services for various construction projects within the City of Charlotte.
- The City will issue work orders with the individual firms as the need arises.
- These firms will provide continuous on-call geotechnical and construction materials testing for federal, state and local funded projects for the term of the contracts.
- Firms were selected using the Council approved qualifications-based selection process.

Charlotte Business INclusion

For services based contracts, the City may negotiate SBE participation after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Each firm above has SBEs on its project team, and for each work order issued 5.00% of the respective total contract amount is committed to SBEs. In addition, two of the firms selected (Gavel & Dorn Engineering & Joel E. Wood Associates) are certified SBE firms.

Funding

General Capital Investment Plan and Storm Water Capital Investment Plan

29. Blumenthal Performing Arts Center Restroom Renovation and Expansion

- Action:**
- A. **Reject the low-bid contract, in the amount of \$786,140, from W.C. Construction Company, LLC for failure to comply with the Small Business Opportunity Program requirements,**
 - B. **Award a contract to the second lowest, responsive bidder, Edison Foard, Inc., in the amount of \$844,100, for construction of the Blumenthal Performing Arts Center Restroom Renovation and Expansion project, and**
 - C. **Adopt a budget ordinance appropriating an additional \$44,100 in Blumenthal Performing Arts Center funds to the Blumenthal Performing Arts Center Restroom Renovation and Expansion project.**

Staff Resources: William Haas, Engineering & Property Management
Tom Gabbard, Blumenthal Performing Arts Center

Explanation

- The project will include the renovation of 3,000 square-feet within the Blumenthal Performing Arts Center.
- The work involves a renovation and expansion of the Orchestra Level Women's Restroom.
- The Blumenthal building meets the minimum code requirement for plumbing fixtures but does not meet the demand generated during peak usage at a theater event. The existing circulation and layout do not adequately permit passage in the restroom.
- The project incorporates sustainable elements such as "low flow" water fixtures, finishes with low or no volatile organic compounds, LED lighting and turbine-powered faucets and toilets.
- Construction completion is scheduled for first quarter 2014.

Award to Second Lowest Bidder

- Staff recommends the contract be awarded to the second lowest, responsive bidder, Edison Foard, Inc.
- The low-bidder, W.C. Construction, LLC did not meet the established Small Business Enterprise (SBE) goal, proposing a total SBE utilization of 0.52%.
- The low-bidder then submitted their good faith effort documentation, and after review, staff determined they also did not meet the minimum required good faith effort points, achieving only 10 points.
- The low-bidder failed to achieve compliance with the Small Business Opportunity Program by achieving neither the SBE goal of 13% or the minimum good faith effort points of 165, as referenced in Part B: Section 2.1 of the Small Business Opportunity Program Policy.

Budget Ordinance

As part of a cost sharing agreement, the Blumenthal agreed to cover the design costs for this project along with any construction costs in excess of \$800,000.

Charlotte Business INclusion

Established SBE Goal: 13%

Committed SBE Goal: 16.84%

Edison Foard, Inc. exceeded the established SBE goal and committed 16.84% (\$142,169) of the total contract amount to the following SBE firm: Stevens Interiors (drywall/ceilings).

Funding

General Capital Investment Plan

Attachment 19

Budget Ordinance

30. Farm Pond Neighborhood Improvement Project

Action: Award the low-bid contract, in the amount of \$1,821,342.33, to Sealand Contractors Corp. for the Farm Pond Neighborhood Improvement project.

Staff Resource: Carl Jarrett, Engineering & Property Management

Explanation

- The 2010 Neighborhood Bond project and will include infrastructure improvements in the area bounded by Campbell Creek to the west, W.T. Harris Boulevard to the east, Hickory Grove Road to the north and Albemarle Road to the south.
- The project includes:
 - Sidewalk,
 - Storm drainage,
 - Curb and gutter,
 - Landscaping, and
 - Creek erosion and mediation.
- Improvements will be installed on Lawrence Orr Road, Wagon Oak Road, Hobbs Hill Drive and Johnette Drive.
- Construction is expected to be complete by first quarter 2015.

Charlotte Business INclusion

Established SBE Goal: 16%

Committed SBE Goal: 16.00%

Sealand Contractors, Corp. met the established SBE goal and committed 16.00% (\$291,415.40) of the total contract amount to the following SBE firms:

On Time Construction, Inc. (concrete), P&TL, Inc. (erosion control), Darnell Jones Trucking (hauling), Streeter Trucking (hauling), Carolina Wetland Services (landscaping), Ground Effects (pavement marking), and A-1 Precision Fence (fencing).

Funding

Neighborhood Capital Investment Plan

31. Overhead Door Service and Maintenance

Action: Approve a contract with Carolina Door in the total amount up to \$500,000 over a three-year term.

Staff Resource: Sue Rutledge, Engineering & Property Management

Explanation

- The contract will include servicing over 250 overhead doors at various City facilities. A large percentage of these doors are located at Charlotte Fire Department and Charlotte-Mecklenburg Police Department locations. Reliable operations of these doors are critical to response time.
- The contract has provisions for door replacement if necessary and has stringent requirements for capability to perform on-call services 24 hours a day, 7 days a week.
- A Request for Proposals was advertised on the local and state websites in July 2013. Three firms picked up proposal documents and two firms attended the pre-proposal meeting with all questions answered on the addendum. Carolina Door's proposal was the only proposal received.
- The firm was selected based on criteria that included capability to perform, past performance, and pricing.

Charlotte Business INclusion

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

Funding

General Capital Investment Plan

32. Airport Closed Circuit Television Video System Upgrade

- Action:**
- A. Approve the upgrade of the Airport's Closed Circuit Television Video system used by the Transportation Security Administration, as authorized by the sole source purchasing exemption of G.S. 143-129 (e) (6),
 - B. Award the contract, in the amount of \$563,272, to Johnson Controls, Inc. for an upgrade of the CCTV system,
 - C. Award the low-bid contract, in the amount of \$90,977, with PC Mall Gov for the purchase of network switches necessary for the Closed Circuit Television Video System upgrade, and
 - D. Adopt a budget ordinance appropriating \$654,249 from the Airport Discretionary Fund to the Airport Capital Investment Plan.

Staff Resource: Brent Cagle, Aviation

Sole Source Exemption

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

Explanation

- On February 25, 2008, the City Council adopted a resolution accepting a grant in the amount of \$2,050,000 from the Transportation Security Administration to provide a closed circuit television system.
- On December 12, 2012, the City Council approved a change order to a camera system contract with Johnson Controls, Inc. for additional camera system installations for \$392,663.
- The Airport's current closed circuit television video monitoring and recording system has reached the end of useful life and is not compatible with other newer components. Moreover, the system will no longer be supported by Johnson Controls, Inc.
- The contract with Johnson Controls includes the following:
 - An upgrade of the current software program in order for the system to operate on Windows 7 platform,
 - Replaces obsolete workstations and updates viable workstations to ensure smooth system operations,
 - Replaces storage modules to meet video evidence retention requirements for Transportation Security Administration, airlines, and the Airport, and
 - Replaces equipment racks and network switches to ensure a robust infrastructure.
- The contract with PC Mall Gov will replace equipment racks and network switches to ensure a robust infrastructure.
- These upgrades maintain the standardization and compatibility needs of the Airport's video monitoring system operated by the Transportation Security Administration.

Charlotte Business INClusion

Action A/B:

This is a Sole Source Contract and is exempt (Part A: Appendix 27 of the Charlotte Business INClusion Policy).

Action C:

No SBE goal was set for this contract because there are no subcontracting opportunities.

Funding

Aviation Capital Investment Plan

Attachment 20

Budget Ordinance

33. Airport Control Room Communications Upgrade

Action: Adopt a budget ordinance appropriating \$518,310 from the Airport Discretionary Fund to the Aviation Capital Investment Plan for the purchase of communication consoles.

Staff Resource: Herbert Judon, Aviation

Explanation

- The airport control room serves as the 24/7 communications center and incident command center for Charlotte Douglas International Airport.
- The current communications system in the Control Room has been in place since 2006 and the operating system is not upgradeable.
- The Aviation Department is using the City's current contract with Motorola Solutions to purchase seven consoles that will improve the Airport's overall radio communications.

Charlotte Business Inclusion

This is a no competitive process contract and is exempt (Part A: Appendix 27 of the Charlotte Business INClusion Policy).

Funding

Aviation Capital Investment Plan

Attachment 21

Budget Ordinance

34. Airport Rental Car Storage Facility Change Order #1

- Action:**
- A. Approve change order #1, in the amount of \$230,293, with E.S. Wagner Co., LLC for additional site work for the Airport's future Rental Car Storage Facility, and
 - B. Adopt a budget ordinance appropriating \$230,293 from the Contract Facility Charge Fund to the Aviation Capital Investment Plan.

Staff Resource: Jack Christine, Aviation

Explanation

- On May 13, 2013, the City Council approved a \$658,225.50 construction contract to E.S. Wagner, Co., LLC. for grading of the future rental car storage facility.
- After grading commenced, the rental car companies collectively requested modification to the site to accommodate their maintenance and storage operations.
- The change order will clear and grade an additional eight acres of land to be used for the rental car maintenance and storage facilities.
- The original contract with change order #1 will bring the new contract total to \$888,518.50.

Charlotte Business INclusion

All additional work involved in this change order will be performed by E.S. Wagner Co., LLC and their existing subcontractors (Part D: Section 6 of the SBO Policy). E.S. Wagner will maintain its original commitment of 10.32% SBE participation in this change order.

Funding

Aviation Capital Investment Plan

Attachment 22

Budget Ordinance

35. Aircraft Ground Equipment Repair Parts

- Action:**
- A. Approve the purchase of aircraft ground equipment, material, and repair parts from Hobart Ground Systems, as authorized by the sole source exemption of G.S. 143-129(e)(6),
 - B. Approve a contract with Hobart Ground Systems for the purchase of equipment, material, and repair parts used for ground power units and pre-conditioned air units for the term of three years, and
 - C. Authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments as stipulated by the contract at the time of renewal.

Staff Resource: Mark Wiebke, Aviation

Sole Source Exemption

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

Explanation

- The Airport owns and maintains 58 passenger loading bridges. Integral components of the loading bridges are the ground power units and pre-conditioned air units. The ground power units provide regulated power to aircraft parked at the loading bridge, while the pre-conditioned air units provide heating and air conditioning to the aircraft.
- Hobart Ground Systems is the manufacturer of this specialized airport equipment, and the original equipment manufacturer parts are required to maintain performance standards, standardization, and compatibility with existing equipment.
- The estimated annual expenditures are \$150,000.

Charlotte Business INclusion

This is a sole source contract and is exempt-(Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Funding

Airport Operating Budget

36. Airport Public Internet Service

- Action:**
- A. Approve a three-year contract with AT&T to provide the Airport's public internet service capacity, and
 - B. Authorize the City Manager to approve one, three-year renewal.

Staff Resource: Brent Cagle, Aviation

Explanation

- The Airport has provided public internet access to its passengers since 2006.
- The existing 100 MB internet connection is no longer sufficient for demand during peak times. As a result, there is often degradation of service or no internet access for passengers.
- The Airport plans to expand its internet service capacity from 100 MB to 1,000 MB (1 gigabyte) to improve passenger experience.
- On September 20, 2013, as part of the service capacity upgrade, the Airport issued a Request for Proposal with updated criteria; two proposals were received on October 10, 2013.
- The evaluation team selected AT&T on the basis of overall cost. Both firms had comparable experience, service levels, and references.
- The estimated total cost for the service is \$190,022 for the three-year period.
- The anticipated completion date of the service capacity upgrade is December 1, 2013.

Charlotte Business INclusion

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

Funding

Airport Operating Budget

37. Airport Entrance Roadway Lights

- Action:** Approve an agreement with Duke Energy in the amount of \$211,978.66 for lighting for the new airport entrance road.

Staff Resource: Jack Christine, Aviation

Explanation

- On June 25, 2012, the City Council approved a construction contract with Blythe Construction in the amount of \$18,220,961 for the construction of the new Entrance Roadway to the Airport.
- As part of this project but under a separate charge, Duke Energy will install 52 light poles equipped with energy-efficient LED lights.
- LEDs white light offers better visibility in a more consistent, reliable manner, enhancing the overall safety and security of the area.
- The Aviation Department has chosen LED lights because of decreased energy usage. The new lights will be approximately 140-watts compared to the traditional 400-watt HPS lights in normal city streets. This decision supports the goals of the Environment Focus Area Plan.

Charlotte Business INclusion

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

Funding

Aviation Capital Investment Plan

38. **LYNX Blue Line Extension Project – Advanced Public Utility Relocations**

Action: Award the low-bid contract, in the amount of \$4,979,780, to Blythe Development Company for the advanced public utility relocations associated with the LYNX Blue Line Extension project.

Staff Resource: Danny Rogers, Transit

Explanation

- The contract is for utility relocation work associated with the construction of the LYNX Blue Line Extension (BLE) in Segment B (north of proposed Old Concord Road Station to north of Stetson Drive).
- 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 utility companies.
- Clearing and grading are necessary to prep the site for both private and public utility relocations.
- On August 1, 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 August 28, 2013, to solicit participation and to share information; three bids were received.
 - The apparent low-bidder, Blythe Development, initially was found to have not met the Disadvantaged Business Enterprise goal; however, after an administrative hearing, it was found that the company did meet the goal for the project as required by federal regulations (49 CFR Part 26.53).
 - Blythe Development 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 November 2013 through May 2014.

Disadvantaged Business Enterprise (DBE)

Established DBE Goal: 9.3%

Committed DBE Goal: 9.42%

Blythe Development was found to have met the DBE goal. Blythe has committed 9.42% (\$466,708.83) to the following certified DBE firms: GC Electrical Solutions (electrical supplier); Express Logistics (hauling); Bullington Construction (guardrails and fencing); CES Group Engineers (construction layout); McCallum Sales (signage); On-time Construction (masonry); Pavers Walls & Stamp Concrete (concrete); Nicky Construction (jack and bore); All Points Trucking (hauling); and ACE Steel (steel reinforcement).

Funding

Transit Capital Investment Plan

39. LYNX Blue Line Extension – Duke Energy Utility Relocation Agreement Amendment #2

Action: Approve contract amendment #2 to the Utility Relocation Agreement with Duke Energy for the LYNX Blue Line Extension project for up to \$4.3 million.

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

Explanation

- On February 27, 2012, the City Council approved a Utility Relocation Agreement with Duke Energy to use a cost-sharing approach to relocate privately-owned poles and overhead electrical wire to accommodate the LYNX Blue Line Extension (BLE) project. The Agreement approved was in principle only and did not have a contract value. The necessary funding was to be added later through Amendments as cost estimates for each segment became available.
- The agreement was prepared in order to satisfy Federal Transit Administration (FTA) requirements to have utility agreements completed prior to FTA approval to enter Final Design.
- On June 10, 2013, the City Council approved amendment #1 in the amount of \$2.3 million for the C segment of the BLE project (Stetson Drive to the UNC Charlotte Station).
- Contract amendment #2 provides the necessary funding amount of \$4.3 million to reimburse Duke Energy for their overhead BLE project related work in Segments A and B of the project (7th Street Uptown to Old Concord Road and Old Concord Road to Stetson Drive, respectively).
- Amendment #2 brings the total amount approved by the City Council to date for this Utility Relocation Agreement to \$6.6 million.
- Once Duke has completed its design and developed a cost estimate, staff anticipates seeking City Council approval of a future Amendment #3 for the remaining underground relocations.
- The current budget for the BLE project included funding for this work. This request is within the current cost estimate for the work.

Disadvantaged Business Enterprise (DBE)

Established DBE Goal: Not Applicable
Committed DBE Goal: Not Applicable

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

Funding

Transit Capital Investment Plan

40. City Code Ordinance Amendment – Charlotte Sewer Use Ordinance

Action: Approve an amendment to the City Code for the Charlotte Sewer Use Ordinance.

Staff Resource: Barry Gullet, Utility

Explanation

- Charlotte City Code regulates the discharge of waste to the publicly-owned sanitary sewer system via Chapter 23, *Water, Sewer and Industrial Waste Discharge Restrictions*; this chapter of City Code is commonly referred to as the Sewer Use Ordinance.
- These regulations are required by local, state and federal law.
- The amendment aligns the Charlotte-Mecklenburg Utility Department Sewer Use Ordinance with recent changes made to North Carolina rules and is required to meet requirements from the North Carolina Department of Environment and Natural Resources, Division of Water Resources and the U.S. Environmental Protection Agency.
- Proposed changes are technical changes due to state and federal law and result in no new or increased costs to customers.
- The changes will apply to heavy industry and commercial customers and these changes have been discussed with representatives of major industries and Mecklenburg County.
- The amendment language has been approved by the North Carolina Department of Environment and Natural Resources, Division of Water Resources.
- The ordinance will become effective upon adoption.
- As a result of HB 74 adopted by the General Assembly on August 23, 2013, action to approve this ordinance amendment requires a unanimous vote of the City Council members present and voting. Additional information regarding the amendment and the impact of HB 74 will be provided in the Friday, October 25 Council-Manager Memo.

Attachment 23

City Code Ordinance Amendment

41. FY2014 Utility Concrete and Asphalt Repair

- Action:**
- A. Award low-bid, unit price contracts for the repair of concrete and asphalt throughout Mecklenburg County to the following firms in the not-to-exceed amounts of:**
 - Dallas 1 Construction, \$252,467.25
 - Barry’s Concrete & Service, \$260,741.25, and
 - B. Authorize the City Manager to approve one renewal with price adjustments, based on the Construction Cost Index, as stated in the agreement.**

Staff Resource: Barry Gullet, Utility

Explanation

- The contracts provide for repairs to sidewalks, driveways, and streets that have been removed by Charlotte-Mecklenburg Utility Department crews in the course of making water and sanitary sewer system repairs.
- Road repairs covered by these contracts will occur primarily outside the Charlotte city limits because the Charlotte Department of Transportation is responsible for roadway repairs within the city limits.
- The Charlotte-Mecklenburg Utility Department has an existing contract with Carolina Cajun for these same services; adding two more contractors will allow for a more timely response.
- Dallas 1 Construction generally will cover repairs in the north and east parts of the county service area, while Barry’s Concrete will cover the south and west.

Charlotte Business INclusion

No SBE goal was set for this contract because there are no subcontracting opportunities (Part C: Section 2.4 of the SBO Policy). Dallas 1 Construction is a City of Charlotte certified SBE firm.

Funding

Utility Operating Budget

42. Combination Sewer Cleaning Trucks

- Action:**
- A. Approve the purchase of sewer cleaning equipment as authorized by the sole source exemption of G.S. 143-129(e)(6), and**
 - B. Approve the purchase of two sewer combination cleaning trucks from Rodders & Jets Supply Company in the total amount of \$633,880.**

Staff Resource: Barry Gullet, Utility

Sole Source Exemption

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available
 - A needed product is available from only one source or supply
 - Standardization or compatibility is the overriding consideration
- Charlotte-Mecklenburg Utility Department currently has 16 trucks of this type in its fleet. Crews have been trained in the operation and maintenance of this specialized equipment.
- Standardization increases operational efficiencies and reduces the number of maintenance parts required in the City's inventory.

Explanation

- Combination sewer cleaning trucks are heavy duty trucks specially equipped with high pressure cleaning hoses used to dislodge debris from sewer lines. These trucks are also equipped with a large vacuum to remove debris for disposal.
- Sewer lines must be cleaned periodically to prevent blockages that cause sanitary sewer overflows and to clear blockages that have already caused overflows. Additionally, this activity links directly to the City Council Environment Focus Area.
- Both of these trucks are replacements approved in the FY2014 Capital Equipment Replacement fund. The trucks have reached the end of their useful life expectancy, which is eight years.

Charlotte Business INclusion

This is a sole source contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Funding

Utility Capital Equipment Budget

43. Sewage Pumping Station Odor Scrubber Units

Action: **A. Approve the lease of Syneco Peacemaker Dry Air Scrubber Units for a term of three years, and**
 B. Authorize the City Manager to renew the lease for one additional, three-year term.

Staff Resource: Barry Gullet, Utility

Explanation

- The Charlotte-Mecklenburg Utility Department sewage pumping stations are essential to maintaining steady and continuous piped flow of wastewater to one of five area treatment plants.
- The Department began using Syneco Peacemaker Dry Air Scrubbers in 1999 after receiving numerous odor complaints from neighbors located close to eight of the local sewage pumping stations.
- After the Peacemaker units were installed and tested, customer odor complaints significantly decreased.
- The odor control material (media) and mechanical equipment inside the units has a relatively short life expectancy of 2-3 years. Leasing the units is the most cost-effective practice because the equipment manufacturer provides all necessary media replenishment and replacement parts during the lease period.
- The lease provides for nine current locations, as well as any necessary future installations.
- The annual estimated expenditure is \$110,000.

Charlotte Business INclusion

This is a lease agreement and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Funding

Utilities Operating and Capital Investment Plan

44. Utility Water Main Cleaning and Lining Contract

Action: **Approve contract renewal #1, for a unit price contract in the amount of \$3,748,976.20, with Heitkamp, Inc. for Water Main Cleaning and Epoxy Lining services.**

Staff Resource: Barry Shearin, Utility

Explanation

- Water main cleaning and epoxy lining services are needed to renew existing water mains that have reached the end of their service life. Targeted water mains cause poor water quality and reduced fire flow capacity.
- The work will be focused in the older areas of the water distribution system.
- The contract allows the City to exercise discretion to renew with unit price adjustments based on the Engineering News Record Construction Cost Index.
- Projects have been assigned to contractor for all of the funding in the current contract.

- On April 9, 2012, the City Council awarded the original contract in the amount of \$3,639,782.71. With the contract renewal, the new contract total is \$7,388,758.91.

Charlotte Business INclusion

All additional work involved in this renewal will be performed by the contractor and their existing subcontractors (Part D: Section 6 of the SBO Policy).

Funding

Utility Capital Investment Plan

45. Utility Laboratory Commodities Purchases

- Action:**
- A. Approve the purchase of laboratory commodities as authorized by the sole source exemption of G.S. 143-129(e)(6), and**
 - B. Approve the purchases of microbiological laboratory commodities from Idexx Distribution, Inc. for the term of two years.**

Staff Resource: Barry Gullet, Utility

Sole Source Exemption

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available,
 - A needed product is available from only one source of supply, or
 - Standardization or compatibility is the overriding consideration.
- Idexx Distribution, Inc. is the sole manufacturer of Idexx analytical commodities and the sole supplier for both Idexx and Dynal analytical commodities.

Explanation

- The Charlotte-Mecklenburg Utility Department Laboratory Services conducts more than 250,000 water quality tests per year to protect public health and the environment.
- Staff uses a specific set of complex, proprietary analytical laboratory testing equipment and materials from Idexx and Dynal to fulfill these responsibilities.
- The requested Idexx and Dynal commodities are required to retain laboratory's regulatory agency certifications that ensure compliance with state and federally mandated water quality standards.
- Annual expenditures are estimated to total \$75,000.

Charlotte Business INclusion

This is a sole source contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Funding

Utility Operating Budget

46. McAlpine Creek Wastewater Treatment Plant Dewatering Centrifuge

- Action:**
- A. Approve the purchase of a used dewatering centrifuge as authorized by the used goods exemption of G.S. 143-129(e)(10), and**
 - B. Approve the purchase, in the amount of \$178,000, with Equipment Xchange LLC for a Sharples/Alfa Laval PM centrifuge.**

Staff Resource: Barry Shearin, Utility

Used Equipment Exemption

- G.S. 143-129(e)(10) provides that formal bidding requirements do not apply when purchasing used apparatus, supplies, materials, or equipment.

Explanation

- The used centrifuge will be installed at McAlpine Creek Wastewater Treatment Plant alongside two existing dewatering centrifuges.
- An additional dewatering centrifuge is needed to improve operational reliability and redundancy in the dewatering portion of the wastewater treatment process.
- Dewatering centrifuges are large, heavy-duty pieces of equipment that can have a useful life of more than 30 years when maintained properly.
- The dewatering process reduces the weight of biosolids, which in turn reduces hauling costs and is essential to compliance with state permit requirements for biosolids land application on farmland. The units at McAlpine Creek WWTP extract water from an average of 350,000 gallons of biosolids daily.
- The need to enhance Charlotte-Mecklenburg Utility Department's existing dewatering process has been identified as an urgent and short-term priority by staff and consultants. New centrifuges could take 18 months to design, procure, and install and cost approximately \$700,000. This used unit can be procured, installed, and put into service within six months.
- The previous municipal owner replaced this centrifuge after purchasing different technology for their biosolids dewatering program. This equipment was inspected by Charlotte-Mecklenburg Utility Department maintenance staff and an independent centrifuge expert under contract with the City to verify the condition of the unit. The unit was determined to be in excellent condition and can operate reliably for an additional 15 to 20 years.
- Prices were obtained for other used centrifuges of the same model to ensure the cost of this centrifuge is competitive. Installing the centrifuge and making it compatible with the existing control system will cost approximately \$300,000.
- Installation will be performed by a contractor whose contract will be presented to the City Council for approval within four months.

Charlotte Business INclusion

No SBE goal was set for this contract because there are no subcontracting opportunities.

Funding

Utility Capital Investment Plan

47. McAlpine Creek Wastewater Treatment Plant Replacement Parts

- Action:**
- A. Approve the purchase and repair of digester mixer equipment parts as authorized by the sole source purchasing exemption of G.S. 143-129(e)(6), and**
 - B. Approve a contract with SPX Flow Technology/Lightnin, in the amount of \$704,088, for digester mixer equipment parts and repair.**

Staff Resource: Barry Shearin, Utility

Sole Source Exemption

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

Explanation

- Digester tank cleaning and mixer repairs at McAlpine Creek Wastewater Treatment Plant have been implemented in phases in order to maintain the required treatment process necessary to meet federal permit requirements.
- On June 10, 2013, the City Council approved contracts for replacement parts and equipment repairs in two of the four digesters.
- The contract is for the necessary parts and equipment repairs for the last two digesters.
- Digesters are enclosed circular concrete tanks with a mixing system and are used in the wastewater treatment process to prepare the solids residuals (biosolids) for state-permitted land application on farmland.
 - The mixing system consists of six 10-foot long stainless steel mixer blades and a gear box.
- The contract with Lightnin is only for parts and repair of existing equipment. Removal of the damaged blades and installation of the new blades will be completed by a contractor whose contract will be presented for the City Council approval within the next six months.
- The total project cost for these two digesters, including the parts and equipment repair, is estimated to be \$1.5 million.

Charlotte Business INclusion

Action A:

This is a sole source contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Action B:

No SBE goal was set for this contract because there are no subcontracting opportunities.

Funding

Utility Capital Investment Plan

48. Utility Line Relocation and Adjustment Municipal Agreement

Action: **A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for design and construction of water and sewer line relocations and adjustments for the Highway 29 bridge in the estimated amount of \$226,000, and**

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

Staff Resource: Barry Shearin, Utility

Explanation

- The North Carolina Department of Transportation (NCDOT) requires the City to enter into a Municipal Agreement for relocation of utility lines within NCDOT roadway projects prior to construction.
- The amount of the agreement is based on an NCDOT engineer's estimate.
- The agreement is for relocation of approximately 1,100 linear feet of municipally-owned water and sewer lines, ranging in size from two inches in diameter to 16 inches in diameter, within the North Carolina Department of Transportation roadway improvements project and bridge replacement along U.S. 29 (North Tryon Street) over Mallard Creek, NCDOT project B-4779.
- The Charlotte-Mecklenburg Utility Department reviews the invoice, validating the charges and making corrections when needed.
- At the end of the project, the City will reimburse NCDOT for actual construction costs associated with the utility relocations.
- Should the actual cost be different from the estimated amount of this Agreement, the City Manager will sign a Supplemental Agreement for the cost differential. Final invoice differences can occur when:
 - Actual unit price bids are different than estimated;
 - Changes in material costs occur after the estimate was prepared and before the project is completed; or
 - NCDOT project changes require design modifications.
- Construction is scheduled to begin fall 2013 and will take approximately 18 months to complete.
- The format and cost sharing philosophy is consistent with past Municipal Agreements.

Charlotte Business INclusion

This is an Interlocal agreement and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Funding

Utility Capital Investment Plan

Attachment 24

Resolution

49. Water and Sanitary Sewer Service Connections

Action: Award the low-bid contract, in the amount of \$109,940, to State Utility Contractors, Inc., Inc. for the construction and installation of a new water service to serve Carolinas Medical Center-University Hospital.

Staff Resource: Barry Shearin, Utility

Explanation

- The Carolinas Medical Center - University Area Hospital, located at 8800 North Tryon Street, has purchased a new 10-inch water tap for the hospital.
- The additional tap is need for emergency backup purposes only.
- The cost of this water connection is higher than typically expected due to the size, length, and availability of a 10-inch meter assembly. Construction will be along W.T. Harris Boulevard, which further increases the cost of construction.

Charlotte Business INclusion

Construction contracts estimated to be less than \$200,000 are considered informal and are exempt from the SBE subcontracting goal setting process (Appendix Section 29.1 of the SBO Policy).

Funding

Utility Capital Investment Plan

50. 2012 Local Water Supply Plan

Action: Adopt a resolution approving the 2012 Local Water Supply Plan for the City of Charlotte and Mecklenburg County.

Staff Resource: Barry Shearin, Utility

Explanation

- Since 1995, N.C. General Statute requires all units of local government that provide public water service to prepare a Local Water Supply Plan; the plan must be updated and approved by the local governing body at least once every five years.
- A Local Water Supply Plan is an assessment of a water system's current and future water supply needs and its ability to meet those needs. By understanding current and future needs, local governments are better positioned to manage water supplies and plan for water supply system improvements.
- The 2012 Local Water Supply Plan was submitted to the North Carolina Department of Environment and Natural Resources in April 2013 and has received preliminary approval. Final approval of the Local Water Supply Plan is pending and dependent upon the City Council approval.
- The Local Water Supply Plan analysis indicates that there is enough supply capacity to meet the forecasted demands until the year 2060, when system demand may begin to exceed supply. Charlotte-Mecklenburg Utility Department is actively engaged in supply management practices, demand management and leak reduction, all of which serve as the building blocks to preserve the community's future water supply.

- The Water Supply Plan is consistent with the regional planning efforts by the Catawba-Wateree Water Management Group and the Federal Energy Regulatory Commission that focus on the Catawba River basin.
- The City Council Environment Committee received an informational briefing on the long-range water supply plan at its June 17, 2013 meeting.

Attachment 25

2012 Local Water Supply Plan

Resolution

51. Security and Video Monitoring Services

Action: Award a low-bid contract, in the amount of \$122,535.62, with Advanced Digital Solutions, LLC to provide access control and video monitoring equipment and installation services for the Charlotte-Mecklenburg Utility Department, Field Operations Center Renovation project.

Staff Resource: Barry Gullet, Utility

Explanation

- On June 10, 2013, the City Council approved the Charlotte-Mecklenburg Utility Department, Field Operations Center building renovation project.
 - The request for action stated that the general construction contract did not include several other specialty services required to complete the building renovation, such as access control, security alarms, video monitoring, and computer network systems. These items would be installed under future contracts.
- The contract with Advanced Digital Solutions provides for the installation of video, access control, and security alarm systems and equipment for the newly renovated Field Operations Zone 1 facility.
- Work should be completed by mid-December of this year.

Charlotte Business INclusion

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

Funding

Utility Capital Investment Plan

52. Public Safety Communications Network Maintenance, Support, and Upgrades

Action: Approve a contract with Motorola Solutions, Inc. for maintenance, support, and upgrades to the City's Public Safety Radio Communications Network for a term not to exceed nine years in an amount not to exceed \$32,052,123.

Staff Resource: Charles Robinson, Shared Services

Explanation

- The City's Public Safety Radio Network System is critical for supporting all public safety and emergency services within Mecklenburg County and ten surrounding counties.
 - First responders that rely on the network include the Charlotte Fire Department, MEDIC, the Charlotte-Mecklenburg Police Department, the Mecklenburg County Sheriff's Department, and surrounding jurisdiction emergency response organizations.
- The public safety radio network is comprised of Motorola's proprietary electronic equipment and software that operates the radio communications system.
- Some components of the network are either reaching the end of their projected lifespan or will no longer be supported by the system architecture as required system upgrades are made.
- The proposed Motorola Migration Assurance Program will provide a customized multi-year plan designed to sustain and promote network availability and security, support ongoing growth and expansion due to increased demands on the network, provide for network migration to alternative technologies, and assist with compliance with future grant provisions that may be used to fund improvements.
 - Motorola will continue to provide ongoing maintenance and support, which includes monitoring the City's network and providing analysis of performance to mitigate risks of system failures that could prevent the City from responding to public safety needs in a timely manner.
 - Motorola will also perform upgrades to the network according to a pre-determined seven-year schedule, which may be modified according to the City's needs.
- The plan includes fixed annualized fees, based on scheduled upgrades and ongoing maintenance and support.
- The plan will save the City more than \$2.6 million by avoiding costs associated with purchasing for maintenance, support, and upgrades separately at current rates.
- The City may modify or cancel any of the scheduled upgrades or ongoing maintenance, at any time without penalty.
- York County, SC, the City of Austin, Texas, and many other cities and counties have moved to a Motorola Migration Assurance Program plan. The City of Durham, NC is under a similar plan, but is leasing instead of purchasing. Each county and city contacted regarding the Migration Assurance Program plan has indicated that it saves money and enables radio network owners to plan for the future.

Charlotte Business INclusion

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

Funding

Shared Services Operating and Capital Budgets

Attachment 26

Motorola Migration Assurance Program Plan Pricing

53. Stanly County Radio Service Interlocal Agreement

Action: Adopt a resolution approving an Interlocal Agreement with Stanly County for public safety radio system interoperability and infrastructure services.

Staff Resource: Charles Robinson, Shared Services**Explanation**

- The radio services Interlocal Agreement details radio services that will be provided to Stanly County.
- All service provided by the City within the terms of the Agreement will be fully funded by Stanly County, including the funding of 2.25 Full-Time Equivalent employees (FTEs) upon execution of the agreement .
 - One FTE will provide network support for all of Stanly County network equipment.
 - One FTE will provide subscriber equipment support for all radios.
 - The 0.25 FTE will represent Stanly County' portion of a Network Asset Manager position to manage all assets using the consolidated radio system.
- Projected revenue is expected to total \$537,848 annually and will commence upon full deployment of the Stanly County radio subsystem during FY2015. Expenses and revenues will be prorated accordingly for FY2015 budgeting.
- Stanly County approved the Agreement in October 2013. The Mecklenburg County Board of County Commissioners is scheduled to consider the Agreement on November 5, 2013.
- The agreement has no impact to funds within FY2014. Service costs, new positions, and offsetting revenues associated with the Agreement will be included within the City's FY2015 budget.

Background

- The City of Charlotte and Mecklenburg County entered into an interlocal agreement consolidating all functions of the public safety radio network within Mecklenburg County under the City of Charlotte in December of 2003. The interlocal agreement anticipated the regionalization of the radio system by stating, "The City and the County shall work together to foster regional use of the Radio Network and will develop a regional plan for approval by the Radio Communications Council to promote regional participation. The plan will promote regional use of the Radio Network within the Network's present and future capacity. At all times public safety and homeland security users will have priority."
- The City is the lead agency for regional communications interoperability of public safety agencies within the Urban Area Security Initiative 11 County region. As the lead agency, the City has established the infrastructure necessary for regional voice communications interoperability with the support of several grants.

Charlotte Business INclusion

This is an Interlocal agreement and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Attachment 27

Stanly County Interlocal Agreement
Resolution

54. Self-Contained Breathing Apparatus Packs and Breathing Masks

Action:

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

Explanation

- On June 24, 2013, the City Council awarded a unit price contract to provide Self-Contained Breathing Apparatus Packs and breathing masks to the Charlotte Fire Department.
- Due to the increasing interest of other public agencies to purchase packs from Charlotte's contract, the decision was made to solicit on behalf of the Charlotte Cooperative Purchasing Alliance to allow others to participate.
 - The Alliance is a cooperative purchasing program established by Shared Services Procurement Management with the specific purpose of reducing procurement costs by leveraging aggregate purchasing volume to receive better pricing. Per statutory requirement, all cooperative contracts require governing board approval.
 - Approximately 10 public entities have expressed interest in using the Alliance contract.
 - All expenditures are expected to occur within those public entities wishing to use the Packs contract.
 - No annual expenditures are estimated for the City.
- Packs are devices worn by firefighters and rescue workers to provide breathable air when needed.
 - A pack 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; this system is not dependent upon a remote supply of air.
 - Packs allow the firefighter or rescue worker to enter into a breathing environment that may be immediately dangerous to life and health to perform necessary duties and still have access to breathable air.
- On May 7, 2013, the Shared Services Procurement Management Division, on behalf of the Alliance, issued an Invitation to Bid for the Packs and breathing masks; one bid was received.
- The unit prices are set forth in the proposed contract.

Charlotte Business INclusion

No SBE goal was set for this contract because there are no subcontracting opportunities.

55. Municipal Records Retention and Disposition Schedule Amendment

Action: Approve the amended North Carolina Municipal Records Retention and Disposition Schedule

Staff Resource: Stephanie Kelly, City Clerk's Office

Explanation

- The North Carolina Department of Cultural Resources, Division of Historical Resources, Archives and Records Section issued a new Municipal Records Retention and Disposition Schedule in 2012; the schedule was amended in August 2013.
- The schedule lists records commonly found in municipal offices and gives employees an assessment of their value by specifying when, and if, those records may be destroyed. The new schedule requires customizing administrative values for a number of city records which will be inserted once determined.
- Pursuant to State law, a municipality may only dispose of records with the consent of the Department of Cultural Resources. Upon adoption by the City Council, this new schedule will serve as the Department of Cultural Resources' consent to dispose of records in accordance with its terms. It supersedes all previous editions, including all amendments thereto.
- A link to the new schedule will be accessible on the City Clerk's website and a hardcopy maintained on file in the Clerk's Office.

56. Refund of Property and Business Privilege License Taxes

Action: A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$66,865.30, and
B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$4,240.02.

Staff Resource: Sherry Hite, 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 28

Lists of refunds
Resolutions

57. Bank of America Stadium Budget Ordinance

Action: Adopt a budget ordinance for \$28 million to complete Phase I financing of Bank of America Stadium.

Staff Resources: Greg Gaskins, Finance
Randy Harrington, Budget & Evaluation

Explanation

- On April 22, 2013, the City Council approved business terms with the Carolina Panthers to fund improvements to Bank of America Stadium as part of a ten-year partnership.
- As authorized by the City Council, the City Manager has since approved an agreement with Panthers Stadium, LLC and Panthers Football, LLC consistent with the approved business terms.
- On September 23, 2013, the City Council adopted a resolution to proceed with the financing of the first phase of the project.
- On October 1, 2013, the Local Government Commission approved the financing and the funding process was completed on October 22.
- Funding for the City's investment is provided from the existing 1% food and beverage tax and 3% occupancy tax.
- Adoption of the budget ordinance will enable the funds to be used for the Phase I projects.
- Phase I improvements include escalators, entry, and lightning improvements.
- Per the signed agreement between the City of Charlotte and the Panthers Stadium, LLC and Panthers Football, LLC, the proceeds will be placed in an escrow fund to be disbursed per the terms of the escrow agreement.

Funding

Convention Center Capital Projects Fund

Attachment 29

Budget Ordinance

58. Meeting Minutes

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

- July 15, 2013 Zoning Meeting
- August 26, 2013 Business Meeting
- September 16, 2013 Business Meeting
- September 16, 2013 Zoning Meeting

59. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety:

- A. 4429 Cades Cove Drive (Neighborhood Profile Area 111)
- B. 423 Campus Street (Neighborhood Profile Area 382)
- C. 5920 Hewitt Drive (Neighborhood Profile Area 238)

Field Observation:

- D. 1816 Catherine Simmons Avenue (Neighborhood Profile Area 374)
- E. 2801 Clyde Drive (Neighborhood Profile Area 88)
- F. 1700 Heathcliff Street (Neighborhood Profile Area 51)
- G. 3332 Rozzelles Ferry Road (Neighborhood Profile Area 88)

Public Safety:

A. 4429 Cades Cove Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4429 Cades Cove Drive (Neighborhood Profile Area 111).

Attachment 30

B. 423 Campus Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 423 Campus Street (Neighborhood Profile Area 382).

Attachment 31

C. 5920 Hewitt Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5920 Hewitt Drive (Neighborhood Profile Area 238).

Attachment 32

Field Observation:

D. 1816 Catherine Simmons Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1816 Catherine Simmons Avenue (Neighborhood Profile Area 374).

Attachment 33

E. 2801 Clyde Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2801 Clyde Drive (Neighborhood Profile Area 88).

Attachment 34

F. 1700 Heathcliff Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1700 Heathcliff Street (Neighborhood Profile Area 51).

Attachment 35

G. 3332 Rozzelles Ferry Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3332 Rozzelles Ferry Road (Neighborhood Profile Area 88).

Attachment 36

PROPERTY TRANSACTIONS

60. Property Transactions

Action: Approve the following property transaction(s) (A-W) and adopt the condemnation resolution(s) (X-AN).

For property transaction A and X-Z 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.
- The definition of *easement* is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross", such as public utility easement.
- The definition of *fee simple* is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited, commonly, synonym for ownership.

Acquisitions

- A.** **Project:** Blue Line Extension, Parcel #2215
Owner(s): United States Postal Service
Property Address: 6700 North Tryon Street
Total Property Area: 341,333 sq. ft. (7.8359 ac.)
Property to be acquired by Easements: 11,216 sq. ft. (.257 ac.) in Storm Drainage Easement, plus 22,525 sq. ft. (.517 ac.) in Temporary Construction Easement, plus 2,982 sq. ft. (.068 ac.) in Utility Easement, plus 66 sq. ft. (.002 ac.) in Storm Drainage Easement and Utility Easement, plus 32 sq. ft. (.001 ac.) in Sidewalk Utility Easement and Storm Drainage Easement, plus 1,332 sq. ft. (.031 ac.) in Access Easement, Utility Easement and Storm Drainage Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: B-2
Use: Industrial
Tax Code: 049-081-09
Total Parcel Tax Value: \$308,000
Purchase Price: \$65,070
- B.** **Project:** Charlotte Mecklenburg Utility- Lakeview Road 8" Sanitary Sewer, Parcel #1
Owner(s): M.I.K.E. Land Co., LLC
Property Address: 6415 Lakeview Road
Total Property Area: 145,634 sq. ft. (3.343 ac.)
Property to be acquired by Easements: 4,304 sq. ft. (.099 ac.) in Temporary Construction Easement, plus 3,270 sq. ft. (.075 ac.) in Permanent Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: I-2
Use: Industrial
Tax Code: 025-011-07
Total Parcel Tax Value: \$1,243,600
Purchase Price: \$12,025
- C.** **Project:** FY13 Sidewalks- Park Road, Parcel #2
Owner(s): TDC Park Abbey, LLC
Property Address: 4600 Park Road
Total Property Area: 176,623 sq. ft. (4.0547 ac.)
Property to be acquired by Easements: 1,371 sq. ft. (.031 ac.) in Sidewalk and Utility Easement, plus 769 sq. ft. (.018 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: O-2
Use: Office
Tax Code: 171-082-37
Total Parcel Tax Value: \$9,351,800
Purchase Price: \$13,500

- D. Project:** Gaynor Storm Drainage Improvement Project, Parcel #31
Owner(s): Jonathan Adoneran Hill, Sr. Revocable Trust, Jonathan Adoneran Hill, Sr., Trustee under Trust dated 1/3/96
Property Address: Gaynor Road
Total Property Area: 18,000 sq. ft. (0.413 ac.)
Property to be acquired by Easements: 2,634 sq. ft. (.06 ac.) in Storm Drainage Easement, plus 1,238 sq. ft. (.028 ac.) in Temporary Construction Easement, plus 634 sq. ft. (.015 ac.) in Existing Drainage Easement To Be Accepted
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 185-037-17
Total Parcel Tax Value: \$104,900
Purchase Price: \$21,800
- E. Project:** Gaynor Storm Drainage Improvement Project, Parcel #32
Owner(s): Jonathan Adoneran Hill, Sr. Revocable Trust, Jonathan Adoneran Hill, Sr., Trustee under Trust dates 1/3/96
Property Address: 4811 Gaynor Road
Total Property Area: 18,000 sq. ft. (.0413 ac.)
Property to be acquired by Easements: 4,380 sq. ft. (.101 ac.) in Storm Drainage Easement, plus 1,540 sq. ft. (.035 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees and Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 185-037-18
Total Parcel Tax Value: \$329,800
Purchase Price: \$33,950
- F. Project:** Gaynor Storm Drainage Improvement Project, Parcel #50
Owner(s): Eugene R. Judd and wife, Elizabeth A. Judd
Property Address: 432 Hunter Lane
Total Property Area: 19,639 sq. ft. (0.451 ac.)
Property to be acquired by Easements: 2,747 sq. ft. (.063 ac.) in Storm Drainage Easement, plus 568 sq. ft. (.013 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees and Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 185-071-37
Total Parcel Tax Value: \$295,900
Purchase Price: \$13,742

- G. Project:** Johnston Oehler Farm to Market, Parcel #4
Owner(s): Clarence R. Johnston and wife, Edith W. Johnston
Property Address: 4414 Johnston Oehler Road
Total Property Area: 524,938 sq. ft. (12.0509 ac.)
Property to be acquired in Fee: 27,992 sq. ft. (.643 ac.) in Fee Simple, plus 34,746 sq. ft. (.798 ac.) in Fee Simple within Existing Right-of-Way
Property to be acquired by Easements: 1,356 sq. ft. (.031 ac.) in Storm Drainage Easement, plus 10,880 sq. ft. (.25 ac.) in Slope Easement, plus 23,649 sq. ft. (.543 ac.) in Temporary Construction Easement, plus 8,242 sq. ft. (.189 ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: UR-2
Use: Single Family Residential - Rural Acreage
Tax Code: 029-311-07
Total Parcel Tax Value: \$328,900
Purchase Price: \$100,900
- H. Project:** Oakdale Road Widening, Parcel #12
Owner(s): Virginia L. Dunn
Property Address: 531 Oakdale Road
Total Property Area: 223,060 sq. ft. (5.121 ac.)
Property to be acquired in Fee: 12,310 sq. ft. (.283 ac.) in Fee Simple, plus 6,347 sq. ft. (.146 ac.) in Fee Simple within Existing Right-of-Way
Property to be acquired by Easements: 391 sq. ft. (.009 ac.) in Storm Drainage Easement, plus 7,076 sq. ft. (.162 ac.) in Sidewalk and Utility Easement, plus 1,641 sq. ft. (.038 ac.) in Waterline Easement, plus 6,834 sq. ft. (.157 ac.) in Temporary Construction Easement, plus 182 sq. ft. (.004 ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: R-4
Use: Single Family Residential - Rural Acreage
Tax Code: 035-031-21
Total Parcel Tax Value: \$184,900
Purchase Price: \$21,000
- I. Project:** Oakdale Road Widening, Parcel #27
Owner(s): Raven Ridge Homeowners Association of Mecklenburg, Inc.
Property Address: Corvus Court
Total Property Area: 32,908 sq. ft. (0.755 ac.)
Property to be acquired in Fee: 571 sq. ft. (.013 ac.) in Fee Simple
Property to be acquired by Easements: 4,025 sq. ft. (.092 ac.) in Sidewalk and Utility Easement, plus 4,126 sq. ft. (.095 ac.) in Temporary Construction Easement, plus 61 sq. ft. (.001 ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees, shrubs and various plants
Zoned: R-5(CD)
Use: Single Family Residential - Common
Tax Code: 035-092-97

Total Parcel Tax Value: \$0 (No Value Applied To Common Areas for Homeowner's Association)
Purchase Price: \$36,450

- J. Project:** Oakdale Road Widening, Parcel #42
Owner(s): Raven Ridge Homeowners Association of Mecklenburg, Inc.
Property Address: Peachtree Road
Total Property Area: 2,199 sq. ft. (0.050 ac.)
Property to be acquired in Fee: 293 sq. ft. (.007 ac.) in Fee Simple
Property to be acquired by Easements: 1,685 sq. ft. (.039 ac.) in Storm Drainage Easement, plus 1,420 sq. ft. (.033 ac.) in Sidewalk and Utility Easement, plus 474 sq. ft. (.011 ac.) in Temporary Construction Easement, plus 7 sq. ft. (ac.) in Utility Easement
Structures/Improvements to be impacted: 2 Signs, concrete/stone entrance monument
Landscaping to be impacted: Trees, shrubs, and various plants
Zoned: R-5(CD)
Use: Single Family Residential - Common
Tax Code: 035-092-98
Total Parcel Tax Value: \$0 (No Value Applied To Common Areas for Homeowner's Association)
Purchase Price: \$28,625
- K. Project:** Parkwood Storm Drainage Improvement Project - Phase 1, Parcel #2 and #3
Owner(s): Trustees of Missionary Ministers Apostolic Church
Property Address: 709 and 713 Belmont Avenue
Total Parcel Area: 14,964 sq. ft. (.344 ac.)
Property to be acquired: 14,964 sq. ft. (.344 ac.) in Fee Simple
(TOTAL TAKE)
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: B-2
Use: Industrial
Tax Code: 081-094-07 and 081-094-06
Total Parcel Tax Value: \$80,500
Purchase Price: \$112,320
- L. Project:** Parkwood Storm Drainage Improvement Project- Phase 2, Parcel #24
Owner(s): Bethel Worship Center, Inc.
Property Address: 420 East 15th Street
Total Property Area: 42,991 sq. ft. (0.9869 ac.)
Property to be acquired in Fee: 838 sq. ft. (.019 ac.) in Fee Simple
Property to be acquired by Easements: 5,618 sq. ft. (.129 ac.) in Storm Drainage Easement, plus 195 sq. ft. (.004 ac.) in Sidewalk and Utility Easement, plus 1,496 sq. ft. (.034 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: R-22MF
Use: Church
Tax Code: 081-062-08

Total Parcel Tax Value: \$1,206,500

Purchase Price: \$14,500

- M. Project:** Paw Creek Force Main Replacement- Phase 2 and Phase 3, Parcel #12
Owner(s): Heirs of L.A. Lineberger
Property Address: Morris Field Drive
Total Property Area: 265,733 sq. ft. (6.1 ac.)
Property to be acquired in Fee: 265,733 sq. ft. (6.1 ac.) in Fee Simple (**TOTAL TAKE**)
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: B-1(CD)
Use: 100 Year Flood Plain - AC
Tax Code: 115-075-01
Total Parcel Tax Value: \$155,800
Purchase Price: \$100,000
- N. Project:** Peterson Drive Storm Drainage Improvement, Parcel #5
Owner(s): Whitesides Investment Properties, LLC
Property Address: 228 East Peterson Drive
Total Property Area: 33,615 sq. ft. (.7717 ac.)
Property to be acquired by Easements: 2,078 sq. ft. (.048 ac.) in Storm Drainage Easement, plus 1,126 sq. ft. (.026 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: I-1
Use: Industrial
Tax Code: 149-023-02
Total Parcel Tax Value: \$335,800
Purchase Price: \$13,000
- O. Project:** Peterson Drive Storm Drainage Improvement, Parcel #27
Owner(s): Amy Diane Presson, as Trustee of Presson Trust FBO Amy Diane Presson dated 9/1/11 and William J. Presson and Carolyn T. Allen
Property Address: 3700 Ellenwood Place
Total Property Area: 10,369 sq. ft. (.2380 ac.)
Property to be acquired by Easements: 3,481 sq. ft. (.08 ac.) in Storm Drainage Easement, plus 1,640 sq. ft. (.038 ac.) in Temporary Construction Easement, plus 2,477 sq. ft. (.057 ac.) in Natural Storm Drainage Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: R-5
Use: Single Family Residential
Tax Code: 149-012-23
Total Parcel Tax Value: \$15,000
Purchase Price: \$11,375

- P. Project:** Ramah Creek Sewer Interceptor, Parcel #26
Owner(s): Hinds' Feet Farm, Inc.
Property Address: 14625 Black Farms Road
Total Property Area: 1,796,589 sq. ft. (41.24 ac.)
Property to be acquired by Easements: 37,223 sq. ft. (.855 ac.) in Sanitary Sewer Easement, plus 45,516 sq. ft. (1.045 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R
Use: Single Family Residential - Rural Acreage
Tax Code: 011-241-13
Total Parcel Tax Value: \$1,946,800
Purchase Price: \$21,700
- Q. Project:** Steele Creek Pump Station Replacement Final, Parcel #18, #21 and #28
Owner(s): The John S. Miller Family Limited Partnership
Property Address: Cranford Drive
Total Property Area: 4,148,495 sq. ft. (95.236 ac.)
Property to be acquired by Easements: 156,806 sq. ft. (3.6 ac.) in Sanitary Sewer Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Easement area impacts densely wooded area and fields for crops. During construction and for a short time after, the ability to farm and produce will be lost causing a loss of crops while land is being restored
Zoned: RMX
Use: Multi Family Rural Acreage
Tax Code: 205-081-02, 205-023-87 and 543-127-86
Total Parcel Tax Value: \$86,263
Purchase Price: \$25,000
- R. Project:** Airport Master Plan Land Acquisition
Owner(s): Diane Chavez and Husband Victor Chavez
Property Address: 9528 Markswood Road
Property to be acquired: 2.87 acres
Improvements: Single Family Residence
Purchase Price: \$205,000
Remarks: The purchase price was determined by one independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: R-3 **Use:** Single-Family Residence
Tax Value: \$193,700
Tax Code: 141-261-27

- S.** **Project:** Airport Master Plan Land Acquisition
Owner(s): Roger J Olsen and Wife Judy M Olsen
Property Address: 9400 Markswood Road
Property to be acquired: 1.4 acres
Improvements: Single Family Residence
Purchase Price: \$204,000
Remarks: The purchase price was determined by one independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: R-3 Use: Single-Family Residence
Tax Value: \$151,400
Tax Code: 141-261-32
- T.** **Project:** Airport Master Plan Land Acquisition
Owner(s): Horizon Christian Fellowship
Property Address: 7936 Steele Creek Road
Property to be acquired: 6.929 acres
Improvements: Church
Purchase Price: \$1,200,000
Remarks: The purchase price was determined by one independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: R-3 Use: Single-Family Residence
Tax Value: \$452,000
Tax Code: 141-112-02
- U.** **Project:** Airport Master Plan Land Acquisition
Owner(s): Oma Ann Wilkinson Family Trust
Property Address: 9627 Markswood Road
Property to be acquired: 1.07 acres
Improvements: Single-Family Residence
Purchase Price: \$207,000
Remarks: The purchase price was determined by one independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: R-3 Use: Single Family Residence
Tax Value: \$179,200
Tax Code: 141-261-22

- V. **Project:** Airport Master Plan Land Acquisition
Owner(s): Richard T. Meek (Successor Trustee)
Property Address: 5920 Wilkinson Boulevard
Property to be acquired: 3.477 acres
Improvements: Vacant
Purchase Price: \$1,007,000
Remarks: The purchase price was determined by one independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: I-2 Use: Vacant
Tax Value: \$360,500
Tax Code: 061-281-08
- W. **Project:** Airport Master Plan Land Acquisition
Owner(s): Cook Truck Equipment & Tools, Inc.
Property Address: 3701 Harlee Avenue
Property to be acquired: 3.574 acres
Improvements: Commercial Building
Purchase Price: \$1,445,000
Remarks: The purchase price was determined by one independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: I-2 Use: Commercial Building
Tax Value: \$592,700
Tax Code: 115-151-14

Condemnations

- X. **Project:** Blue Line Extension, Parcel #2173 and #2174
Owner(s): North Tryon Street-Owen Properties, LLC and any other parties of interest
Property Address: 6324 North Tryon Street
Total Property Area: 90,080 sq. ft. (2.0680 ac.)
Property to be acquired in Fee: 1,528 sq. ft. (.035 ac.) in Fee Simple
Property to be acquired by Easements: 3,071 sq. ft. (.071 ac.) in Storm Drainage Easement, plus 7,586 sq. ft. (.174 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees and shrubs
Zoned: B-2
Use: Commercial
Tax Code: 049-055-05 and 049-055-04
Total Parcel Tax Value: \$1,989,800

Appraised Value: \$51,850

Property Owner's Counteroffer: \$62,220

Property Owner's Concerns: The property owner's attorney is concerned with the language in the agreement and the improvements that will be made to the property.

City's Response to Property Owner(s) Concerns: Staff has met with the property owner and their attorney to explain the improvements to be constructed and address their agreement concerns.

Recommendations: Council approved this property transaction as an acquisition on 6/24/2013. Due to the recent concerns presented by the property owner and their attorney, staff recommends Council approval for condemnation in case the property owner is unwilling to proceed to closing.

- Y. **Project:** Blue Line Extension, Parcel #3213
- Owner(s):** CS Shoppes at University Place, LLC and any other parties of interest
- Property Address:** 9000 J. M. Keynes Drive
- Total Property Area:** 177,051 sq. ft. (4.065 ac.)
- Property to be acquired in Fee:** 24,156 sq. ft. (.555 ac.) in Fee Simple
- Property to be acquired by Easements:** 222 sq. ft. (.005 ac.) in Access Easement, plus 1,311 sq. ft. (.03 ac.) in Access Easement and Utility Easement, plus 240 sq. ft. (.006 ac.) in Waterline Easement, plus 3,614 sq. ft. (.083 ac.) in Temporary Construction Easement, plus 3,074 sq. ft. (.071 ac.) in Utility Easement
- Structures/Improvements to be impacted:** Bollards and light pole
- Landscaping to be impacted:** Trees and shrubs
- Zoned:** B-1S(CD)
- Use:** Commercial
- Tax Code:** 047-272-03
- Total Parcel Tax Value:** \$2,540,400
- Appraised Value:** \$381,875
- Property Owner's Counteroffer:** None
- Property Owner's Concerns:** The property owner was concerned about the loss of the monument sign during construction and how the delivery trucks will access the property.
- City's Response to Property Owner(s) Concerns:** Staff began working with the property owner in August 2012 and has yet to reach an agreement. Staff informed the property owner that temporary moveable signage will be available during construction and explained that access to the site for their delivery trucks will be maintained.
- Recommendations:** Previously deferred from the 09/23/13 Council meeting. To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- Z.** **Project:** Blue Line Extension, Parcel #3215 and #3217
Owner(s): CS Shoppes at University Place, LLC and any other parties of interest
Property Address: 9014 J.M. Keynes Drive
Total Property Area: 117,747 sq. ft. (2.703 ac.)
Property to be acquired in Fee: 1,694 sq. ft. (.039 ac.) in Fee Simple
Property to be acquired by Easements: 2,967 sq. ft. (.068 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees, shrubs and various plantings
Zoned: B-1S(CD)
Use: Commercial
Tax Code: 047-272-05 and 047-272-06
Total Parcel Tax Value: \$1,159,300
Appraised Value: \$44,500
Property Owner's Counteroffer: None
Property Owner's Concerns: The property owner was concerned about the loss of the monument sign during construction and how the delivery trucks will access the property.
City's Response to Property Owner(s) Concerns: Staff began working with the property owner in August 2012 and has yet to reach an agreement. Staff informed the property owner that temporary moveable signage will be available during construction and explained that access to the site for their delivery trucks will be maintained.
Recommendations: Previously deferred from the 09/23/13 Council meeting. To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- AA.** **Project:** Finchley-Purser/Shamrock Hills Neighborhood Improvement Project- Phase 2, Parcel #102
Owner(s): Like Wen and any other parties of interest
Property Address: 3827 Foxford Place
Total Property Area: 21,825 sq. ft. (0.501 ac.)
Property to be acquired by Easements: 1,732 sq. ft. (.04 ac.) in Storm Drainage Easement, plus 496 sq. ft. (.011 ac.) in Sidewalk and Utility Easement, plus 3,999 sq. ft. (.092 ac.) in Temporary Construction Easement, plus 1 sq. ft. (ac.) in Easement to be Abandoned, plus 1,910 sq. ft. (.044 ac.) in Existing Drainage Easement To Be Accepted
Structures/Improvements to be impacted: None
Landscaping to be impacted: Tree and various plantings
Zoned: R-4
Use: Single Family Residential
Tax Code: 099-126-16
Total Parcel Tax Value: \$77,400
Appraised Value: \$2,075
Property Owner's Counteroffer: \$10,000
Property Owner's Concerns: Property owner does not agree with compensation.

City's Response to Property Owner's Concerns: Staff began working with the property owner in October 2012. Staff explained the drainage plan to property owner.

Outstanding Concerns: Staff has yet to reach a settlement with this property owner due to concerns with design and compensation amount.

Recommendations: To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

AB. Project: Hope Valley/ Oak Forest Neighborhood Improvement Project, Parcel #62

Owner(s): Aliza Y. Dildy and any other parties of interest

Property Address: 3924 Slagle Drive

Total Property Area: 10,211 sq. ft. (.2344 ac.)

Property to be acquired by Easements: 418 sq. ft. (.01 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Tree

Zoned: R-4

Use: Single Family Residential

Tax Code: 099-145-22

Total Parcel Tax Value: \$73,600

Appraised Value: \$75

Property Owner's Counteroffer: None

Property Owner's Concerns: The property owner is opposed to the project because he feels he will lose parking spaces.

City's Response to Property Owner's Concerns: Staff addressed the property owners concerns by changing the design to move the sidewalk into the right-of-way and by eliminating the sidewalk utility easement.

Outstanding Concerns: Property owner remains concerned with loss of parking.

Recommendations: To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

AC. Project: Hope Valley/ Oak Forest Neighborhood Improvement Project, Parcel #93

Owner(s): Clayton B. Allison and wife, Vivian A. Allison and any other parties of interest

Property Address: 2755 Meadowcliff Drive

Total Property Area: 11,562 sq. ft. (.2654 ac.)

Property to be acquired by Easements: 1,092 sq. ft. (.025 ac.) in Storm Drainage Easement, plus 125 sq. ft. (.003 ac.) in Right-of-Way and Utility Easement, plus 2,779 sq. ft. (.064 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single Family Residential

Tax Code: 099-214-13

Total Parcel Tax Value: \$92,800
Appraised Value: \$2,350
Property Owner's Counteroffer: None
Property Owner's Concerns: The City has made numerous attempts at contact; however, property owners have not responded.
City's Response to Property Owner's Concerns: None
Recommendations: To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- AD. Project:** Hope Valley/ Oak Forest Neighborhood Improvement Project, Parcel #127
Owner(s): MPI Brittany, LLC and any other parties of interest
Property Address: 2500 Lanecrest Drive
Total Property Area: 469,110 sq. ft. (10.7693 ac.)
Property to be acquired by Easements: 752 sq. ft. (.017 ac.) in Storm Drainage Easement, plus 266 sq. ft. (.006 ac.) in Right-of-Way and Utility Easement, plus 6,743 sq. ft. (.155 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R-17MF
Use: Multi Family
Tax Code: 107-027-01
Total Parcel Tax Value: \$3,911,189
Appraised Value: \$1,550
Property Owner's Counteroffer: \$7,200
Property Owner's Concerns: The property owner is concerned with the amount of compensation.
City's Response to Property Owner's Concerns: Staff began working with the property owner in November 2012. Staff requested an appraisal to establish compensation based on the current design.
Outstanding Concerns: Staff has yet to reach a settlement regarding compensation.
Recommendations: To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- AE. Project:** Lawton Road, Parcel #1
Owner(s): JSSJ Development, L.L.C. and any other parties of interest
Property Address: 515 Lawton Road
Total Property Area: 90,409 sq. ft. (2.075 ac.)
Property to be acquired in Fee: 90,409 sq. ft. (2.075 ac.) in Fee Simple (TOTAL TAKE)
Structures/Improvements be impacted: Commercial Building
Landscaping to be impacted: None
Zoned: I-2
Use: Industrial
Tax Code: 039-081-13
Total Parcel Tax Value: \$347,100
Appraised Value: \$906,250
Property Owner's Counteroffer: None

Property Owner's Concerns: During the City's attempt to repair a failing storm drainage structure that was partially underneath a corner of the building, some damage was done to the building. Repairs were made however there was still a portion of the building unusable. The building is used as a swimming pool supply warehouse and the owner has been reluctant to work with the City because of having to relocate and the associated business interruption. An existing failing storm drain runs under the building, which creates additional safety concerns due to its poor condition, and may further limit the use of the building. Currently the owner has been restricted from occupying a portion of the building where the damages occurred.

City's Response to Property Owner's Concerns: Staff has been willing to accommodate the owner's business schedule and has provided assistance with relocation sites near the area that will have the least impact and interruption to the business. Staff has communicated to the property owner on numerous occasions throughout the past year the need to purchase the building and relocate the business. These negotiations have not been successful. City staff has diligently addressed the owner's concerns for occupant safety in the building. The property owner's wife and mother have recently passed away and he has been unresponsive to staff's attempts at contact. Staff believes these losses along with his concerns about moving have resulted in his reluctance to respond to the City. Ultimately staff wants to purchase the property, demolish the building, construct a new storm drainage line, and then resell the property retaining a storm drainage easement after the sale. Given the urgency of the conditions the City must pursue condemnation of the property to achieve these ends.

Outstanding Concerns: City staff has yet to reach a negotiated settlement with the property owner and is concerned that the building may no longer be safe to inhabit. Additionally, since the building was constructed in 1973 over a storm drainage pipe that is in poor condition, there is concern about continued deterioration of the pipe and its potential impact to the building and occupant safety.

Recommendations: The City will proceed with condemnation to buy the building and relocate owners business due to safety concerns with the building, with accommodation for business interruption. Compensation was established by two independent, certified appraisals and an appraisal review.

- AF. Project:** Oakdale Road Widening, Parcel #16
Owner(s): Heirs of Ruth Tench Jones and any other parties of interest
Property Address: Oakdale Road
Total Property Area: 7,880 sq. ft. (0.181 ac.)
Property to be acquired in Fee: 16 sq. ft. (0 ac.) in Fee Simple, plus 507 sq. ft. (.012 ac) in Fee Simple within Existing Right-of-Way
Property to be acquired by Easements: 531 sq. ft. (.012 ac.) in Storm Drainage Easement, plus 532 sq. ft. (.012 ac.) in Sidewalk and Utility Easement, plus 883 sq. ft. (.02 ac.) in Temporary Construction Easement, plus 226 sq. ft. (.005 ac.) in Sidewalk Utility Easement and Storm Drainage Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R-17MF

Use: Multi Family

Tax Code: 039-193-33

Total Parcel Tax Value: \$6,300

Appraised Value: \$1,700

Property Owner's Counteroffer: None

Property Owner's Concerns: This property is in probate and all of the heirs cannot be located.

City's Response to Property Owner(s) Concerns: Staff began working with one property owner in January 2013. Staff began working with one of the heirs and informed him of the outstanding tax and liens against the property and the inability to locate other heirs.

Outstanding Concerns: The City's outstanding concern includes the inability to obtain clear title.

Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, and clear title can be assured, mediation is available and if necessary, just compensation can be determined by the court.

- AG. Project:** Oakdale Road Widening, Parcel #22 and #24
- Owner(s):** Quail Ridge Homeowners Association of Mecklenburg County, Inc. and any other parties of interest
- Property Address:** Rook Road and 5837 Ringneck Road
- Total Property Area:** 14,779 sq. ft. (0.339 ac.)
- Property to be acquired in Fee:** 563 sq. ft. (.013 ac.) in Fee Simple
- Property to be acquired by Easements:** 2,923 sq. ft. (.067 ac.) in Sidewalk and Utility Easement, plus 2,564 sq. ft. (.059 ac.) in Temporary Construction Easement, plus 44 sq. ft. (.001 ac.) in Utility Easement
- Structures/Improvements to be impacted:** Sign and Irrigation System.
- Landscaping to be impacted:** Trees and Bushes
- Zoned:** R-4
- Use:** Single Family Residential - Common
- Tax Code:** 035-041-07 and 035-093-62
- Total Parcel Tax Value:** \$0 (No Value Applied To Common Areas Within A Homeowner's Association)
- Appraised Value:** \$64,075
- Property Owner's Counteroffer:** None
- Property Owner's Concerns:** The property owner has no concerns with the project design; however, property owner is concerned about whether the deed was transferred correctly to the Homeowner's Association.
- City's Response to Property Owner's Concerns:** Staff was unable to address legal issues with the deed.
- Recommendations** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, and clear title can be assured, mediation is available and if necessary, just compensation can be determined by the court.

- AH. Project:** Oakdale Road Widening, Parcel #44
Owner(s): Linda M. Thuemmel and John W. McLemore, Jr. and any other parties of interest
Property Address: 1019 Oakdale Road
Total Property Area: 71,906 sq. ft. (1.651 ac.)
Property to be acquired by Fee: 3,307 sq. ft. (.076 ac.) in Fee Simple, plus 2,869 sq. ft. (.066 ac.) in Fee Simple within Existing Right-of-Way
Property to be acquired by Easements: 2,359 sq. ft. (.054 ac.) in Sidewalk and Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: R-4
Use: Single Family Residential - Rural Acreage
Tax Code: 035-091-01
Total Parcel Tax Value: \$152,700
Appraised Value: \$5,250
Property Owner's Counteroffer: \$12,454
Property Owner's Concerns: The property owner has retained Counsel and has expressed concerns with the low value placed on the land being acquired within this existing right-of-way.
City's Response to Property Owner(s) Concerns: Staff began working with the property owner in January 2013 and has yet to reach an agreement regarding compensation.
Outstanding Concerns: The property owner requests 100% of the land value of the property being acquired within the right-of-way.
Recommendations: To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- AI. Project:** Ramah Creek Sewer Interceptor, Parcel #10
Owner(s): J. Frank Bragg, Jr. and wife, Katharine B. Bragg and any other parties of interest
Property Address: 15832 McAuley Road
Total Property Area: 1,337,728 sq. ft. (30.71 ac.)
Property to be acquired by Easements: 25,510 sq. ft. (.586 ac.) in Sanitary Sewer Easement, plus 24,934 sq. ft. (.572 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R
Use: Use Value Homesite
Tax Code: 011-281-08
Total Parcel Tax Value: \$1,739,567
Appraised Value: \$6,075
Property Owner's Counteroffer: None
Property Owner's Concerns: The property owners are concerned with compliance with Catawba Lands Conservancy Charter, and restoration of land to its previous condition.
City's Response to Property Owner's Concerns: Staff met with the Director of Catawba Lands Conservancy and the City Attorney's office to discuss criteria for allowing easements. The charter requires a judicial proceeding such as the condemnation process.

Recommendation: This parcel is being submitted for condemnation because the proposed area is already encumbered by a conservation easement owned by Catawba Lands Conservancy which requires judicial proceedings to grant easements. City staff is recommending condemnation in order to obtain clear title.

- AJ. Project:** Ramah Creek Sewer Interceptor, Parcel #11
Owner(s): T. Price Zimmermann and wife, Margaret U.F. Zimmermann and any other parties of interest
Property Address: 16101 McAuley Road
Total Property Area: 3,339,745 sq. ft. (76.67 ac.)
Property to be acquired by Easements: 27,537 sq. ft. (.632 ac.) in Sanitary Sewer Easement, plus 32,530 sq. ft. (.747 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R
Use: Use Value Homesite
Tax Code: 011-131-08
Total Parcel Tax Value: \$1,898,636
Appraised Value: \$6,825
Property Owner's Counteroffer: None
Property Owner's Concerns: Compliance with Catawba Lands Conservancy Charter, restoration of land to its previous condition.
City's Response to Property Owner's Concerns: Staff met with the Director of Catawba Lands Conservancy and the City Attorney's office to discuss criteria for allowing easements. The charter requires a judicial proceeding such as the condemnation process.
Outstanding Concerns: None, the property owner is in full agreement with the project and has been given a special provisions contract that addresses all their concerns.
Recommendation: This parcel is being submitted for condemnation because the proposed area is already encumbered by a conservation easement owned by Catawba Lands Conservancy which requires judicial proceedings to grant easements. City staff is recommending condemnation in order to obtain clear title.
- AK. Project:** Ramah Creek Sewer Interceptor, Parcel #12
Owner(s): Jeffrey T. Burton and wife, Kimberle A. Burton and any other parties of interest
Property Address: 15555 Huntersville-Concord Road
Total Property Area: 2,375,318 sq. ft. (54.53 ac.)
Property to be acquired by Easements: 35,289 sq. ft. (.81 ac.) in Sanitary Sewer Easement, plus 24,160 sq. ft. (.555 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R
Use: Single Family Residential - Rural Acreage
Tax Code: 011-131-21
Total Parcel Tax Value: \$3,029,200
Appraised Value: \$8,050
Property Owner's Counteroffer: None

Property Owner's Concerns: Compliance with Catawba Lands Conservancy Charter, restoration of land to its previous condition.
City's Response to Property Owner's Concerns: Staff met with the Director of Catawba Lands Conservancy and the City Attorney's office to discuss criteria for allowing easements. The charter requires a judicial proceeding such as the condemnation process.
Outstanding Concerns: None, the property owner is in full agreement with the project and has been given a special provisions contract that addresses all their concerns.
Recommendation: This parcel is being submitted for the condemnation because the proposed area is already encumbered by a conservation easement owned by Catawba Lands Conservancy which requires judicial proceedings to grant easements. City staff is recommending condemnation in order to obtain clear title.

- AL. Project:** Ramah Creek Sewer Interceptor, Parcel #13
Owner(s): Jeffrey T. Burton and wife, Kimberle A. Burton and any other parties of interest
Property Address: Huntersville-Concord Road
Total Property Area: 2,375,318 sq. ft. (54.53 ac.)
Property to be acquired by Easements: 4,266 sq. ft. (.098 ac.) in Sanitary Sewer Easement, plus 2,518 sq. ft. (.058 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R
Use: Single Family Residential – Rural Acreage
Tax Code: 011-131-10
Total Parcel Tax Value: \$33,500
Appraised Value: \$950
Property Owner's Counteroffer: None
Property Owner's Concerns: Compliance with Catawba Lands Conservancy Charter, restoration of land to its previous condition.
City's Response to Property Owner's Concerns: Staff met with the Director of Catawba Lands Conservancy and the City Attorney's office to discuss criteria for allowing easements. The charter requires a judicial proceeding such as the condemnation process.
Outstanding Concerns: None, the property owner is in full agreement with the project and has been given a special provisions contract that addresses all their concerns.
Recommendation: This parcel is being submitted for condemnation because the proposed area is already encumbered by a conservation easement owned by Catawba Lands Conservancy which requires judicial proceedings to grant easements. City staff is recommending condemnation in order to obtain clear title.
- AM. Project:** Ramah Creek Sewer Interceptor, Parcel #14
Owner(s): J. Frank Bragg, Jr. and wife, Katharine B. Bragg and any other parties of interest
Property Address: Huntersville-Concord Road
Total Property Area: 3,026,113 sq. ft. (69.47 ac.)
Property to be acquired by Easements: 31,267 sq. ft. (.718 ac.) in Sanitary Sewer Easement, plus 18,690 sq. ft. (.429 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R
Use: Single Family Residential – Rural Acreage
Tax Code: 011-131-14
Total Parcel Tax Value: \$19,453
Appraised Value: \$6,850
Property Owner's Counteroffer: None
Property Owner's Concerns: Compliance with Catawba Lands Conservancy Charter, restoration of land to its previous condition.
City's Response to Property Owner's Concerns: Staff met with the Director of Catawba Lands Conservancy and the City Attorney's office to discuss criteria for allowing easements. The charter requires a judicial proceeding such as the condemnation process.
Outstanding Concerns: None, the property owner is in full agreement with the project and has been given a special provisions contract that addresses all their concerns.
Recommendation: This parcel is being submitted for condemnation because the proposed area is already encumbered by a conservation easement owned by Catawba Lands Conservancy which requires judicial proceedings to grant easements. City staff is recommending condemnation in order to obtain clear title.

- AN. Project:** Wilson Pond, Parcel #2
Owner(s): Jerald Ray Collins, Sr. and any other parties of interest
Property Address: 7101 Lakehill Road
Total Property Area: 235,138 sq. ft. (5.398 ac.)
Property to be acquired by Easements: 28,651 sq. ft. (.658 ac.) in Storm Drainage Easement, plus 17,661 sq. ft. (.405 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: R-4
Use: Single Family Residential - Rural Acreage
Tax Code: 035-101-17
Total Parcel Tax Value: \$19,900
Appraised Value: \$2,625
Property Owner's Counteroffer: \$15,900
Property Owner's Concerns: Property owner concerns include loss of trees, temporary construction easement duration and overall project design.
City's Response to Property Owner(s) Concerns: Staff began working with the property owner in January 2013 and has yet to reach a negotiated settlement. Staff had the easement lines staked and design reviewed.
Outstanding Concerns: The property owner remains concerned with tree loss, design and compensation.
Recommendations: To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

Reference



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

Part A: Administration & Enforcement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Part B: Formal Construction Bidding

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

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

Part C: Services Procurement

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

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

Part D: Post Contract Award Requirements

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

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

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

Reference

Property Transaction Process Following Council Approval for Condemnation

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

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

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