

Mayor Patrick D. Cannon

Al Austin
John Autry
Ed Driggs
Claire Fallon
David L. Howard

Mayor Pro Tem Michael D. Barnes

Patsy Kinsey
Vi Lyles
LaWana Mayfield
Greg Phipps
Kenny Smith

CITY COUNCIL MEETING
Monday, February 24, 2014

CITY COUNCIL AGENDA
Monday, February 24, 2014

Table of Contents

5:00 P.M. DINNER BRIEFING, CONFERENCE CENTER	1
1. Mayor and Council Consent Item Questions	1
2. Real Estate Acquisition and Condemnation Process	1
3. Answers to Mayor and Council Consent Item Questions	1
4. Closed Session	2
Attachment 1	2
Introductions	3
Invocation	3
Pledge of Allegiance	3
6:30 P.M. CITIZENS' FORUM, MEETING CHAMBER	3
CONSENT	3
5. Consent agenda items 14 through 54 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.	3
PUBLIC HEARING	4
6. Public Comment on Prosperity Hucks Area Plan	4
Attachment 2	5
POLICY	6
7. City Manager's Report	6
8. N.C. Music Factory Boulevard Reimbursement Agreement Amendment	6
9. Interstate-77 High Occupancy Toll Lane Noise Walls	6
Attachment 3	8
BUSINESS	9
10. Facade and Security Improvements at Central Avenue and Rosehaven Drive	9
Attachment 4	10
11. 10th Street Right-of-Way Land Purchase	10
Attachment 5	11
12. Conclusion of Consent Agenda	11
13. Mayor and Council Topics	11
CONSENT	13
14. Police Citizen Satisfaction Survey Services	14
15. Police Assets Forfeiture Appropriation	15
Attachment 6	15
16. Eastway-Sheffield Neighborhood Improvement Project	16
Attachment 7	16
17. Finchley-Purser/Shamrock Hills Neighborhood Improvement Project	16

Attachment 8 _____	17
18.Fire Logistics Building Roof Replacement Project _____	17
Attachment 9 _____	18
19.Blumenthal Performing Arts Center Seating Replacement _____	18
Attachment 10 _____	19
20.Greenway Trail South Cedar Street to Wesley Heights _____	20
Attachment 11 _____	20
21.Mecklenburg Avenue Traffic Calming Project _____	21
Attachment 12 _____	21
22.Glassy Creek Stream Restoration Project _____	21
Attachment 13 _____	22
23.Wilson Pond Water Quality Improvement Project _____	22
Attachment 14 _____	23
24.Storm Water Maintenance FY2014-A_____	23
25.CityLYNX Gold Line Phase I System Consulting Services _____	24
26.Buddy Bear Public Art Donation_____	25
Attachment 15 _____	26
27.Repairs to City Bridges _____	26
28.Private Developer Funds Appropriation _____	27
Attachment 16 _____	27
29.Aircraft Maintenance Hangar Lease _____	27
30.Airport Noise Exposure Map Update _____	28
Attachment 17 _____	28
31.Airport Bus Purchase _____	29
32.Airport Bucket Truck Purchase _____	30
33.Airport Business Valet Parking Deck Change Order #4_____	30
Attachment 18 _____	31
34.Airport Remote Rental Car Facility Design Services _____	31
Attachment 19 _____	32
35.Airport Checked Baggage In-Line System_____	32
36.Airport Parking and Valet Services Management_____	33
37.Transit Bus Parts _____	35
38.Blue Line Extension Project Advanced Public Utility Relocations Contract Amendment _____	36
39.Utility Small Water and Sewer Service Connections _____	37
40.Utility Street Main Extensions, Contracts A & B _____	38

Attachment 20 _____	38
41.Utility Trailer _____	39
42.NC Clean Water Revolving Fund Application _____	40
Attachment 21 _____	40
43.Utility Large Water and Sewer Service Connections _____	40
44.Off-Street Sewer Cleaning Vehicle_____	41
45.Water and Sewer Infrastructure Inspection Services _____	42
46.Vest Water Treatment Plant Flow Monitoring and Control Improvements ____	43
47.Citizen Service Communication Enhancements_____	44
48.Broadband Technology Opportunity Program Equipment and Support Services	45
49.Synthetic Transmission Fluid_____	46
50.Refund of Property and Business Privilege License Taxes_____	47
Attachment 22 _____	47
51.Resolution of Intent to Abandon a Residual Portion of Old Lancaster Highway	47
Attachment 23 _____	47
52.Meeting Minutes_____	47
PROPERTY TRANSACTIONS_____	48
53.Sale of City-Owned Property _____	48
Attachment 24 _____	48
54.Property Transactions _____	49
55.Reference – Charlotte Business INClusion Policy _____	57
56.Reference – Property Transaction Process _____	60

5:00 P.M. DINNER BRIEFING, CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Resource(s): Ann Wall, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Real Estate Acquisition and Condemnation Process

Resource(s): Jeb Blackwell, Engineering & Property Management
Brad Branham, City Attorney's Office

Time: 20 minutes

Synopsis

The Council Business Agenda typically includes 10-25 condemnation action items. Occasionally a property owner or representative will sign up to speak against a condemnation, typically related to the project, the design of the project, or the monetary offer made by the City. Staff understands the concern regarding the condemnation process and shares Council's commitment to ensuring property owners are treated fairly.

The presentation will outline the City's pre-condemnation and post-condemnation acquisition process to provide context when the City Council hears from a speaker opposed to a condemnation.

A summary of staff efforts to reach an agreement regarding the acquisition is provided in "References" section of each Council Business Agenda

Future Action

The presentation is for information only.

3. Answers to Mayor and Council Consent Item Questions

Resource(s): Ann Wall, City Manager's Office

Time: 10 minutes

Synopsis

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

4. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling or settlement of the airport noise lawsuits listed in Attachment 1.

Attachment 1
[Lawsuits Listing](#)

Introductions

Invocation

Pledge of Allegiance

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

CONSENT

- 5. Consent agenda items 14 through 54 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

PUBLIC HEARING

6. Public Comment on Prosperity Hucks Area Plan

Action: Receive public comments on the Prosperity Hucks Area Plan.

Committee Chair: Vi Lyles

Staff Resource(s): Kent Main, Planning Department

Explanation

- The Prosperity Hucks Area Plan (Plan) covers about 6,200 acres in the northeast corner of Charlotte. It is focused on the area surrounding a uniquely designed interchange to I-485, which is identified as a Mixed-Use Activity Center in the City's Centers, Corridors and Wedges Growth Framework.
- The Plan is intended to update the vision and policy direction for future growth and development, building upon significant prior planning efforts, plus freeway and connecting streets under construction.
- In November 2012, staff held a public kick-off meeting with 150 attendees, followed by three public workshops, and presentations.
- In January 2014, staff held a final public forum with 90 attendees.
- Staff conducted a series of surveys, met with neighborhood groups, and worked with citizens on specific concerns primarily related to road construction, congestion, and type of development.

Plan Recommendations

- The Plan builds upon the Prosperity Church Road Villages Plan adopted in 1999, which set forth the original concept for the Prosperity Church Road/Interstate-485 interchange. This Plan further refines the vision for a walkable, urban, Mixed-Use Activity Center, built around a street network with three bridge crossings of Interstate-485 dispersing traffic onto three pedestrian-oriented minor thoroughfares and then onto a network of collector and local streets. The intention is for this area to be very different from a typical suburban interchange area with suburban-style strip shopping centers.
- Prosperity Village Center will be a Mixed-Use Activity Center complementing and enhancing the surrounding neighborhoods. The Plan calls for a variety of retail, office, entertainment, and multi-family residential uses in a well-designed and appropriately scaled form. It includes a progression from the densest mixed use at its nucleus to lesser residential densities adjoining surrounding predominantly single family neighborhoods.
- An Illustrative Urban Design Vision demonstrates key design concepts that are critical to appropriate Village Center development. These include buildings built up to the sidewalk edge, a fully developed street network with small blocks, parking located behind or to the side of buildings, and others.
- The Wedge neighborhoods are largely built out, and are the backbone of area stability - continuing development will be primarily single-family, with an emphasis on street, pedestrian, open space connectivity, and tree canopy protection.
- Transportation infrastructure will be developed to connect neighborhoods, Village Center and other destinations within and beyond the Plan area. Key elements include upgrades to existing thoroughfares, such as Johnston Oehler Road, sidewalk and bikeway improvements, and requirements for new streets as a part of new development.

- Open space will be integrated into the community, preserving elements of the natural landscape, becoming part of a meaningful, connected open space network. The Clarks Creek Nature Preserve, Clarks Creek Greenway extensions, and possible open space extensions to the Village Center are key elements.

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Committee received several progress reports with details through the planning process.
- The Committee received public comments at their January 14, 2014 meeting.
 - Several residents and property owners were in attendance.
 - One resident questioned market and crime data in the report, and the need for an extension of Hucks Road to Prosperity Church Road.
 - Staff reiterated that per capita crime data was similar in other areas with similar demographics but more multi-family and commercial uses.
 - Staff also cited the market study prepared as part of the planning process that showed sufficient market demand in the Village Center to support the proposed land use program over the next 20 years.
- In regard to the extension of Hucks Road at this location, it was included in the original subdivision designs and is a long-term part of the street network needed to handle area congestion.
- A separate section of Hucks Road, west of Browne Road, is to be re-routed (that was to cross what is now a nature preserve).
- At its February 18 meeting, the Planning Committee voted unanimously to recommend approval of the Plan.

Transportation and Planning Committee

- City Council's Transportation and Planning Committee received an overview of the plan at their February 10 meeting.
- The Committee voted unanimously (Lyles, Howard, Kinsey, Phipps, and Smith) to forward the Plan to the City Council for public comment on February 24, 2014.

Next Steps

- The Transportation and Planning Committee will be asked to make a recommendation on the Plan at their February 27 meeting.
- The City Council will be asked to consider the Plan at the March 24, 2014 Council Business Meeting.

Attachment 2

[Prosperity Hucks Area Plan](#)

POLICY

7. City Manager's Report

8. N.C. Music Factory Boulevard Reimbursement Agreement Amendment

Committee Chair: Michael Barnes

Staff Resource(s): Brad Richardson, Neighborhood & Business Services

Explanation

Following the Economic Development & Global Competiveness meeting on February 18, a recommendation for this item will be included in the Council-Manager Memo on Friday, February 21, 2014.

9. Interstate-77 High Occupancy Toll Lane Noise Walls

Action: Approve the Transportation and Planning Committee recommendation to the North Carolina Department of Transportation regarding the design (color, texture, material) of proposed noise walls within the Charlotte to include:

- Noise walls on Interstate-77 (north of Interstate-85) - use exposed aggregate concrete panels consistent with existing walls in this area,
- Noise walls on Interstate-77 (Interstate-85 to Interstate-277) – use stamped concrete brick pattern, and medium brown brick color, compatible with existing brick aesthetic walls in this area, and
- Widening Impact on Interstate-277 (Uptown) - if noise walls are not approved by impacted property owners, direct staff to work with the North Carolina Department of Transportation to identify appropriate buffer/screening for areas impacted by freeway widening.

Committee Chair: Vi Lyles

Staff Resource(s): Ed McKinney, Planning
Bridget Dixon, Planning

Explanation

- The North Carolina Department of Transportation (NCDOT) is currently conducting planning and design for the Interstate-77 High Occupancy Toll (HOT) lane project, which is intended to improve mobility in the region through the addition of high occupancy toll lanes in the Interstate-77 corridor from Mooresville to Uptown Charlotte.
- As part of the planning and design process, NCDOT conducted a noise analysis based on the adopted guidelines of the Traffic Noise Abatement policy.

- The policy defines the NCDOT process that is used in determining traffic noise impacts and abatement measures that are equitable and cost-effective.
- As a result of noise analysis conducted by NCDOT, over five miles of new noise walls are being proposed within Charlotte.
 - In accordance with NCDOT policy, the City, along with selected historically eligible neighborhoods are allowed to choose the color and texture of the noise walls based on a range of options provided.

Community Input

- The Charlotte-Mecklenburg Planning Department, the Charlotte Department of Transportation, and Charlotte Center City Partners have been working with NCDOT to increase public awareness and facilitate decision-making on the design and impact of this project's proposed noise walls along Interstate-77 and Interstate-277.
 - Public meetings were held on December 11 and December 17, 2013, in order to identify/answer outstanding questions, share additional visual information on the location and design of the walls, and gain input from the community on preferred color and texture. Also staff attended individual neighborhood meetings to share information about this project.
- A Noise Wall Draft Recommendations meeting was held on Thursday, February 6.
 - At this meeting City staff presented the draft recommendations for wall color and texture based on community input,
 - Updated residents on upcoming ballots for specific residents/neighborhoods, and
 - Provided status on other on-going coordination efforts regarding maintenance, access, security, and storm water.
- The week of February 3, 2014, final NCDOT ballots were sent to specific historic neighborhoods (Oaklawn Park, McCrorey Heights, and Dalebrook), in order for residents to vote on texture and wall design as well as to specific impacted tenants and property owners in Uptown requesting a vote of "yes" or "no" for the proposed noise walls.

Transportation and Planning Committee

- On February 10, staff presented draft recommendations for the City's choices on noise wall color and texture to the City Council Transportation and Planning Committee. At this meeting Council raised the following issues:
 - Concern over the maintenance and security of the NCDOT right-of-way that will be in-between the new proposed noise walls and the existing brick aesthetic walls (along the Interstate-77 section from Interstate-85 to Interstate-277).
 - Opposition to the proposed noise walls in Uptown along Interstate-277 due to their significant impact to the skyline views, reinforcing the freeway as a barrier, unattractive appearance, and general inconsistency with the center city's urban character.
- As a result, staff was directed to:
 - Continue coordinating with NCDOT and the Charlotte-Mecklenburg Police Department in order to identify and develop a plan for maintenance and security issues, and
 - Draft a letter to impacted property owners and tenants in Uptown that will vote yes/or no on the proposed walls in order to communicate the City Council's concerns over the visual impact of these walls and encourage residents to send the ballots to NCDOT. The letter was sent to impacted property owners on February 11, 2014.

- The committee voted unanimously (Lyes, Howard, Kinsey, Phipps, and Smith) on the following recommendations:
 - Noise walls on Interstate-77 (north of Interstate-85) – use exposed aggregate concrete panels consistent with existing walls in this area.
 - Noise walls on Interstate-77 (Interstate-85 to Interstate-277) – use stamped concrete brick pattern, and medium brown brick color, compatible with existing brick aesthetic walls in this area.
 - Widening Impact on Interstate-277 (Uptown) – If noise walls are not approved by impacted property owners, direct staff to work with NCDOT to identify appropriate buffer/screening for areas impacted by freeway widening.

Attachment 3

[City Council Letter to Impacted Uptown Property Owners \(dated: February 11, 2014\)](#)

BUSINESS

10. Facade and Security Improvements at Central Avenue and Rosehaven Drive

Action: Authorize the City Manager to negotiate and execute contracts, in an amount not to exceed \$225,600, with NBP&F, LLC for facade improvements, parking lot renovations, and security feature installations at the Plaza Central Shopping Center and three surrounding buildings.

Staff Resource(s): Gail Whitcomb, Neighborhood & Business Services
Brad Richardson, Neighborhood & Business Services

Explanation

- On March 26, 2012, the City Council approved the Business Corridor Plan Update (Plan) as a framework for improving priority business corridors in Charlotte, including the Eastland Mall area.
- The Plan calls for establishing partnerships between the public and private sectors to leverage City dollars to meet the City's revitalization goals.
- The Plan includes Façade Improvement and Security Programs that provide matching grants to remove blight and to reduce the opportunity for crime.
- In May 2012, the City received an application from NBP&F, LLC (Owner) for facade and security matching grants at the Plaza Central Shopping Center.
- Since that time, staff, including representatives from the Charlotte-Mecklenburg Police Department, has worked with the Owner to develop a project scope that meets the agreed upon goals for blight removal and crime reduction.
- The application includes new façades for four retail buildings, new signage to comply with the current sign standards, parking lot renovations including the addition of trees and sidewalks, and security improvements recommended by Police.
- The estimated total project cost is \$506,740, and the Owner has confirmed the project completion is contingent upon receiving matching funds.
- The application meets each of the criteria established by the City Council policy, and the Owner is eligible for a matching grant of \$225,600.
- In making this recommendation, staff considered the following factors:
 - The property consists of four separate buildings located at a key intersection of Central Avenue and Rosehaven Drive, which serves as a gateway into a residential neighborhood and elementary school.
 - The Owner has worked collaboratively with staff to add elements to the application that were not originally intended (e.g., additional signage and windows, and a parking lot renovation).
 - The Owner has worked with Police to identify new security features to reduce the opportunity for crime and to implement improved property management processes (e.g., limiting access to the rear of the shopping center, revising tenant leases to strengthen Owner's ability to respond to Police concerns).
 - The Owner has agreed to use a Minority/Small Business Enterprise (M/SBE) general contractor for 100% of the work.

Charlotte Business INclusion

The Facade Improvement and Security Programs provide an incentive to projects that use certified City MWSBE firms. On this project, NBP&F, LLC has committed

100% (\$225,600) of the total matching grant contract amount to the following M/SBE firm: R. J. Leeper Construction, LLC (general contracting services).

Funding

Economic Development Community Investment Plan and Business Grant Program

Attachment 4

[Project Location Map](#)

[Site Map](#)

[Rendering of Proposed Improvements](#)

11. 10th Street Right-of-Way Land Purchase

Action: A. Approve a purchase contract with Brian Ascher, Steven Ascher, Community Development and Realty Company, Inc. and Dennis L. Watts and any other parties of interest (Owner) for Parcel 080-041-06 in the amount of \$1,518,413.71 for the 10th Street Right-of-Way Project in First Ward.

B. Adopt a budget ordinance appropriating \$1,518,413.71 from prior approved Program funds in the General Community Investment Plan.

Staff Resource(s):

Brad Richardson, Neighborhood & Business Services
Charles Anzalone, Engineering & Property Management
Brad Branham, City Attorney's Office

Explanation

- On July 27, 2009, the City Council approved an Infrastructure Development and Reimbursement Agreement (Infrastructure Agreement) between the City and Levine Properties, Inc. (Developer) to facilitate the First Ward Redevelopment Project (Project).
- The original scope of the Project, which is expected to generate \$700.0 million of new construction over a 10-year period, included:
 - A mixed-use redevelopment of eight city blocks in First Ward;
 - A new 3.2 acre park owned by the County;
 - Improvements to 8th and Brevard Streets;
 - 1,335 public parking spaces, including 1,030 spaces for the general public and 305 spaces serving UNC-Charlotte's Uptown campus;
 - Provisions for 10%, up to a maximum of 50 units, of rental residential units to be reserved for 20 years as workforce housing (80% to 120% area median income); and
 - Construction and dedication of a new 10th Street right-of-way.
- The construction of 10th Street requires the City to purchase Parcel 08004106, a 0.398-acre parcel located at 631 N. Brevard Street.
- The Infrastructure Agreement includes provisions allowing the City to reimburse the Developer for public roadway improvements, including 10th Street, but established a maximum reimbursement amount of \$5,085,000.
- Due to the Project's adjacency to the LYNX Blue Line Extension (BLE), certain amendments to the Infrastructure Agreement were necessary to establish new

- limits and scopes of construction and to exchange certain property rights between the City and the Developer.
- On September 23, 2013, the City Council approved amendments to the Infrastructure Agreement between the City and the Developer that allowed for:
 - An exchange of property rights between the City and the Developer, and
 - An adjustment to the maximum reimbursement amount upon determination of the acquisition cost of Parcel 08004106.
 - At the time, the City was in the process of acquiring Parcel 08004106, a portion of which is to be dedicated as right of way for a new section of 10th Street.
 - In order to establish an equitable exchange of real property rights, staff included a portion of this parcel not needed for right-of-way in the exchange and assigned it a value of \$817,000.
 - Once the actual acquisition cost was determined, the City Council authorized an adjustment in the maximum reimbursement amount as follows:
 - If the value of the portion to be conveyed to the Developer exceeded \$817,000, the excess amount was to be deducted from the maximum reimbursement amount.
 - If the value of the portion to be conveyed to the Developer was less than \$817,000, the difference was to be added to the maximum reimbursement amount.
 - The City and the Owner have reached an agreed upon purchase price of \$1,518,413.71.
 - Seven separate appraisals of the parcel were conducted to establish a value ranging from a low of approximately \$1.2 million to a high of \$1.7 million, and the agreed upon purchase price represents the exact average of all current appraisals.
 - The value of the portion of Parcel 08004106 to be conveyed to the Developer has been calculated at \$1,045,079; therefore, the City will reduce the maximum reimbursement amount to the Developer under the Infrastructure Agreement by \$228,079.
 - Funding for the purchase will be provided from prior approved funds in the General Community Investment Plan, including Center City Transportation Program (\$690,334.71), Public-Private Participation Program (\$600,000), and First Ward Infrastructure Reimbursement Fund (\$228,079).

Funding

General Community Investment Plan

Attachment 5

[Map](#)

[Budget Ordinance](#)

12. Conclusion of Consent Agenda

13. Mayor and Council Topics

Council members may share information and raise topics for discussion

Page Intentionally Left Blank

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.

14. Police Citizen Satisfaction Survey Services

- Action:**
- A. Approve a contract with Resource Strategies, Inc. for citizen satisfaction survey services for an initial term of three years, and**
 - B. Authorize the City Manager to approve two additional one-year renewal options with possible price adjustments as authorized by the contract and contingent upon the company's satisfactory performance.**

Staff Resource(s): Katrina Graue, Police
Paul Paskoff, Police

Explanation

- The Charlotte-Mecklenburg Police Department conducts an annual citizen survey, which measures citizen satisfaction with police services and the perception of safety in Charlotte neighborhoods.
- The purpose of the survey is for Police to receive citizens' responses to survey questions in order to identify concerns and areas where Police services need to be improved and/or better communicated to citizens.
- The scope of services for this contract includes:
 - Development or revision of survey questions,
 - Preparing the survey sample to specifications, including the number of interviews to be conducted in Spanish,
 - Administration of the survey,
 - Analysis of the data by demographics, police service areas, and comparisons with previous years, and
 - Preparation of reports and presentation of survey results to City staff.
- The survey will be conducted in April 2014, and results will be available by the end of May.
- The contract cost is estimated at \$29,500 for each of the first three years. The contract cost will increase 5% per year in years four and five, with a total estimated cost of \$30,975 in year four and \$32,524 in year five.

Selection Process

- On December 12, 2013, the City issued a Request for Proposal for the citizen satisfaction survey services; two proposals were received from interested service providers.
- The project team, consisting of staff from Shared Services Procurement Management, Police, and the Charlotte Business INclusion office of Neighborhood and Business Services, evaluated the proposals and recommends awarding the contract to Research Strategies, Inc. as the service provider best meeting the City's needs in terms of qualifications, experience, proposed solution, cost effectiveness, Minority, Women, Small Business Enterprise certification, and acceptance of the terms and conditions.
- The fixed cost of the initial term (with a 5% annual increase for each renewal option) will produce an approximate savings of \$11,000 as compared to the previous contract.

Charlotte Business INclusion

No SBE goal was set for this service contract because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy).

Funding
Police Operating Budget

15. Police Assets Forfeiture Appropriation

Action: Adopt a budget ordinance appropriating \$350,000 in assets forfeiture funds for a Digital Crime Scene Management System.

Staff Resource(s): Sherie Pearsall, Police
Paul Zinkann, Police

Explanation

- The request is to appropriate \$350,000 in asset forfeiture funds for purchase of a Digital Crime Scene Management System.
- The Digital Crime Scene Management System allows officers to upload photographs into a Cloud storage solution, which can be instantly viewed by detectives or other officers.
- Currently an officer responds to a crime scene, takes the photographs, drives to the respective division office, connects the camera to a desktop computer, downloads, and burns the crime scene photographs to a compact disc. Subsequently, the officer places the compact disc into a labeled envelope, drives from the division office to Police headquarters, and submits the compact disc to the Property and Evidence department.
- The process described takes the officer off the street for one hour per CD.
 - In 2013, Police estimated that officers were off the street 9,732 hours or the equivalent of 1,216.50 officer work days for this process.
 - For trips to the Police headquarter building, the cost estimate of fuel was \$14,353, which is based on an average distance of seven miles from a division office to the headquarter building.
- The new digital management system will allow officers to instantly upload images from the field with capacity such that all Police employees may simultaneously use the system. The current system allows only one user at a time to upload photographs into the system.
- The digital management system will provide a better and more accessible storage system for crime scene photographs while increasing officer productivity and efficiency.

Funding
Police Assets Forfeiture Funds

Attachment 6
[Budget Ordinance](#)

16. Eastway-Sheffield Neighborhood Improvement Project

Action: Approve change order #1 with Sealand Contractors in the amount of \$410,713.17 for the Eastway-Sheffield Neighborhood Improvement project.

Staff Resource(s): Carl Jarrett, Engineering & Property Management
Scott Correll, Transportation

Explanation

- On May 28, 2013, the City Council awarded the construction contract, in the amount of \$1,417,355.50, to Sealand Contractors Corporation for the Eastway-Sheffield Neighborhood Improvement project.
- Change order #1 will be funded through the City's Sidewalk Program.
- The work will include sidewalk and storm drainage for Dresden Drive West and Roanoke Avenue.
- The total construction contract amount including this change order is \$1,828,068.67. The change order remains within the original programmed budget for the project.
- There are no additional change orders anticipated for this project.
- Construction is expected to be complete June 2014.

Charlotte Business INclusion

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

Funding

General Community Investment Plan

Attachment 7

[Map](#)

17. Finchley-Purser/Shamrock Hills Neighborhood Improvement Project

Action: Award the low-bid contract of \$1,778,905.16 to D.E. Walker Construction Co. for the Finchley-Purser/Shamrock Hills Neighborhood Improvement project.

Staff Resource(s): Carl Jarrett, Engineering & Property Management

Explanation

- The Finchley-Purser/Shamrock Hills project is funded through the 2010 Neighborhood Bond and will include infrastructure improvements in the area bordered by Tipperary Place to the east, Shamrock Drive to the south, Eastway Drive to the west and Norfolk Southern Railroad to the north.
- The project improvements will be installed on Chipola Drive, Delgany Drive, Dora Drive, Finchley Drive, Foxford Place, Glenville Avenue, Jennie-Linn Drive, Miramar Drive, Purser Drive, Stonehaven Drive, and Tipperary Place and includes:
 - Planting strips,
 - Sidewalk,
 - Storm drainage,

- Curb and gutter, and
- Utility relocations and adjustments.
- On December 30, 2013, an Invitation to Bid was advertised; seven bids were received.
- Construction is expected to be complete by first quarter 2015.

Charlotte Business INclusion

Established SBE Goal: 15%

Committed SBE Goal: 15.94%

D.E. Walker Construction Co. exceeded the established SBE goal and committed 15.94% (\$283,491) of the total contract amount to the following SBE firms: Maybury Fencing, Inc. (fencing), Pavers, Walls and Stamped Concrete, LLC (concrete), RJJ Construction, LLC (concrete, pipe), and Express Logistics Services, Inc. (hauling). D.E. Walker Construction Co. is also a certified SBE.

Funding

Neighborhood Community Investment Plan

Attachment 8

[Map](#)

18. Fire Logistics Building Roof Replacement Project

Action:

A. Reject the low-bid contract of \$389,350 from AAR of North Carolina, Inc. for failure to comply with the Small Business Opportunity Program requirements, and

B. Award a contract to the second lowest, responsive bidder, Johnson's Roofing Service, Inc. in the amount of \$434,200 for the Fire Logistics Building Roof Replacement project.

Staff Resource(s): Sue Rutledge, Engineering & Property Management
Rich Granger, Fire

Explanation

- The contract will provide funding for a roof replacement on the City-owned building, located at 1501 North Graham Street, which will house the Charlotte Fire Department Logistics Division.
- The current roof has exceeded its usable and expected life and is experiencing multiple leaks.
- The contract will include:
 - Installation of a new roof and roof drains,
 - Skylight replacement,
 - Repair of the roof deck,
 - A 20-year manufacturer roof warranty, and
 - A five-year contractor installation warranty.
- On December 31, 2013, an Invitation to Bid was advertised; seven bids were received.
- Work is anticipated to be complete in the second quarter of 2014.

Award to Second, Lowest Responsive Bidder

- Staff recommends the contract be awarded to the second lowest, responsive bidder, Johnson's Roofing Service, Inc.

- The low-bidder, AAR of North Carolina, Inc. failed to properly complete and submit the required subcontractor utilization form with the bid, constituting grounds for rejection of the bid under Part B: Section 3.6 of the Small Business Opportunity Program.

Charlotte Business INclusion

Established SBE Goal: 12.0%

Committed SBE Goal: 12.53%

Johnson's Roofing Service, Inc. exceeded the established SBE goal and committed 12.53% (\$54,409) of the total contract amount to the following SBE firm: Environmental Air Corporation (plumbing and heating, ventilation, and air conditioning).

Funding

General Facilities Community Investment Plan

Attachment 9

[Map](#)

19. Blumenthal Performing Arts Center Seating Replacement

- Action:**
- A. Approve a contract with Series Seating in the amount of \$820,000 for the fabrication and installation of new fixed seating in the Blumenthal Performing Arts Center Belk Theater,**
 - B. Adopt a budget ordinance appropriating \$800,000 from fund balance reserve in the Pay-As-You-Go Fund, and**
 - C. Adopt a budget ordinance appropriating an additional \$20,000 in Blumenthal Performing Arts Center funds to the Blumenthal Performing Arts Center Seating Replacement project.**

Staff Resource(s): William Haas, Engineering & Property Management
Tom Gabbard, Blumenthal Performing Arts Center

Explanation

- The contract includes an analysis of the seating layout, the removal of existing seating, fabrication, and installation of approximately 2,000 fixed seats.
- On November 8, 2013, a Request for Proposals was issued; four proposals were received.
- Series Seating was selected based on the following criteria:
 - Qualifications and experience in providing similar services for similar projects,
 - Project approach,
 - Proposed utilization of small business enterprise(s), and
 - Proposal presentation.
- Theater seating is custom-built and fabrication will take approximately five months.
- The new seating will be installed during a planned theater shutdown in August 2014.

Background

- The City owns the Belk Theater and the North Carolina Blumenthal Performing Arts Center operates it.
- In accordance with the lease and operating agreement, the City is responsible for capital expenditures, which includes fixed seating.
 - The seating in the theater is original to the building and has been in use since 1992.
 - The existing seats require frequent maintenance and, due to their age, parts are no longer available.
 - The existing seats, some of which are broken, have a negative effect on the customer experience and at times impact the revenue stream.
- Funding for this project was programmed for FY2015 as part of the FY2014-2018 Community Investment Plan.
- In order to accommodate the installation schedule during the theater shutdown in August 2014, the contract and funding will need to be approved now to begin the seat fabrication work, which will take approximately five months to complete.
- The budget ordinance will advance the \$800,000 from the fund balance reserve in the Pay-As-You-Go Fund, originally scheduled for appropriation to this project in FY2015.
- The Blumenthal Performing Arts Center will fund the additional \$20,000, which will provide an enhancement to the new seating at the aisles, resulting in better wayfinding for theater customers.

Charlotte Business INclusion

For service-based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Series Seating has committed 10.49% (\$86,000) of the total contract amount to the following SBE firms: D.E. Brown Construction (seating removal and disposal, building permitting, and electrical connections) and The Woodley Group (field measurements and seating installation).

Funding

Facilities Community Investment Plan Pay-As-You-Go Fund

Attachment 10

[Map](#)

[Photos of the Theater Seats](#)

[Budget Ordinance](#)

20. Greenway Trail South Cedar Street to Wesley Heights

- Action:**
- A. Approve a 25-year lease for \$1.00 with Mecklenburg County to construct a greenway trail (on PID 07324207 and 07324225) to connect the Wesley Heights community to uptown area at South Cedar Street, near Panthers Stadium,**
 - B. Authorize the City Manager to approve two, five-year extensions for \$1.00 per year with Mecklenburg County, and**
 - C. Authorize the City Manager to execute the lease and any other related documents.**

Staff Resource(s): Timothy O'Brien, Engineering & Property Management
John Mrzygod, Engineering & Property Management

Explanation

- The Mecklenburg County Park and Recreation Wesley Heights Greenway trail is located north of Third Ward, on an existing but unused rail corridor owned by the North Carolina Department of Transportation Rail Division. The trail ends at Third Ward's Frazier Neighborhood Park. It is the County's intention to extend the trail to South Cedar Street.
- The segment of land needed to extend the trail is jointly owned by the City (40% interest) and the North Carolina Department of Transportation (60%) interest. The land was purchased to protect the unused rail corridor for future transit use. The purchase of the land included an additional 4.34 acres that the City and State Rail Division lease as two revenue-generating parking lots.
- Mecklenburg County Park and Recreation Department is interested in constructing the greenway trail extension adjacent to the reserved rail corridor. City staff has been careful to protect the existing rail corridor for future transit use.
- Through redesign of the parking lots, there will be little to no reduction of parking spaces as a result of installing the trail.

Background

- The Mecklenburg County Park and Recreation Department held two community workshops and will continue working with appropriate agencies to ensure the greenway network remains a community asset.
- The Wesley Heights Greenway connects to the Stewart Creek Greenway. Both Greenways serve not only Wesley Heights, but also the Seversville and Third Ward neighborhoods.
- In accordance with the lease terms, greenway construction on these parcels must occur during the Panthers off-season so there is no impact on parking.
- The North Carolina Department of Transportation Board of Directors and Mecklenburg County Board of County Commissioners approved the greenway plan and the lease during their respective meetings in January 2014.
- The City's approval is the last to be obtained.

Attachment 11

[Maps](#)

21. Mecklenburg Avenue Traffic Calming Project

Action: Award the low-bid contract of \$222,179.98 to Red Clay Industries, Inc. for the Mecklenburg Avenue Traffic Calming project.

Staff Resource(s): Veronica Wallace, Engineering & Property Management

Explanation

- The Charlotte Department of Transportation was asked by the Mecklenburg Avenue neighborhood to calm traffic in the area.
- Charlotte Department of Transportation's Traffic Calming Program verified the need to reduce speeding on Mecklenburg Avenue.
- The project will include traffic calming elements along Mecklenburg Avenue from Norcross Place to Fort Street and Lynhaven Street.
- Public meetings were held July 21, 2011, and September 11, 2012; residents were in favor of the improvements suggested by the Charlotte Department of Transportation.
- The Charlotte Fire Department was consulted and concurs with the design of the traffic calming measures to ensure emergency access.
- On December 10, 2013, an Invitation to Bid was advertised; four bids were received.
- Construction is expected to be complete by fall 2014.

Charlotte Business INclusion

Established SBE Goal: 16%

Committed SBE Goal: 16.18%

Red Clay Industries, Inc. exceeded the established SBE goal and committed 16.18% (\$35,313) of the total contract amount to the following SBE firms: Pavers, Walls, & Stamped Concrete (concrete work), Express Logistics (hauling), and Harvest Environmental (subsurface drainage).

Funding

Transportation Community Investment Plan

Attachment 12

[Map](#)

22. Glassy Creek Stream Restoration Project

Action: Award the low-bid contract of \$889,029.31 to OnSite Development, LLC for the Glassy Creek Stream Restoration project.

Staff Resource(s): Matt Gustis, Engineering & Property Management

Explanation

- The Glassy Creek Stream Restoration project will include stream restoration and stabilization to Glassy Creek, a tributary of Irwin Creek, to reduce erosion and acquire mitigation credits. These improvements will also provide a more natural, stable stream system throughout the area.

- Construction will include a culvert installation, grading, channel improvements, and stream restoration.
- The project is bordered by Remount Road to the north, Clanton Road to the south, Bank Street to the east, and Barringer Drive to the west with Interstate-77 bisecting the channel through the middle of the project.
- On December 23, 2013, an Invitation to Bid was advertised; nine bids were received.
- Completion is scheduled for the first quarter of 2015.

Charlotte Business INclusion

Committed SBE Goal: 15.19%

OnSite Development, LLC exceeded the established SBE goal and committed 15.19% (\$135,000) of the total contract amount to the following SBE firms: Streeter Trucking (hauling), RRC Concrete (concrete), Ceasar A. Leon (hauling), and Rohrer Tree Care (tree trimming).

Funding

Storm Water Community Investment Plan

Attachment 13

[Map](#)

23. Wilson Pond Water Quality Improvement Project

Action: Award the low-bid contract of \$959,875.00 to Blythe Development Co. for the Wilson Pond Water Quality Improvement project.

Staff Resource(s): Matt Gustis, Engineering & Property Management

Policy

- Pond projects are implemented in accordance with the Council-approved Pond and Dam Rehabilitation Policy, aimed at protecting as many existing ponds as possible prior to removal by private development or structural failure, and to use these ponds as a highly cost effective tool to achieve water quality and flood control goals.

Explanation

- Wilson Pond is a 2.8-acre pond located in northwest Charlotte near the intersection of Brookshire Boulevard and Bellhaven Boulevard. The main access to the pond is at the end of Lakehill Road. The pond will treat 181 acres of upstream drainage area.
- Wilson Pond drains to Long Creek, a creek that is considered impaired by Clean Water Act standards.
- Improvements will include installation of a storm drainage system, construction of a new spillway, a culvert replacement, and stream restoration.
- These enhancements will improve the quality of water moving through the pond before the water discharges into the creek.
- Improving existing ponds is a cost-effective means of improving water quality, averaging one-fifth the cost of creating new water quality measures that provide equivalent environmental benefit.
- On December 27, 2013, an Invitation to Bid was advertised; four bids were received.

- Construction is expected to be completed by the second quarter of 2015.
- The City received a grant from the North Carolina Clean Water Management Trust Fund to be reimbursed up to \$200,000 for the construction of the project.

Charlotte Business INclusion

Established SBE Goal: 15.00%

Committed SBE Goal: 15.00%

Blythe Development Co. met the established SBE goal and committed 15% (\$144,000) of the total contract amount to the following SBE firms: Oliver Paving (paving/milling), On-Time Construction (concrete), Carolina Wetland Services (wetland plantings) and Landmark Materials (hauling).

Funding

Storm Water Community Investment Plan

Attachment 14

[Map](#)

24. Storm Water Maintenance FY2014-A

- Action:**
- A. Award the low-bid contract of \$3,059,610 to Blythe Development Co. for storm water maintenance construction FY2014-A, and**
 - B. Authorize the City Manager to approve up to two renewals in the amount not to exceed the original contract amount.**

Staff Resource(s): Susan Tolan, Engineering & Property Management

Explanation

- The contract is part of an ongoing program to provide maintenance repairs to existing storm drainage systems and construction of new storm drainage systems.
 - Each request is investigated and prioritized based on the severity of potential public/private property flooding.
 - The necessary repairs for each project are designed and a work order is prepared including an estimated list of quantities.
- A 12-month retainer contract is used to provide timely repairs. The contract amount is based on the unit prices competitively bid for items typically used during construction of storm drainage repairs.
- Approximately 120-150 projects may be constructed. The number may vary depending on the nature and extent of the repairs actually constructed.
- On December 20, 2013, an Invitation to Bid was advertised; three bids were received.
- The City may renew this contract up to two times as an incentive to the contractor for good performance and quality work.

Charlotte Business INclusion

Established SBE Goal: 16%

Committed SBE Goal: 16.01%

Blythe Development Co. exceeded the established SBE goal and committed 16.01% (\$489,915) of the total contract amount to the following SBE firms: RC Hauling

(hauling), Landmark Materials (hauling), R&N Construction (concrete), and PandTL, Inc. (erosion control).

Funding

Storm Water Community Investment Plan

25. CityLYNX Gold Line Phase I System Consulting Services

- Action:**
- A. Approve a contract with STV Incorporated dba STV/Ralph Whitehead Associates, Inc. in the amount of \$300,000 for testing support services on the CityLYNX Gold Line Phase I Project, and**
 - B. Approve amendment #5 with URS Corporation-North Carolina in an amount up to \$400,000 for additional construction administration services on the CityLYNX Gold Line Phase 1 Project.**

Staff Resource(s): Tonia Wimberly, Engineering & Property Management

Explanation

- The contract with STV/Ralph Whitehead Associates, Inc. will provide construction support services for the system testing, including the overhead catenary and traction power systems, for the CityLYNX Gold Line Phase I.
- CityLYNX Gold Line Phase I is a federally-funded, 1.5-mile project located on the east side of the Charlotte central business district; it has been under construction since December 2012.
- Phase I involves construction of a conventional in-street running electric streetcar along Elizabeth Avenue and Trade Street from the Charlotte Transportation Center to Novant Health Presbyterian Hospital at the intersection of Hawthorne Lane and 5th Street.
- Phase I will require installation of additional track to extend the existing half mile of track along Elizabeth Avenue. The project will also require installation of the overhead catenary system along the corridor.
- Funding for these services is available within the project budget.
- STV/Ralph Whitehead Associates, Inc. was selected using the Council approved, qualifications-based selection process.
- Amendment #5 with URS Corporation-North Carolina will provide for additional construction administration services.
- On June 26, 2010, the City Council approved the original contract with URS Corporation-North Carolina and it was executed by the City Manager for \$3,348,039. The revised total contract amount is \$4,323,890.13.

Disadvantaged Business Enterprise

This project has federal funds committed by the Federal Transit Administration and is subject to the federal DBE regulations.

STV/Ralph Whitehead Associates, Inc.

STV/Ralph Whitehead Associates, Inc. committed 11.8% (\$35,400) of the total contract amount to the following DBEs: Virginkar and Associates (inspection and testing of site).

URS Corporation-North Carolina

All additional work involved in this amendment will be performed by URS Corporation-North Carolina and their existing subcontractors.

Funding

Streetcar Starter Project Grant and General Community Investment Plan

26. Buddy Bear Public Art Donation

Action: Adopt a resolution accepting a public art donation in recognition of the strong cultural and business relationship the City of Charlotte has with the German community from the Charlotte Chapter of the German-American Chamber, the Alemannia Society of Charlotte, the German Language & Culture Foundation, Kühne & Nagel, Kurt and Regina Waldthausen, and the German Saturday School of Charlotte.

Staff Resource(s): Rachel Wood, Budget & Evaluation Office
Catherine Cooper, City Attorney's Office
Timothy O'Brien, Engineering & Property Management

Explanation

- The Charlotte Chapter of the German-American Chamber, the Alemannia Society of Charlotte, the German Language & Culture Foundation, Kühne & Nagel, Kurt and Regina Waldthausen, and the German Saturday School of Charlotte have commissioned the painting and installation of a Buddy Bear statue in recognition of the strong economic and cultural ties that the City of Charlotte has with the German community. The effort was spearheaded by former Honorary German Consulate, Kurt Waldthausen, who provided voluntary consular services for twelve years in the Charlotte-Mecklenburg region.
- The Buddy Bear concept was created by two German business people in 2001 as a series of six foot tall, fiberglass bear sculptures that are painted by local artists to symbolize the message of peace, international understanding, and tolerance among nations.
- Charlotte receiving a Buddy Bear is a tremendous international honor. Buddy Bear sculptures have been featured in major international hubs, including Hong Kong; Vienna, Switzerland; Istanbul, Turkey; and Sydney, Australia.
- Given their German origin, Buddy Bears are typically located in cities that have close ties to German business and German culture. The design of each bear is specifically tailored to the community it represents.
- In collaboration with City staff, County staff, the Arts & Science Council, and Charlotte Center City Partners, the commissioning parties identified Arequipa Park, which is the plaza adjacent to the Charlotte-Mecklenburg Main Public Library, as an appropriate location for the installation. The selected location is property that the City leases from the County.
- The donating parties collaborated with the Arts & Science Council, Public Art Commissioner Suzanne Fetscher, and the McColl Center to select local artist, Sharon Dowell, to paint the sculpture.
- The selected artist will be flown to Berlin, Germany, to paint the Buddy Bear sculpture at the United Buddy Bear Headquarters. This experience will be fully funded by the commissioning parties.
- The Public Art Commission reviewed the proposed design and formally approved the installation during its January 22, 2014, meeting.

Attachment 15**Site Plan and Conceptual Design for Buddy Bear Installation Resolution****27. Repairs to City Bridges**

Action: Award the low-bid contract of \$1,696,745.06 to Lee Construction for the repairs to city bridges.

Staff Resource(s): Gus Jordi, Transportation

Explanation

- The Federal Highway Administration mandates that bridges and culverts be inspected every two years for structural adequacy, safety, and functionality.
- The City tracks the condition of 208 bridges and submits those approaching the end of their service life to the North Carolina Department of Transportation for replacement funding well in advance of any safety concerns.
- On March 26, 2012, and May 28, 2013, respectively, the City Council approved a contract to inspect City bridges, culverts, and for repair design.
- The repair contract provides for routine construction and maintenance work to 79 bridges identified in the inspection process.
- Work includes but is not limited to:
 - Super structure replacement;
 - Concrete pavement repairs;
 - Asphalt surface sealing, repair, or replacement;
 - Brush and tree control;
 - Debris removal;
 - Soil and erosion repairs;
 - Barrier rail, hand railing installation, and repairs;
 - Retaining wall repairs and replacement;
 - Culvert repairs;
 - Removing, containment and disposal of the existing materials;
 - Traffic control; and
 - Erosion and sediment control.
- On November 19, 2013, an Invitation to Bid was advertised; one bid was received.
- Funding for the repair contract is included in the City's Bridge Repair and Replacement Program using previously approved street bonds.

Charlotte Business INclusion

Established SBE Goal: 16%

Committed SBE Goal: 16.26%

Lee Construction Co. of the Carolinas exceeded the established SBE goal and committed 16.26% (\$275,895.30) of the total contract amount to the following SBE firms: Oliver Paving Company, Inc. (paving and hauling) and A-1 Precision Fence Co., Inc. (fence and guardrails).

Funding

Transportation Community Investment Plan

28. Private Developer Funds Appropriation

Action: Adopt a budget ordinance appropriating \$29,000 in private developer funds for traffic signal improvements.

Staff Resource(s): Scott Putnam, Transportation

Explanation

- The \$29,000 in private developer funds is for the relocation of pedestrian signals, signal poles, and other related equipment at the intersection of Eastway Drive and Eastway Crossing Drive associated with QuickTrip Corporation's development project.
- QuikTrip Corporation is fully funding the relocation and pedestrian signal improvements.
- The payment is in response to estimates of work prepared by Charlotte Department of Transportation and supplied to the Developer.
- Any funding contributed by the Developer for the signal project that is unused by the City will be refunded after the project is complete.

Funding

Developer Contributions

Attachment 16

[Budget Ordinance](#)

29. Aircraft Maintenance Hangar Lease

Action: Approve a five-year lease amendment with MESA Airlines, Inc. for an aircraft maintenance hangar in the amount of \$2,539,105.

Staff Resource(s): Brent Cagle, Aviation

Explanation

- On February 9, 2009, the City Council approved an aircraft maintenance hangar lease with MESA Airlines, Inc.
- MESA desires to extend the lease for an additional five years. The original total lease value was \$2,192,800.
- MESA Airlines, Inc. will remit \$49,520 annually for ground rent, \$420,000 annually for facility rent, and \$38,301 annually for Airport Service Fees. The rent structure conforms to the current Airport rent policy.
- The total value of the amendment is \$2,539,105.
- The new total value of the lease over the 10-year period is \$4,731,905.

30. Airport Noise Exposure Map Update

Action:

A. Approve a professional services contract with Landrum & Brown in the amount of \$381,000 to prepare a Federal Aviation Regulation Part 150 Noise Exposure Map Update, and

B. Adopt a budget ordinance appropriating \$381,000 from the Airport Discretionary Fund to the Airport Community Investment Fund.

Staff Resource(s): Jack Christine, Aviation

Explanation

- Safety concerns with converging operations caused the Federal Aviation Administration to restrict daytime use of Runway 5/23 in July 2013.
- The change in operation resulted in a loss of arrival capacity and altered air traffic patterns by extending aircraft operations beyond the established noise abatement hours.
- The Aviation Department will conduct a FAR Part 150 Noise Exposure Map (NEM) Update to identify the current noise impacts on the community.
- Specific elements of the NEM Update include a review of existing conditions, developing noise exposure maps for the current year and five years into the future, determining impacts to the surrounding areas, and conducting public outreach meetings.
- A Request for Qualifications was issued by the Airport. A committee, comprised of Aviation staff, selected Landrum & Brown for the project.

Disadvantaged Business Enterprise

Established DBE Goal: 10%

Committed DBE Goal: 10.00%

Landrum & Brown-exceeded the established DBE goal, and has committed 10.00% (\$38,100) of the total contract amount to the following DBE firm(s): Arora Engineers, Inc. (computer-aided dispatch/geographic information systems data collection and database management).

Funding

Aviation Community Investment Plan

Attachment 17

[Budget Ordinance](#)

31. Airport Bus Purchase

- Action:**
- A. Approve the purchase of El Dorado National Transit Buses from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3), and**
 - B. Approve a unit price contract with El Dorado National for the purchase of El Dorado National Transit Buses for the term of one year.**

Staff Resource(s): Brent Cagle, Aviation

Cooperative Purchasing Exemption

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

Explanation

- The Aviation Department currently owns and operates 61 shuttle buses to transport passengers between the Terminal and the Airport's various parking decks and lots; this service is provided 24 hours a day/365 days a year.
- New buses are needed to meet the growing demand of passengers and to replace El Dorado buses at the end of the useful life.
- At the time, Carolina Thomas, the local El Dorado dealer, and the Aviation Department believed that the City could purchase buses from Carolina Thomas by piggybacking on an existing contract.
- On September 23, 2013, the City Council approved the purchase of 20 new El Dorado National Transit Buses under a piggybacking exemption.
- However, upon further review, the appropriate competitive bidding exception is the cooperative purchasing exemption and the proper contracting party is El Dorado National - the supplier rather than the dealer.
- The Request for Council Action seeks to correct the information from the previously-approved action and request approval for the Aviation Department to purchase the El Dorado buses.
- The unit cost of each bus is \$304,926.

Charlotte Business INclusion

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

Funding

Aviation Operation Budget

32. Airport Bucket Truck Purchase

Action: **A. Approve the purchase of one new truck from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3), and**

B. Approve a unit price contract with Northside Ford for the purchase of one new truck in the total amount of \$115,862.10.

Staff Resource(s): Mark Wiebke, Aviation

Cooperative Purchasing Exemption

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

Explanation

- The Aviation Department is purchasing a bucket truck for maintenance and repairs on the airport complex.
- Northside Ford Trucks has a contract awarded through National Joint Powers Alliance that offers competitively obtained contracts to public agencies nationwide.
- The unit prices are set forth in the proposed contract, and are available on request.
- The bucket truck is on the Aviation FY2014 Capital Equipment Replacement List.

Charlotte Business INclusion

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

Funding

Aviation Operating Budget

33. Airport Business Valet Parking Deck Change Order #4

Action: **A. Approve change order #4, in the amount of \$201,807, to Shelco, LLC for the Airport Business Valet Parking Deck, and**

B. Adopt a budget ordinance appropriating \$201,807 from the Aviation Discretionary Fund to the Airport Community Investment Fund.

Staff Resource(s): Jack Christine, Aviation

Explanation

- Change order #4 will allow the Aviation Department to direct the contractor to proceed with work to mitigate unsuitable soils related to the foundation and to provide a change of scope to include access control components to provide proper security for the deck.
- On June 24, 2013, the City Council awarded a contract to Shelco, LLC in the amount of \$37,212,000 to construct a new Business Valet Parking Deck.

- On August 7, 2013, the Aviation Department Director approved change order #1 to deduct \$539,000 from the original contract amount for a foundation modification offered by Shelco, LLC.
- On December 9, 2013, the City Council approved change order #2 in the amount of \$370,720 to accommodate construction modifications for permitting compliance.
- On January 3, 2014, the Aviation Department Director approved change order #3 to deduct \$22,339 from the contract to account for structural modifications identified by the contractor during a value engineering exercise.
- The total contract amount to date, including this change order, is \$37,223,188.
- Funding for this change order is available within the project budget.

Charlotte Business INclusion

All additional work involved in this change order will be performed by Shelco, LLC and their existing subcontractors (Part D: Section 6 of the SBO Policy).

Funding

Aviation Operating Budget

Attachment 18

[Budget Ordinance](#)

34. Airport Remote Rental Car Facility Design Services

Action:

A. Approve a contract for professional design services, in the amount of \$957,438, with Baker LPA Architects, PC, for facility design services and site development, and

B. Adopt a budget ordinance appropriating \$957,438 from the Aviation Contract Facility Charge Fund to the Aviation Community Investment Fund.

Staff Resource(s): Jack Christine, Aviation

Explanation

- The remote rental car facility is an auxiliary facility to the new hourly parking/rental car deck currently under construction.
- The remote rental car facility allows the rental car companies to perform light vehicle maintenance and to store additional vehicles. This facility will be located on Wilkinson Boulevard.
- Relocating the rental car storage and light maintenance operations to a remote site allows for the redevelopment of the companies' current spaces in preparation of the future international terminal.
- On December 21, 2010, Aviation conducted a Request for Qualifications for various projects and selected Baker LPA Architects, PC based on their qualifications and experience in designing similar rental car facilities for other airports.

Charlotte Business INclusion

Action A

For professional service-based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). On this contract, Baker LPA Architects, PC has committed 4.92% (\$47,080) of their total contract

amount to the following SBE Firm: Captstone Civil Group, PA (permit coordination and Charlotte-Mecklenburg Certified Site inspections), Accutech Surveying & Mapping, LLP (surveying), and On-Spec Engineering, PC (Geotech).

Funding

Aviation Community Investment Plan

Attachment 19

[Budget Ordinance](#)

35. Airport Checked Baggage In-Line System

Action:

- A. Authorize the establishment of an owner's contingency in an amount not to exceed \$1,800,000 with Archer Western Construction to fund anticipated change orders for additional construction services as needed for the installation of the Checked Baggage In-Line System,**
- B. Authorize the establishment of an owner's contingency in an amount not to exceed \$700,000 with Pteris Global (USA) Inc. to fund anticipated change orders for additional construction services as needed for the installation of the Checked Baggage In-Line System, and**
- C. Authorize the City Manager to approve and execute change orders to the existing contracts with Archer Western and Pteris Global in an amount not to exceed the owner's contingencies established in Actions A and B.**

Staff Resource(s): Jack Christine, Aviation

Explanation

- The Aviation Department is presently constructing the Checked Baggage In-Line System (System) pursuant to a federal grant awarded by the Transportation Security Administration (TSA). This grant provides funding for 90% of project costs with the remaining 10% paid with General Airport Revenue Bonds (GARBs).
- The Aviation Department budgeted \$50,957,401 for the design and installation of this project.
- On May 24, 2010, the City Council adopted a budget ordinance appropriating the proceeds of the TSA grant in the amount of \$45,431,845.
- On November 14, 2011, the City Council adopted a budget ordinance appropriating the proceeds of the 2011 GARBs, which included the local share in the amount of \$5,525,556. The budget allocated up to \$2.8 million as an owner's contingency.
- On June 25, 2012, the City Council approved the following contracts for the construction of the System:
 - A contract in the amount of \$21,945,700 with Archer Western, and
 - A contract in the amount of \$25,384,571 with Pteris Global.
- Neither contract contains the owner's contingency budgeted for this project.
- The construction of the System requires that the work be completed without losing the capacity of the current baggage sortation system.

- The design of the System took into account all as-built conditions for the terminal and the existing conveyor systems; however, the size and complexity of the System will require minor adjustments to the terminal building and the conveyors during construction that will only become apparent as the System installation progresses.
- Aviation requests the City Council to consider this action that will provide owner contingency funding for Archer Western and Pteris Global for the installation of the System in the terminal.
 - Owner contingency is an allocation of funds to be used for unanticipated changes to construction contracts.
- The use of owner contingency funds will be at the discretion of the Aviation Director to ensure adherence to the construction schedule and project completion by September 2015, as stipulated by the grant agreement with the TSA.

Disadvantage Business Enterprise

All design and construction contracts include DBE requirements in conjunction with requirements of the federal grant. These requirements will remain in effect for any additional work awarded.

Funding

Aviation Community Investment Plan

36. Airport Parking and Valet Services Management

Action:

- A. Approve a three-year and three month management agreement with SP + Corporation to provide public parking staffing services at Charlotte Douglas International Airport,**
- B. Approve a three-year management agreement with AmeriPark, LLC to provide valet parking services at Charlotte Douglas International Airport, and**
- C. Authorize the City Manager to approve two, one-year contract renewals for Actions A. and B. as stipulated in the contracts.**

Staff Resource(s): Brent Cagle, Aviation

Explanation

- In July 2003, the City Council approved a five-year management contract with Park, Inc. (formerly Parking Solutions) to manage the curbside valet parking at the Airport and approved contract extensions on May 27, 2008, July 25, 2011, May 14, 2012, and June 24, 2013 including the addition of business valet parking. The current contract expires June 30, 2014.
- In 2005, the City Council approved a contract with EJ Services, Inc., d/b/a Balance staffing and approved contract extensions on January 25, 2010, May 14, 2012, and June 24, 2013. The current contract expires on March 31, 2014.
- On January 6, 2014, the Aviation department issued a Request for Proposals for parking and valet Services. Respondents had the opportunity to propose on either package A (parking staffing services), package B (valet services), or package C (parking staffing and valet services).
- Across all three packages, seven companies submitted nine proposals. A selection committee comprising of Herbert Judon (Aviation), Tim Gause (Duke Energy),

Dalia Ballester (US Airways), and Natalie English (Chamber) recommended SP + to provide parking staffing services and AmeriPark to provide valet services.

Action A

- The Aviation Department manages the public parking operation at the airport using temporary personnel to provide labor for various activities.
- SP + Corporation will manage the Airport's public parking staffing needs and will hire, train, and supervise all required personnel.
- Under the agreement, SP + Corporation will receive an annual management payment of \$177,500, and will be reimbursed for allowable expenses, estimated at \$3,299,344 for the first year, which includes employee salaries and supplies.

Action B

- AmeriPark will manage the Airport's valet parking operation ensuring first-class services and outstanding customer service for both curbside and business valet.
- AmeriPark will hire and manage all personnel and will receive an annual management payment of \$36,000. AmeriPark is also eligible for a performance incentive fee of net revenues, not to exceed \$130,000, and will be reimbursed for allowable expenses, estimated at \$2,267,105 for the first year, which includes employee salaries and supplies.

Airport Concession Disadvantage Business Enterprise

Committed ACDBE Participation: 25%

On this Contract the City negotiated the ACDBE participation after the proposal selection process. SP + Corporation has committed 25% (\$40,000) of the eligible projected expenses to the following ACDBE firms: Flying Leap, Inc. (uniforms and related supplies).

Action B

Committed ACDBE Participation: 61%

On this Contract the City negotiated the ACDBE participation after the proposal selection process. AmeriPark, LLC has committed 61% (\$945,000) of total eligible projected expenses to the following ACDBE firms: LSG Large & Small Graphics, Inc. (printing) and Havoline Fast Lube (ancillary amenity programs).

Funding

Aviation Operating Budget

37. Transit Bus Parts

Action:

- A. Approve the purchase of parts as authorized by the sole source exemption of G.S. 143-129 (e)(6),**
- B. Award a contract for bus parts to Gillig Corporation for the estimated annual amount of \$750,000 and**
- C. Authorize the City Manager to exercise two additional annual one-year renewals at \$750,000 per year. The total estimated amount is \$2,250,000 for all three years.**

Staff Resource(s): Carolyn Flowers, Transit
Larry Kopf, Transit

Policy

In accordance to policy 2.3.3, Transit will provide competitive service to grow transit ridership and maximize commuter choice.

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 as these parts must be interchangeable and compatible with Transit's bus fleet. The only source of supply for these parts is the bus manufacturer.
- The City Council must approve purchases made under the sole source exception.

Explanation

- The Transit Bus Operations Division uses proprietary original equipment manufacturer (OEM) bus parts in the daily maintenance and repair of the Transit bus fleet.
- The proprietary OEM parts meet the required specifications and standards to keep the buses in the proper operating condition and to maintain the bus warranty.
- Bus parts will be ordered on an "as needed" basis. The contract amount is based on prior usage and required inventory stock levels.
- This contract includes discounted pricing below the published manufacturer's listed pricing.

Disadvantaged Business Enterprise

Pursuant to the United States Department of Transportation Program, Subpart C, no DBE utilization goal was set for this contract because no subcontracting opportunities are available.

Funding

Transit Operating Budget and Federal Formula Funds

38. Blue Line Extension Project Advanced Public Utility Relocations Contract Amendment

Action: Approve contract amendment #1, in the amount of \$500,000, with Blythe Development Company to allow relocation of AT&T conduit.

Staff Resource(s): Danny Rogers, Transit

Explanation

- On October 28, 2013, the City Council approved the original contract with Blythe Development for a total of \$4,979,780. The contract was for public utility work for construction of Segment B of the LYNX Blue Line Extension (BLE) project.
- The work included:
 - Grading,
 - Construction of a joint utility bank,
 - Retaining walls, and
 - Water and sewer installation.
- Additionally, the City has an agreement with AT&T for relocation of their facilities that are in conflict with BLE construction.
- On July 22, 2013, the City Council approved an agreement for an amount not to exceed \$1.5 million.
 - AT&T intended to do the work initially.
 - The City's agreement with AT&T includes a shared funding for the relocation work that would have the BLE project responsible for 60% of the costs and AT&T 40%.
 - The work for AT&T will need to be coordinated with the work performed by Blythe.
- AT&T has asked the City to consider adding their work to the Blythe contract to minimize coordination issues and reduce schedule delay risks as well as reduce the cost to construct.
- This is not an additional cost or scope to the project – this amendment changes the way it is accomplished by having all of the work performed by the City's contractor, thereby reducing coordination and schedule risks.
- The cost of work added to the Transit project will still be covered by the 40/60 funding agreement. However, the total cost of the work must be included in the Blythe contract. The AT&T share will be reimbursed to the project per the previously approved relocation agreement between the City and AT&T.

Disadvantaged Business Enterprise

Established DBE Goal: 9.3%

Committed DBE Goal: 9.42%

Funding

Transit Community Investment Plan

39. Utility Small Water and Sewer Service Connections

- Action:**
- A. Award a low-bid contract of \$1,399,150.75 to B.R.S., Inc. for installation of drinking water and sanitary sewer service connections throughout Mecklenburg County, and**
 - B. Authorize the City Manager to approve one renewal with price adjustments based on the terms of the contract.**

Staff Resource(s): Barry Shearin, Utility

Explanation

- The Charlotte-Mecklenburg Utility Department outsources the installation of most new water and sewer service installations, using construction contracts.
- Customers pay connection fees for new services, which are based on costs incurred by Charlotte-Mecklenburg Utility Department in these contracts.
- Each connection is made following application by the developer or property owner and receipt of payment.
- On December 2, 2014, an Invitation to Bid was issued; three bids were received.
- The majority of the work covered by this contract will be used for residential water and sewer service installations, and should provide for approximately 1,000 service connections.
- New water and sewer service installations within new subdivisions are not covered by this contract, as developers bear these costs.
- Having contracts in place prior to receiving service requests provides a shorter response time for service delivery.
- The contract allows for one renewal with possible unit price adjustments based on the Construction Cost Index.
- An additional contract is forthcoming to further expedite new water and sewer service installations.

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 Community Investment Plan

40. Utility Street Main Extensions, Contracts A & B

Action: Award the low-bid contracts for construction of water and sanitary sewer mains along existing roadways and in easements throughout Mecklenburg County to:

- Contract A: Dallas 1 Construction, \$1,949,356.95, and
- Contract B: Sanders Utility Construction, \$1,979,673.10.

Staff Resource(s): Barry Shearin, Utility

Explanation

- The Street Main Extension Program provides service to residential customers within 1,000 feet of an existing water or sewer main. Each extension is provided at the request of the property owner with the only cost to the property owner being the cost of the water or sewer connection.
- Bids are unit price and based on estimated quantities for items needed for this type of work.
- On December 6, 2014, an Invitation to Bid was issued; three bids were received for each solicitation.

Charlotte Business INclusion

Dallas 1 Construction

Established SBE Goal: 6%

Committed SBE Goal: 6.00%

Dallas 1 Construction met the established SBE goal, and committed 6.00% (\$117,000) of the total contract amount to the follow SBE firms: Boyle Consulting Engineers, (geotechnical), and Bullseye Construction (water and sewer line installation). Dallas 1 is also a certified SBE firm.

Sanders Utility Construction

Established SBE Goal: 6%

Committed SBE Goal: 3.36%

Sanders Utility Construction failed to meet the SBE goal, but earned the required number of Good Faith Effort Points (Part B: Section 2.1 of the SBO Policy). They committed 3.36% (\$66,500) of the total contract amount to the following SBE firms: Ground Effects (pavement marking), B&B Concrete (concrete repairs), Jim Bob's Paving (asphalt paving), PT&L (erosion control), Martin Landscaping (seeding & mulching), MTS Trucking (hauling), All Points Trucking (hauling), and Sanders Constructors (right-of-way clearing). Subsequent to bid opening, Sanders made additional SBE commitments to Boyle Consulting Engineers, which increased Sanders total SBE utilization for the project to 4.14% (\$81,875.00). A further detailed write-up of the good faith efforts undertaken by Sanders for this contract is attached.

Funding

Utility Community Investment Plan

Attachment 20

[Sanders Utility Construction Good Faith Effort](#)

41. Utility Trailer

Action: A. Award a low-bid, unit price contract to Kraftsman, Inc. for the purchase of heavy duty trailers for a 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(s): Barry Shearin, Utility

Explanation

- Approval of this contract will allow for the replacement of eight trailers annually for the term of the agreement.
- Two types of trailers will be purchased: 15 tons and 20 tons of capacity. These trailers are used to transport construction equipment, such as backhoes and excavators to and from jobsites.
- The eight trailers on the approved FY2014 Capital Equipment Replacement List are due for replacement because of their age and overall condition.
- On November 11, 2013, an Invitation to Bid was issued; four bids were received.
- Annual expenditures under the contract are estimated to be \$150,000.

Charlotte Business INclusion

No SBE goal was set for this contract because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INclusion Policy).

Funding

Utility Capital Equipment Replacement Fund

42. NC Clean Water Revolving Fund Application

- Action:**
- A. Adopt a resolution authorizing the Charlotte-Mecklenburg Utility Department to apply for a Clean Water State Revolving Fund Loan in an amount not to exceed \$3,500,000, and**
 - B. Authorize the Charlotte-Mecklenburg Utility Director to sign and submit an application to the Clean Water State Revolving Fund Loan Program.**

Staff Resource(s): Barry Gullet, Utility

Explanation

- The Charlotte-Mecklenburg Utility Department is re-applying for a zero percent loan from the Clean Water State Revolving Fund Loan Program for the construction of a Combined Heat and Power Project at McAlpine Water Treatment Plant.
- On August 26, 2013, the City Council authorized Charlotte-Mecklenburg Utility Department to apply for this same loan. Unfortunately, the State did not grant the loan; therefore, the department wishes to reapply.
- The loan would fund the installation and construction of a generator and associated equipment converting waste methane gas produced during treatment into power for use at the McAlpine Plant.
 - Power generated would meet approximately 14% of plant needs, and
 - The project will qualify for Renewable Energy Credits.

Attachment 21
[Resolution](#)

43. Utility Large Water and Sewer Service Connections

- Action:**
- A. Award a low-bid contract of \$2,499,121.50 with Dallas 1 for installation of drinking water and sanitary sewer service connections throughout Mecklenburg County, and**
 - B. Authorize the City Manager to approve one renewal.**

Staff Resource(s): Barry Shearin, Utility

Explanation

- Charlotte-Mecklenburg Utility Department outsources the installation of most new water and sewer service connections using construction contracts.
- Customers pay connection fees for new services, which are based on costs incurred by Charlotte-Mecklenburg Utility Department in these contracts.
- Each connection is made following an application made by the developer or property owner and receipt of payment.
- The majority of the work covered by this contract will be used for commercial water and sewer service installation, and should provide for approximately 150 service connections.

- New residential water and sewer service installations are not covered by this contract; developers bear these costs.
- Having contracts in place prior to receiving service requests provides a shorter response time for service delivery.
- The contract allows for one renewal with possible unit price adjustments based on the Construction Cost Index.
- On January 3, 2014, an Invitation to Bid was posted; three bids were received.
- An additional contract is forthcoming to further expedite new large diameter water and sewer service installations.

Charlotte Business INclusion

No SBE goal was set for these contracts because there are no subcontracting opportunities (Part B: Section 2.4 of the SBO Policy). Dallas 1 is also a City SBE.

Funding

Utility Community Investment Plan

44. Off-Street Sewer Cleaning Vehicle

- Action:**
- A. Approve the purchase of off-street sewer cleaning equipment as authorized by the cooperative purchasing exception as outlined in G.S. 143-129(e)(3), and**
 - B. Approve a purchase order with Hi-Vac Corporation for the purchase of one off-street sewer cleaning vehicle.**

Staff Resource(s): Barry Gullet, Utility

Cooperative Purchasing Exemption

- G.S. 143-129(e)(3), effective January 1, 2002, authorizes competitive group purchasing.
- The Houston-Galveston Area Council, a municipal purchasing cooperative, has a competitively solicited contract with Hi-Vac Corporation, which is in compliance with NC procurement regulations.

Explanation

- The Charlotte-Mecklenburg Utility Department's sewer infrastructure is comprised of approximately 4,200 miles of pipe, with 25% located in the off-street right-of-ways throughout our service area.
- The Hi-Vac vehicle is specifically designed to remove dirt, grease, and roots from the pipelines, which helps prevent sanitary sewer overflows and safeguard the environment.
- Charlotte-Mecklenburg Utility Department currently has six off-street cleaning vehicles, one of which has reached the end of its useful life, which is approximately 10 years.
- The cost of this vehicle is \$174,800 and was approved in the FY2014 Capital Equipment Replacement List.

Charlotte Business INclusion

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

Funding

Utility Capital Equipment Replacement Fund

45. Water and Sewer Infrastructure Inspection Services

Action: Approve the professional services contract with Pure Technologies LTD for electromagnetic and sonic inspection of water and sewer pipelines.

Staff Resource(s): Barry Shearin, Utility

Explanation

- The Charlotte-Mecklenburg Utility Department operations staff has identified potential structural or operational deficiencies in some water and sewer lines throughout the system.
- Any failure in these pipelines could significantly disrupt public travel ways and water service or lead to environmental issues.
- Pure Technologies provides proprietary services using electromagnetic and sonic inspection of pipelines to identify deficiencies that traditional visual inspections cannot.
- Investigation services will include the inspection of approximately 75,000 feet of water and sewer mains ranging in size from 6-inches to 54-inches in diameter.
- Infrastructure inspections are planned for April and May 2014, to avoid peak water flows during the summer months.
- Agreement is in the not-to-exceed amount of \$830,000. The actual amount paid for services will be determined based on actual field lengths of pipelines investigated.
- Total replacement of the identified pipelines would cost approximately \$22.0 million, which far exceeds the cost of assessment.

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 Community Investment Plan

46. Vest Water Treatment Plant Flow Monitoring and Control Improvements

Action: Award a low-bid contract of \$703,800 with Haren Construction Company for construction of flow monitoring and control improvements at the Vest Water Treatment Plant.

Staff Resource(s): Barry Shearin, Utility

Explanation

- The Vest Water Treatment Plant uses large meters to measure the amount of water being treated and supplied to the distribution system.
- The project provides for the replacement of seven meters at the plant.
- These meters have been in service since 1947, and have reached the end of their useful life.
- On December 11, 2013, an Invitation to Bid was issued; seven bids were received.

Charlotte Business INclusion

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

Funding

Utility Community Investment Plan

47. Citizen Service Communication Enhancements

- Action:**
- A. Approve a one-year extension to the contract with True Image Interactive, LLC (Formerly EidoServe, Inc.) in the amount up to \$1,025,000 for the ongoing development, support, and maintenance of various Citizen Service Communication channels,**
 - B. Authorize the City Manager to approve expenditures for the provision of development and implementation services, and**
 - C. Authorize the City Manager to approve up to two, one-year renewal options for continuing maintenance, support, and implementation services, with possible price adjustments as authorized by the contract, and contingent upon the company's satisfactory performance.**

Staff Resource(s): Bellverie Ross, Office of the Chief Information Officer

Explanation

- On July 25, 2010, the City Council approved a contract, in the amount of \$670,000, with EidoServe, Inc. for enhanced citizen communication through mobile applications, web platforms, professional information technology integration services, and managed integrated voice response (IVR) systems.
 - The contract was for a one-year term, with two, one-year renewal options.
- On March 28, 2011, the City Council approved contract amendment #1 for an additional \$150,000 for further development of mobile applications for various citizen services and reallocation of a portion of the original IVR funds for the Transit Special Transportation Services IVR.
- EidoServe has developed the EidoServe GetAbby solution, which serves as the core component to various citizen communication channels currently used by the City:
 - CharMeck 311/Charlotte-Mecklenburg Utility payment services, IVR account lookup, and mobile application,
 - Transit Special Transportation Services trip scheduling and IVR and web interfaces,
 - Water Watchers mobile application,
 - Citizen Web Portal, and
 - Curb It! mobile application.
- Estimated annual expenditures are as follows:
 - Web and mobile application ongoing support and maintenance - \$150,000.
 - Implementation services - \$675,000.
 - IVR system ongoing maintenance and support - \$200,000.
- No newly developed applications are planned during this extension agreement, only enhancements to the platform. True Image Interactive, LLC purchased EidoServe and notified the City on January 16, 2014.

Selection Process

In February 2010, staff issued a Request for Proposal and EidoServe was selected based on their experience with voice response systems and mobile/web integration.

Charlotte Business INclusion

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

Funding

Various Departments' Operating Budgets and Technology Capital Funds

48. Broadband Technology Opportunity Program Equipment and Support Services

Action:

A. Approve the purchase of Check Point internet security firewall equipment, software, and support from a federal contract as authorized by G.S. 143-129(e)(9a) in an amount up to \$342,198.16, and

B. Approve contracts with EC America, Inc., immixGroup, Inc., and the Teneo Group for the purchase of Check Point internet security firewall equipment, software, and support for the term of 20 months under General Services Administration Schedule No. GS-35F-0511T, effective June 27, 2007.

Staff Resource(s): Jeff Stovall, Office of the Chief Information Officer
Randy Moulton, Office of the Chief Information Officer

Federal Contract Exemption

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

Explanation

- On January 13, 2014, the City Council approved an agreement to restructure the City's Broadband Technology Opportunities Program (BTOP) Grant, in the amount of \$8,831,560, to improve public safety communications technology and infrastructure.
 - The restructured grant includes core technology infrastructure upgrades as well as in-vehicle modems, laptops, and tablets for Police and Fire vehicles.
- One of the core technology upgrades to be accomplished is the purchase of new internet-facing security firewalls.
 - The equipment is required to enhance the speed and the capacity of the City's security infrastructure.
 - The new equipment will enable the public safety entities to have greater access to real-time video as well as critical operational information.
- The City currently uses Check Point brand products for its internet-facing security firewalls.
 - The City has been using Check Point products since 2001 and has a deep understanding of the company's product line.
 - The selection of a Check Point product for this work helps ensure compatibility with the City's installed base of other Check Point products.
 - Check Point products are available through multiple distribution channels.

Selection Process

- The contract was awarded by the GSA to EC America, Inc., a subsidiary of immixGroup, Inc., on June 27, 2007 for a term of 10 years.
- The vendors named in Action B. will provide the City the same or better terms as are provided in the General Services Administration contract.
- The unit prices are set forth in the proposed contract, and are available on request.

Charlotte Business INclusion

No SBE goal was set for these service contracts because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy).

Funding

BTOP Grant, Technology Capital Investments, and Various Departments' Operating Budgets

49. Synthetic Transmission Fluid

- Action: A. Approve a unit price contract with the low bidder Northeast Lubricants for the purchase of transmission fluid 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(s): Marie Harris, Shared Services

Explanation

- Shared Services Fleet Management Division is responsible for the maintenance of City Fleet equipped from the factory with Allison transmissions.
- Synthetic transmission fluids that are approved by Allison are required for the operation of the large and diverse fleet of vehicles and equipment that are built with Allison engines and transmissions in order to maintain the manufacturer warranty and equipment performance standards.
- Currently, most trucks over 26,000 gross vehicle weight and all Chevrolet trucks with diesel engines are built with Allison transmissions, including Fire trucks, Solid Waste Services collection trucks, dump trucks, street excavators and other equipment.
- Shared Services Procurement Management Division issued an Invitation to Bid for synthetic transmission fluid on January 10, 2014 and received five bids.
- The unit prices are set forth in the proposed contract and are available upon request from Procurement Management.
- Annual expenditures under the contract are estimated to be \$100,000.

Charlotte Business INclusion

No SBE goal was set for this contract because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INclusion Policy).

Funding

Shared Services Operating Budget

50. 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 \$4,132.77, and
 - B. Adopt a resolution authorizing the refund of business privilege license payments in the amount of \$4,953.91.

Staff Resource(s): Teresa Smith, 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.
- Business privilege license tax refunds are provided to the City by Mecklenburg County.

Attachment 22

[Lists of Refunds Resolutions](#)

51. Resolution of Intent to Abandon a Residual Portion of Old Lancaster Highway

- Action:**
- A. Adopt a Resolution of Intent to abandon a residual portion of Old Lancaster Highway, and
 - B. Set a public hearing for March 24, 2014.

Staff Resource(s): Jeff Boenisch, Transportation

Attachment 23

[Map Resolution](#)

52. Meeting Minutes

- Action:** Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of:
- January 21, 2014 Zoning Meeting
 - January 27, 2014 Citizens Forum/Business Meeting

PROPERTY TRANSACTIONS

53. Sale of City-Owned Property

Action: **A. Adopt a resolution approving the sale of 3024 Marney Avenue (PID 157-035-18), and**

B. Authorize the City Manager to execute the sale documents for this transaction.

Staff Resource(s): Robert Drayton, Engineering & Property Management
 Pamela Wideman, Neighborhood & Business Services

Explanation

- The City owns vacant lots and single-family residential properties in various neighborhoods throughout Charlotte.
- The property is located at 3024 Marney Avenue in the Grier Heights community.
- The property was acquired due to default on a renovation loan made by the City after the death of the borrower.
- On April 19, 2011, the Charlotte-Mecklenburg Planning Committee approved a mandatory referral in favor of the sale of 3024 Marney Avenue.
- This property was offered to non-profit development partners to be reused as affordable housing. However, none of the partners were interested in assuming this property.
- On June 20, 2012, a Request for Qualifications was advertised and Showcase Realty was selected in late 2012.
- The City signed the contract in February 2013, and 3024 Marney Avenue was listed for sale price of \$23,000.
- An initial offer was received from an individual buyer and advertised for upset bid.
- The proceeds of sales will be returned to the Community Development Block Grant Fund as required by federal program regulations and will be used for affordable housing.

Attachment 24

[Photo of Property](#)
[Resolution](#)

54. Property Transactions

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

- 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:** Airport Master Plan Land Acquisition
Owner(s): Rodney Dellinger
Property Address: 3115 Verns Avenue
Property to be acquired: .43 acres
Improvements: Single-family Residence
Purchase Price: \$189,000
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 Code: 055-369-01

Council District: 3

- B. Project:** Airport Master Plan Land Acquisition
Owner(s): Distribution Technology, Inc.
Property Address: 9331 Dorcas Lane
Property to be acquired: 1.67 acre
Improvements: Single-family Residence
Purchase Price: \$180,000
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 Code: 141-261-58
Council District: N/A - Unincorporated
- C. Project:** Airport Master Plan Land Acquisition
Owner(s): Roy Francis
Property Address: 8038 Steele Creek Road
Property to be acquired: .55 acre
Improvements: Vacant
Purchase Price: \$31,500
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: Vacant
Tax Code: 141-111-41
Council District: N/A - Unincorporated
- D. Project:** Airport Master Plan Land Acquisition
Owner(s): Thomas A Little Jr FUNB
Property Address: 9401 Dorcas Lane
Property to be acquired: .45 acre
Improvements: Vacant
Purchase Price: \$30,000
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: Vacant
Tax Code: 141-261-60
Council District: N/A - Unincorporated

- E. Project:** Gaynor Storm Drainage Improvement Project, Parcel #41
Owner(s): Edwin S. Castro and Maria Carmela P. Castro
Property Address: 435 Hunter Lane
Total Parcel Area: 26,886 sq. ft. (0.617 ac.)
Property to be acquired by Easements: 1,093 sq. ft. (.025 ac.) in Storm Drainage Easement, plus 2,267 sq. ft. (.052 ac.) in Sanitary Sewer Easement, plus 1,285 sq. ft. (.029 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: R-3
Use: Single-family Residential
Tax Code: 185-071-30
Purchase Price: \$27,150
Council District: District 6
- F. Project:** Johnston Oehler Farm to Market, Parcel #38
Owner(s): William L. Mowry and Donna E. Mowry And Hermitage Partners, LLC
Property Address: 3124 Johnston-Oehler Road
Total Parcel Area: 653,560 sq. ft. (15 ac.)
Property to be acquired by Fee: 5,950 sq. ft. (.137 ac.) in Fee Simple, plus 32,609 sq. ft. (.749 ac.) in Fee Simple within Existing Right-of-Way
Property to be acquired by Easements: 731 sq. ft. (.017 ac.) in Storm Drainage Easement, plus 15,214 sq. ft. (.349 ac.) in Temporary Construction Easement, plus 9,556 sq. ft. (.219 ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R-3
Use: Single-family Residential - Rural Acreage
Tax Code: 029-721-19
Purchase Price: \$11,000
Council District: District 4
- G. Project:** Johnston Oehler Farm to Market, Parcel #48 and #49
Owner(s): Walter Samuel Raborn and Johnsie R. Raborn
Property Address: 2715 And 2801 Johnston-Oehler Road
Total Parcel Area: 269,266 sq. ft. (6.1815 ac.)
Property to be acquired by Fee: 11,787 sq. ft. (.271 ac.) in Fee Simple
Property to be acquired by Easements: 2,234 sq. ft. (.051 ac.) in Storm Drainage Easement, plus 12,303 sq. ft. (.282 ac.) in Temporary Construction Easement, plus 3,588 sq. ft. (.082 ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: R-3
Use: Single-family Residential

Tax Code: 029-331-17 and 029-331-01
Purchase Price: \$14,350
Council District: District 4

- H. **Project:** Pete Brown Road Extension, Parcel #6
Owner(s): JSG Automotive, Inc.
Property Address: 4321 Pete Brown Road
Total Parcel Area: 43,559 sq. ft. (1.000 ac.)
Property to be acquired by Fee: 673 sq. ft. (.015 ac.) in Fee Simple
Property to be acquired by Easements: 668 sq. ft. (.015 ac.) in Storm Drainage Easement, plus 5,660 sq. ft. (.13 ac.) in Temporary Construction Easement, plus 24 sq. ft. (.001 ac.) in Utility Easement
Structures/Improvements to be impacted: Bollards
Landscaping to be impacted: Trees and Shrubs
Zoned: I-1
Use: Industrial
Tax Code: 043-241-06
Purchase Price: \$14,525
Council District: District 2
- I. **Project:** Pete Brown Road Extension, Parcel #12
Owner(s): Dominion Investment Properties, LLC
Property Address: 4330 Pete Brown Road
Total Parcel Area: 127,533 sq. ft. (2.928 ac.)
Property to be acquired by Easements: 3,007 sq. ft. (.069 ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: I-1
Use: Industrial
Tax Code: 043-062-01
Purchase Price: \$11,550
Council District: District 2
- J. **Project:** Ramah Creek Sewer Interceptor, Parcel #30
Owner(s): T.M. Westmoreland Family Limited Partnership
Property Address: McCord Road
Total Parcel Area: 827,640 sq. ft. (19.00 ac.)
Property to be acquired by Easements: 26,270 sq. ft. (.603 ac.) in Sanitary Sewer Easement, plus 32,015 sq. ft. (.735 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Will be determined by the season construction is complete.
Zoned: TR
Use: Industrial
Tax Code: 011-051-05
Purchase Price: \$12,509
Council District: Huntersville

Condemnations

- K.** **Project:** Celia Avenue Storm Drainage Improvement Project Easement Acquisition, Parcel #6
Owner(s): Jesus Adrian Iracheta Ortiz and Maria Tomasa Vallejo Charles and any other parties of interest
Property Address: 2616 Celia Avenue
Total Parcel Area: 7,769 sq. ft. (0.178 ac.)
Property to be acquired by Fee: 415 sq. ft. (.01 ac.) in Fee Simple
Property to be acquired by Easements: 113 sq. ft. (.003 ac.) in Sanitary Sewer Easement, plus 145 sq. ft. (.003 ac.) in Temporary Construction Easement, plus 11 sq. ft. (ac.) in Utility Easement
Structures/Improvements to be impacted: Walkway
Landscaping to be impacted: None
Zoned: R-12MF
Use: Single-family Residential
Tax Code: 069-094-21
Appraised Value: \$425
Property Owner's Counteroffer: \$1,500
Property Owner's Concerns: Property owners do not agree with offer.
City's Response to Property Owner's Concerns: Staff explained to property owners that in condemnation, the City can only offer appraised value.
Outstanding Concerns: Property owners do not agree with appraisal amount.
Recommendation: 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.
Council District: District 2
- L.** **Project:** Celia Avenue Storm Drainage Improvement Project Easement Acquisition, Parcel #7
Owner(s): Jesus Adrian Iracheta Ortiz and Maria Tomasa Vallejo Charles and any other parties of interest
Property Address: 2612 Celia Avenue
Total Parcel Area: 8,746 sq. ft. (0.201 ac.)
Property to be acquired in Fee: 518 sq. ft. (.012 ac.) in Fee Simple
Property to be acquired by Easements: 212 sq. ft. (.005 ac.) in Temporary Construction Easement, plus 14 sq. ft. (ac.) in Utility Easement
Structures/Improvements to be impacted: Walkway
Landscaping to be impacted: Bushes
Zoned: R-12MF
Use: Single-family Residential
Tax Code: 069-094-22
Appraised Value: \$675
Property Owner's Counteroffer: \$1,500
Property Owner's Concerns: Property owners do not agree with offer.
City's Response to Property Owner's Concerns: Staff explained to property owners that in condemnation, the City can only offer appraised value.

Outstanding Concerns: Property owners do not agree with appraisal amount.

Recommendation: 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.

Council District: District 2

M. Project: Celia Avenue Storm Drainage Improvement Project Easement Acquisition, Parcel #14

Owner(s): Linda M. Brown and any other parties of interest

Property Address: 2716 Celia Avenue

Total Parcel Area: 1,828 sq. ft. (0.042 ac.)

Property to be acquired in Fee: 131 sq. ft. (.003 ac.) in Fee Simple

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-12MF

Use: Single-family Residential

Tax Code: 069-094-60

Appraised Value: \$225

Property Owner's Counteroffer: None

Property Owner's Concerns: Property owner's home encroaches on adjoining property.

City's Response to Property Owner's Concerns: Staff confirmed encroachment and cannot remedy the situation.

Outstanding Concerns: This parcel is being submitted for condemnation due to inability to obtain clear title.

Recommendation: 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.

Council District: District 2

N. Project: Celia Avenue Storm Drainage Improvement Project Easement Acquisition, Parcel #15

Owner(s): Hilary A. Daniel and any other parties of interest

Property Address: 2708 Celia Avenue

Total Parcel Area: 2,814 sq. ft. (0.065 ac.)

Property to be acquired in Fee: 431 sq. ft. (.01 ac.) in Fee Simple

Property to be acquired by Easements: 94 sq. ft. (.002 ac.) in Temporary Construction Easement, plus 632 sq. ft. (.015 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-12

Use: Single-family Residential

Tax Code: 069-094-61

Appraised Value: \$850

Property Owner's Counteroffer: None

Property Owner's Concerns: Property owner was not aware that the neighbor's home was encroaching on her vacant lot.

City's Response to Property Owner's Concerns: Staff confirmed encroachment and cannot remedy the situation.

Outstanding Concerns: This parcel is being submitted for condemnation due to inability to obtain clear title.

Recommendation: 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.

Council District: District 2

- O. Project:** Celia Avenue Storm Drainage Improvement Project Easement Acquisition, Parcel #16
Owner(s): Linda M. Brown and any other parties of interest
Property Address: 2633 Celia Avenue
Total Parcel Area: 149 sq. ft. (0.003 ac.)
Property to be acquired in Fee: 149 sq. ft. (.003 ac.) in Fee Simple (TOTAL TAKE)
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R-12MF
Use: Single-family Residential
Tax Code: 069-094-53
Appraised Value: \$175
Property Owner's Counteroffer: None
Property Owner's Concerns: The property has title issues.
City's Response to Property Owner's Concerns: Staff confirmed the title issues that cannot be rectified by the City.
Outstanding Concerns: This parcel is being submitted for condemnation due to inability to obtain clear title.
Recommendation: 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.
Council District: District 2
- P. Project:** Coliseum Creek Stream Restoration, Parcel #1 and #2
Owner(s): Rodrick J. McAllister, et al and any other parties of interest
Property Address: 4842 Price Lane
Total Parcel Area: 401,779 sq. ft. (9.224 ac.)
Property to be acquired by Easements: 77,546 sq. ft. (1.78 ac.) in Conservation Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: R-4
Use: Single-family Residence - Rural Acreage
Tax Code: 143-141-02 and 143-141-03
Appraised Value: \$60,475
Property Owner's Counteroffer: \$271,366
Property Owner's Concerns: Property owner's attorney objected to the access easement. Attorney also questioned the right to take private property for mitigation credits.
City's Response to Property Owner's Concerns: City removed the permanent access easement and reduced the conservation easement. City attorney's office provided statutory justification for mitigation credits to property owner's attorney.

Outstanding Concerns: Property owner's attorney requested to proceed with condemnation.

Recommendation: 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.

Council District: District 3

- Q.** **Project:** Johnston Oehler Farm to Market, Parcel # 31
Owner(s): Leslie S. Martin and Larry S. Martin and any other parties of interest
Property Address: 3530 Johnston-Oehler Road
Total Parcel Area: 44,065 sq. ft. (1.0116 ac.)
Property to be acquired in Fee: 2,139 sq. ft. (.049 ac.) in Fee Simple
Property to be acquired by Easements: 826 sq. ft. (.019 ac.) in Temporary Construction Easement, plus 2,881 sq. ft. (.066 ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R-3
Use: Single-family Residential
Tax Code: 029-301-94
Appraised Value: \$3,075
Property Owner's Counteroffer: \$5,000
Property Owner's Concerns: The property owner believes the offer is too low and is requesting additional improvements beyond the project scope.
City's Response to Property Owner's Concerns: Staff offered to widen the driveway to reach an agreement.
Outstanding Concerns: Unable to resolve offer amount and improvement issues.
Recommendation: 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.
Council District: District 4

55. Reference – Charlotte Business INClusion Policy



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

Part A: Administration & Enforcement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Part B: Formal Construction Bidding

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

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

Part C: Services Procurement

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

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

Part D: Post Contract Award Requirements

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

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

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

56. Reference – Property Transaction Process

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.

Edward T. Moore and wife, Shirley A. Moore v. City of Charlotte, a municipal corporation, Branch Banking and Trust Company, and BB&T Collateral Service Corporation, Trustee, I2-CVS-I47

Martha M Goodman v. City of Charlotte, a municipal corporation, Fifth Third Bank, Inc., and Jan C. Griffin, Patricia M. Vogal, Ronnie D. Blanton, Trustees, I2-CVS-I48

Roy S. Hartis and wife, Shirlene J. Hartis v. City of Charlotte, a municipal corporation, I2-CVS-149

Peggy Jo Reed v. City of Charlotte, a municipal corporation, Primary Capital Advisors LC a/k/a Primary Capital Advisors LLC, Mortgage Electronic Registration Systems, Inc., and George H. Sperry, Jr., Trustee, I2-CVS-I50

Ernest E. Whitaker and wife, Mary H. Whitaker v. City of Charlotte, a municipal corporation, Truliant Federal Credit Union, and John C. Carlson, Trustee, I2-CVS-151

Samuel Hall, Sr. and wife, Linda J. Hall v. City of Charlotte, a municipal corporation, Equifirst Corporation, Robert Forquer, Trustee, Conseco Bank, Inc., Cliff Crabtree, Trustee, Nationstar Mortgage, LLC, and John L. Matthews, Timothy M. Bartosh, Trustee(s), I2-CVS-152

Roy R. Frith, Sr. and wife, Mary H. Frith v. City of Charlotte, a municipal corporation, I2-CVS-153

Arianne S. Fishman and husband, Garry Fishman v. City of Charlotte, a municipal corporation, Wells Fargo Bank, NA., and TRSTE, Inc., Trustee, I2-CVS-I54

Barry Flaherty and wife, Susan S. Flaherty v. City of Charlotte, a municipal corporation, Bank of America, NA., and PRLAP, Inc., Trustee, I2-CVS-I55

Glen Kiah Williamson, and wife, Lou R. Williamson v. City of Charlotte, a municipal corporation, Countrywide Home Loans, Inc., Fred Powell, Trustee, and Elaine Simms, Trustee, I2-CVS-156

Marion C. Sanders and wife, Rosie B.Sanders v. City of Charlotte, a municipal corporation, Beazer Mortgage Corporation, and Ralph R. McMillan, Trustee, I2-CVS-157

Surendra B. Amin and spouse, Kailash S. Amin v. City of Charlotte, a municipal corporation, I2-CVS-158

Mariano Caraballo and wife, Debra G. Caraballo v. City of Charlotte, a municipal corporation, GMA C Mortgage, LLC, Randy Warlick and Amy E. Johnson, Trustees, and Mortgage Electronic Registration Systems, Inc., I2-CVS-I69

Jeffrey S. Blair v. City of Charlotte, a municipal corporation, I2-CVS-192

Clifton A. Perry and wife, Karen B. Perry v. City of Charlotte, a municipal corporation, Branch Banking and Trust Company, and BB&T Collateral Service Corporation, Trustee, I2-CVS-213

James Edwin Mozeley, Jr. v. City of Charlotte, a municipal corporation, Wells Fargo Bank, NA., and James A. Abbott, Trustee, I2-CVS-214

Nakisha D. Hairston v. City of Charlotte, a municipal corporation, Homestead USA, Inc., Ralph R. McMillan, Trustee, Mortgage Electronic Registration Systems, Inc., National City Mortgage Co., and A. Grant Whitney, Trustee, 12-CVS-215

Winifred A. Stevens f/k/a Winifred Jewel Abrams v. City of Charlotte, a municipal corporation, Sharonview Federal Credit Union, and Casey S. Munn, Trustee, 12-CVS-216

Detra Weathers and Comyron Cuthbertson v. City of Charlotte, a municipal corporation, Wells Fargo Bank, NA., and Donald M Davis, Trustee, 12-CVS-217

Terry E. Harris v. City of Charlotte, a municipal corporation, Wells Fargo Bank, NA., and TRSTE, Inc., Trustee, 12-CVS-218

Allen K. Middleton v. City of Charlotte, a municipal corporation, JPMorgan Chase Bank, NA., First American Title Insurance Company of North Carolina, Trustee, and Statewide Title, Inc., Trustee, 12-CVS-219

Charles P. Angelici v. City of Charlotte, a municipal corporation, Clearview Federal Credit Union, and Todd M Cline, Trustee, 12-CVS-220

Moses Y. Okyere and wife, Esther D. Okyere v. City of Charlotte, a municipal corporation, Bank of America, NA., and PRLAP, Inc. Trustee, 12-CVS-221

Patrick Reed and wife, Julia Reed v. City of Charlotte, a municipal corporation, Bank of America, NA., and Trustee Services of Carolina, LLC, Trustee, 12-CVS-222

Kevin R. Buck and wife, Sandra Buck v. City of Charlotte, a municipal corporation, 12-CVS-271

Mary C. Ezzo v. City of Charlotte, a municipal corporation, Branch Banking and Trust Company, and BB&T Collateral Service Corporation, Trustee, 12-CVS-272

Phyllis K Sitler and husband, John H Sitler v. City of Charlotte, a municipal corporation, Wells Fargo Bank, NA., and William R. Echols, Trustee, 12-CVS-273

Carrie Jo Kunder v. City of Charlotte, a municipal corporation, The Leader Mortgage Company, LLC, and Ralph R. McMillan, Trustee, 12-CVS-274

George E. Lapatra, II and wife, Azucena A. Lapatra v. City of Charlotte, a municipal corporation, Suntrust Mortgage, Inc., Jackie Miller, Trustee, and Mortgage Electronic Registration Systems, Inc., 12-CVS-275

Shantae Renee King v. City of Charlotte, a municipal corporation, American Home Mortgage Corp., Thomas F. Ireton, Trustee, and Douglas Douglas, Trustee, 12-CVS-276

Paula M Jones v. City of Charlotte, a municipal corporation, and Wells Fargo Bank, N.A., 12-CVS-277

Paul E. Nelson v. City of Charlotte, a municipal corporation, National City Mortgage Co., and A. Grant Whitney, Trustee, 12-CVS-278

Keith C. Bowles v. City of Charlotte, a municipal corporation, Wells Fargo Bank, N.A., and

Johnson & Freedman, LLC, F/K/A Morris & Schneider, Trustee, 12-CVS-279

Walter M Jackson, Jr., and wife, Camilla Jackson v. City of Charlotte, a municipal corporation, WMC Mortgage Group, Westwood Associates, Trustee, and Mortgage Electronic Registration Systems, Inc., 12-CVS-347

Betty J. Bagwell v. City of Charlotte, a municipal corporation, Beazer Mortgage Corporation, and Ralph R. McMillan, Trustee, 12-CVS-348

Delacy Lindsey v. City of Charlotte, a municipal corporation, Bank of America, N.A., PRLAP, Inc., Trustee, Henry N. Pharr, II Katherine M Lebar, and Heather S. Lewis, Trustees, Neighborhood Assistance Corporation of America, and Bruce Marks, Trustee, 12-CVS-349

Raymond L. Auten v. City of Charlotte, a municipal corporation, Wells Fargo Bank, N.A., and TRSTE, Inc., Trustee, 12-CVS-350

Renee R. Robbins v. City of Charlotte, a municipal corporation, Wells Fargo Bank, N.A., and William R. Echols, Trustee, 12-CVS-351

George Brian Harris and wife, Jane A. Harris v. City of Charlotte, a municipal corporation, Countrywide Home Loans, Inc., Trustee Services of Carolina, LLC, Trustee, and Mortgage Electronic Registration Systems, Inc., 12-CVS-352

George D. James and wife, Brela B. James v. City of Charlotte, a municipal corporation, Wells Fargo Bank, N.A., and William R. Echols, Trustee, 12-CVS-353

Marlin K. Clevenger v. City of Charlotte, a municipal corporation, CITIMORTGAGE, Inc., Principal Life Insurance Company, Trustee, and Mortgage Electronic Registration Systems, Inc., 12-CVS-354

Andrea Wiley and husband, Brian Woodby v. City of Charlotte, a municipal corporation, Suntrust Mortgage, Inc., Jackie Miller, Trustee, Henry N. Pharr, II Katherine M Lebar, and Louise Harmon, Trustees, 12-CVS-355

John Gregory Oliver v. City of Charlotte, a municipal corporation, Branch Banking and Trust Company, M Patricia Oliver, Trustee, Mortgage Electronic Registration Systems, Inc., and BB&T Collateral Service Corporation, Trustee, 12-CVS-356

Manuel Calderon and Amado Calderon v. City of Charlotte, a municipal corporation, Chase Manhattan Mortgage Corporation, and Mark D. McGoldrick, Trustee, 12-CVS-357

Franklin Castro Lopez v. City of Charlotte, a municipal corporation, Citimortgage, Inc., Louis A. Trosch, Trustee, Henry N. Pharr, II Katherine M. Lebar, and Heather S. Lewis, Trustees, Neighborhood Assistance Corporation of America, Bruce Marks, Trustee, and Mortgage Electronic Registration Systems, Inc., 12-CVS-358

Kathy M. Potter v. City of Charlotte, a municipal corporation, GMAC Mortgage, LLC, David A. Simpson, P. C., Trustee, and the United States of America through its Department of Housing and Urban Development, 12-CVS-474

Dale F. Bishop, Sr. v. City of Charlotte, a municipal corporation, Mortgage Investors Corporation,

National Title Network, Inc., Trustee, and Mortgage Electronic Registration Systems, Inc., 12-CVS-475

Michael Steven Barkley v. City of Charlotte, a municipal corporation, Sher Financial Group, Inc., Joan H Anderson, Trustee, and Mortgage Electronic Registration Systems, Inc., 12-CVS-476

**Please see the separate spiral bound document for the
Prosperity Hucks Area Plan
Attachment**



February 11, 2014

Dear Property Owner or Tenant:

As a result of noise analysis conducted by North Carolina Department of Transportation, over 5 miles of new noise walls are being proposed within the City of Charlotte as part of the State's I-77 High Occupancy Toll (HOT) lane project. Per the North Carolina Department of Transportation policy, impacted property owners and tenants are allowed to vote "yes" construct the walls or "no" do not construct the walls.

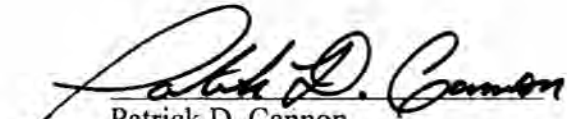
Final ballots were sent to you the week of February 3rd and are due back on or before February 21, 2014. If you haven't cast your vote, we encourage you to do so since a non-returned ballot counts as a "yes" vote for constructing the wall.


Council has considered the walls and view them as having a negative impact on the visual appearance of Uptown.


- If you vote "yes" you will be voting to install up to a 22 foot noise wall.
- If you vote "no" the City will work with the North Carolina Department of Transportation to identify appropriate buffer/screening for areas impacted by the freeway widening.


Thank you and please return your ballot to the North Carolina Department of Transportation by February 21, 2014 on this important issue. If you have any questions, please feel free to contact Ed McKinney with the Charlotte Mecklenburg Planning Department at 704 336-8307.

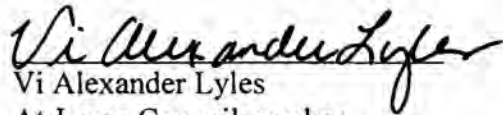
Sincerely,

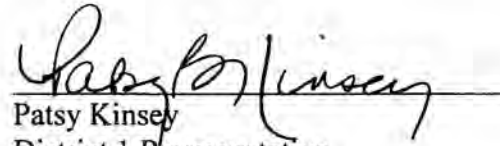

Patrick D. Cannon
Mayor



Michael D. Barnes
Mayor Pro Tem

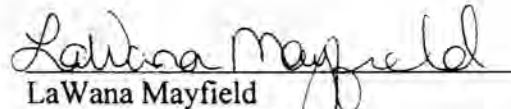

Claire Green Fallon
At-Large Councilmember

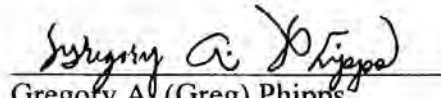

David L. Howard
At-Large Councilmember

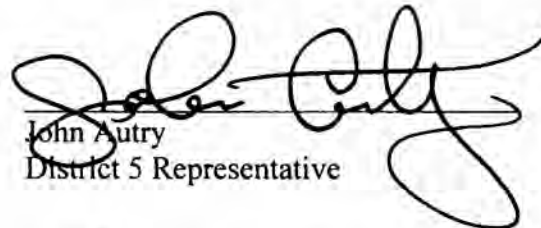

Vi Alexander Lyles
At-Large Councilmember



Patsy Kinsey
District 1 Representative

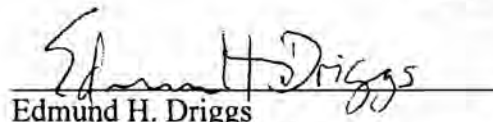

Alvin "Al" Austin
District 2 Representative


LaWana Mayfield
District 3 Representative

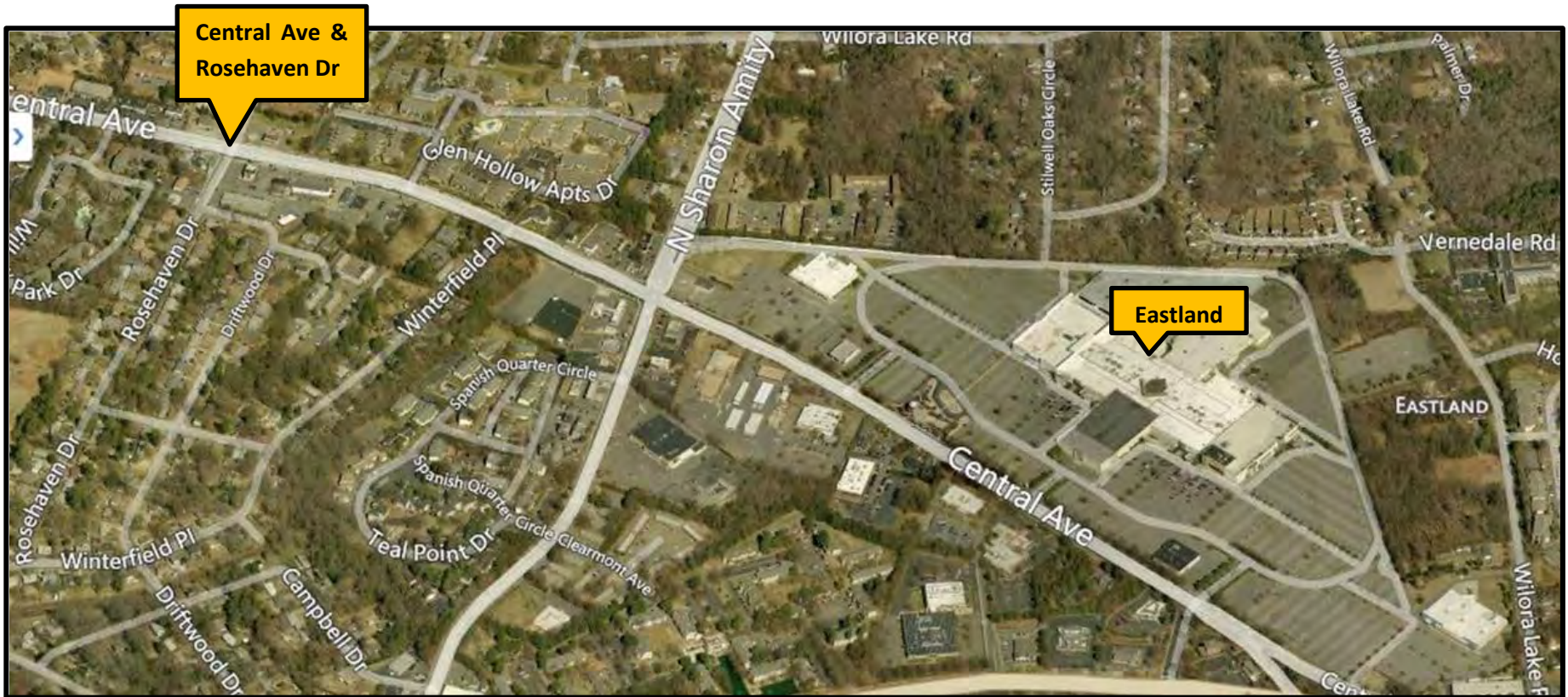

Gregory A. (Greg) Phipps
District 4 Representative


John Autry
District 5 Representative

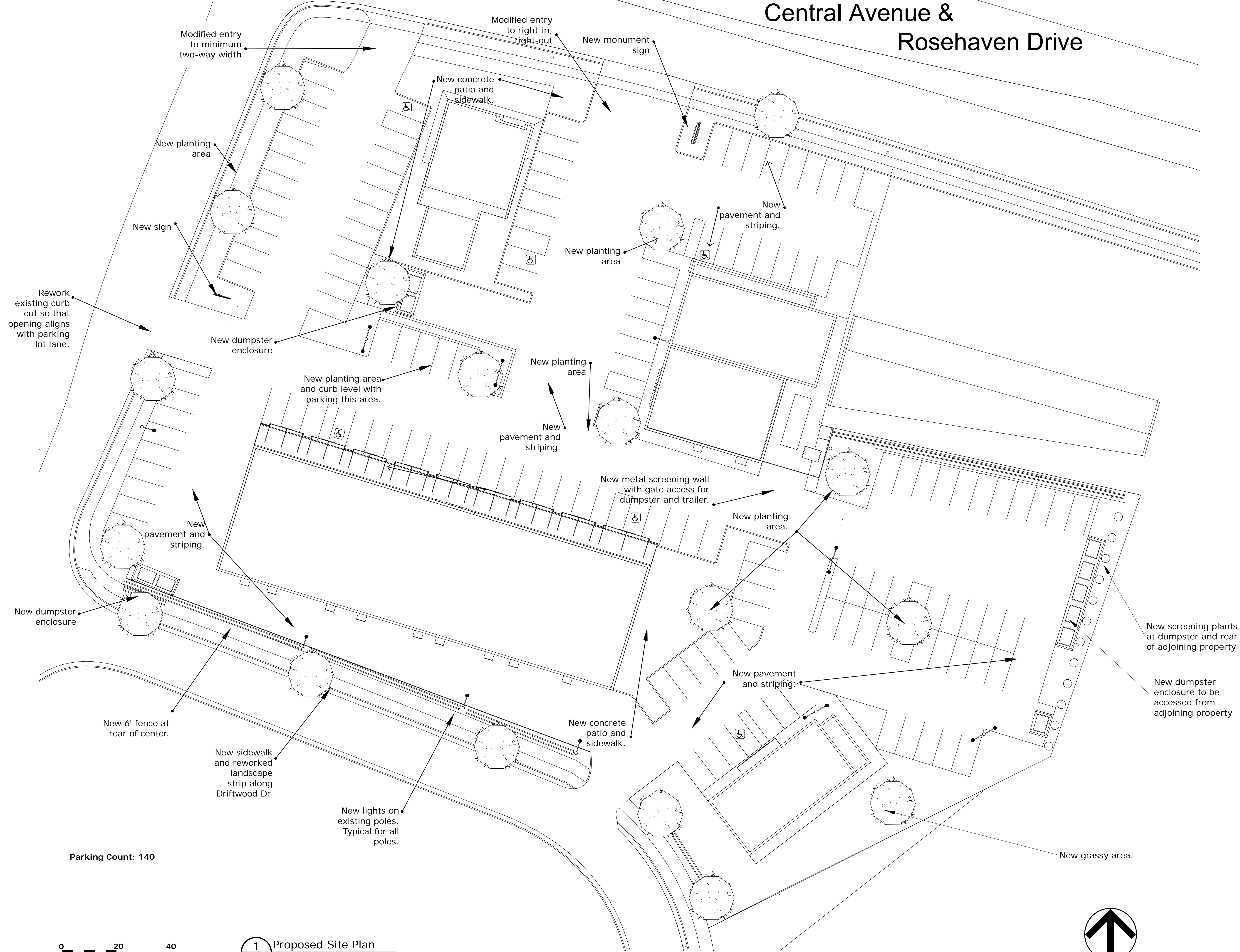

Kenny Smith
District 6 Representative


Edmund H. Driggs
District 7 Representative

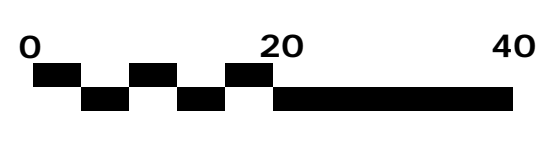
Central Avenue & Rosehaven Drive
Façade Improvement and Security Grants
Project Location Map



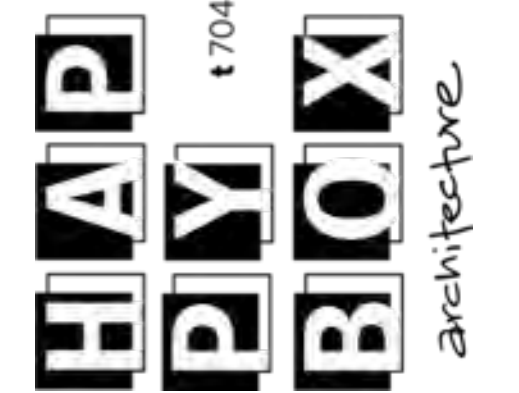
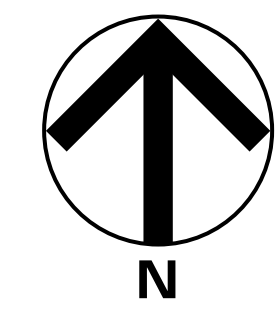
Central Avenue & Rosehaven Drive



Parking Count: 140



1
A2 Proposed Site Plan
1" = 20'



Issue Date:
 07-26-2013 Schematic Design
 08-19-2013 Prelim Paving Pricing
 10-14-2013 Prelim Pricing 11.09.2013 Review
 11-22-2013 Facade Grant Submittal
 02-10-2014 City Council Approval

Corporate Seal

Individual Seal

4808 Central
 Shopping Center Revitalization
 4808 Central Avenue
 Charlotte, NC 28205

Proposed Site Plan

A2
 Job # 13-16

927 central ave charlotte nc 28204
 info@happyboxarchitecture.com
 happyboxarchitecture.com
 happy box architecture pllc

Central Avenue & Rosehaven Drive

Building 4: Relocate entry to side of building. New exterior paint.

Building 5: Remove existing parapet detail and install new aluminum coping. New front canopy. New storefront. Clean and repaint rear of building. New canopies at rear doors. New signage.

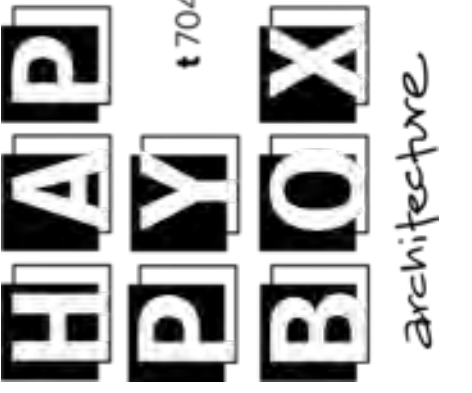
Building 3: New storefront at entry. New covers for outside mechanical equipment. Paint where needed.

Building 2: No Work.

Building 1: Remove drive-thru window and canopy on east side. Patch to match existing. Paint exterior. New outdoor seating patio with low wall in front.

1 Aerial Overview
A3 NTS

927 central ave charlotte nc 28204
info@happyboxarchitecture.com
happyboxarchitecture.com
happy box architecture pllc



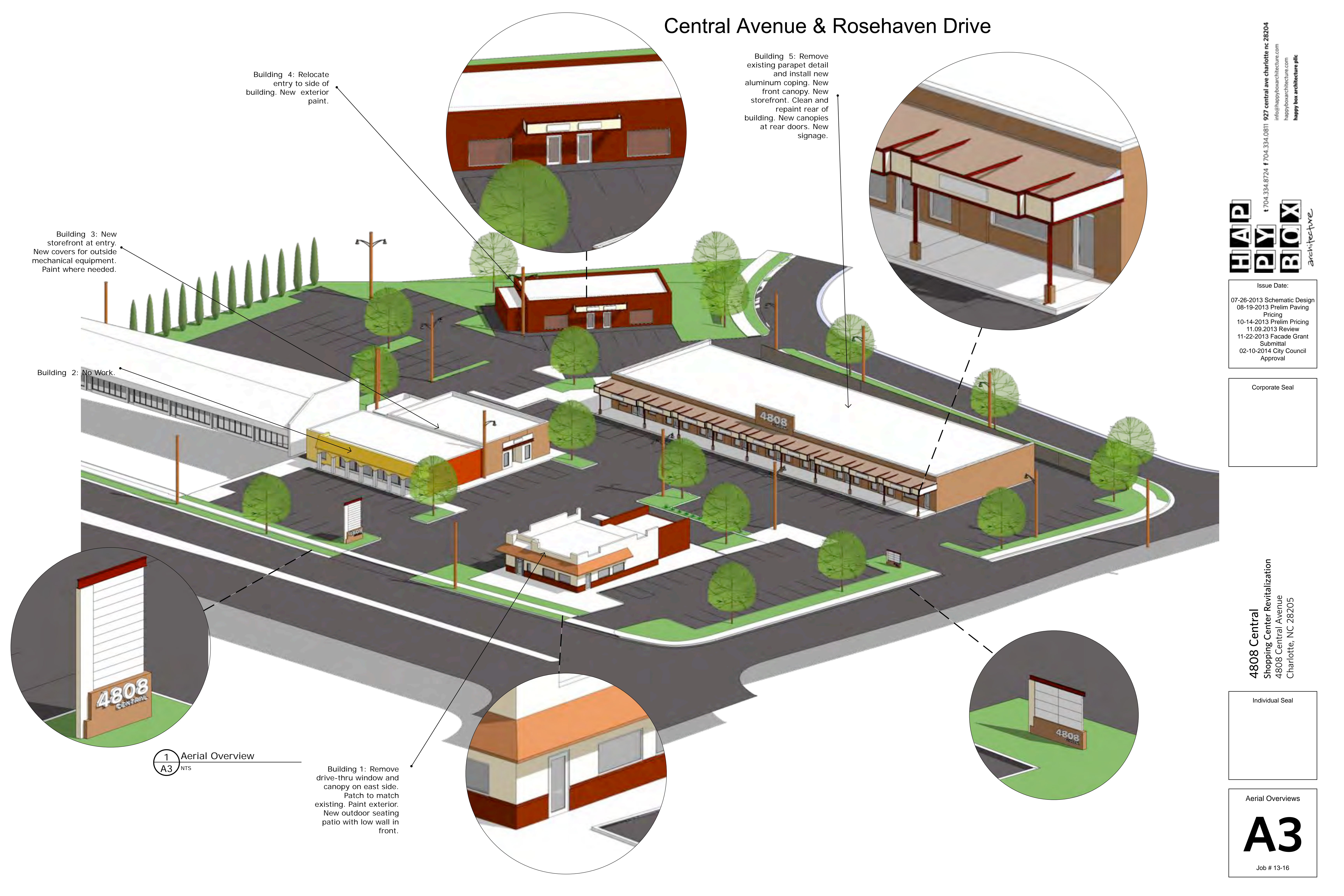
Issue Date:
07-26-2013 Schematic Design
08-19-2013 Prelim Paving Pricing
10-14-2013 Prelim Pricing 11.09.2013 Review
11-22-2013 Facade Grant Submittal
02-10-2014 City Council Approval

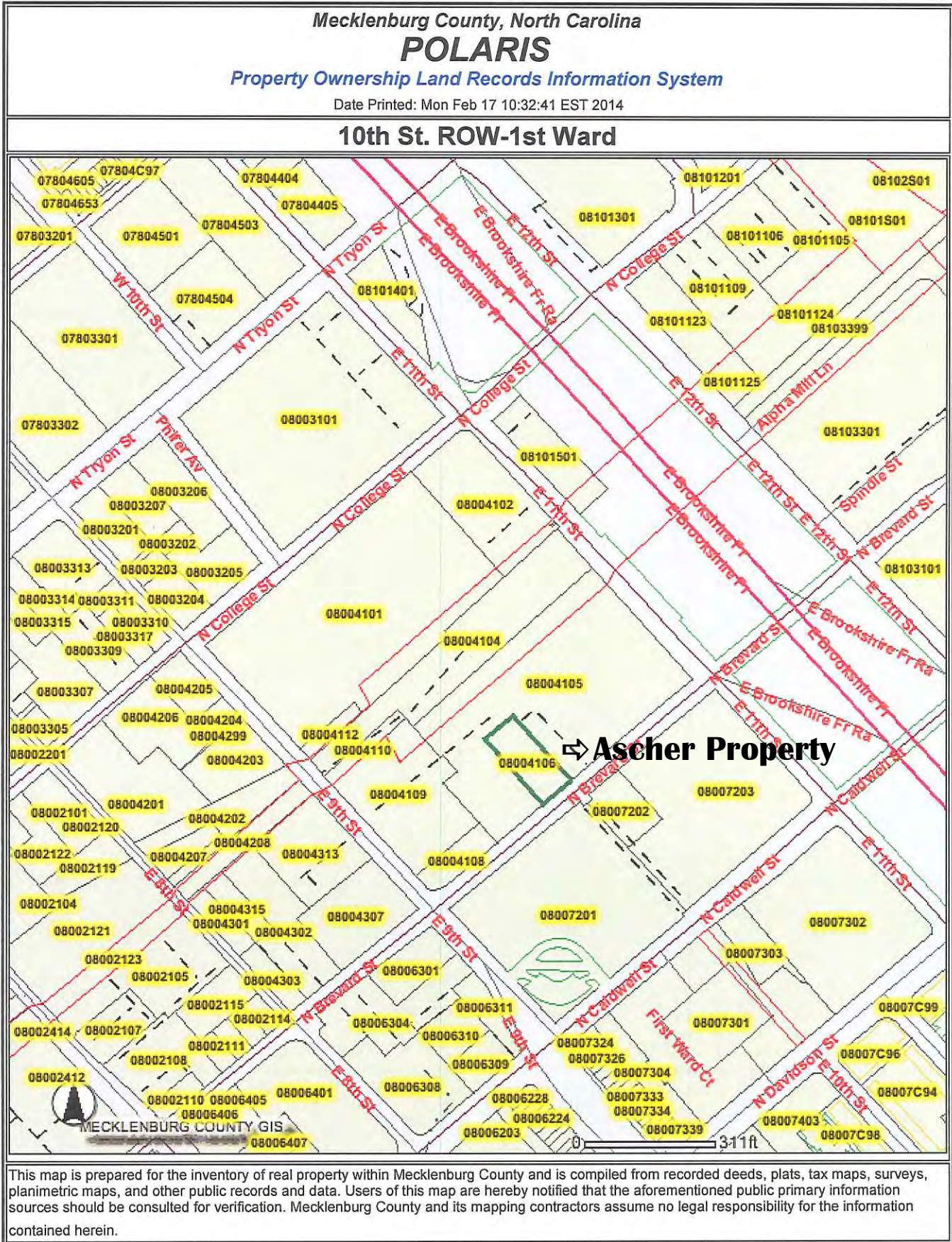
Corporate Seal

4808 Central
Shopping Center Revitalization
4808 Central Avenue
Charlotte, NC 28205

Individual Seal

Aerial Overviews
A3
Job # 13-16





ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE PROVIDING AN APPROPRIATION FOR THE PURCHASE OF PROPERTY FOR THE 10TH STREET RIGHT-OF-WAY PROJECT IN FIRST WARD

BE IT ORDAINED, by the City Council of the City of Charlotte;

- Section 1. That the sum of \$690,334.71 is hereby estimated to be available from General Capital Investment Fund (2010), Center City Transportation Program (49500)
- Section 2. That the sum of \$600,000 is hereby estimated to be available from General Capital Investment Fund (2010), Public-Private Participation Program (28100)
- Section 3. That the sum of \$228,079 is hereby estimated to be available from General Capital Investment Fund (2010), First Ward Infrastructure Reimbursement Fund - Brevard & Eighth Street Improvements Project (24608)
- Section 4. That the sum of \$1,518,413.71 is hereby appropriated in the General Capital Investment Fund (2010) to the Ascher Property Purchase for 10th Street ROW Project (24613)
- Section 5. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 6. All ordinances in conflict with this ordinance are hereby repealed.
- Section 7. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE
APPROPRIATING \$350,000 IN ASSET FORFEITURE FUNDS FOR ELIGIBLE LAW ENFORCEMENT
PROJECTS AND EXPENSES

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$350,000 is hereby estimated to be available from Police Assets
Forfeiture Funds:
Fund 0413, Center 0044490, Account 0004139 (\$350,000)

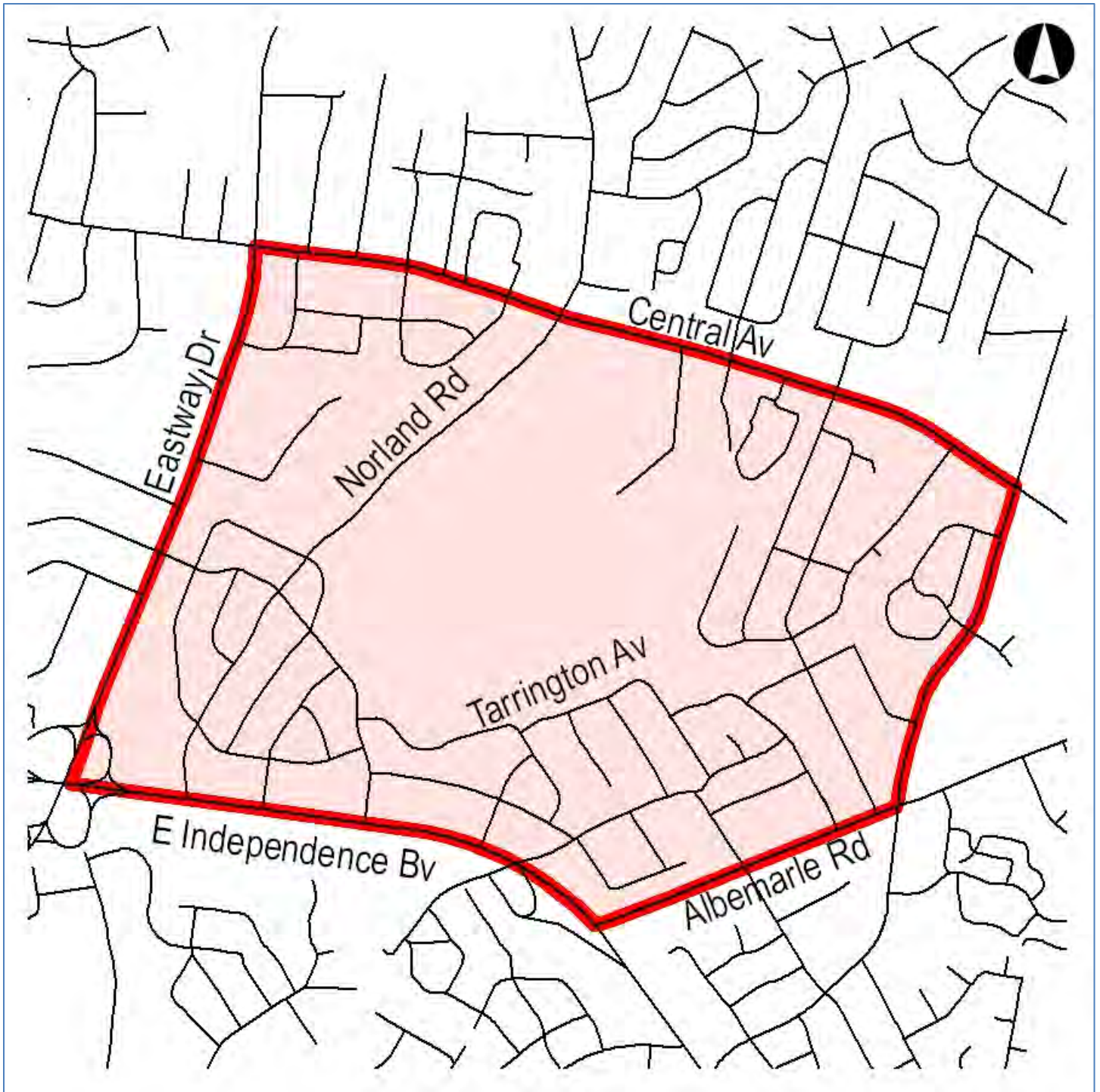
Section 2. That the sum of \$350,000 is hereby appropriated to:
Fund 0413, Center 0044490, Account 0031360 (\$350,000)

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

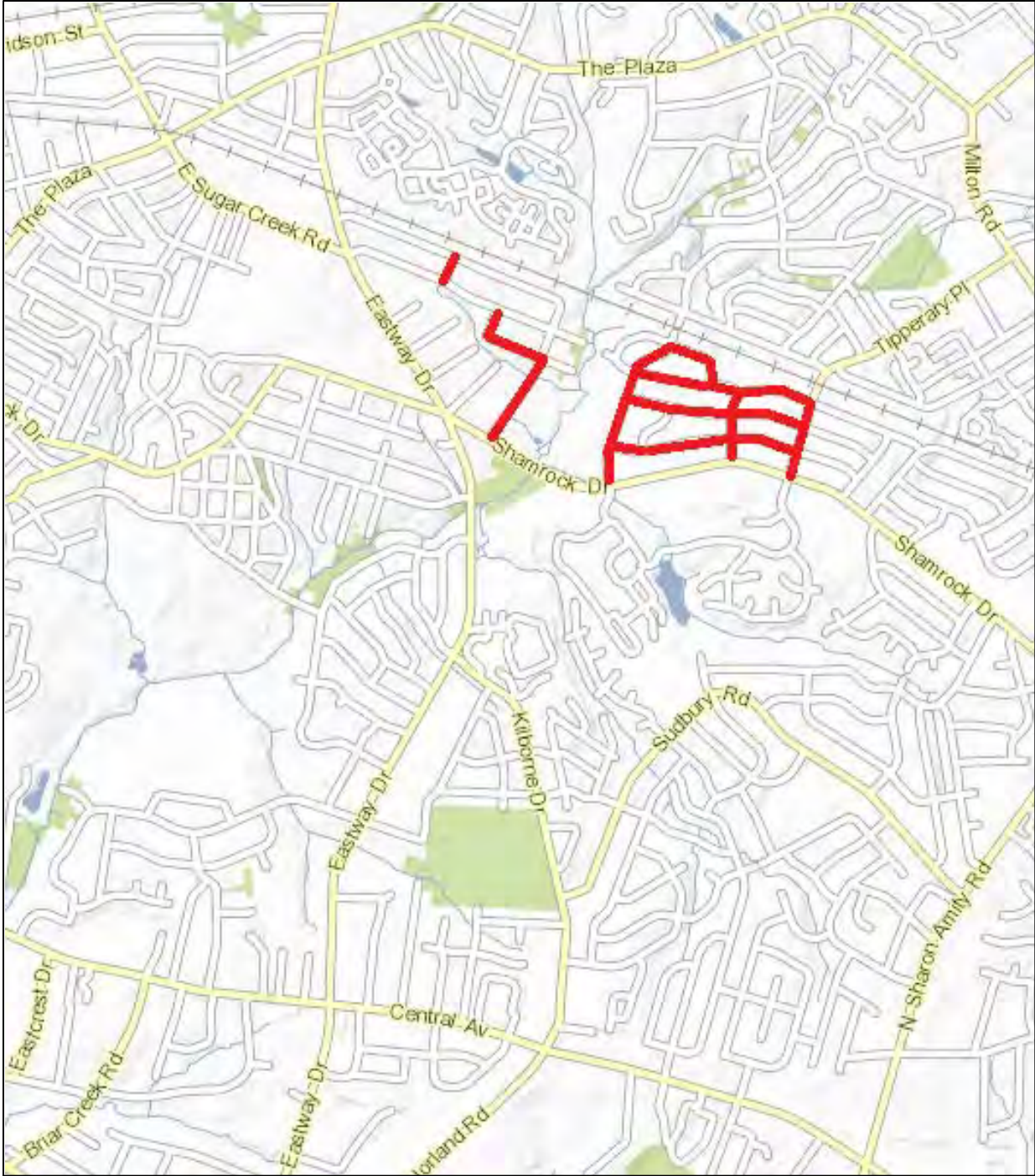
Section 4. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney



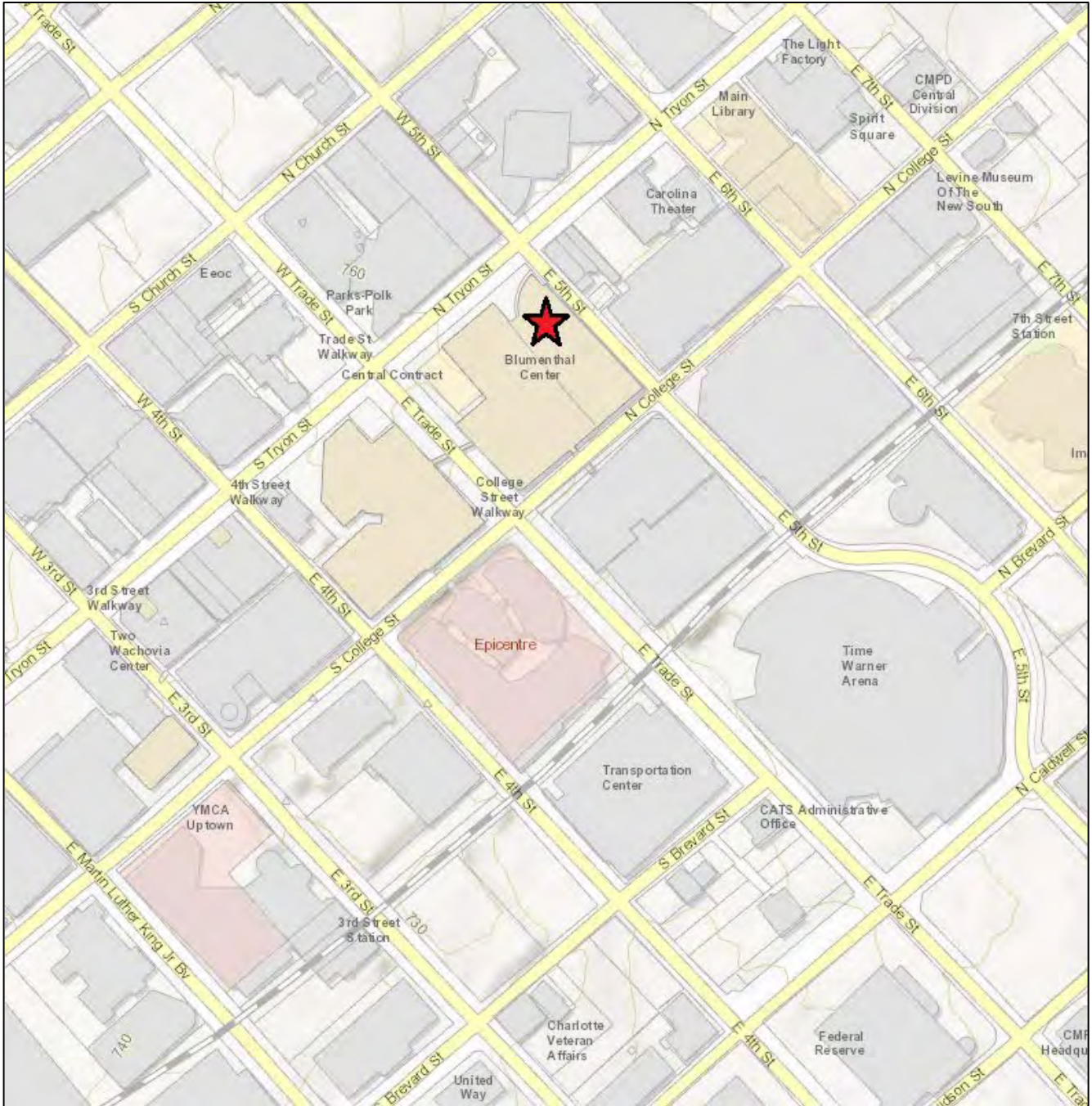
Location Map: Eastway-Sheffield Neighborhood Improvements



Location Map: Finchley-Purser-Shamrock Neighborhood Improvements



Location Map – 1501 North Graham Street



Location Map: Belk Theater at the Blumenthal Performing Arts Center



Blumenthal Performing Arts Center Seating Photo A



Blumenthal Performing Arts Center Seating Photo B

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE PROVIDING AN APPROPRIATION FOR THE FABRICATION AND INSTALLATION OF NEW SEATING IN THE BLUMENTHAL PERFORMING ARTS CENTER BELK THEATER

BE IT ORDAINED, by the City Council of the City of Charlotte;

- Section 1. That the sum of \$800,000 is hereby estimated to be available from fund balance in the Pay-As-You-Go Fund 2011
- Section 2. That the sum of \$20,000 is hereby estimated to be available from the Blumenthal Performing Arts Center
- Section 3. That the sum of \$820,000 is hereby appropriated in the General Capital Investment Fund (2010) to the Blumenthal Theater Seating Replacement Project (48047).
- Section 4. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 5. All ordinances in conflict with this ordinance are hereby repealed.
- Section 6. This ordinance shall be effective upon adoption.

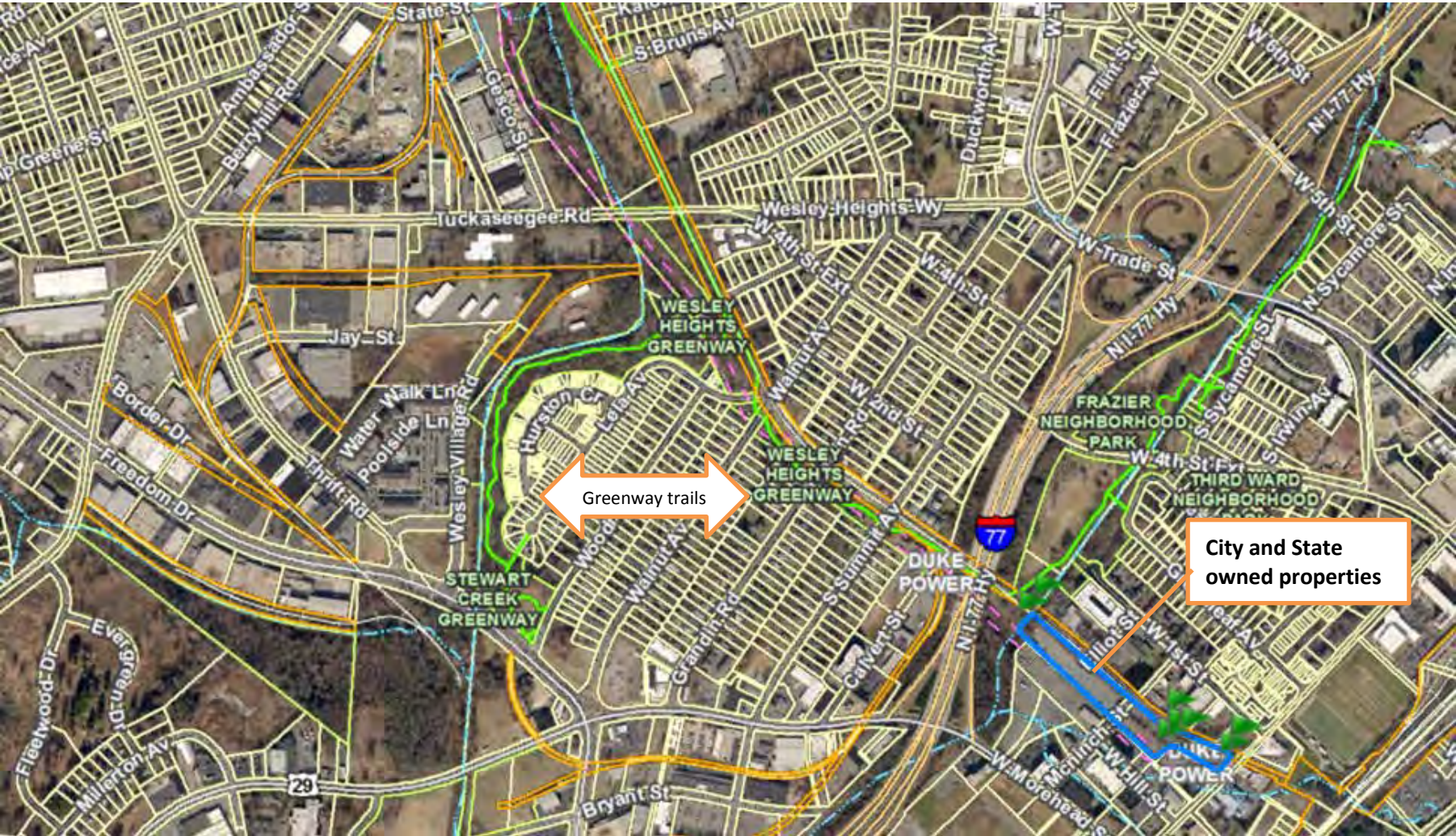
Approved as to form:

City Attorney

**Greenway Trail to be along northeasterly side of parcels outlined in Blue,
(along the retained railroad corridor for future transit purposes)**

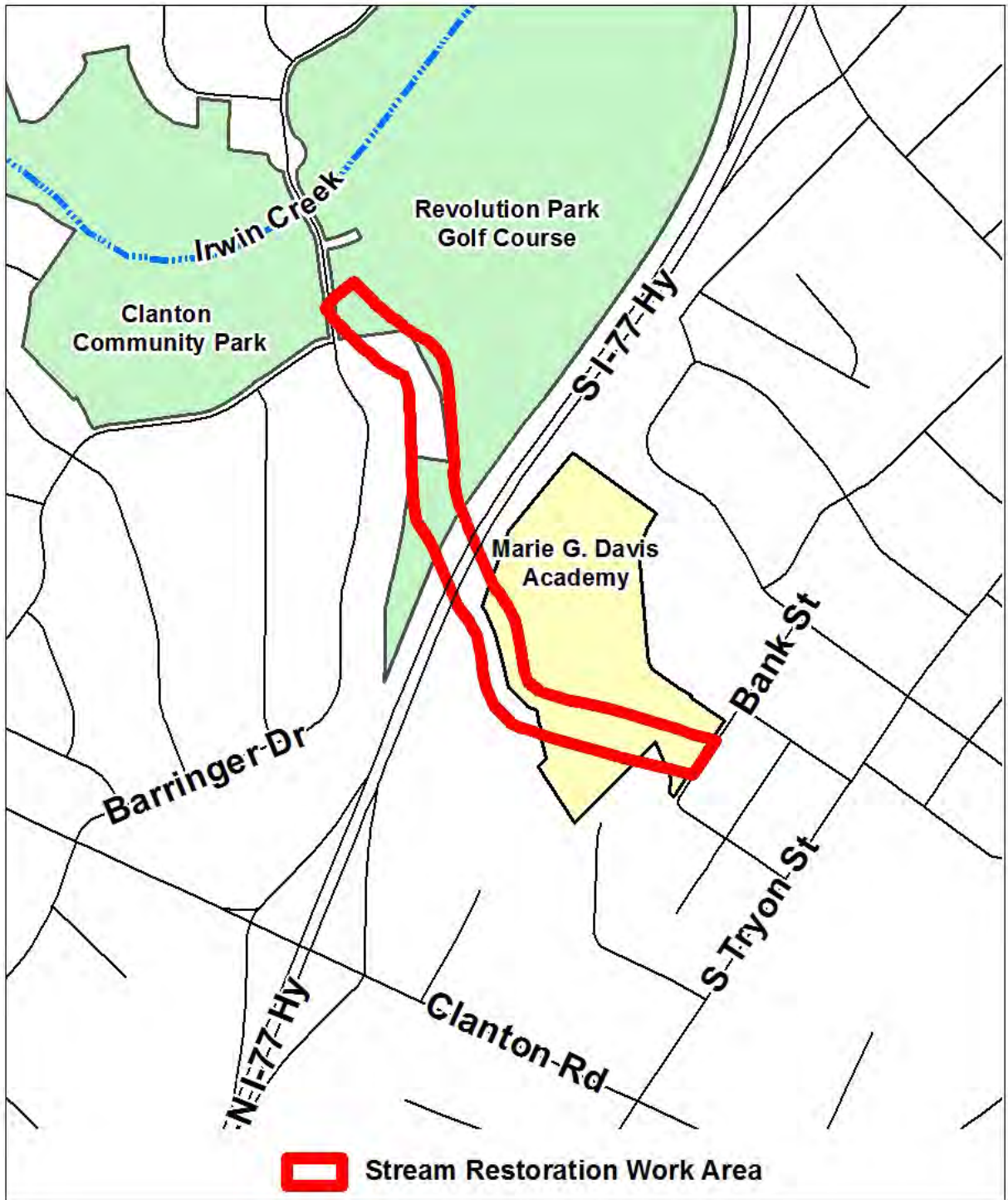


Aerial view of two Greenways and the City/State owned land where the trail is needed to connect to Third Ward





Location Map – Mecklenburg Avenue Traffic Calming



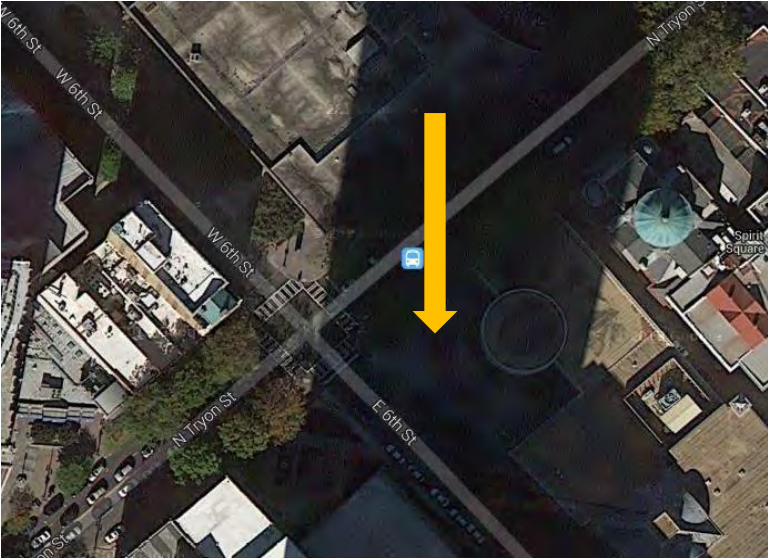
Glassy Creek Stream Restoration Project



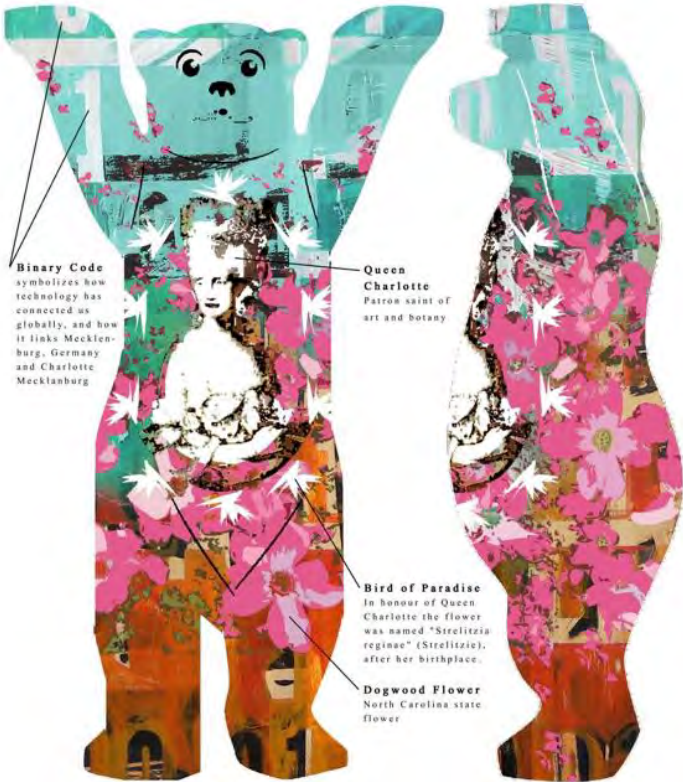
Location Map: Wilson Pond Water Quality Improvement

Proposed Site for Buddy Bear Installation

Arequipa Park, 310 N. Tryon Street
Charlotte, North Carolina, 28202



Proposed Buddy Bear Design



**RESOLUTION
ACCEPTING THE BUDDY BEAR SCULPTURE INTO THE CITY'S PUBLIC
ART COLLECTION**

A motion was made by _____ and seconded by _____ for the adoption of the following Resolution and upon being put to a vote was duly adopted:

Whereas, the City's Public Art Policy outlines guidelines that allow public-spirited citizens to donate works of art to help beautify the City;

Whereas, representatives from the Charlotte Chapter of the German-American Chamber of Commerce, the Alemannia Society of Charlotte, the German Language & Culture Foundation, Kühne & Nagel, Kurt and Regina Waldthausen, and the German Saturday School of Charlotte have commissioned the painting and installation of a Buddy Bear statue to recognize the important cultural and economic ties that the City of Charlotte has with the German community.

Whereas, Buddy Bear installations are located in several major international hubs , including Hong Kong; Vienna, Switzerland; Istanbul, Turkey; and Sydney, Australia. These fiberglass bears are painted by local artists to symbolize the message of peace, international understanding, and tolerance among nations.

Whereas, City staff, County staff, the Arts & Science Council, and Public Art Commission have identified Arequipa Park, a plaza located adjacent to the Charlotte-Mecklenburg Main Public Library, as an appropriate location for the public art installation.

Whereas, the Public Art Commission formally approved the proposed public art installation as thematically and artistically suitable to add to the City's public art collection at its January 22, 2014 meeting.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, at its regularly scheduled session of February 24, 2014, that it formally accepts ownership and maintenance responsibilities associated with the Buddy Bear public art installation at Arequipa Park.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE PROVIDING AN APPROPRIATION FOR TRAFFIC SIGNAL IMPROVEMENTS AT THE INTERSECTION OF EASTWAY DRIVE AND EASTWAY CROSSING DRIVE

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$29,000 is hereby estimated to be available from the following private developer sources:

QuickTrip Corporation	\$ 29,000
-----------------------	-----------

Section 2. That the sum of \$29,000 is hereby appropriated in the General Capital Investment Fund (2010) Developer Contributions Project (28152)

Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE, APPROPRIATING \$381,000 FOR THE PROFESSIONAL SERVICES CONTRACT WITH LANDRUM & BROWN TO PREPARE A FEDERAL AVIATION REGULATION PART 150 NOISE EXPOSURE MAP UPDATE

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$381,000 is available from the Airport Discretionary Fund for the professional services contract with Landrum & Brown

Section 2. That the sum of \$381,000 is hereby appropriated to the Aviation Community Investment Plan Fund 2084 - 52991.

Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE, APPROPRIATING \$201,807 FOR THE CONTRACT WITH SHELCO, LLC. FOR THE AIRPORT BUSINESS VALET PARKING DECK CHANGE ORDER #4

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$201,807 is available from the Airport Discretionary Fund for the contract with Shelco, LLC. For the Airport Business Valet Parking Deck.

Section 2. That the sum of \$201,807 is hereby appropriated to the Aviation Community Investment Plan Fund 2810 - 55801.

Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE, APPROPRIATING \$957,438 FOR THE PROFESSIONAL SERVICES CONTRACT WITH BAKER LPA ARCHITECTS, PC FOR FACILITY DESIGN SERVICES AND SITE DEVELOPMENT.

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$957,438 is available from the Aviation Contract Facility Charge Fund for the professional services contract with Baker LPA Architects, PC

Section 2. That the sum of \$957,438 is hereby appropriated to the Aviation Community Investment Plan Fund 2093 - 55602.

Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney

Good Faith Efforts Summary for FY14 Contract B Water Sewer Extensions/Replacements

Background

The FY14 Contract B Sewer Extension/Replacements contract was bid on January 14, 2014. A total of three (3) firms submitted bids for the contract. Staff is recommending contract award to the low bidder, Sanders Utility Construction Company, Inc. (Sanders) with a total contract award amount \$1,979,673.10.

The Established SBE Goal for this project was set at 6%, as derived from the City's subcontracting goal setting formula.

At bid opening, Sanders documented and committed SBE participation totaling 3.36% (\$66,500.00) to the following eight (8) certified SBE firms: Ground Effects (pavement marking), B&B Concrete (concrete repairs), Jim Bob's Paving (asphalt paving), PT&L (erosion control), Martin Landscaping (seeding and mulching), MTS Trucking (hauling), All Points Trucking (hauling), Sanders Construction (right-of-way clearing).

Subsequent to bid opening, Sanders made additional SBE commitments to Boyle Consulting Engineers, which increased Sanders total SBE utilization for the project to 4.14% (\$81,875.00).

Good Faith Effort (GFE) Summary

Per the City's SBO Policy (Part B: Section 2.1), because the Established SBE Goal on this project was not met, Sanders was required to submit documentation reflecting their efforts in earning the minimum 165 Good Faith Effort (GFE) points established for this project, out of a total available 350 GFE points.

City staff has reviewed Sanders' documentation and confirmed Sanders' achievement of **175** GFE points, comprised of the following efforts:

- Notification of Subcontracting Opportunities (10 points)
- SBE Contacts (10 points)
- Making Plans Available (10 points)
- Breaking Down Work (15 points)
- Attendance at Pre-Bid (10 points)
- Conducting a Pre-Bid for SBEs (15 points)
- SBOP Mentor-Protégé Program (25 points)
- Quick Pay Agreements on the Construction Contract (25 points)
- Attendance at City workshops or Networking Sessions (20 points)
- Follow-up Contacts (20 points)
- Achieving 50% of SBE Participation Goal (15 points)

**RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE,
NORTH CAROLINA ON FEBRUARY 24, 2014**

A motion was made by _____ and seconded by _____
for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of a wastewater treatment works project, and

WHEREAS, The City of Charlotte has need for and intends to construct a wastewater treatment works project described as Combine Heat and Power Project at McAlpine Waste Water Treatment Plant, and

WHEREAS, The City of Charlotte intends to request state loan assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

That the **City of Charlotte**, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the **City of Charlotte** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **City of Charlotte** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Charlotte to make scheduled repayment of the loan, to withhold from the City of Charlotte any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **City of Charlotte** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the **City of Charlotte Manager**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **City of Charlotte** with the State of North Carolina for a loan to aid in the construction of the project described above.

That the **City of Charlotte Manager**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **City of Charlotte** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 24th day of February 2014 at Charlotte, North Carolina.

Patrick D. Cannon, Mayor, City of Charlotte

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting _____ of the City of Charlotte does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council of the City of Charlotte duly held on the 24th day of February, 2014; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of February, 2014.

(Signature)

(Title)

Property Tax Refund Requests

GREEN TREE OUTSOURCING	\$	341.21
HELSON, LOWRAL E		379.64
HILTON HOTEL CHARLOTTE CITY CENTER		108.97
KAPLAN BARBARA MHDL INC		5.22
PNC MORTGAGE		1,595.92
RODGERS, B D		1,051.63
ROTHMEL, FERN E		650.18
	\$	<u>4,132.77</u>

A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY TAXES

Reference is made to the schedule of "Taxpayers and Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.
3. The amounts listed on the schedule were collected through either a clerical or assessor error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 24th day of February 2014 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

CERTIFICATION

I, _____, _____ City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____ 2014 the reference having been made in Minute Book _____ and recorded in full in Resolution Book _____ Page(s) _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the day of _____, 2014.

Business Privilege License Tax Refunds

BUSINESS NAME	AMT DUE
B F EPICCENTRE LLC	\$424.65
CONDUMEX INCORPORATED	4,459.26
TCL TOURING PROPERTIES LLC	70.00
	<hr/>
	\$4,953.91
	<hr/> <hr/>

**A RESOLUTION AUTHORIZING THE REFUND OF
CERTAIN BUSINESS PRIVILEGE LICENSES**

Reference is made to the schedule of "Business Privilege License Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

1. The City-County Tax Collector has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.
3. The amounts listed on the schedule were collected through either a clerical or assessor error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 24th day of February 2014 that those taxpayers listed on the schedule of "Business Privilege License Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

CERTIFICATION

I, _____, _____ City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of 2014, the reference having been made in Minute Book _____ and recorded in full in Resolution Book Page(s) _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____ day of _____, 2014.




**CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION**

Development Services Division

Right-of-Way Abandonment Petition 2013-15

A residual portion of Old Lancaster HWY

Right-of-Way Abandonment Area 

RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE a residual portion of Old Lancaster Highway (old US 21) in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Elevation Church, Inc.** has filed a petition to close a residual portion of Old Lancaster Highway (old US 21) in the City of Charlotte; and

Whereas, a residual portion of Old Lancaster Highway (old US 21) is a 40-foot wide right-of-way located approximately 340 feet west from the newly aligned intersection of Lancaster Highway and Johnston Road, running in a southeastward direction approximately 865 feet to its terminus, and consisting of 28,933 square feet, as shown in the map marked "Exhibit A" and is more particularly described by metes and bounds in the document marked "Exhibit B" all of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina; and

Whereas, the procedure for closing streets and alleys as outlined in North Carolina General Statutes, Section 160A-299, requires that City Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for four successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley.

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of February 24, 2014, that it intends to close a residual portion of Old Lancaster Highway (old US 21) and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 24th day of March 2014, in CMGC meeting chamber, 600 East 4th Street, Charlotte, North Carolina.

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.



3024 Marney Avenue

RESOLUTION APPROVING PROPERTY SALE BY UPSET BID
3024 Marney Avenue

WHEREAS, the City of Charlotte owns a single-family residential property which was acquired through foreclosure after default of Neighborhood & Business Services loans; and

WHEREAS, the property is identified as: 3024 Marney Avenue, Charlotte, Mecklenburg County, North Carolina (tax ID #157-035-18); and

WHEREAS, the property was submitted to mandatory referral and determined to be surplus and appropriate for marketing and sale for residential use; and

WHEREAS, North Carolina General Statute §160A-269 permits the city to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the property was offered for sale at appraised value, an initial offer was received and the property was advertised for upset bids, whereupon the final high offer of \$23,000 was received.

THEREFORE, THE CITY COUNCIL OF THE CITY OF CHARLOTTE
RESOLVES THAT:

1. The final high offer above, having been received for the above-described property during the upset bid sale process, is hereby accepted and City Council approves the sales of the above-described property to the individual who submitted the final high offer to purchase it.
2. The City Manager and his designees are authorized to execute the instruments necessary to convey the property.

Adopted February 10, 2014.