

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, December 9, 2013

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

Item #	Page #	Title
		Property Transaction for the LYNX Blue Line Extension project – Parcel #1373

**CITY COUNCIL AGENDA
Monday, December 9, 2013**

Table of Contents

5:00 P.M. DINNER BRIEFING, CONFERENCE CENTER	1
1. Mayor and Council Consent Item Questions	1
2. Economic Development Initiatives Leveraging City-owned Land	1
A. Airport Intermodal Facility	1
Attachment 1	1
B. Amateur Sports Development for Bojangles' Coliseum/Ovens Auditorium Site	2
C. I-277 Development Parcels	2
Attachment 2	3
3. Paperless Council Business Agenda Initiative	3
4. Answers to Mayor and Council Consent Item Questions	3
7:00 P.M., MEETING CHAMBER	4
CONSENT	4
5. Consent agenda items 11 through 36 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.	
POLICY	5
6. City Manager's Report	5
7. 2014 City Council Meeting Schedule	5
Attachment 3	5
BUSINESS	6
8. Conclusion of Consent Agenda	6
9. Nominations to Boards and Commissions	6
Attachment 4	6
Attachment 5	6
Attachment 6	6
Attachment 7	6
Attachment 8	6
Attachment 9	7
10. Mayor and Council Topics	7
CONSENT	8
11. Chiller Replacements Engineering Services	9
12. Police Veterinary Contract	10
13. Police Law Enforcement Center Energy Improvements	11
14. Johnson & Wales Way – Fourth Street/Trade Street	12
15. Elevator and Escalator Maintenance	13

16.Asphalt Paving and Rehabilitation Equipment _____	14
17.Citation Management System and Related Services _____	15
18.City Bridges Inspection Municipal Agreement _____	16
Attachment 10 _____	16
19.Utility Laboratory, Supplies, Equipment and Chemicals _____	17
20.Utility Laboratory Instruments and Supplies _____	18
21.Laboratory Testing Services _____	19
22.Slope Mowing Equipment_____	20
23.Bus Preventive Maintenance Filters _____	21
24.Light Rail Vehicle Equipment Maintenance _____	21
25.LYNX Blue Line Extension Project – Soil Disposal Services _____	22
26.Transit Scheduling Software Maintenance Agreement _____	23
27.Tableau Software Licenses, Maintenance, and Managed Services _____	24
28.Contract Closeout Agreement with Alcatel-Lucent _____	25
29.Airport Future Terminal Curbside Roadway_____	27
Attachment 11 _____	27
30.Airport Security Background Check Services_____	28
31.US Airways Crew Training Center Parking Lot Repairs _____	28
32.Airport Business Valet Parking Deck Change Order #2_____	29
33.Resolution of Intent to Abandon a Portion of Andrill Terrace _____	29
Attachment 12 _____	29
34.Meeting Minutes_____	30
35.In Rem Remedy_____	31
Attachment 13 _____	32
Attachment 14 _____	32
Attachment 15 _____	32
Attachment 16 _____	32
Attachment 17 _____	33
Attachment 18 _____	33
PROPERTY TRANSACTIONS_____	34
36.Property Transactions _____	34
37.Reference – Charlotte Business INClusion Policy _____	45
38.Reference – Property Transaction Process _____	48

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

1. Mayor and Council Consent Item Questions

Resource: Eric Campbell, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Economic Development Initiatives Leveraging City-owned Land

A. Airport Intermodal Facility

Resources: Ron Carlee, City Manager's Office
Jack Christine, Aviation

Time: 10 minutes

Synopsis

- The Airport Intermodal Facility is scheduled to open in the spring of 2014.
- The facility is expected to generate \$7.0 billion in economic impact and 5,000 jobs in the Region over the next 20 years.
- The facility is owned and operated by Norfolk Southern Railroad on land leased to them by the Airport (City).
- An interdepartmental staff team has been assembled and a new Airport Intermodal Manager position will be created to coordinate the development activities around this facility.
- A long-term strategy will be formulated involving various stakeholders and partners in this effort.

Future Action

Staff will recommend to the City Council a process and goals for this long-term strategy in January 2014.

Attachment 1

[Airport Intermodal Opportunity Area of Influence Map](#)

B. Amateur Sports Development for Bojangles' Coliseum/Ovens Auditorium Site

Resources: Ron Kimble, City Manager's Office
Brad Richardson, Neighborhood & Business Services

Time: 10 minutes

Synopsis

- On October 18, 2013, the City issued a Request for Proposals to invite private sector interest in developing additional amateur sports-related facilities at the site of Bojangles' Coliseum and Ovens Auditorium.
- The objective is to develop additional indoor facilities to meet growing market demand and to position Charlotte as a top-tier destination for amateur sports-related travel.
- The Request for Proposal was developed in partnership with the Charlotte Regional Visitors Authority and Mecklenburg County. It requested interested parties to consider a development plan that includes a new indoor sports and recreation facility, along with a hotel and ancillary retail uses.
- On November 22, 2013, the City received one proposal from GoodSports Enterprises Global, LLC, a Florida-based development, construction and management company specializing in hotels and sports recreation facilities.
- During the dinner briefing, staff will provide an overview of the proposal and seek a referral to the Economic Development Committee for review.
- The project is part of the \$816.0 million Community Investment Plan approved by the City Council in June 2013.

Future Action

Staff will recommend to the City Council a referral of this item to the Economic Development Committee.

C. I-277 Development Parcels

Resources: Ron Kimble, City Manager's Office
Tony Korolos, City Real Estate

Time: 10 minutes

Synopsis

- In 2010, five new I-277 land parcels were created through interchange modifications on I-277 at Caldwell, Brevard, and Stonewall Streets.
- The parcels have been marketed for sale since that time, even through the 2008-2012 recession.
- The City Council approved the sale of Parcel Five at McDowell and Stonewall for \$3.923 million in May 2013, and 225 apartments will soon break ground at this site.
- All proceeds from the sale of these parcels first go to retire a \$20.0 million land loan and accrued interest that contributed capital funds towards the construction of the NASCAR Hall of Fame.
- Thereafter, excess funds are intended to reimburse the City and the State for their pro rata share of costs for the \$24.0 million interchange modifications that benefit the larger geographic area.

- Additional purchase offers are expected over the coming months as the economy rebounds and national interest in these parcels escalates.
- All offers will be subject to upset bid, assuring that the City receives the greatest value for these land assets.

Future Action

Recommended offers will be presented to the City Council as they are received and vetted by staff, and approved as warranted by the City Council for advertisement for upset bid.

Attachment 2

[Map of I-277 Land Parcels](#)

3. Paperless Council Business Agenda Initiative

Resources: Katie McCoy, Budget & Evaluation

Time: 10 minutes

Synopsis

- Staff currently provides hard copies of Council Business Agendas for the twice monthly meetings, which equates to approximately 500,000 pages printed annually.
- Beginning with the January 13th Council Business Meeting, the Mayor, the City Council, and staff will have the capability to receive paperless Business Agendas (also called e-Agendas) that consolidate all agenda items and attachments for viewing and annotating using a mobile device.
- The effort is consistent with the City Council's Environment Focus Area Plan, local government trends, and best practices.
- Staff will outline the proposed approach to provide e-Agendas and receive Mayor and the City Council input on this capability.

Future Action

The presentation is for information only.

4. Answers to Mayor and Council Consent Item Questions

Resource: Eric Campbell, City Manager's Office

Time: 10 minutes

Synopsis

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

7:00 P.M., MEETING CHAMBER

CONSENT

- 5. Consent agenda items 11 through 36 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

POLICY

6. City Manager's Report

7. 2014 City Council Meeting Schedule

Action: Approve the 2014 City Council and Budget Meeting Schedule.

Staff Resource: Stephanie Kelly, City Clerk's Office

Explanation:

- North Carolina General Statute 143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule shall be posted to the City's Web site. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- The 2014 City Council Retreat and Council Budget Meeting dates have been included on this proposed schedule of meetings. In addition, the proposed schedule includes dates for quarterly meetings with the City Manager, and other meetings of state and national organizations in which the City has membership.
- The proposed schedule for February does not include a City Council Workshop because the Council's Annual Retreat is scheduled for January 29-31.

Attachment 3

[Draft of 2014 Calendar](#)

BUSINESS

8. Conclusion of Consent Agenda

9. Nominations to Boards and Commissions

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

A. BUSINESS ADVISORY BOARD

- One appointment for an unexpired term beginning immediately and ending April 28, 2014, and then continuing for a full three-year term beginning April 29, 2014, and ending April 28, 2017.
 - Stephen Rosenburgh has not met the City Council attendance requirement.

Attachment 4

[Applications](#)

B. CHARLOTTE INTERNATIONAL CABINET

- One appointment in the education category for an unexpired term beginning immediately and ending June 30, 2014.
 - Nadine Russell has resigned.

Attachment 5

[Applications](#)

C. DOMESTIC VIOLENCE ADVISORY BOARD

- One appointment for an unexpired term beginning immediately and ending September 21, 2015.
 - Gregory Hunt has resigned.

Attachment 6

[Applications](#)

D. KEEP CHARLOTTE BEAUTIFUL

- One appointment for an unexpired term beginning immediately and ending June 30, 2016.
 - Joseph Canty has not met the City Council attendance requirement.

Attachment 7

[Applications](#)

E. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending March 1, 2015.
 - Rodney Faulkner has resigned.

Attachment 8

[Applications](#)

F. WASTE MANAGEMENT ADVISORY BOARD

- One recommendation by the City Council for appointment by the Board of County Commissioners for an unexpired term beginning immediately and ending November 5, 2015.
 - Christopher Capellini has resigned.

Attachment 9
[Applications](#)

10. Mayor and Council Topics

Council members may share information and raise topics for discussion

CONSENT

Introduction to CONSENT

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



In April 2013, the 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.

11. Chiller Replacements Engineering Services

Action: Approve a contract, in the amount of \$177,708, with McCracken & Lopez, PA to provide professional design services associated with replacing the chillers at the Charlotte-Mecklenburg Government Center.

Staff Resource: Jeff Furr, Engineering & Property Management

Explanation

- Three 300-ton chillers, approximately 25-years old and original to the Charlotte-Mecklenburg Government Center, are at the end of their life expectancy and in need of replacement.
- The contract is to provide professional design services and includes:
 - Analysis of the existing heating, ventilation, and air conditioning system components; and
 - Recommendations of new energy efficient equipment and variable speed electrical devices to improve operations and lower energy consumption.
- Design of the new chillers will be based on future occupancy demands and shall be performed in accordance with the City's sustainability goals and practices.
- Actual energy savings and rebates will be determined during the design effort, but are approximated to be \$65,000 to \$85,000.
- McCracken & Lopez, PA was chosen using the Council-approved qualifications based selection process.
- Chiller installation for the Charlotte-Mecklenburg Government Center is scheduled for fall 2014.
- The construction contract will be included on a future Council Business Meeting agenda.

Charlotte Business INclusion

For service based contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). On this contract, McCracken & Lopez, PA committed 7.01% (\$12,457) of the total contract amount to the following SBE firms: Richa Graphics (printing services), Fryday and Doyne, Inc. (architectural services), Chaski Courier Service Inc. (courier services), and Environmental Controls & Mechanical (field surveys).

Funding

General Government Facilities Community Investment Plan

12. Police Veterinary Contract

Action:

A. Approve a unit price contract with Chantilly Veterinary Services to provide veterinary services at the animal shelter and for police canines for a term of one year and,

B. Authorize the City Manager to approve two, one-year extensions to the contract contingent upon performance and the availability of funds

Staff Resources: Vicki Foster, Police
Ryan Butler, Police

Explanation

- In December 2012, the Police Department Animal Care and Control Division began contracting with a veterinarian to provide services at the animal shelter and care for the dogs in the Police K-9 Unit.
- Animal Care and Control has one veterinarian position, whose role must also function as the animal shelter manager.
- The contract is to provide a veterinarian to assist in handling the medical workload generated by an average of 17,000 animals taken into the shelter each year.
- The veterinarian will:
 - Provide preventative and diagnostic veterinary services for animals housed at the shelter or in foster care as well as for the dogs assigned to the Police K-9 Unit;
 - Conduct wellness exams and complete medical records for animals being offered for adoption;
 - Assist in writing and updating medical and sanitation protocols;
 - Consult on animal cruelty and inadequate care investigations, including testifying in court as an expert witness; and
 - Train shelter staff in administering vaccinations and medications.
- The contract veterinarian will be paid at a rate of \$35.96 per hour for a minimum of 40 hours per week of work.
- The total contract cost is estimated up to \$225,500 over three years.

Funding

Police Operating Budget

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).

13. Police Law Enforcement Center Energy Improvements

Action: Award the low-bid contract, in the amount of \$731,016.50, to AirCond Corporation dba EMCOR Services AirCond for energy improvements to the Charlotte-Mecklenburg Police Department Law Enforcement Center.

Staff Resources: Jeff Furr, Engineering & Property Management
Mike Bedard, Police

Explanation

- The contract will provide energy improvements to the Charlotte-Mecklenburg Police Department Law Enforcement Center, located at 601 East Trade Street. The improvements will include:
 - Replacement of heating, ventilation, and air conditioning mechanical plant equipment,
 - Upgrades to LED lighting fixtures, and
 - Re-commissioning of facility operational controls.
- One existing 206-ton chiller will be replaced with a new 215-ton energy efficient chiller, two cooling towers, and variable speed pumps to improve system operations and lower energy consumption.
- The new system is sized to meet future occupancy demands and includes economizing equipment to maximize cooling.
- A one-to-one replacement of approximately 170 existing fixtures will be replaced with new energy efficient LED fixtures.
- The project will result in the City receiving a Duke Energy incentive rebate amount of approximately \$65,000. These energy conservation measures will reduce energy consumption by approximately \$62,000 per year.
- Construction is expected to be complete June 2014.

Charlotte Business INclusion

Established SBE Goal: 7.0%

Committed SBE Goal: 24.92%

Emcor Services Aircond exceeded the established SBE goal and committed 24.92% (\$182,155) of the total contract amount to the following SBE firm: Electrical System Specialists, Inc. (electrical).

Funding

General Government Facilities Community Investment Plan

14. Johnson & Wales Way – Fourth Street/Trade Street

Action: Award the low-bid contract, in the amount of \$1,231,687.49, to United Construction, Inc. for the Johnson & Wales Way – Fourth Street/Trade Street project.

Staff Resource: Jim Keenan, Engineering & Property Management

Explanation

- The project will improve conditions for pedestrians and bicyclists on Johnson & Wales Way from Trade Street to Fourth Street and on Fourth Street from Cedar Street to Summit Avenue.
- Key project improvements will include:
 - Intersection improvements at both Johnson & Wales Way and Trade Street and Johnson & Wales Way and Fourth Street including elimination of free-flowing right turn lanes, improved pedestrian crossings, and mast arms;
 - Conversion of Fourth Street between Victoria Avenue and Summit Avenue (Frazier Park area) from four travel lanes to two travel lanes with alternating sections of on-street parking and planted medians;
 - Improved pedestrian crossings at intersections; and
 - Upgraded lighting.
- The project is funded by 2008 and 2010 Transportation bonds.
- Construction is expected to be complete December 2014.

Charlotte Business INclusion

Established SBE Goal: 16%

Committed SBE Goal: 16.24%

United Construction, Inc. met the established SBE goal, and committed 16.24% (\$200,000) of the total contract amount to the following SBE firms: Diamond Trucking (hauling), Union Paving Contractors (paving), Streeter Trucking (hauling), and James Seals & Stripes (coatings/sealings).

Funding

General Community Investment Plan

15. Elevator and Escalator Maintenance

- Action:**
- A. Approve the purchase of elevator maintenance services from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3), and**
 - B. Approve a contract, in the amount of \$1,432,583, with Otis Elevator to provide elevator maintenance and repairs in facilities maintained by Engineering & Property Management Building Services for the term of five years.**

Staff Resource: Sue Rutledge, Engineering & Property Management

Cooperative Purchasing Exemption

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

Explanation

- The contract will provide labor and parts for routine maintenance and repair to all elevators and escalators in facilities maintained by the Engineering & Property Management Department as well as permit inspections per state elevator codes.
- There are currently 70 elevators and 10 escalators under contract.
- The contract includes a committed pricing schedule for maintenance of additional equipment, such as the elevator in the Charlotte Fire Administration building currently under construction, when warranty periods expire or for any other non-warranty equipment that may be added during the contract term.
- Otis Elevator Company has a national contract through the National Intergovernmental Purchasing Alliance, which offers volume discount pricing procured using full and open competition.
- The contract represents the best value in terms of cost, quality, and service and provides a savings of five percent under the current pricing schedule.

Charlotte Business INclusion

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

Funding

Engineering & Property Management Operating Budget

16. Asphalt Paving and Rehabilitation Equipment

- Action:**
- A. Approve the purchase of a Leeboy asphalt paver from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3),**
 - B. Approve a contract, in the amount of \$147,608, with Carolina Caterpillar for the term of one year,**
 - C. Approve the purchase of an asphalt rehabilitation equipment from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3), and**
 - D. Approve a contract, in the amount of \$132,375, with Asphalt Zipper Inc. for the term of one year.**

Staff Resources: Saleem Khattak, Transportation
Charles Jones, Transportation

Cooperative Purchasing Exception

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

Explanation

- Base failure can occur when water permeates asphalt streets causing degradation to the road surface and the earth beneath the pavement.
- The removal of damaged or degraded asphalt is critical to an effective maintenance program, overall pavement condition, and longevity of the City's street system.
- The Charlotte Department of Transportation currently uses traditional excavators to remove and replace damaged asphalt.
- A review of industry best practices indicates a trend toward the use of paving and rehabilitation equipment instead of traditional excavators to repair deteriorated asphalt.
- The asphalt paver and rehabilitation machine provides the ability to remove one to more than 12 inches of deteriorated pavement in an efficient and controlled manner.
- An asphalt paver used in combination with an asphalt rehabilitation machine provides a smoother patch that lasts longer and provides a better ride quality.
- The asphalt paver will also be used to resurface neighborhood streets during the resurfacing season.
- The asphalt paver and the asphalt rehabilitation machine are replacing a traditional excavator that is eight years old and is scheduled for replacement due to age, maintenance costs, and overall condition. The equipment is included on the FY2014 approved City's Capital Equipment Replacement list.
- The asphalt paver and the asphalt rehabilitation machine meet the current U.S. Environmental Protection Agency emission requirements for off-road diesel engines.
- Carolina Caterpillar is an approved provider of Leeboy equipment.
- Leeboy equipment was competitively solicited by Staples, Minnesota, and awarded a national contract through the National Joint Purchasing Alliance on May 27, 2010, for a term of five years.

- Asphalt Zipper equipment was competitively solicited by Houston-Galveston Area Council and awarded a national contract through HGACBuy on October 1, 2012 for a term of two years.

Charlotte Business INclusion

These are cooperative purchasing contracts and are exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Funding

General Capital Equipment Fund

17. Citation Management System and Related Services

- Action:**
- A. Approve a contract with Complus Data Innovations, Inc. for the purchase of software licenses, managed services, and equipment for a Citation Management System, in the amount up to \$119,040, for a two-year term,**
 - B. Authorize the City Manager to approve expenditures with Complus Data Innovations, Inc. for collection services as authorized by the contract, and**
 - C. Authorize the City Manager to approve up to two, one-year renewal options for continuing maintenance, support, and collection services as authorized by the contract.**

Staff Resource: Doreen Szymanski, Transportation

Explanation:

- The Charlotte Department of Transportation outsources the daily operations of the On-street Parking Program, ParkIt!, to Central/Standard Parking.
- ParkIt! uses a Citation Management Software system and handheld devices to issue and manage citations and permitting.
 - An average of 33,215 citations are issued annually, representing approximately \$1,100,092.
- Complus Data Innovations, Inc. will:
 - Provide a system that allows for issuance, tracking, and payment administration of all citations including documenting appeals and late payment notices.
 - Provide collection services on all citations older than 90 days.
 - The collection service allows the City to collect an estimated \$217,000 annually minus the collections service contingency fee in addition to other revenue collected by ParkIt!
 - The fee for the collections service is 22% of past due citations collected, plus postage expenses that are passed through at vendor cost as reflected in Action B.
- On July 15, 2013, the City issued a Request for Proposal for Citation Management System and Related Software Services; three proposals were received.
- The project team, consisting of staff from the Shared Services Procurement Management Division, the Office of the Chief Information Officer, and the Charlotte Department of Transportation, evaluated the proposals and recommends awarding the contract to Complus Data Innovations, Inc. as the

- service provider best meeting the City's needs in terms of qualifications, experience, and cost effectiveness.
- The two-year estimated fees and expenses for the contract are:
 - Action A: up to \$119,040.
 - Action B: \$115,000 for collection services.
 - Total estimated contract costs are \$234,040.

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

Transportation Operating Budget

18. City Bridges Inspection Municipal Agreement

Action: A. Approve a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation to share the cost of inspecting 132 City- maintained bridges and culverts in the amount of \$275,000, and

B. Adopt a budget ordinance appropriating North Carolina Department of Transportation funds of \$275,000.

Staff Resource: Gus Jordi, Transportation

Explanation

- The Federal Highway Administration mandates that bridges and culverts be inspected every two years. Bridges that are greater than 20-feet in length qualify for federal reimbursement through the North Carolina Department of Transportation (NCDOT).
 - Bridges are inspected for structural adequacy, safety and functionality.
 - NCDOT will share 80% of the estimated cost (\$275,000) of inspecting 132 qualifying bridges.
 - The City's portion of 20% is estimated at (\$68,750), and is available in the Transportation Community Investment Plan Fund.
- The following contracts will be presented to the City Council at a later date:
 - Contract for the inspection of bridges less than 20-feet in length,
 - Contracts for repair designs, and
 - Contracts for repairs.

Charlotte Business INclusion

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

Funding

Transportation Community Investment Plan and North Carolina Department of Transportation

Attachment 10

[Resolution](#)

[Budget Ordinance](#)

19. Utility Laboratory, Supplies, Equipment and Chemicals

Action: **A. Approve the purchase of laboratory supplies, equipment, and chemicals, without competitive bidding, as authorized by the state contract exemption of G.S. 143-129(e) (9), and**

B. Approve a unit price contract with Fisher Scientific for the purchase of laboratory supplies, equipment, and chemicals.

Staff Resource: Barry Gullet, Utility

State Contract Exemption

G.S. 143-129(e)(9) provides that formal bidding requirements do not apply when purchased from contracts established by the state or any agency of the state, if the contractor is willing to extend the same or more favorable prices, terms, and conditions as established in the state contract.

Explanation

- The laboratory supplies, equipment, and chemicals will be used at the Charlotte-Mecklenburg Wastewater Treatment facilities as well as the laboratory, located at the Environmental Services facility.
- Fisher Scientific products comply with the U.S. Environmental Protection Agency - regulated testing procedures, which are necessary for compliance with state and federal regulations.
- Fisher Scientific is willing to provide the laboratory supplies, equipment, and chemicals to the City at the same or better terms as are provided in its contract with the State of North Carolina, which expires in June 2014.
- The unit prices are set forth in the proposed contract, and are available upon request.
- Total expenditures for this contract are estimated at \$185,000.

Charlotte Business INclusion

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

Funding

Utility Operating Budget

20. Utility Laboratory Instruments and Supplies

- Action:**
- A. Approve the purchase of water quality analytical instruments and lab supplies manufactured, as authorized by the sole source exemption G. S. 143-129 (e)(6),**
 - B. Approve a unit price contract with Hach Company for the purchase of water quality analytical instruments and lab supplies term of three years.**

Staff Resource: Barry Gullet, Utility

Sole Source Exemption

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition is not available
 - A needed product is available from only one source or supply
 - Standardization or compatibility is the overriding consideration
- Sole sourcing is necessary for this contract because Hach Company products are only available through direct sales from the manufacturer.
- The City Council must approve purchases made under the sole source exception.

Explanation

- Hach Company is the worldwide manufacturer and distributor of laboratory testing equipment and lab supplies.
- Many of the chemical, sampling and testing supplies, which are necessary for compliance with state and federal regulations, are exclusively available from Hach Company.
- The contract provides fixed discounts from list pricing for all Hach Company testing equipment and supplies for a term of three years.
- These products will be used at the City's wastewater treatment facilities and in the laboratory, located at the Environmental Services facility.
- The estimated total expenditure is \$1,275,000.

Charlotte Business INClusion

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

Funding

Utility Operating Budget

21. Laboratory Testing Services

- Action:**
- A. Approve contracts with the following firms, for a term of one year, for laboratory testing services:**
 - Pace Analytical Service, Inc.
 - ETT Environmental, Inc., and
 - B. Authorize the City Manager to approve two additional, one-year renewals with possible price adjustments as stipulated in the contract.**

Staff Resource: Barry Gullet, Utility

Explanation

- The Charlotte-Mecklenburg Utility Department is required by the U.S. Environmental Protection Agency, the federal Safe Drinking Water Act, and the North Carolina Department of Environment and Natural Resources to conduct extensive and ongoing laboratory testing to meet public health and water quality needs.
- Contracts with these firms will be used to supplement existing laboratory staff during peak workload periods, special projects requiring additional testing, and periods of staffing fluctuations to insure required testing is performed in a timely manner.
- On October 28, 2013, a Request for Proposal was issued; three proposals were received.
- Evaluation and selection were based on fixed-unit cost pricing, types of testing services offered by each firm, and required certifications.
- The annual expenditures are anticipated to total \$245,000 which is approximately:

– Prism Laboratories Inc.	\$130,000
– Pace Analytical Service, Inc.	\$ 40,000
– ETT Environmental, Inc.	\$ 75,000

Charlotte Business INclusion

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

Funding

Utility Operating Budget

22. Slope Mowing Equipment

- Action:**
- A. Approve the purchase of slope mowing equipment, as authorized by the sole source exemption of G.S. 143-129(e)(6), and**
 - B. Approve a contract with Kut Kwick, in the amount of \$118,630, for the purchase of two slope mowers.**

Staff Resource: Barry Gullet, Utility

Sole Source Exemption

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available
 - A needed product is available from only one source or supply
 - Standardization or compatibility is the overriding consideration
- Sole sourcing is necessary for this contract because there is only one manufacturer of zero turn slope mowers, which is the Kut Kwick Corporation.
- The City Council must approve purchases made under the sole source exception.

Explanation

- The Charlotte-Mecklenburg Utility Department uses slope mowers to manage vegetation along the steep banks around the water reservoirs.
- The Kut Kwick equipment is designed with safety features such as seatbelts and stability alarms. Due to the degree of slope to be maintained, Kut Kwick was selected because of these necessary safety features.
- The two slope mowers were scheduled for replacement through City's approved FY2013 and FY2014 Capital Equipment lists. The mower on the FY2013 list is a replacement. The mower on the FY2014 list is an addition to fleet.
- Kut Kwick equipment meets the current U.S. Environmental Protection Agency emission standards.

Charlotte Business INclusion

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

Funding

Utility Capital Equipment Fund

23. Bus Preventive Maintenance Filters

Action: A. Award the low-bid contract, in the amount of \$950,000, to Cummins Atlantic, LLC for bus maintenance filters, and

B. Authorize the City Manager to execute up to two, one-year renewals with possible price adjustments as stipulated in the contract.

Staff Resources: Carolyn Flowers, Transit
Larry Kopf, Transit

Explanation

- The bus preventive maintenance filters are necessary to clean the fluids in the engine and the transmission.
- These parts will be purchased as-needed for maintenance and repair.
- On October 22, 2013, an Invitation to Bid was publically advertised and a pre-bid conference was held on November 5, 2013. Three bids were received, but one vendor bid the incorrect type of filters and was considered non-responsive.
- Cummins Atlantic, LLC submitted the lowest total bid package.

Charlotte Business INclusion

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

Funding

Transit Operating Budget

24. Light Rail Vehicle Equipment Maintenance

Action: Approve a contract with Simmons Machine Tool Corporation for maintenance and support of the Light Rail Vehicle wheel lathe, in the amount up to \$200,000, for a four-year term.

Staff Resources: Carolyn Flowers, Transit
Allen Smith III, Transit

Explanation

- The contract will provide maintenance and support of the wheel lathe, owned and operated by Transit; Simmons Machine Tool Corporation is the manufacturer of the lathe.
- The wheel lathe is a specialized piece of equipment used to maintain the light rail vehicle wheel sets in optimum condition.
- The Transit maintenance shop performs quarterly maintenance on the lathe in order to sustain the cost-effective, precise, and efficient operational services needed by Transit as well as ensures a smooth ride and proper alignment upon the rails.

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

Transit Operating Budget

25. LYNX Blue Line Extension Project – Soil Disposal Services

Action: **A. Approve a unit price contract with Republic Services, Inc. for the disposal of contaminated soils for a three-year term, and**

B. Authorize the City Manager to approve two additional, one-year renewals.

Staff Resources: Danny Rogers, Transit
 David Wolfe, Engineering & Property Management

Explanation

- Environmental assessments for the LYNX Blue Line Extension (BLE) project identified up to 64,000 tons of contaminated soil.
- The vendor has a State permit to accept the soil, which is used at the landfill as daily cover and may legally contain petroleum compounds, metals, and other non-hazardous compounds.
- In the past, disposal costs for contaminated soils have been included as a bid item in construction contracts. Contracting directly with the landfill vendor is anticipated to result in savings of approximately \$1.4 million dollars in disposal costs for the LYNX BLE project.
- The contract will provide for disposal of contaminated soils encountered during construction of the LYNX BLE and other City projects.
- The contract total including renewals is estimated to be \$1.8 million.

Disadvantaged Business Enterprise (DBE)

The federal DBE regulations neither recommend nor require goals to be set on every Federal Transit Administration funded project. No DBE utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Transit Community Investment Plan

26. Transit Scheduling Software Maintenance Agreement

Action: Approve a contract with GIRO, Inc. for maintenance and support with the HASTUS transit scheduling software system, in the amount up to \$300,000, for a three-year term.

Staff Resources: Carolyn Flowers, Transit
Larry Kopf, Transit

Explanation

- The HASTUS Scheduling System is the software system that Transit has used since 2000 to maximize efficiencies affecting its largest cost driver, operator wages. The HASTUS system reviews operator work assignments to optimize overtime and minimize idle time, with the goal to increase cost-effectiveness in operations.
- The HASTUS Scheduling System serves as the foundation software which interfaces with Transit's other technology systems including:
 - Customer service phone system and website,
 - Bus stop database and maintenance systems,
 - Automatic vehicle locator system, and
 - Payroll systems.
- In 2007, Transit began a project to work with the vendor to upgrade and expand the system, resulting in a software suite that includes multiple modules, used by Transit, for the following work tasks:
 - Daily dispatching of buses,
 - Management of driver work assignments, pay, and attendance,
 - Minimizing and optimizing driver overtime,
 - Analysis of actual running time compared to schedule,
 - Coordinating schedule development with contractual and statutory obligations and parameters.
- Implementation of the suite was done over time, with the final module, the dispatch module, coming on line in the spring of 2012.
- On February 12, 2007, the City Council approved the current maintenance agreement, which will expire on December 31, 2013.
- Giro, Inc. will provide services to maintain the current HASTUS software suite at a cost of \$96,699 for the first year, with an expected 2.5% increase in cost for two subsequent years.

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

Transit Operating Budget

27. Tableau Software Licenses, Maintenance, and Managed Services

- Action:**
- A. Approve the purchase of Tableau software licenses, maintenance, and managed services from a federal contract as authorized by G.S. 143-129(e)(9a),**
 - B. Approve a unit price contract with Triad Technology Partners, LLC for the purchase of Tableau software licenses, maintenance, and managed services for the term of one year under Triad Technology Partners General Services Administration Schedule GS-35F-0298W, effective March 8, 2010, and**
 - C. Authorize the City Manager to extend the contract for additional one-year terms as long as the federal contract is in effect, at prices and terms that are the same or more favorable than those offered under the federal contract.**

Staff Resource: Charles Robinson, Shared Services

Federal Contract Exception

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

- Tableau software provides users with the ability to analyze and visualize data from multiple sources and in multiple formats.
 - Tableau supports the City's data analytics needs for business decisions without requiring specialized programming knowledge. It can handle "Big Data" analyses that are too large or complex for Excel.
 - Departments use Tableau to analyze data and make improvements to services provided to citizens. For example, Engineering & Property Management uses Tableau to analyze storm water service requests and billing to improve citizen service.
 - Tableau Software is considered a market leader and is widely adopted in the business intelligence industry. It has been used in the City since 2007.
- Initial testing performed by Shared Services Technology Management showed that Tableau reduced the amount of time needed to organize and present data by approximately 75%.
- Tableau is currently used by over 40 analysts across City departments for data analysis needed to make informed business decisions, and identify potential service improvement opportunities and cost savings.
- Over the next five years, it is anticipated that citywide use will increase between 10 and 15 users annually. The City will evaluate the need for an enterprise version of Tableau Server as the number of users increase.
- Currently each seat license has an initial cost of \$2,382 and an on-going annual maintenance cost of \$596 per user.
- The contract was awarded by General Services Administration to Triad Technology Partners, LLC on March 8, 2010 for a term of five years, effective through March 7, 2015.

- Triad Technology Partners, LLC is willing to provide these licenses to the City at the same or better terms as are provided in its contract with the General Services Administration.
- The unit prices are set forth in the proposed contract, and are available upon request.
- Annual City expenditures under the contract are estimated to be \$54,000 per year.

Charlotte Business INclusion

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

Funding

Various Departments' Operating Budgets

28. Contract Closeout Agreement with Alcatel-Lucent

Action: Authorize the City Manager to negotiate and execute a contract closeout agreement with Alcatel-Lucent.

Staff Resource: Charles Robinson, Shared Services

Explanation

- On September 13, 2010, the City Council accepted a grant award from the Department of Commerce for the development and deployment of a wireless broadband network to serve Charlotte and Mecklenburg County public safety agencies.
- On September 26, 2011, the City Council approved a contract with Alcatel-Lucent for the design, implementation and maintenance of the countywide wireless broadband network.
- In February 2012, the U.S. Congress passed legislation that established a new nationwide authority for the design, implementation and maintenance of a national wireless broadband network for public safety.
- On May 11, 2012, the Department of Commerce suspended grant funding to the seven wireless broadband network development grant recipient jurisdictions - including Charlotte.
- In August 2012, the board members of the nationwide authority, known as FirstNet, were appointed and began to evaluate the status of the seven grant projects - known generally as Broadband Technology Opportunity Program (BTOP) projects - to determine whether and how these projects would move forward.
- In February 2013, the FirstNet Board announced their intentions to negotiate individual "go forward" agreements with each of the seven jurisdictions. If these negotiations were successful, the Department of Commerce would release the suspended grant funding and the projects would proceed consistent with new grant agreements under new conditions as negotiated with FirstNet.

- On August 16, 2013, after 15 months of suspension and several months of negotiation with FirstNet, the City Council was informed of FirstNet's decision to cease negotiations with the City. City staff supported FirstNet's decision because of the significant changes in the wireless environment since the initial grant award including:
 - State building code changes that increased standards for communication tower construction and modification, which significantly increased the City's project costs;
 - Rate decreases for services by commercial cellular providers, which greatly changed the sustainability of the City's business model; and
 - A better understanding of the costs associated with purchasing special devices, which can range between two to several hundred times more expensive than commercially available devices.
- City staff is currently working with the Department of Commerce to restructure the City's grant so that the remaining grant funds can be used to improve the City's public safety communications technology, including devices and core technology infrastructure. The restructured grant agreement is anticipated to come before the City Council for consideration on January 13, 2014.
- Before moving forward on a restructured grant, the City must closeout its existing contract with Alcatel-Lucent.
 - This will require a determination of the percentage of milestones completed on the project, the value of the grant match provided by Alcatel-Lucent, and the settlement of unanticipated costs incurred by Alcatel-Lucent during the grant suspension.
 - Unanticipated costs include, but are not limited to, equipment warehousing, and decommissioning expenses - which were not a part of the original contract, but were incurred at the City's request and for the City's benefit.
 - Warehousing was required to keep the equipment ready, stored near the project site, and available in anticipation of the suspension being lifted.
 - These costs are not expected to exceed \$500,000 and will not increase the overall contract amount because they are more than offset by the more than \$4.7 million in deductions from products and equipment that were not delivered and are being removed from the contract.
 - The City is currently validating Alcatel-Lucent's percentage of milestones completed through a 3rd party.
 - Closing out the contract will allow the City to more accurately determine the remaining grant funds available for proceeding with a restructured grant.
 - The closeout agreement is expected to be finalized and coordinated with the Department of Commerce by December 17, 2013.
 - Final payments to Alcatel-Lucent will be paid with federal grant funds.
- The action would authorize the City Manager to complete the negotiations with Alcatel-Lucent and execute the closeout agreement.

29. Airport Future Terminal Curbside Roadway

Action: **A. Award a low-bid contract, in the amount of \$204,034, with Dakota Contracting Company for demolition of pedestrian bridges, and**

B. Adopt a budget ordinance appropriating \$204,034 from the Airport Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource: Jack Christine, Aviation

Explanation

- In January and March of 2013 the formerly Hourly Parking decks were demolished in preparation for the current Hourly Parking deck construction. Four pedestrian bridges that connected the terminal to the previous decks remained.
- At this time, the four pedestrian bridges need to be demolished to make way for the first phase of the future elevated roadway.
- The Aviation Department anticipates the design of this phase will be complete and ready for a construction award in April 2014.
- On November 8, 2013, an Invitation to Bid was advertised; three bids were received on November 17, 2013.
- Dakota Contracting Company was the lowest responsive, responsible bidder.

Charlotte Business INclusion

Established SBE Goal: 8%

Committed SBE Goal: 8.03%

Dakota Contracting Company exceeded the established SBE goal, and committed 8.03% (\$16,378) of the total contract amount to the following SBE firms: Gastonia Iron Works (steel fabrication) and Jones Grading & Fencing (trucking). Dakota Contracting Company is also a City-certified SBE.

Funding

Aviation Community Investment Plan

Attachment 11

[Budget Ordinance](#)

30. Airport Security Background Check Services

Action: Approve a unit price contract with Transportation Security Clearinghouse for criminal history records checks and security threat assessment services for a term of three years.

Staff Resource: Herbert Judon, Aviation

Explanation

- Security threat assessments and criminal history record checks are prerequisite requirements for employees working at the airport to gain access to secured areas.
- There is approximately 12,000 staff, including contractor employees, tenant employees, and Aviation Department staff, in the badging database.
- On December 12, 2011, the City Council approved a contract with the Transportation Security Clearinghouse to provide criminal history records checks and security threat assessment services.
- On October 24, 2014, the Aviation Department issued a Request for Proposal; three proposals were received.
- A selection committee, composed of Aviation Department staff, chose the Transportation Security Clearinghouse based on the depth and breadth of their experience, and ability to provide the proposed services.
- The Aviation Department pays the Transportation Security Clearinghouse for these services, and is reimbursed for most of the costs by airport tenants.
- The total estimated cost of the contract is \$600,000 over three years.

Charlotte Business INclusion

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

Funding

Aviation Operating Budget

31. US Airways Crew Training Center Parking Lot Repairs

Action: Award a low-bid contract, in the amount of \$163,900, with Blythe Brothers Asphalt, Co. for parking lot repairs.

Staff Resource: Jack Christine, Aviation

Explanation

- The US Airways Crew Training Center parking lot is in need of rehabilitation; the existing lot has the original pavement from the site construction in 1988.
- US Airways requested this work to ensure the safety of their employees while walking to their vehicles in the parking lot; the company will reimburse the Aviation Department for the parking lot repairs.
- Blythe Brothers Asphalt, Co. will mill and resurface half of the parking lot, and reseal the other half, which is structurally sound.
- On November 12, 2013, Invitations to Bid were advertised; four bids were received.

Charlotte Business INclusion

Established SBE Goal: 3%

Committed SBE Goal: 3.11%

Blythe Brothers Asphalt, Co. exceeded the established SBE goal and committed 3.11% (\$5,100) of the total contract amount to the following SBE firm: Ram Pavement Services, Inc. (crack fill).

Funding

Aviation Community Investment Plan and US Airways

32. Airport Business Valet Parking Deck Change Order #2

Action: Approve change order #2, in the amount of \$370,720, with Shelco, LLC for building code compliance work and additional work due to unsuitable soils on the Business Valet Parking Deck construction site.

Staff Resource: Jack Christine, Aviation

Explanation

- 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 Airport approved a change order reducing the contract, in the amount of \$539,000, for foundation support, changes to the heating, ventilation, and air conditioning, and foundation redesign.
- Change order #2 will allow the contractor to make modifications to the deck related to building code compliance and to remove unsuitable soils that were not foreseen.
- Funding of this change order is provided from the previous savings of the foundation redesign.
- The new total contract amount is \$37,043,720.

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 Community Investment Plan

33. Resolution of Intent to Abandon a Portion of Andrill Terrace

Action: A. Adopt the Resolution of Intent to abandon a Portion of Andrill Terrace, and

B. Set a Public Hearing for January 13, 2014.

Staff Resource: Jeff Boenisch, Transportation

Attachment 12

[Map](#)
[Resolution](#)

34. Meeting Minutes

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

- **November 11, 2013 Business Meeting**
- **November 18, 2013 Zoning Meeting**

35. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety:

- A. 420 East 26th Street (Non-Residential Structure)(Neighborhood Profile Area 22)
- B. 4429 Cades Cove Drive (Neighborhood Profile Area 111)
- C. 7723 Shadow Lawn Road (Neighborhood Profile Area 280)

Complaint:

- D. 3934 Plainview Road (Neighborhood Profile Area 6)

Field Observation:

- E. 1700 Heathcliff Street (Neighborhood Profile Area 51)
- F. 4900 Morgan Street (Neighborhood Profile Area 385)

Public Safety:

A. 420 E. 26th Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 420 E. 26th Street (Neighborhood Profile Area 22).

Attachment 13

B. 4429 Cades Cove Drive

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

Explanation

The City Council approved the In Rem action related to this structure on October 28, 2013. Prior to the execution of the demolition, staff noticed a clerical error in the ordinance that potentially could have limited the City's ability to recoup the cost of the lien/demolition. Therefore, staff is returning this item to the City Council to acquire a new, correct ordinance.

Attachment 14

C. 7723 Shadow Lawn Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7723 Shadow Lawn Road (Neighborhood Profile Area 280).

Attachment 15

Complaint:

D. 3934 Plainview Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3934 Plainview Road (Neighborhood Profile Area 6).

Attachment 16

Field Observation:

E. 1700 Heathcliff Street

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

Explanation

Staff pulled this item from the October 28, 2013, meeting agenda in order to review requirements based on the structure existing in a Historic District. The process requires the City to first approve this In Rem ordinance in order to have standing to apply for the certificate of appropriateness with the Historic District Commission. In anticipation of approval by the City Council, staff has scheduled this item for the December 11, 2013, Historic District Commission agenda.

[Attachment 17](#)

F. 4900 Morgan Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4900 Morgan Street (Neighborhood Profile Area 385).

[Attachment 18](#)

PROPERTY TRANSACTIONS

36. Property Transactions

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

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

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
 - Sending introductory letters via regular and certified mail
 - Making several site visits
 - Leaving door hangers and business cards
 - Seeking information from neighbors
 - Searching the internet
 - Obtaining title abstracts
 - Leaving voice messages
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If City Council approves the resolutions, the City Attorney's Office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of *easement* is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross", such as public utility easement.
- The definition of *fee simple* is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited, commonly, synonym for ownership.

Acquisitions

- A. Project:** Airport Master Plan Land Acquisition
Owner(s): Wyman H. Fogg
Property Address: 9209 Snow Ridge Lane
Property to be acquired: .95 acres
Improvements: Single-Family Vacant
Purchase Price: \$28,400

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 Vacant

Tax Value: \$28,400

Tax Code: 141-111-27

B. Project: Airport Master Plan Land Acquisition

Owner(s): Claude York

Property Address: 9230 Markswood Road

Property to be acquired: 2.74 acres

Improvements: Single-Family Residence

Purchase Price: \$229,000

Remarks: The purchase price was determined by one independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

Zoned: R-3 Use: Single-Family Residence

Tax Value: \$185,400 and \$48,400 for a total of \$233,800

Tax Code: 141-261-36 & 141-261-90

C. Project: Airport Master Plan Land Acquisition

Owner(s): Michael Buffkin

Property Address: 7218 Steele Creek Road

Property to be acquired: .53 acres

Improvements: Single-Family Residence

Purchase Price: \$200,000

Remarks: The purchase price was determined by one independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

Zoned: R-3 Use: Single-Family Residence

Tax Value: \$167,300

Tax Code: 141-261-85

D. Project: Airport Master Plan Land Acquisition

Owner(s): Arnold and Shillina Reaser

Property Address: 5032 Shopton Road

Property to be acquired: .78 acres

Improvements: Single-Family Residence

Purchase Price: \$160,000

Remarks: The purchase price was determined by one independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

Zoned: R-3 Use: Single-Family Residence

Tax Value: \$109,100

Tax Code: 141-111-12

- E. Project:** Gaynor Storm Drainage Improvement Project, Parcel #72
Owner(s): Peggy D. Young and spouse, John A. Young and Armand T. Daniel, Jr., and spouse, Phyllis B. Daniel
Property Address: 119 North Sharon Amity Road
Total Parcel Area: 21,682 sq. ft. (0.498 ac.)
Property to be acquired by Easements: 128 sq. ft. (.003 ac.) in Sidewalk and Utility Easement, plus 482 sq. ft. (.011 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees and shrubs
Zoned: B-1
Use: Commercial
Tax Code: 157-173-06
Purchase Price: \$10,000
- F. Project:** Johnston Oehler Farm to Market, Parcel #12
Owner(s): G. Parker Moffitt, II and wife, Sandra N. Moffitt
Property Address: 4041 Johnston Oehler Road
Total Parcel Area: 464,673 sq. ft. (10.6674 ac.)
Property to be acquired in Fee: 36,286 sq. ft. (.833 ac.) in Fee Simple, plus 3,899 sq. ft. (.09 ac.) in Fee Simple within Existing Right-of-Way
Property to be acquired by Easements: 816 sq. ft. (.019 ac.) in Storm Drainage Easement, plus 5,907 sq. ft. (.136 ac.) in Temporary Construction Easement, plus 78 sq. ft. (.002 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: 029-461-93
Purchase Price: \$30,000
- G. Project:** Johnston Oehler Farm to Market, Parcel #35
Owner(s): Jeffrey F. Meyer and wife, Catherine R. Mowry
Property Address: Johnston Oehler Road
Total Parcel Area: 76,405 sq. ft. (1.7540 ac.)
Property to be acquired in Fee: 65,910 sq. ft. (1.513 ac.) in Fee Simple, plus 10,495 sq. ft. (.241 ac.) in Fee Simple within Existing Right-of-Way
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R-4

Use: R-4
Tax Code: 029-621-67
Purchase Price: \$71,000

- H.** **Project:** Oakdale Road Widening, Parcel #20 and #21
Owner(s): Deborah Elliott McCord and spouse, Phillip Martin McCord
Property Address: 729 Oakdale Road
Total Parcel Area: 36,133 sq. ft. (0.829 ac.)
Property to be acquired in Fee: 3,525 sq. ft. (.081 ac.) in Fee Simple, plus 4,694 sq. ft. (.108 ac.) in Fee Simple within Existing Right-of-Way
Property to be acquired by Easements: 2,197 sq. ft. (.05 ac.) in Sidewalk and Utility Easement, plus 3,057 sq. ft. (.07 ac.) in Temporary Construction Easement, plus 161 sq. ft. (.004 ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees and various plantings
Zoned: R-4
Use: Single-Family Residential
Tax Code: 035-041-02
Purchase Price: \$10,630
- I.** **Project:** Oakdale Road Widening, Parcel #41
Owner(s): Joyce Todd Marsh
Property Address: 1004 Oakdale Road
Total Parcel Area: 32,335 sq. ft. (0.742 ac.)
Property to be acquired by Easements: 1,317 sq. ft. (.03 ac.) in Storm Drainage Easement, plus 194 sq. ft. (.004 ac.) in Sidewalk and Utility Easement, plus 14,380 sq. ft. (.33 ac.) in Temporary Construction Easement, plus 173 sq. ft. (.004 ac.) in Utility Easement, plus 3,100 sq. ft. (.071 ac.) in Site Triangle Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: B-1(CD)
Use: Commercial
Tax Code: 037-292-27
Purchase Price: \$29,585
- J.** **Project:** Parkwood Storm Drainage Improvement Project- Phase 2, Parcel #25, #26, #27, and #28
Owner(s): Highland Mills, Inc.
Property Address: Parkwood Avenue, 1120 North Brevard Street, 1124 North Brevard Street, and 1128 North Brevard Street
Total Parcel Area: 41,141 sq. ft. (.9444 ac.)
Property to be acquired in Fee: 2,194 sq. ft. (.05 ac.) in Fee Simple
Property to be acquired by Easements: 16,442 sq. ft. (.377 ac.) in Storm Drainage Easement, plus 1,257 sq. ft. (.029 ac.) in Sanitary Sewer Easement, plus 356 sq. ft. (.008 ac.) in Waterline Easement, plus 4,494 sq. ft. (.103 ac.) in Temporary Construction Easement, plus 1,111 sq. ft. (.026 ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: R-22MF
Use: Multi-Family

Tax Code: 081-062-20, 081-062-15, 081-062-14 and 081-062-13
Total Parcel Tax Value: \$133,500
Purchase Price: \$35,000

- K. Project:** Parkwood Storm Drainage Improvement Project- Phase 2, Parcel #40
Owner(s): Highland Mills, Inc.
Property Address: 340 East 16th Street
Total Parcel Area: 383,199 sq. ft. (8.797 ac.)
Property to be acquired by Easements: 18,243 sq. ft. (.419 ac.) in Storm Drainage Easement, plus 5,527 sq. ft. (.127 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: Parking spaces
Landscaping to be impacted: Trees
Zoned: I-2
Use: Industrial
Tax Code: 081-042-02
Purchase Price: \$48,000

Condemnations

- L. Project:** Blue Line Extension, Parcel #1235 and #1240
Owner(s): First Industrial B & L, LLC and any other parties of interest
Property Address: Chick Godley Road, East 31st Street and Matheson Avenue
Total Parcel Area: 679,170 sq. ft. (15.592 ac.)
Property to be acquired in Fee: 3,816 sq. ft. (.088 ac.) in Fee Simple
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: UR-3(CD)
Use: Industrial
Tax Code: 083-021-01 and 083-031-15
Appraised Value: \$4,225
Property Owner's Counteroffer: None
Property Owner's Concerns: The property owners are concerned with the appraisal method used to determine the compensation amount; they feel their property should not be considered contaminated.
City's Response to Property Owner's Concerns: Staff explained that the property was appraised following the Federal Guidelines regarding the environmental conditions of the property.
Outstanding Concerns: Staff has been unable to reach a settlement with the property owners due to the environmental mitigation that affects their compensation amount.
Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation during which negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.
- M. Project:** Blue Line Extension, Parcel #1373
Owner(s): TDK, Inc. and any other parties of interest
Property Address: 5625 North Tryon Street
Property to be acquired in Fee: 3,537 sq. ft. (.081 ac.) in Fee Simple

Property to be acquired by Easement: 1,306 sq. ft. (.03 ac.) in Temporary Construction Easement, plus 4,501 sq. ft. (.103 ac.) in Utility Easement

Improvements to be impacted: Asphalt paving, retaining wall, drive way and signage

Landscaping to be impacted: None

Zoned: B-2

Use: Commercial

Tax Code: 089-201-24

Appraised Value: \$73,100

Property Owner's Counteroffer: None

Property Owner's Concerns: Property owner along with legal counsel requested an existing traffic signal at the corner of North Tryon Street and Old Concord Road change to a four-way signal to provide full movement. In addition, they have concerns with utility pole relocation, placement of the AT&T cabinet, size of the utility easement, removal of the southern access driveway and visibility.

City's Response to Property Owner(s) Concerns: Staff began working with the property owner in November 2012 and was able to reach an agreement regarding compensation. Staff informed the property owner that CDOT cannot agree to a four-way intersection at this time. Staff informed the property owner that the poles will need to move back into the property to accommodate the road widening. The cabinet location was determined by AT&T and needed to be placed in the utility easement per their direction. The size of the utility easement was determined due to the location and utilities that will utilize the easements. The closure of the southern driveway is for safety reasons and the visibility should be unchanged.

Outstanding Concerns: The property owner's attorney is concerned with the language in the conveyance documents.

Recommendations: Council approved this property transaction as an acquisition on 9/23/2013. Due to the recent concerns presented by the property owner and their attorney, staff recommends Council approval for condemnation in case the property owner is unwilling to proceed to closing.

- N. Project:** Johnston Oehler Farm to Market, Parcel #23 and #21
Owner(s): Orville Oehler Thompson Jr., Teddie Clinton Thompson and Richard Kirk Thompson and any other parties of interest
Property Address: 3440 and 3716 Johnston Oehler Road
Total Parcel Area: 234,240 sq. ft. (5.3774 ac.)
Property to be acquired in Fee: 94,270 sq. ft. (2.164 ac.) in Fee Simple
Property to be acquired by Easements: 18,620 sq. ft. (.427 ac.) in Temporary Construction Easement, plus 1,518 sq. ft. (.035 ac.) in Utility Easement
Structures/Improvements to be impacted: Driveway, fencing, gate and single family residence.
Landscaping to be impacted: Trees and various plantings
Zoned: R-3
Use: Single-Family Residential-Rural Acreage
Tax Code: 029-301-34 and 029-301-98
Appraised Value: \$170,550
Property Owner's Counteroffer: \$239,900

Property Owner's Concerns: The property owners are concerned with the amount of compensation and relocation benefits.

City's Response to Property Owner's Concerns: Staff began working with the property owners in March 2013. The house will be demolished for the project. Staff is working closely with the current resident to plan all aspects of his relocation.

Outstanding Concerns: Staff has yet to reach an agreement with the property owners regarding compensation and relocation benefits.

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.

- O. Project:** Johnston Oehler Farm to Market, Parcel #24
Owner(s): Orville Oehler Thompson, Jr., Teddie Clinton Thompson and Richard Kirk Thompson and any other parties of interest
Property Address: 3551 Johnston Oehler Road
Total Parcel Area: 242,795 sq. ft. (5.5738 ac.)
Property to be acquired in Fee: 13,723 sq. ft. (.315 ac.) in Fee Simple within Existing Right-of-Way
Property to be acquired by Easements: 770 sq. ft. (.018 ac.) in Storm Drainage Easement, plus 12,338 sq. ft. (.283 ac.) in Temporary Construction Easement, plus 8,306 sq. ft. (.191 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: 029-331-05
Appraised Value: \$3,375
Property Owner's Counteroffer: None
Property Owner's Concerns: The property owners are concerned with the amount of compensation.
City's Response to Property Owner's Concerns: Staff began working with the property owners in April 2013. Compensation was established by an appraisal and appraisal review.
Outstanding Concerns: Staff has yet to reach an agreement with the property owners regarding compensation.
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.
- P. Project:** Johnston Oehler Farm to Market, Parcel #32
Owner(s): O. O. Thompson, Jr. and any other parties of interest
Property Address: 3440 Johnston Oehler Road
Total Parcel Area: 109,603 sq. ft. (2.5161 ac.)
Property to be acquired in Fee: 2,792 sq. ft. (.064 ac.) in Fee Simple
Property to be acquired by Easements: 6,134 sq. ft. (.141 ac.) in Temporary Construction Easement, plus 86 sq. ft. (.002 ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Single-Family Residential-Rural Acreage

Tax Code: 029-621-01

Appraised Value: \$7,725

Property Owner's Counteroffer: None

Property Owner's Concerns: The property owners were concerned with the location of the driveway and with the amount of compensation.

City's Response to Property Owner's Concerns: Staff began working with the property owners in April 2013. Staff was able to relocate the driveway. Compensation was established by an appraisal and appraisal review.

Outstanding Concerns: Staff has yet to reach an agreement with the property owners regarding compensation.

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.

- Q. Project:** Johnston Oehler Farm to Market, Parcel #37
Owner(s): Oehler Family Farms, LLC and any other parties of interest
Property Address: 3115 Johnston Oehler Road
Total Parcel Area: 284,313 sq. ft. (6.5269 ac.)
Property to be acquired in Fee: 3,031 sq. ft. (.07 ac.) in Fee Simple, plus 16,361 sq. ft. (.376 ac.) in Fee Simple within Existing Right-of-Way
Property to be acquired by Easements: 4,855 sq. ft. (.111 ac.) in Temporary Construction Easement, plus 6,828 sq. ft. (.157 ac.) in Utility Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: R-3
Use: Use Value Homesite
Tax Code: 029-331-04
Appraised Value: \$5,000
Property Owner's Counteroffer: \$25,000
Property Owner's Concerns: The property owners are concerned with the amount of compensation.
City's Response to Property Owner's Concerns: Staff began working with the property owners in April 2013. Compensation was established by an appraisal and appraisal review.
Outstanding Concerns: Staff has yet to reach an agreement with the property owners regarding compensation.
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.
- R. Project:** Oakdale Road Widening, Parcel #35
Owner(s): True Homes, LLC and any other parties of interest
Property Address: 930 Corvus Court
Total Parcel Area: 6,182 sq. ft. (0.142 ac.)
Property to be acquired by Easements: 32 sq. ft. (.001 ac.) in Sidewalk and Utility Easement, plus 662 sq. ft. (.015 ac.) in

Temporary Construction Easement, plus 70 sq. ft. (.002 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and plants

Zoned: R-5(CD)

Use: Single-Family Residential

Tax Code: 035-092-32

Appraised Value: \$3,875

Property Owner's Counteroffer: None

Property Owner's Concerns: The property owners are concerned this easement will adversely affect their ability to develop the property.

City's Response to Property Owner's Concerns: Staff began working with the property owners in April 2013. Staff redesigned the project to create less impact. Compensation was established by an appraisal and appraisal review.

Outstanding Concerns: Staff has yet to reach an agreement with the property owners regarding compensation and design.

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.

- S. Project:** Parkwood Storm Drainage Improvement Project- Phase 2, Parcel #45, #46, and #48
- Owner(s):** Real Estate Investment Corp., LLC and any other parties of interest
- Property Address:** 1005 North Davidson Street, 1009 North Davidson Street and 1021 North Davidson Street
- Total Parcel Area:** 55,148 sq. ft. (1.266 ac.)
- Property to be acquired by Easements:** 1,063 sq. ft. (.024 ac.) in Temporary Construction Easement, plus 124 sq. ft. (.003 ac.) in Utility Easement
- Structures/Improvements to be impacted:** None
- Landscaping to be impacted:** Trees
- Zoned:** I-2
- Use:** Industrial
- Tax Code:** 081-064-04
- Appraised Value:** \$3,925
- Property Owner's Counteroffer:** None
- Property Owner's Concerns:** Property owner is concerned with utility easement location.
- City's Response to Property Owner's Concerns:** Staff began working with the property owner in June 2013. Due to the design criteria, staff was unable to redesign the utility easement to accommodate property owner's concerns.
- Outstanding Concerns:** Property owner remains concerned with utility easement location.
- 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.

- T. Project:** Prosperity Church Road Intersection Improvements, Parcel #4
Owner(s): Circle K Stores, Inc. and any other parties of interest
Property Address: 5335 Prosperity Church Road
Total Parcel Area: 49,848 sq. ft. (1.144 ac.)
Property to be acquired by Easements: 2,118 sq. ft. (.049 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Shrubs
Zoned: CC
Use: Commercial
Tax Code: 027-072-24
Appraised Value: \$1,825
Property Owner's Counteroffer: None
Property Owner's Concerns: The property owner was concerned about the impact of the design, relocation of existing sign and with access to the property during construction.
City's Response to Property Owner's Concerns: Staff addressed property owner's concerns and informed the owner that the sign was located outside the easement limits and access will be maintained during construction.
Outstanding Concerns: The property owner wants the City to pay to relocate their sign that is not impacted by the project.
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.
- U. Project:** Prosperity Church Road Intersection Improvements, Parcel #5
Owner(s): Prosperity Village Homeowners Association and any other parties of interest
Property Address: Jocelyn Lane
Total Parcel Area: 418,786 sq. ft. (9.614 ac.)
Property to be acquired in Fee: 1,694 sq. ft. (.039 ac.) in Fee Simple
Property to be acquired by Easements: 4,649 sq. ft. (.107 ac.) in Slope Easement, plus 4,379 sq. ft. (.101 ac.) in Temporary Construction Easement, plus 1,431 sq. ft. (.033 ac.) in Retaining Wall Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: Trees
Zoned: R-8MF
Use: Town House Common Area
Tax Code: 027-073-83
Appraised Value: \$19,925
Property Owner's Counteroffer: None
Property Owner's Concerns: The property owner was concerned with the impact of the drainage design.
City's Response to Property Owner's Concerns: Staff was able to address drainage design concerns.
Outstanding Concerns: Staff is unable to reach a settlement with property owner due to lack of clear title.

Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation in order to obtain clear title.

- V. Project:** West Tyvola Sidewalk (Old Steel Creek to West Tyvola), Parcel #9
Owner(s): RD Commercial Properties, LLC and any other parties of interest
Property Address: 4611 West Tyvola Road
Total Parcel Area: 47,882 sq. ft. (1.099 ac.)
Property to be acquired by Easements: 921 sq. ft. (.021 ac.) in Sidewalk and Utility Easement, plus 326 sq. ft. (.007 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: B-1
Use: Commercial
Tax Code: 145-231-18
Appraised Value: \$2,475
Property Owner's Counteroffer: None
Property Owner's Concerns: The property owner was concerned that ingress/egress for her tenant (the retail store: Family Dollar) could be blocked during construction.
City's Response to Property Owner's Concerns: Staff was able to address these concerns to the satisfaction of the property owner, determining that the work at this site would not block the driveways.
Outstanding Concerns: Staff has yet to reach a settlement with property owners due to lack of response.
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.
- W. Project:** West Tyvola Sidewalk (Old Steel Creek to West Tyvola), Parcel #11
Owner(s): Mohammed Zaal Al-Rawajfeh and wife, Karen Al-Rawajfeh and any other parties of interest
Property Address: 2501 West Boulevard
Total Parcel Area: 17,146 sq. ft. (0.394 ac.)
Property to be acquired by Easements: 186 sq. ft. (.004 ac.) in Sidewalk and Utility Easement, plus 3,298 sq. ft. (.076 ac.) in Temporary Construction Easement
Structures/Improvements to be impacted: None
Landscaping to be impacted: None
Zoned: B-1
Use: Commercial
Tax Code: 145-231-01
Appraised Value: \$9,725
Property Owner's Counteroffer: None
Property Owner's Concerns: None
City's Response to Property Owner's Concerns: Not applicable.
Outstanding Concerns: Staff is unable to reach a settlement with property owner due to lack of clear title.
Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation for clear title.

37. 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.

38. 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.

Airport Intermodal Opportunity

Overview:

The Airport Intermodal Facility, scheduled to open and begin operation in the spring of 2014, is a critically important economic asset for our Airport, our City, our Region, our State, and the Southeastern United States. It will support economic activity with an estimated \$7B impact and the potential of generating 157 jobs for the facility and 5,000 jobs in the region over the next 20 years. While some advance planning has taken place, there is a need to develop a more formalized approach that will take full advantage of this new asset. The following is presented in order to advance this opportunity:

Formation of the Airport Intermodal Interdepartmental Staff Work Team

Membership:

Ron Kimble, Executive Sponsor, City Manager's Office
Jack Christine, Chair, Aviation
Debra Campbell, Planning
Ed McKinney, Planning
Pat Mumford, Neighborhood & Business Services
Tim Richards, Engineering & Property Management
Danny Pleasant, Charlotte Department of Transportation
Barry Shearin, Charlotte-Mecklenburg Utilities Department
Brent Cagle, Ex-Officio, Aviation

Purpose:

To promote economic development and job creation through private and public investments and partnerships in order to optimize the opportunities at Charlotte-Douglas International Airport and communities that surround it, especially between I-85 and the Catawba River.

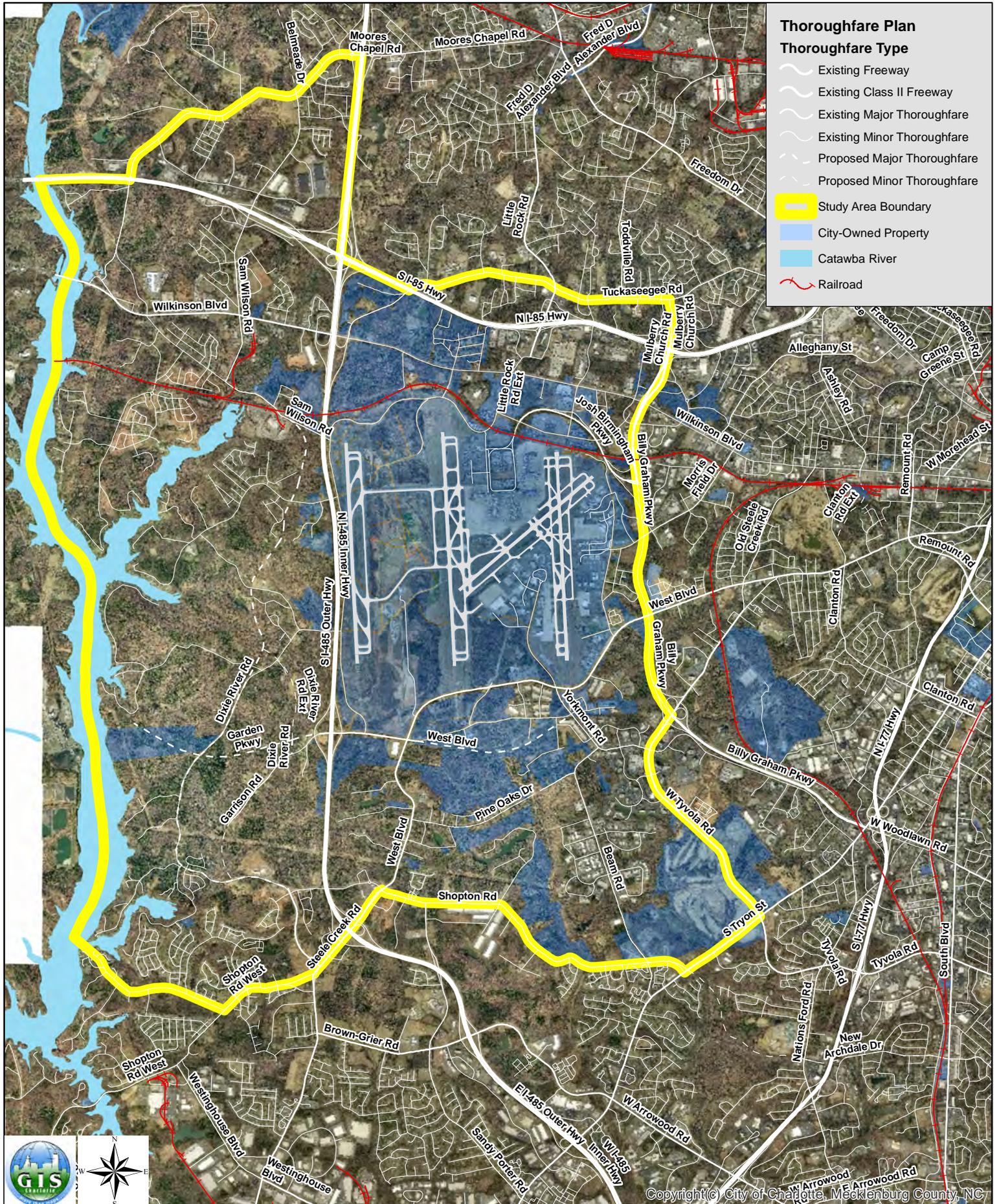
Products:

1. Inventory and analyze current plans covering the Airport and surrounding geography from a land use and economic development perspective.
2. Evaluate private and public assets and requirements to meet economic development potential including transportation, utilities, schools, parks, libraries and others.
3. Identify gaps in current planning and evaluate plans based on current market conditions and opportunities to determine any amendments that may be required.
4. Recommend a timeline, structure, and path forward which engages the appropriate staff, partners, and community stakeholders that will formalize an economic development strategy that leverages market conditions and private capital to attract global and national scale business to areas surrounding the Airport and the Airport Intermodal Facility.

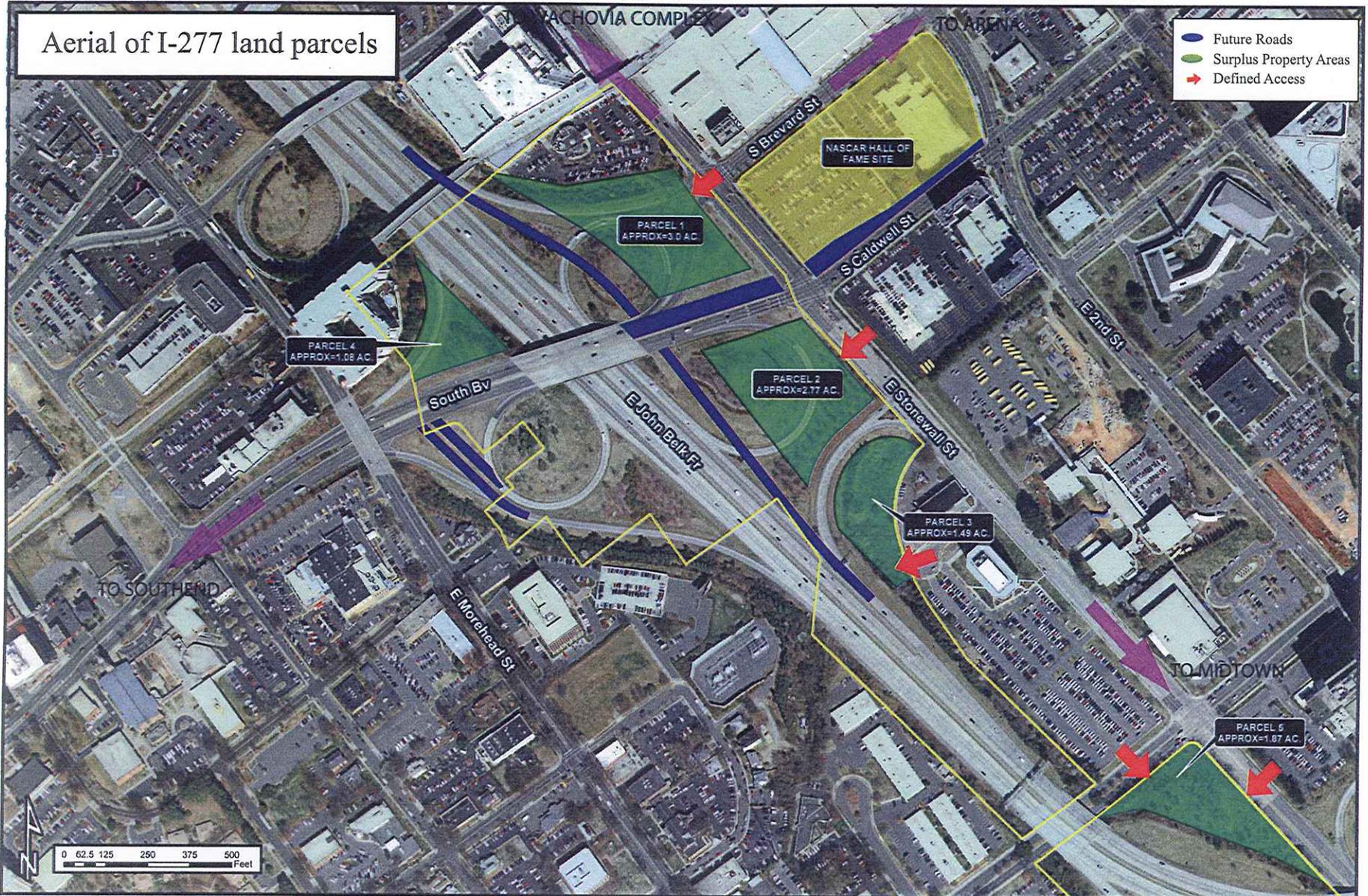
Schedule:

Initial recommendations by December 31, 2013.

Airport Intermodal Opportunity Area of Influence



Copyright © City of Charlotte, Mecklenburg County, NC



Map 1 showing parcel information and interchange reconfiguration

TOTAL AREA = PARCEL 1 + PARCEL 2 + PARCEL 3 + PARCEL 4 + PARCEL 5 = 3.0 AC + 2.77 AC + 1.49 AC + 1.08 AC + 1.87 AC = 10.22 AC (APPROXIMATELY)

**CITY OF CHARLOTTE, NC
CITY COUNCIL REGULAR & BUDGET MEETING SCHEDULE FOR 2014**

First Mondays

Council Workshop/Citizens' Forum

Meeting begins at 5:00 p.m. in Room 267 for the Workshop. The Citizens' Forum begins in the same room at 7:30 p.m.

Second Mondays

Council Business Meeting

Meeting begins at 5:00 p.m. in Room 267 with Council/Manager Dinner Briefing and continues in the Meeting Chamber at 7:00 p.m. for the Council Business Meeting.

Third Mondays

Zoning Meeting

Meeting begins at 5:00 p.m. in the Meeting Chamber Conference Room (CH-14) with dinner and continues at 6:00 p.m. in the Meeting Chamber for Zoning Decisions and Hearings.

Fourth Mondays

Citizens' Forum/Council Business Meeting

Meeting begins at 5:00 p.m. in Room 267 with Council/Manager Dinner Briefing and continues in the Meeting Chamber at 6:30 p.m. for the Citizens' Forum and Council Business Meeting.

January 6	Council Workshop/Citizens' Forum
(January 8-9 Essentials of Municipal Government Classes for new Council Members, Asheville)	
January 13	12:00 Agenda Review (Optional) 15 th Floor Conf Rm Council Business Meeting
January 21* (Tuesday)	Zoning Meeting
January 27	12:00 Agenda Review (Optional) 15 th Floor Conf Rm Citizens' Forum/Council Business Meeting
January 29-31	City Council Retreat Location - TBD
February 10	12:00 Agenda Review (Optional) 15 th Floor Conf Rm Council Business Meeting
February 17	Zoning Meeting
February 24	12:00 Agenda Review (Optional) 15 th Floor Conf Rm Citizens' Forum/Council Business Meeting
February 26	3:00 pm Budget Workshop
March 3	Council Workshop/Citizens' Forum
(March 8-12, NLC Congressional City Conference, Washington, DC)	
March 17	Zoning Meeting
March 19	3:00 pm Budget Workshop
March 24	Citizens' Forum/Council Business Meeting
April 7	12:00 City Manager Evaluation CH-14 Council Workshop/Citizens' Forum
April 9	3:00 pm Budget Workshop
April 14	Council Business Meeting
April 28	4:00 p.m. Combined Citizens' Forum/Council Zoning and Business Meeting
May 5	Council Workshop/Citizen's Forum** 7:00 pm Manager's Recommended Budget Presentation***
May 12	Council Business Meeting 7:00 pm Budget Public Hearing
May 14	3:00 pm Budget Adjustments
May 19	Zoning Meeting
May 27* (Tuesday)	Citizens' Forum/Council Business Meeting
May 28	12:00 Budget Adjustments/Straw Votes

**CITY OF CHARLOTTE, NC
CITY COUNCIL REGULAR & BUDGET MEETING SCHEDULE FOR 2014**

June 2	Workshop/Citizens' Forum
June 9	Council Business Meeting Budget Adoption
June 16	Zoning Meeting
<i>(June 18-20, Chamber Inter-City Visit – Minneapolis, MN)</i>	
<i>(June 20-23, US Conference of Mayors Annual Meeting, Dallas, TX)</i>	
June 23	12:00 City Manager's quarterly meeting CH14 Citizens' Forum/Council Business Meeting
(Summer Meeting Schedule)	
July 21	Zoning Meeting
July 28	12:00 pm City Attorney Evaluation CH-14 Citizens' Forum/Council Business Meeting
August 25	Citizens' Forum/Council Business Meeting
September 2* (Tuesday)	Council Workshop/Citizens' Forum
September 8	Council Business Meeting
<i>(September 14-17, ICMA 100th Annual Conference, Charlotte)</i>	
September 15	Zoning Meeting
September 22	Citizens' Forum/Council Business Meeting
<i>(Chamber Retreat, TBA – usually Wed - Thurs)</i>	
October 6	Council Workshop/Citizens' Forum
<i>(October 12-14, NC League of Municipalities Annual Conference, Greensboro)</i>	
October 20	Zoning Meeting
October 27	Citizens' Forum/Council Business Meeting
November 3	Council Workshop/Citizens' Forum
November 10	12:00 City Manager's quarterly meeting CH14 Council Business Meeting
November 17	Zoning Meeting
<i>(November 19-22, NLC Congress of Cities and Exposition, Austin, TX)</i>	
November 24	Citizens' Forum/Council Business Meeting
December 1	Council Workshop/Citizens' Forum
December 8	Council Business Meeting
December 15	Zoning Meeting

2015 City Council Retreat – January 28-30, 2015

* Meeting changed to Tuesday due to Monday holiday
 ** Workshop ends at 6:30 pm; Citizens' Forum begins at 6:30 pm (limit of 10 speakers)
 *** Per recommendation of Budget Committee, the budget presentation will be held during a televised Special Meeting (Council Chamber)
 (All budget meetings will be held in CMGC #267, unless notified otherwise.)

Attachments 4 through 9

This document is not available for viewing. Please contact the Boards and Commissions Clerk at (704)336-7494 for further information.

**RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF
CHARLOTTE, NORTH CAROLINA ON DECEMBER 9, 2013**

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 Government requires that all bridge structures 20 feet or greater that carry vehicular traffic on public roads be inspected every two years; and,

WHEREAS, The NCDOT will share the cost (80%) of inspecting qualifying bridges; and,

WHEREAS, The City's portion (20%) is estimated to be \$68,750 and is included in the budget; and,

WHEREAS, City Council is asked to approve a Municipal Agreement between the City and NCDOT related to the inspection of City maintained bridges.

NOW, THEREFORE, BE IT RESOLVED that this resolution authorizing the City Manager to execute a municipal agreement with the NCDOT to share the cost (80%) of inspecting qualifying bridges on public roads every two years, is hereby formally approved by the City Council of the City of Charlotte and the Director of Transportation and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the aforementioned groups.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE PROVIDING AN APPROPRIATION FROM NCDOT FOR INSPECTION OF 132 CITY-MAINTAINED BRIDGES AND CULVERTS

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

- Section 1. That the sum of \$275,000 is hereby estimated to be available from the North carolina Department of Transportation (NCDOT)
- Section 2. That the sum of \$275,000 is hereby appropriated in the General Capital Investment Fund (2010) to the Bridge Replacement Program (24800)
- 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 \$204,034 WITH DAKOTA CONTRACTING COMPANY FOR DEMOLITION OF
PEDESTRIAN BRIDGES

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

Section 1. That the sum of \$204,034 is available from the Airport Discretionary Fund for
the contract with Dakota Contracting Company for demolition of pedestrian bridges

Section 2. That the sum of \$204,034 million is hereby appropriated to the Aviation Community Investment Plan Fund:
2084 - 529.84

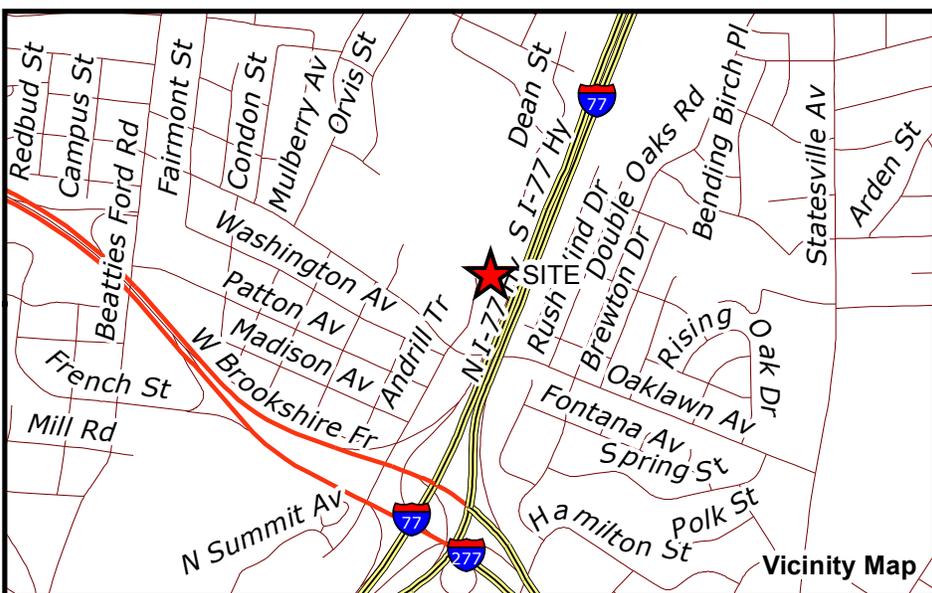
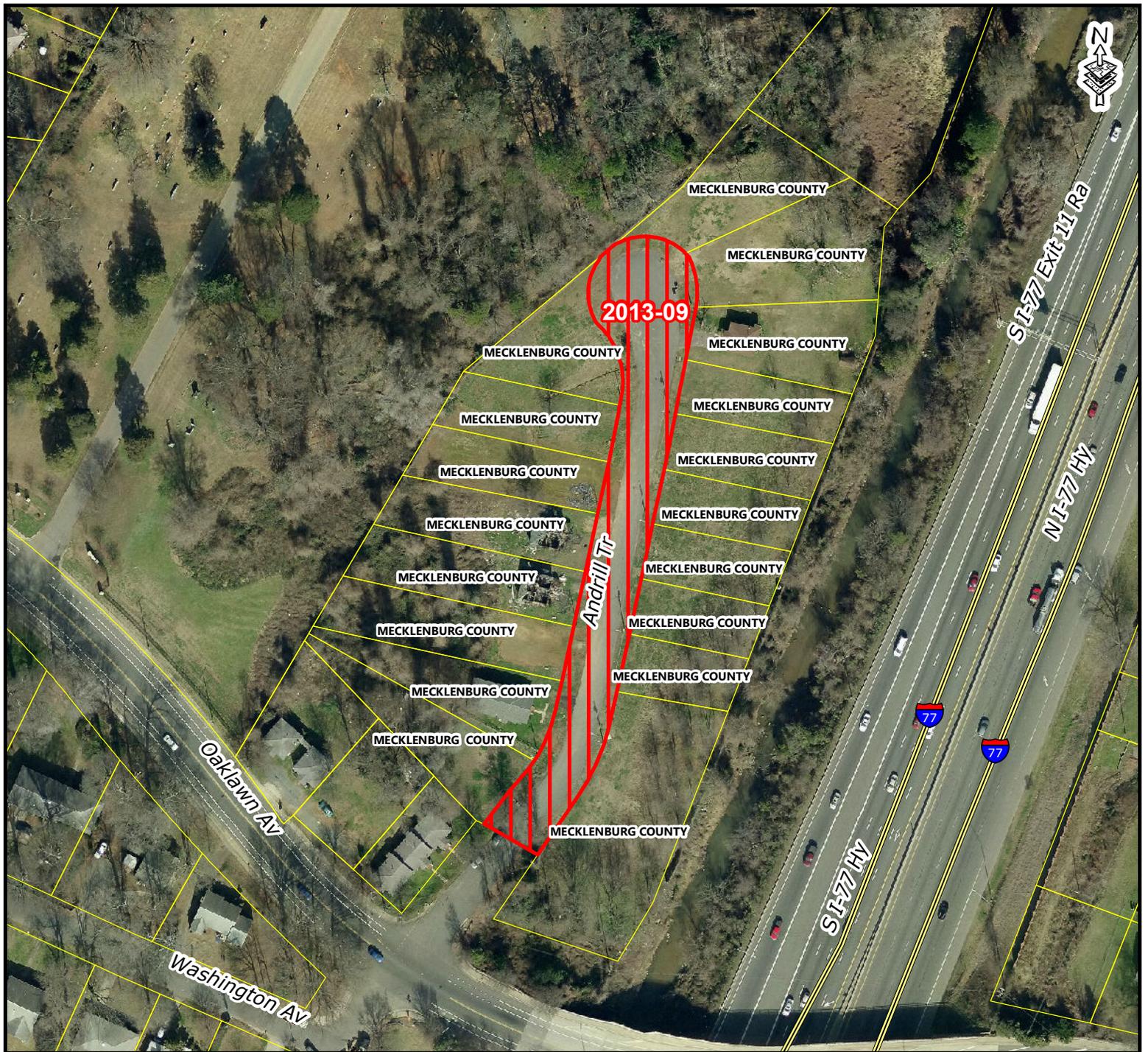
Section 3. That the existence of the project may extend beyond the end of the fiscal year.
Therefore, this ordinance will remain in effect for the duration of the program and funds
are to be carried forward to subsequent fiscal years until all funds are expended.

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



CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION
 Development Services Division

Right-of-Way Abandonment Petition 2013-09

Andrill Terrace

Right-of-Way Abandonment Area

**RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE a portion of
Andrill Terrace** in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Mecklenburg-County** has filed a petition to close a portion of Andrill Terrace in the City of Charlotte; and

Whereas, a portion of Andrill Terrace begins approximately 63 feet north of its intersecting point with Oaklawn Avenue, continuing north approximately 580 feet as a 50-foot wide right-of-way that abuts property owned by the petitioner, and consists of 31,481 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 December 9th, 2013, that it intends to close a portion of Andrill Terrace 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 13th day of January 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.

ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE BUILDING AT 420 EAST 26TH STREET PURSUANT TO THE NON RESIDENTIAL BUILDING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 5, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF SOUTHERN WIPERS, INC 10924 OAKSIDE CT CHARLOTTE, NC 28210

WHEREAS, the building located at 420 East 26th Street in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Non Residential Building Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said building; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the building located at 420 E.26th Street in the City of Charlotte in accordance with the Non Residential Building Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Senior Assistant City Attorney

GENERAL INFORMATION	
Property Address	420 E.26 th Street (Non-Residential Structure)
Neighborhood	Neighborhood Profile Area 22
Council District	#1
Owner(s)	Southern Wipers, Inc
Owner(s) Address	10924 Oakside Ct Charlotte, NC 28210
KEY FACTS	
Focus Area	Housing & Neighborhood Development & Community Safety Plan
CODE ENFORCEMENT INFORMATION	
◆ Reason for Inspection:	Public Agency Referral Charlotte Fire Department
◆ Title report received:	7/23/2010
◆ Date of the Inspection:	7/23/2010
◆ Owner(s) notified of Complaint and Notice of Hearing by advertisement and certified mail by :	10/15/2010
◆ Held hearings for owner(s) by:	11/3/2010
◆ Owner(s) attend hearing:	Yes
◆ Owner(s) ordered to demolish structure by:	2/3/2011
◆ Received letter of intent from owner.	
◆ Owner(s) issued Supplemental Order to Repair structure by:	3/10/2011
◆ Owner(s) request extension of time; the owner(s) were granted six extensions starting from 4/12/11 and ending on 8/12/2013:	4/12/2011, 6/16/2011 ,8/16/2011 1/1/2012, 4/1/2013, 8/12/2013
◆ Filed Lis Pendens:	8/2/2013
◆ Owner(s) have not repaired, or complied with order to demolish.	
◆ Structure occupied:	Yes
◆ Demolition cost:	\$21,996
◆ Lien will be placed on the property for the cost of Demolition.	

NOTIFICATION TO OWNER

Owner and parties of interest have been advised that failure to comply with the Order to Demolish the structure would result in City Council being requested to approve demolition by the City and a lien being placed on the property for the cost of demolition.

OPTIONS

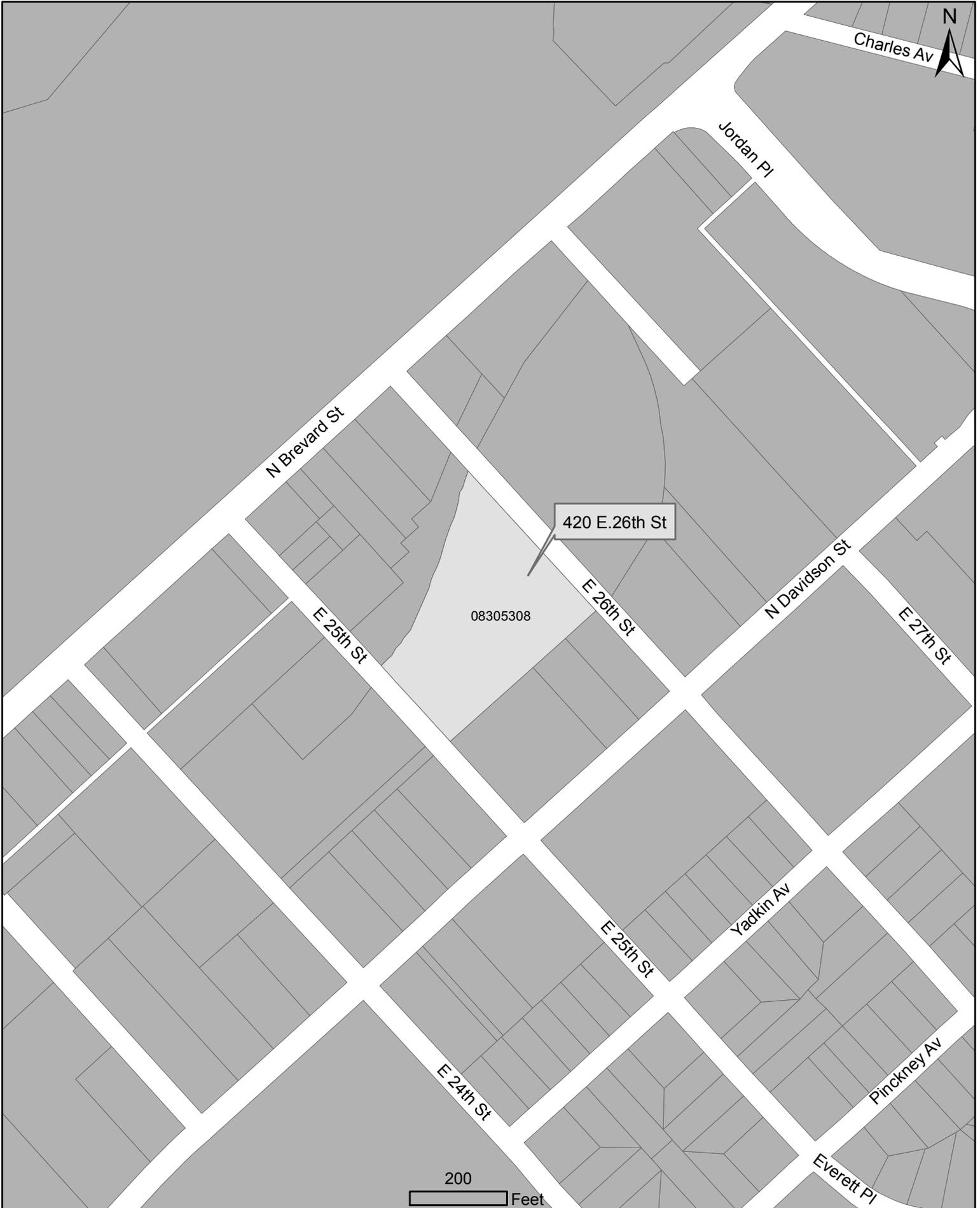
IN-REM REPAIR	REHAB TO CITY STANDARD	REPLACEMENT HOUSING	DEMOLITION
Estimated In-Rem Repair Cost: \$15,500	Acquisition & Rehabilitation Cost	New Replacement Structure Cost	Demolition Cost \$21,996
In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 50% of the tax value.	Acquisition & Rehabilitation are not applicable, because this is a non-residential building.	Replacement housing is not applicable, because this is a non-residential building.	

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:

- Estimated In-Rem Repair cost of: \$15,500 (\$22.90sq. ft.), which is 77.889% of the structure tax value, which is \$19,900.
- Violations include: unsafe electrical wiring, inadequate roof drainage, walls not structurally sound.
- The building is 51 years old and consists of 6,768 square feet total.

420 E. 26th Street



200 Feet

420 E.26th Street



ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 4429 CADES COVE DRIVE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF KRS TRUST 9611BROOKDALE DRIVE #206 CHARLOTTE, NC 28215

WHEREAS, the dwelling located at 4429 Cades Cove Drive in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 4429 Cades Cove Drive in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Senior Assistant City Attorney

GENERAL INFORMATION	
Property Address	4429 Cades Cove Drive
Neighborhood	Neighborhood Profile Area 111
Council District	#3
Owner(s)	KRS Trust
Owner(s) Address	9611 Brookdale Drive #206 Charlotte, NC 28215
KEY FACTS	
Focus Area	Housing & Neighborhood Development & Community Safety Plan
CODE ENFORCEMENT INFORMATION	
◆ Reason for Inspection:	Public Agency (Charlotte Fire Department)
◆ Date of the Inspection:	5/14/2013
◆ Title report received, revealing parties in interest:	5/30/2013
◆ Owner(s) and parties in interest notified of Complaint and Notice of Hearing by advertisement and certified mail by:	6/17/2013
◆ Held hearings for owner(s) and parties in interest by:	7/15/2013
◆ Owner(s) and parties in interest attend hearing:	No
◆ Filed Lis Pendens:	8/2/2013
◆ Owner(s) and parties in interest ordered to demolish structure by:	8/26/2013
◆ Owner(s) have not repaired, or complied with order to demolish.	
◆ Structure occupied:	No
◆ Demolition cost:	\$11,540
◆ Lien will be placed on the property for the cost of Demolition.	

NOTIFICATION TO OWNER

Owner and parties of interest have been advised that failure to comply with the Order to Demolish the structure would result in City Council being requested to approve demolition by the City and a lien being placed on the property for the cost of demolition.

OPTIONS

IN-REM REPAIR	REHAB TO CITY STANDARD	REPLACEMENT HOUSING	DEMOLITION
Estimated In-Rem Repair Cost: \$112,110	Acquisition & Rehabilitation Cost (Existing structure: 2,742 sq. ft. total) Economic Life: 15-20 years Estimated cost-\$473,732	New Replacement Structure Cost (Structure: 2,742 sq. ft. total) Economic Life: 50 years Estimated cost-\$537,370	Demolition Cost \$11,540
In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.	Acquisition: Tax values: - Structure: \$ 113,300 - Garage/Shed/Patio: \$ 800 - Land: <u>\$ 36,000</u> Total Acquisition: \$ 150,100 Estimated Rehabilitation Cost: \$ 137,100 Outstanding Loans \$ 184,542 Property Taxes owed: \$ 1,990 Interest on Taxes owed: <u>\$ 0</u> Total: \$ 323,632	Acquisition: Tax values: - Structure: \$ 113,300 - Garage/Shed/Patio: \$ 800 - Land: <u>\$ 36,000</u> Total Acquisition: \$ 150,100 New structure: \$ 189,198 Demolition: \$ 11,540 Outstanding Loans: \$ 184,542 Property Taxes owed: \$ 1,990 Interest on Taxes owed: <u>\$ 0</u> Total: \$ 387,270	

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:

- Estimated In-Rem Repair cost of: \$112,110 (\$40.88 /sq. ft.), which is 98.949 % of the structure tax value, which is \$113,300.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- Violations include: Structural, plumbing, heating and electrical violations: Wall framing fire damaged. Exterior siding and trim fire damaged. Interior ceiling and wall covering fire damaged. Windows fire damaged. Roof rafters and covering fire damaged. Plumbing fixtures fire damaged. Heating equipment fire damaged. Electrical wiring/fixtures fire damaged.
- The building is 12 years old and consists of 2,742 square feet total.
- A new 2,742 sq. ft. structure can be built for \$189,198.

4429 Cades Cove Drive



Hawkeye Dr

Harmony Glen Ct

Steele Meadow Rd

Walland Ln

Cades Cove Dr

4429 Cades Cove Dr

19918212

100

Feet

4429 Cades Cove Drive



ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 7723 SHADOW LAWN ROAD PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF JENNINGS S. KEZIAH III 7723 SHADOW LAWN ROAD CHARLOTTE, NC 28269

WHEREAS, the dwelling located at 7723 Shadow Lawn Road in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 7723 Shadow Lawn Road in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Senior Assistant City Attorney

GENERAL INFORMATION	
Property Address	7723 Shadow Lawn Road
Neighborhood	Neighborhood Profile Area 280
Council District	#2
Owner(s)	Jennings S. Keziah III
Owner(s) Address	7723 Shadow Lawn Road Charlotte, NC 28269
KEY FACTS	
Focus Area	Housing & Neighborhood Development & Community Safety Plan
CODE ENFORCEMENT INFORMATION	
◆ Reason for Inspection:	Public Agency Referral (Mecklenburg County Youth and Family Services)
◆ Date of the Inspection:	4/13/2012
◆ Title report received:	4/17/2012
◆ Owner(s) notified of Complaint and Notice of Hearing by advertisement and certified mail by:	5/11/2012
◆ Held hearings for owner(s) by:	5/23/2012
◆ Owner(s) attend hearing:	No
◆ Filed Lis Pendens:	6/19/2012
◆ Owner(s) ordered to demolish structure by:	7/11/2012
◆ Title search updated revealing no change:	8/23/2013
◆ Owner(s) have not repaired, or complied with order to demolish.	
◆ Structure occupied:	No
◆ Demolition cost:	\$2,500
◆ Lien will be placed on the property for the cost of Demolition.	

NOTIFICATION TO OWNER

Owner and parties of interest have been advised that failure to comply with the Order to Demolish the structure would result in City Council being requested to approve demolition by the City and a lien being placed on the property for the cost of demolition.

OPTIONS

IN-REM REPAIR	REHAB TO CITY STANDARD	REPLACEMENT HOUSING	DEMOLITION
Estimated In-Rem Repair Cost: \$25,340	Acquisition & Rehabilitation Cost	New Replacement Structure Cost	Demolition Cost \$2,500
In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.	Acquisition and rehabilitation are not applicable, because this is a mobile home.	Replacement housing is not applicable, because this structure is a mobile home.	

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:

- Estimated In-Rem Repair cost of: \$25,340 which is 2,166 % of the structure tax value, which is \$1,200.
- City rehab costs analysis is not applicable.
- New construction analysis is not applicable.
- Violations include: Structural, electrical and heating violations: Flooring and sub-structure is loose, rotted, or missing in several places. Missing sections of electrical wiring. Damaged roof covering. Heating equipment missing.
- The age of the mobile home is unknown.
- Mobile home has been partial demolished; debris still remains.

7723 Shadow Lawn Road



7723 Shadow Lawn Road



ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 3934 PLAINVIEW ROAD PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF RIGOBERTO M.SOLIS, SARA A. MARIN AND RIGOALBERTO MARIN ALCANTAR 9730 CLIFTON MEADOW DRIVE MATTHEWS, NC 28105

WHEREAS, the dwelling located at 3934 Plainview Road in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 3934 Plainview Road in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Senior Assistant City Attorney

GENERAL INFORMATION	
Property Address	3934 Plainview Road
Neighborhood	Neighborhood Profile Area 6
Council District	#3
Owner(s)	Rigoberto M. Solis, Sara A. Marin and Rigoalberto Marin Alcantar
Owner(s) Address	9730 Clifton Meadow Drive Matthews, NC 28105
KEY FACTS	
Focus Area	Housing & Neighborhood Development & Community Safety Plan
CODE ENFORCEMENT INFORMATION	
◆ Reason for Inspection:	Tenant Complaint
◆ Date of the Inspection:	5/15/2013
◆ Owner(s) notified of Complaint and Notice of Hearing by advertisement and certified mail by:	5/23/2013
◆ Title report received:	6/11/2013
◆ Held hearing for owner(s) by:	6/19/2013
◆ Owner(s) attend hearing:	No
◆ Filed Lis Pendens:	7/17/2013
◆ Owner(s) ordered to demolish structure by:	7/24/2013
◆ Received letter of intent to repair:	7/19/2013
◆ Owner(s) issued Supplemental Order to repair structure by:	9/4/2013
◆ Owner(s) have not repaired, or complied with order to demolish.	
◆ Structure occupied:	Yes, occupant will be relocated prior to demolition
◆ Demolition cost:	\$7,395
◆ Lien will be placed on the property for the cost of Demolition.	

NOTIFICATION TO OWNER

Owner and parties of interest have been advised that failure to comply with the Order to Demolish the structure would result in City Council being requested to approve demolition by the City and a lien being placed on the property for the cost of demolition.

OPTIONS

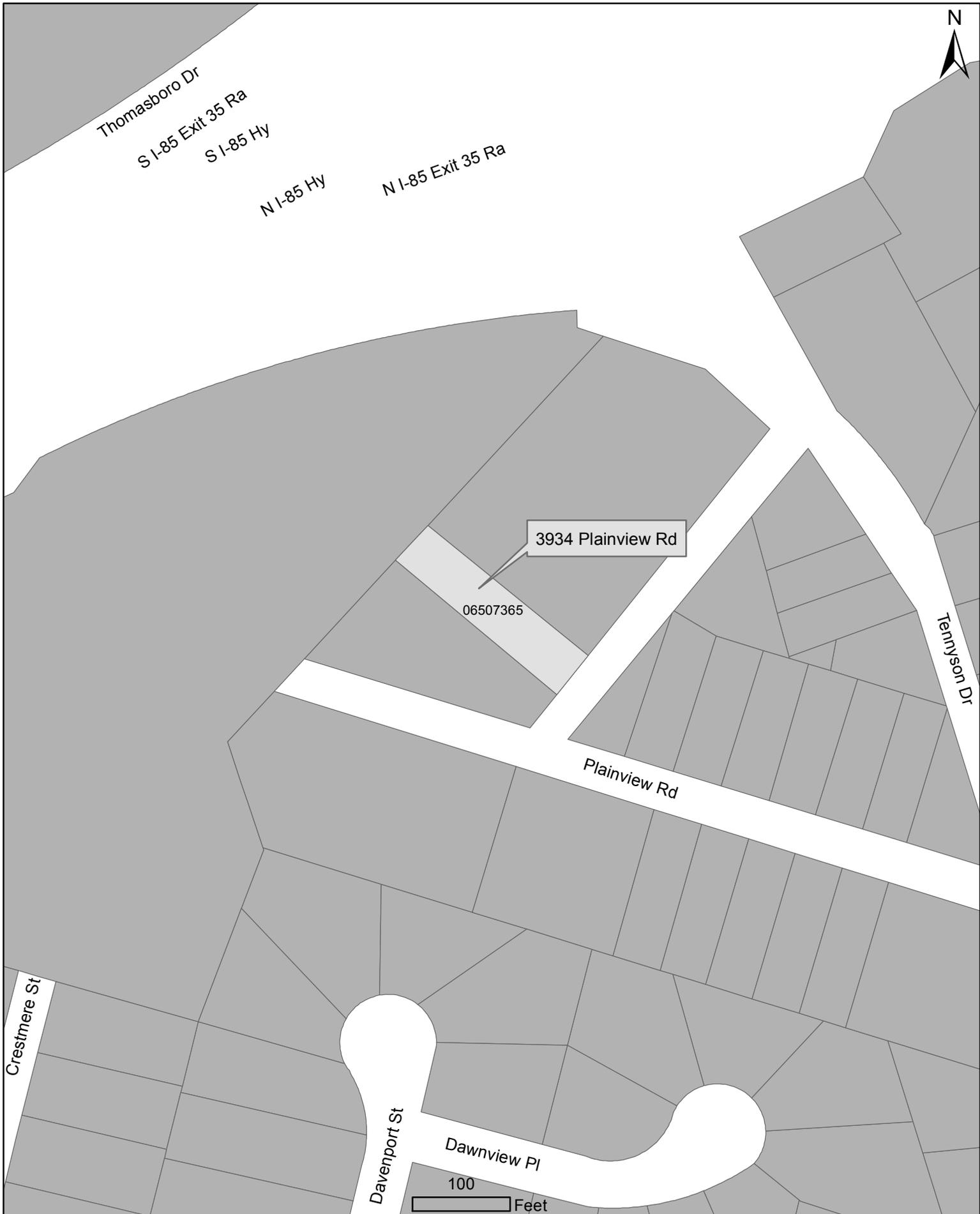
IN-REM REPAIR	REHAB TO CITY STANDARD	REPLACEMENT HOUSING	DEMOLITION
Estimated In-Rem Repair Cost: \$39,005	Acquisition & Rehabilitation Cost (Existing structure: 1,414 sq. ft. total) Economic Life: 15-20 years Estimated cost-\$130,419	New Replacement Structure Cost (Structure: 1,414 sq. ft. total) Economic Life: 50 years Estimated cost-\$164,680	Demolition Cost \$7,395
In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.	Acquisition: Tax values: - Structure: \$ 49,900 - Porch/Deck: \$ 0 - Land: <u>\$ 9,000</u> Total Acquisition: \$ 58,900 Estimated Rehabilitation Cost: \$ 70,700 Outstanding Loans \$ 0 Property Taxes owed: \$ 819 Interest on Taxes owed: <u>\$ 0</u> Total: \$ 71,519	Acquisition: Tax values: - Structure: \$ 49,900 - Porch/Deck: \$ 0 - Land: <u>\$ 9,000</u> Total Acquisition: \$ 58,900 New structure: \$ 97,566 Demolition: \$ 7,395 Outstanding Loans: \$ 0 Property Taxes owed: \$ 819 Interest on Taxes owed: <u>\$ 0</u> Total: \$ 105,780	

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:

- Estimated In-Rem Repair cost of: \$39,005 (\$27.58 /sq. ft.), which is 78.166% of the structure tax value, which is \$49,900.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- Violations include: Structural, electrical and heating violations: Flooring and sub-structure is loose, rotted and not structurally sound in several places. Holes in interior wall covering. Entry door and windows not weather tight. Loose and damaged roof covering. Improper piers. Unsafe electrical wiring. Heating duct disconnected/damaged.
- The building is 92 years old and consists of 1,414 square feet total.
- A new 1,414 sq. ft. structure can be built for \$97,566.

3934 Plainview Road



3934 Plainview Rd

06507365

Plainview Rd

Tennyson Dr

Crestmere St

Davenport St

Dawnview Pl

100 Feet

3934 Plainview Road



ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1700 HEATHCLIFF STREET PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF DALE SIMPSON, DAIMEAN FLUDD AND WIFE JENNIFER FLUDD 3001 MORSON STREET CHARLOTTE, NC 28208

WHEREAS, the dwelling located at 1700 Heathcliff Street in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 1700 Heathcliff Street in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Senior Assistant City Attorney

GENERAL INFORMATION	
Property Address	1700 Heathcliff Street
Neighborhood	Neighborhood Profile Area 51
Council District	#2
Owner(s)	Dale Simpson, Daimean Fludd and wife Jennifer Fludd
Owner(s) Address	3001 Morson Street Charlotte, NC 28208
KEY FACTS	
Focus Area	Housing & Neighborhood Development & Community Safety Plan
CODE ENFORCEMENT INFORMATION	
◆ Reason for Inspection:	Field Observation
◆ Structure is within the boundaries of the Wesley Heights local Historic District.	
◆ Date of the Inspection:	6/12/2013
◆ Owner(s) notified of Complaint and Notice of Hearing by advertisement and certified mail by:	6/25/2013
◆ Title report received:	7/10/2013
◆ Held hearings for owner(s) by:	7/17/2013
◆ Owner(s) attend hearing:	No
◆ Filed Lis Pendens:	8/2/2013
◆ Owner(s) ordered to demolish structure by:	8/21/2013
◆ Owner(s) have not repaired, or complied with order to demolish.	
◆ Structure occupied:	No
◆ Demolition cost:	\$6,624
◆ Lien will be placed on the property for the cost of Demolition.	

NOTIFICATION TO OWNER

Owner and parties of interest have been advised that failure to comply with the Order to Demolish the structure would result in City Council being requested to approve demolition by the City and a lien being placed on the property for the cost of demolition.

OPTIONS

IN-REM REPAIR	REHAB TO CITY STANDARD	REPLACEMENT HOUSING	DEMOLITION
Estimated In-Rem Repair Cost: \$61,435	Acquisition & Rehabilitation Cost (Existing structure: 1,292 sq. ft. total) Economic Life: 15-20 years Estimated cost-\$84,767	New Replacement Structure Cost (Structure: 1,292 sq. ft. total) Economic Life: 50 years Estimated cost-\$115,939	Demolition Cost \$6,624
In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.	Acquisition: Tax values: - Structure: \$ 500 - Garage/Shed/Porch: \$ 0 - Land: \$ <u>19,000</u> Total Acquisition: \$ 19,500 Estimated Rehabilitation Cost: \$ 64,600 Outstanding Loans \$ 0 Property Taxes owed: \$ 642 Interest on Taxes owed: \$ <u>25</u> Total: \$ 65,267	Acquisition: Tax values: - Structure: \$ 500 - Garage/Shed/Porch: \$ 0 - Land: \$ <u>19,000</u> Total Acquisition: \$ 19,500 New structure: \$ 89,148 Demolition: \$ 6,624 Outstanding Loans: \$ 0 Property Taxes owed: \$ 642 Interest on Taxes owed: \$ <u>25</u> Total: \$ 96,439	

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:

- Estimated In-Rem Repair cost of: \$61,435 (\$47.55 /sq. ft.), which is 12,287% of the structure tax value, which is \$500.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- Violations include: Structural, plumbing, electrical and heating violations: Areas of flooring and sub-structure is loose, rotted, or missing. Interior walls and ceiling covering missing. Areas of siding missing. Plumbing fixtures missing. Electrical wiring cut/missing/damaged. Heating equipment missing.
- The building is 73 years old and consists of 1,292 square feet total.
- A new 1,292 sq. ft. structure can be built for \$89,148.

1700 Heathcliff Street



1700 Heathcliff Street



ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 4900 MORGAN STREET PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF JIMMY LEE PALMER AND WIFE ESTELLE PALMER 4900 MORGAN STREET CHARLOTTE, NC 28208

WHEREAS, the dwelling located at 4900 Morgan Street in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 4900 Morgan Street in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Senior Assistant City Attorney

GENERAL INFORMATION	
Property Address	4900 Morgan Street
Neighborhood	Neighborhood Profile Area 385
Council District	#2
Owner(s)	Jimmy Lee Palmer and wife Estelle Palmer
Owner(s) Address	4900 Morgan Street Charlotte, NC 28208
KEY FACTS	
Focus Area	Housing & Neighborhood Development & Community Safety Plan
CODE ENFORCEMENT INFORMATION	
◆ Reason for Inspection:	Field Observation
◆ Date of the Inspection:	6/4/2013
◆ Title report received:	6/20/2013
◆ Owner(s) notified of Complaint and Notice of Hearing by advertisement and certified mail by:	7/2/2013
◆ Held hearing for owner(s) by:	8/1/2013
◆ Owner(s) attend hearing:	No
◆ Filed Lis Pendens:	8/16/2013
◆ Owner(s) ordered to demolish structure by:	9/5/2013
◆ Owner(s) have not repaired, or complied with order to demolish.	
◆ Structure occupied:	No
◆ Demolition cost:	\$4,025
◆ Lien will be placed on the property for the cost of Demolition.	

NOTIFICATION TO OWNER

Owner and parties of interest have been advised that failure to comply with the Order to Demolish the structure would result in City Council being requested to approve demolition by the City and a lien being placed on the property for the cost of demolition.

OPTIONS

IN-REM REPAIR	REHAB TO CITY STANDARD	REPLACEMENT HOUSING	DEMOLITION
Estimated In-Rem Repair Cost: \$37,770	Acquisition & Rehabilitation Cost (Existing structure: 925 sq. ft. total) Economic Life: 15-20 years Estimated cost-\$101,959	New Replacement Structure Cost (Structure: 1,000 sq. ft. total) Economic Life: 50 years Estimated cost-\$128,734	Demolition Cost \$4,025
In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.	Acquisition: Tax values: - Structure: \$ 42,000 - Porch/Deck: \$ 200 - Land: <u>\$ 10,300</u> Total Acquisition: \$ 52,500 Estimated Rehabilitation Cost: \$ 46,250 Outstanding Loans \$ 0 Property Taxes owed: \$ 2,853 Interest on Taxes owed: <u>\$ 356</u> Total: \$ 49,459	Acquisition: Tax values: - Structure: \$ 42,000 - Porch/Deck: \$ 200 - Land: <u>\$ 10,300</u> Total Acquisition: \$ 52,500 New structure: \$ 69,000 Demolition: \$ 4,025 Outstanding Loans: \$ 0 Property Taxes owed: \$ 2,853 Interest on Taxes owed: <u>\$ 356</u> Total: \$ 76,234	

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:

- Estimated In-Rem Repair cost of: \$37,700 (\$40.75 /sq. ft.), which is 89.928% of the structure tax value, which is \$42,000.
- City rehab costs analysis shows that rehabilitation is not feasible because the cost is prohibitive.
- New construction analysis shows that new construction is not feasible because the cost is prohibitive.
- Violations include: Structural, electrical, heating and plumbing violations: Flooring and sub-structure is loose, rotted and not structurally sound in several places. Holes in interior wall covering. Decayed roof sheathing and rafters. Loose and damaged roof covering. Cut and damaged electrical wiring. Damaged heating equipment. Damaged plumbing fixtures. Missing water heater.
- The building is 56 years old and consists of 925 square feet total.
- A new 1,000 sq. ft. structure can be built for \$46,250.

4900 Morgan Street



4900 Morgan Street

