

**Mayor Patsy Kinsey**

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

**Mayor Pro Tem Patrick D. Cannon**

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

**CITY COUNCIL MEETING**  
**Monday, September 23, 2013**

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

<b>Item #</b>	<b>Page #</b>	<b>Title</b>
58	52	Property Transactions for parcels #1373, #2187, #2189, #2193, #2197, #2205, and #2226

**CITY COUNCIL AGENDA**  
**Monday, September 23, 2013**

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## **5:00 P.M. DINNER BRIEFING CONFERENCE CENTER**

### **1. Mayor and Council Consent Item Questions**

**Resource:** Carol Jennings, City Manager's Office

**Time:** 5 minutes

**Synopsis**

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

### **2. Charlotte-Mecklenburg Utility Department Advisory Committee Annual Report**

**Resources:** Barry Gullet, Utility  
James Duke, Chair, Charlotte-Mecklenburg Utility Department Advisory Committee

**Time:** 20 minutes

**Synopsis**

- Established in 1991, the Charlotte-Mecklenburg Utility Department (CMUD) Advisory Committee consists of seven members appointed by the Mayor, City Council, and the Mecklenburg County Board of County Commissioners.
- The CMUD Advisory Committee is charged with reviewing and making recommendations on annual water and sewer rates, the rate structure and the CMUD Capital Investment Plan, policy issues including water/sewer extensions, and presenting an annual report.
- In fiscal year 2013, the CMUD Advisory Committee revised its meeting format and studied various aspects of the department's operations.
- Jim Duke, the chair of the CMUD Advisory Committee, will present the annual report to the City Council.

**Future Action**

The presentation is for information only.

### **3. First Ward Redevelopment Project**

**Resource:** Brad Richardson, Neighborhood & Business Services

**Time:** 15 minutes

**Synopsis**

- The First Ward Redevelopment Project is a major mixed-use redevelopment of eight city blocks in First Ward that includes a new County park, new commercial and residential development, improvements to the street network, and more than 1,300 new public parking spaces.

- The project is expected to generate \$700 million in new construction over a 10-year period.
- On July 27, 2009 and August 4, 2009, the City Council and Board of County Commissioners, respectively, approved agreements with the developer to provide reimbursement for certain public parking and infrastructure improvements associated with the project.
- The dinner briefing will address several minor amendments to the agreements necessary to enable the project to proceed with construction this fall.

**Future Action**

Staff recommends the City Council approve Business Item 17, on page 15, which approves the amendment revisions for the project.

**4. Answers to Mayor and Council Consent Item Questions**

**Resource:** Carol Jennings, City Manager's Office

**Time:** 10 minutes

**Synopsis**

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

**5. Closed Session**

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

**6. Closed Session**

**Action: Adopt a motion pursuant to North Carolina General Statute 14-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling or settlement of the case of City of Charlotte v. The State of North Carolina and Charlotte Douglas International Airport Commission, 13-CVS-12678.**

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

**7:00 P.M. AWARDS AND RECOGNITIONS**

**7. Charlotte CROP Walk Proclamation**

**Action: Mayor Kinsey will read a proclamation declaring October 13, 2013 as "CROP Hunger Walk Day".**

## CONSENT

- 8. Consent agenda items 23 through 58 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

## Public Hearing

### 9. Public Hearing on a Resolution to Close an Alleyway off S. Graham Street

**Action:**   **A. Conduct a public hearing to close an Alleyway off S. Graham Street, and**  
                   **B. Adopt a Resolution to Close.**

**Staff Resource:**   Jeff Boenisch, Transportation

**Policy:**

To abandon right-of-way that is no longer needed for public use

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

**Petitioner**

LGP-4<sup>th</sup> & Trade, LLC – Abraham Luski

**Right-of-Way to be abandoned**

An alleyway off of S. Graham Street

**Location**

Located within the central business district, an alleyway off of S. Graham Street is bounded by S. Graham Street, W. 4<sup>th</sup> Street, and W. Trade Street running southeast off of S. Graham Street, and consisting of 1,916 square feet

**Reason**

To incorporate the right-of-way into the adjacent property owned by the petitioner to create a more viable parcel for future development.

**Notification**

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

Adjoining property owners

City of Charlotte– No objections

Neighborhood/Business Associations

Center City Partners – No objections

Private Utility Companies – No objections

City Departments

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

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

**Attachment 1**

Map  
Resolution

**10. Public Hearing on a Resolution to Close Various Rights-of-Way within the Moores Park Neighborhood**

**Action:**   **A. Conduct a public hearing to close a portion of Shoreline Drive, Moores Lake Drive, Virginia Court, Virginia Circle, Virginia Avenue, Lake Barry Drive, Shady Circle, Teresa Avenue, and Marshall Avenue, and**

**B. Adopt a Resolution to Close.**

**Staff Resource:**   Jeff Boenisch, Transportation

**Policy:**

To abandon right-of-way that is no longer needed for public use

**Explanation**

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

**Petitioner**

City of Charlotte

**Right-of-Way to be abandoned**

A portion of Shoreline Drive, Moores Lake Drive, Virginia Court, Virginia Circle, Virginia Avenue, Lake Barry Drive, Shady Circle, Teresa Avenue, and Marshall Avenue

**Location**

Various rights-of-way located within the Moores Park Neighborhood between I-85 and Wilkinson Boulevard, north of Charlotte Douglas International Airport.

**Reason**

To incorporate the right-of-way into the adjacent property currently owned by the City of Charlotte to accommodate future development needs.

**Notification**

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

Adjoining property owners

City of Charlotte – No objections

Mr. Thomas Keener – Neutral

Neighborhood/Business Associations

None

Private Utility Companies – No objectionsCity Departments

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

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

**Attachment 2**

Map

Resolution

## 11. **Public Hearing on a Resolution to Close a Residual Portion of Camden Road and Lancaster Street**

**Action:**   **A. Conduct a public hearing to close a residual portion of Camden Road and Lancaster Street, and**

**B. Adopt a Resolution to Close.**

**Staff Resource:**   Jeff Boenisch, Transportation

**Policy:**

To abandon right-of-way that is no longer needed for public use

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.

- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests the City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

**Petitioner**

McLeod Addictive Disease Foundation, Inc. – S. Eugene Hall

**Right-of-Way to be abandoned**

A residual portion of Camden Road and Lancaster Street

**Location**

Located adjacent to the Silos at Southend Phase I development: a residual portion of Camden Road is a remaining stub portion of a partially abandoned street intersecting the 100 block of Remount Road, and consisting of 13,151 square feet; and a residual portion of Lancaster Street is a remaining stub portion of a partially abandoned street intersecting the 2600 block of Youngblood Street, and consisting of 5,421 square feet.

**Reason**

To incorporate the right-of-way into the adjacent property to accommodate the future development of Silos at Southend Phase II.

**Notification**

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

Adjoining property owners

City of Charlotte (Camden Road only) – No objections

Neighborhood/Business Associations

Historic Southend – No objections

Private Utility Companies – No objections

City Departments

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

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

**Attachment 3**

Map  
Resolution

## 12. Public Hearing on Bank of America Stadium and Convention Center Obligations

**Action:**

**A. Hold a public hearing on the financing of improvements to Bank of America Stadium, and**

**B. Adopt a resolution approving the financing of \$28 million in certificates of participation for stadium improvements and the refunding of \$60,960,000 of outstanding Charlotte Convention Center certificates of participation.**

**Staff Resource:** Greg Gaskins, Finance

### **Explanation**

#### Bank of America Stadium

- On April 22, 2013, the City Council approved business terms with the Carolina Panthers to fund improvements to the Bank of America Stadium as part of a 10-year partnership.
- As authorized by the City Council, the City Manager has since approved an agreement with Panthers Stadium, LLC and Panthers Football, LLC consistent with the approved business terms.
- In accordance with the business terms and approved agreement, the City will provide \$75 million to finance certain improvements to the Bank of America Stadium as part of an overall \$112.5 million upgrade to the facility in three phases:
  - \$28 million in FY2014,
  - \$23.5 million in FY2016, and
  - \$23.5 million in FY2018.
- The current financing will meet the City's Phase One commitment and provide the funding in time for the improvements to be completed prior to the start of the 2014 National Football League season.

#### Charlotte Convention Center

- The City Council is asked to approve the refunding of \$60.9 million of outstanding Charlotte Convention Center debt.
- Current projections estimate a savings over \$6.5 million from the refunding.
- Both debt issues will be repaid from the existing 3% Occupancy tax and 1% Prepared Food & Beverage tax.

### **Funding**

Convention Center Debt Service Fund

### **Attachment 4**

Resolution

## POLICY

### 13. City Manager's Report

### 14. Ethics Complaint

**Action:** Consider ethics complaint

**Staff Resource:** Bob Hagemann, City Attorney's Office

#### **Explanation**

- On August 19, 2013, Bruce Bowers, Mike Cozza, Ken Koontz, and Wayne Powers filed an ethics complaint with the City Clerk alleging that the City Council violated the open meetings law in holding closed sessions related to the Carolina Panthers and thereby also violated the City Council's Code of Ethics.
- Shortly after filing the ethics complaint, the four identified individuals also filed a lawsuit alleging violations of the open meetings law.
- The City Council's Code of Ethics authorizes individuals to file written complaints.
- Upon receipt of a complaint, the City Council has the discretion to decide whether to direct an investigation
- At the August 26 City Council Business meeting, Mayor Kinsey asked that this matter be placed on the September 23 Council Business Agenda for consideration.

## BUSINESS

### 15. Collaborative Partnership for Expansion of Second Harvest Food Bank

**Action:** Contingent upon the successful rezoning of City and County-owned property and the successful completion of Second Harvest Food Bank's upcoming capital funding campaign;

**A. Approve the sale of 1.55 acres of City property at 531 Spratt Street (Tax I. D. #07845403) to Mecklenburg County for \$388,300, via Ledger transaction,**

**B. Approve the lease of 0.75 acres of City property at 531 Spratt Street to Second Harvest Food Bank for an initial term of 20 years, with four five-year renewal options to be renegotiated at the beginning of each option term, and**

**C. Authorize the City Manager to negotiate and execute all documents necessary to complete these transactions, consistent with the terms on the attached term sheet.**

**Staff Resources:** Ron Kimble, City Manager's Office  
 Dan Leaver, Engineering & Property Management  
 Tim O'Brien, Engineering & Property Management

#### Explanation

- Second Harvest Food Bank of Metrolina, Inc. is located at 500-B Spratt Street adjacent to the City's 4th Ward, west of Statesville Avenue, in a business district of the Greenville Community.
  - Second Harvest operates out of a County-owned facility, adjacent to the City-owned facility located at 531 Spratt Street.
  - Second Harvest's mission is to eliminate hunger by the solicitation and distribution of food. They partner with more than 600 agencies including soup kitchens, emergency pantries, emergency shelters, low-income day cares, senior programs, and group homes.
  - In 2006, the organization distributed 17.5 million pounds of food from the Charlotte center. By 2012, the quantity of food being distributed more than doubled, reaching 38.2 million pounds; the organization expects the need to continue to rise.
- Second Harvest needs to expand their existing facility and provide additional parking for delivery trucks and clients. They are currently undertaking a capital fund drive to raise money for this expansion.
- The City, Mecklenburg County, and Second Harvest have agreed upon terms and conditions to allow for the expansion of the food bank, contingent upon Second Harvest raising the capital funds necessary to accomplish the expansion.
- The City would deed 1.55 acres to Mecklenburg County (via the property ledger) at an appraised value of \$388,300. Mecklenburg County would then lease the land to Second Harvest to allow for their building expansion (see attached map for the artist rendering).

- The City will also lease 0.75 acres to Second Harvest for \$16,940/year, with a 5% escalation factor every five years, for an initial term of 20 years, with four five-year renewal options to be renegotiated at the beginning of each option term.
  - The area will be for additional truck delivery and client parking. The parking area is surplus to the City's needs since the Charlotte Area Transportation System Special Services division's buses have moved to a different location.
- Second Harvest will conform to all required City and County development standards and applicable ordinances.
- The Second Harvest Property is currently zoned I-1 (CD). To include the additional City-owned land for the Second Harvest warehouse expansion, which is also zoned I-1 (CD), will require a zoning amendment to address the expansion of the warehouse space.

**Background**

- Staff briefed the City Council on this item at the City Council Workshop on April 1, 2013.
- Mecklenburg County staff presented this item to the Board of County Commissioners on May 21, 2013. The Board plans to take action, to approve these terms, at an October 2013 Board of Commissioners Meeting.
- On May 21, 2013, the Planning Committee of the Charlotte-Mecklenburg Planning Commission also reviewed the property transaction and unanimously approved the mandatory referral request.
- In 2001, the City of Charlotte and Mecklenburg County agreed upon a "Real Estate Transfer Ledger System" (Ledger) whereby both parties agree to a credit and debit system to transfer property at fair market values, without monetary reimbursement of compensation.
- On June 30, 2013, the Ledger balance stood at \$2,804,874 as a credit to the City.
- On January 28, 2013, the City Council approved \$422,725 as a credit to the County for County-owned land the City needs along the Blue Line Extension Project. Upon completion of that transaction on July 1, 2013, it was added to the Ledger, which now has a current balance of \$2,382,149 as a credit to the City.
- After this transaction whereby the County acquires City land at fair market value of \$388,300, the balance will be \$2,770,449 as a credit to the City.

**Attachment 5**

Term sheet  
Map  
Resolution

## 16. Charlotte Community Capital Fund

**Action:** Authorize the City Manager to extend the expiration date of the City's Service Agreement with Self-Help Credit Union for the Charlotte Community Capital Fund from December 31, 2013 to March 1, 2014 and the maturity date for the City's \$500,000 loan from October 1, 2013 to March 1, 2014.

**Staff Resource:** Eric Nelson, Neighborhood & Business Services

### Explanation

- On February 24, 2003, the City Council approved the creation of the Charlotte Community Capital Fund (Fund) to help small businesses in the Charlotte region gain access to capital that is otherwise unavailable through conventional lending.
- On September 3, 2003, the City Manager executed an Allocation of Services and Duties Agreement (Agreement) with Self-Help, a local non-profit community development lender and Fund administrator.
- The Fund contained a loan-loss reserve in the amount of \$1,979,480, which was capitalized with loans of \$500,000 from the City, and \$1,479,480 from private and non-profit investors, including The Knight Foundation, Time Warner Cable, Piedmont Natural Gas, and several banking institutions.
- Since its inception, the Fund has made 99 loans totaling \$5,271,039, which equates to an average of 10 loans annually with an average loan amount of \$53,200.
  - Of the 99 loans made through December 31, 2012, 61% were extended to minority and women-owned businesses, and over half were made to new business start-ups.
- The Agreement expires on December 31, 2013.
- In addition, the City's \$500,000 loan, which has a residual balance of \$430,543.85, matures on October 1, 2013, while loans from other Fund investors mature on March 1, 2014.
- On August 20, 2013, the Community Capital Fund Operating Committee unanimously approved a motion requesting the City to extend both the expiration date of the Agreement and the maturity date of the City's loan to March 1, 2014.
- If approved, this action will create consistency in the expiration date of the Agreement, and the maturity dates of all public, private and non-profit loans, and provide additional time for the Operating Committee to prepare its recommendation on the future of the Fund.

### Background

- As of August 16, 2013, the balance in the loan-loss reserve was \$1,821,119, representing a reduction due to defaults at a rate of less than 1%.
- The Fund's performance is overseen by an Operating Committee comprised of the Fund's investors, including one City staff member, one City Council appointee, and one Mayoral appointee.

### Attachment 6

Charlotte Community Capital Fund Investors  
Operating Committee Members

## 17. First Ward Redevelopment Project Amendment Revisions

- Action:**
- A. Approve an amendment to the Economic Development Grant and Reimbursement Agreement between the City, Mecklenburg County and Levine Properties that allows for:**
    - Reallocation of public parking spaces to a revised parking deck construction plan;
    - Updated timeframes for commencement and completion of construction,
  - B. Approve an amendment to the Infrastructure Development and Reimbursement Agreement between the City and Levine Properties that allows for:**
    - Reallocation of scope and funds between Charlotte Area Transit System and Levine Properties;
    - An exchange of property rights between the City and Levine Properties;
    - An adjustment to the maximum reimbursement amount upon determination of the acquisition cost of Parcel 08004106; and
    - Updated timeframes for commencement and completion of construction,
  - C. Approve a Resolution authorizing an exchange of real property rights between the City and Levine Properties (or their successors and assigns) and their affiliates thereof, and**
  - D. Authorize the City Manager to negotiate and execute all documents necessary to complete the transactions contemplated above.**

**Staff Resources:** Brad Richardson, Neighborhood & Business Services  
 Robert Hagemann, City Attorney's Office  
 Charles Anzalone, Engineering & Property Management

### Explanation

- On July 27, 2009, the City Council approved an Economic Development Grant and Reimbursement Agreement (Parking Agreement) and an Infrastructure Development and Reimbursement Agreement (Infrastructure Agreement) between the City, Mecklenburg County, and Levine Properties, Inc. (Developer) to facilitate the First Ward Redevelopment Project (Project).
- The original scope of the Project, which is expected to generate \$700 million of new construction over a 10-year period, included:
  - A mixed-use redevelopment of eight city blocks in First Ward;
  - A new 3.2 acre park owned by the County;
  - Improvements to 8th and Brevard Streets;
  - 1,335 public parking spaces, including 1,030 spaces for the general public and 305 spaces serving UNC-Charlotte's Uptown campus.
  - Provisions for 10%, up to a maximum of 50 units, of rental residential units to be reserved for 20 years as workforce housing (80% to 120% area median income).
  - Construction and dedication of a new 10th Street right-of-way.

### **Amendments to Parking Agreement**

- The Parking Agreement included a 10-year, 45% tax increment grant to help fund the public parking in an amount not to exceed \$29,750,000.
- On August 27, 2012, City Council approved an amendment to the Parking Agreement, which allowed the replacement of a below-grade deck with an above grade deck which reduced the grant amount to \$23,705,792.
- It also included provisions for the Developer to complete a 300-space parking deck adjacent to UNC-Charlotte by December 31, 2015 and a 1,030-space parking deck at Brevard and 10<sup>th</sup> Street at a later, unspecified date.
- In July 2013, the Developer requested an alternate parking plan that preserves the original parking counts and allocations by the following means:
  - The Developer will provide all 1,335 agreed upon public parking spaces in the Brevard and 10<sup>th</sup> Street parking deck (or in combination with the deck(s) adjacent to the park) by December 31, 2015.
  - The Developer will ensure that 400 of these public parking spaces are located in a new parking deck adjacent to the County Park by December 31, 2019. Of these 400 spaces, no more than 300 may be subject to monthly parking contracts.
- Payments from the Parking Agreement would commence upon completion of the deck adjacent to the park.
- The County park is now scheduled to be completed by May 1, 2015.
- Due to the coordination required between the Developer and Transit around the LYNX Blue Line Extension (BLE) project, the City will add “good faith efforts” language to the December 31, 2016 completion date for Market Street, which borders the LYNX BLE project.
- The modifications listed above were approved by the County Board of Commissioners on September 3, 2013.
- In addition, this action will modify how the City is compensated for certain property acquisitions by the Developer by including such expenses in the property exchange detailed below.

### **Amendment to the Infrastructure Agreement**

- The Infrastructure Agreement includes provisions allowing the City to reimburse the developer for public roadway improvements in an amount not to exceed \$5,085,000.
- Due to the Project’s adjacency to the LYNX BLE, staff and the Developer are requesting amendments to the Infrastructure Agreement that establishes new limits and scopes of construction, and exchanges certain property rights.
- Portions of the original scope of the Infrastructure Agreement will now be performed by Transit and the funds allocated for such work will be paid to Transit instead of the Developer.
- In addition, Transit and the Developer propose the following exchange of property rights to facilitate their respective projects:
  - The City receives from the Developer:
    - Fee title to approx. 0.14 acres.
    - Miscellaneous permanent and temporary easements of approx. 1.24 acres.
    - All property interests valued at approximately \$1,500,000.
    - Parcels affected: 080002105, 08004301, 08004313, 08004315, 08004302, 08002121, 08004202, 08004207, and 08004203.
  - Developer receives from the City:
    - Fee title to approx. 0.39 acres.
    - Release of easements and release of charter rights to approx. 0.15 acres.
    - Miscellaneous permanent and temporary easements.

- All property interests valued at approximately \$1,500,000.
  - Parcels affected: 08004104, 08004106, and 08004109.
- The City is in the process of acquiring Parcel 08004106, a portion of which will be dedicated as right of way for a new section of 10<sup>th</sup> Street.
- For the purposes of establishing an equitable exchange of real property rights, staff has included a portion of this parcel in the exchange and assigned it a value of \$817,000.
- Once the acquisition cost is determined, staff recommends the following adjustment to the infrastructure reimbursement amount:
  - If the cost exceeds \$817,000, the excess will be deducted from the infrastructure reimbursement amount.
  - If the cost is less than \$817,000, the difference will be added to the infrastructure reimbursement amount.
- The parties propose clarifying the indemnification provisions of the Infrastructure Reimbursement Agreement regarding third party claims arising out of work done by the Developer at the direction of the City.

**Attachment 7**

Resolution

## 18. CharMeck 311 Citizen Relationship Management System

- Action:**
- A. Approve a contract with KANA Software, Inc., in the amount up to \$1,949,784, for the KANA Lagan Citizen Relationship Management software, related licensing, hosting services and software maintenance and support for a one-year term,**
  - B. Authorize the City Manager to approve expenditures with KANA for implementation services as authorized by the contract,**
  - C. Authorize the City Manager to approve up to four, one-year renewal options for hosting services and continuing maintenance and support, with possible price adjustments as authorized by the contract, and contingent upon the company's satisfactory performance,**
  - D. Authorize the City Manager to negotiate and execute a contract with Telecommunications Development Corporation for implementation project management services and other implementation services as authorized by the contract, and negotiate and execute additional contracts as needed in support of the Citizen Relationship Management project,**
  - E. Authorize the City Manager to negotiate and execute contract amendments to software, implementation services, maintenance services, hosting services, and other related contracts to address changes in scope and opportunities for productivity enhancements, and**
  - F. Adopt a budget ordinance authorizing \$3,984,197 for the Citizen Relationship Management project.**

**Staff Resource:** Stacey Palmer, City Manager's Office

### Explanation

- CharMeck 311, the consolidated call center for the City of Charlotte and Mecklenburg County, operates with an annual call volume of 1.7 million. Established in fiscal year 2006, the call center recently celebrated its eight year anniversary in July 2013.
- Although the call center was designed with a strong foundation and successful business model, it did not include a Citizen Relationship Management (CRM) system similar to what is used by other large 311 call centers across the U.S.
- Instead, CharMeck 311 uses Emerald, a "home-grown" legacy service request system. Implemented in 1999, the 14-year old system tracks and manages service requests submitted by citizens such as pothole repair, bulky item pick-up, and sidewalk obstruction. Limitations to Emerald include:
  - Design functionality that does not support the current operational demands of CharMeck 311; and
  - An obsolete platform, Oracle Forms, which has an uncertain future for support and maintenance.

- The CRM project will replace Emerald with Lagan, a “state-of-the-art” hosted CRM system, and will provide CharMeck 311 with an appropriate, scalable platform on which it can continue to improve operational efficiencies and citizen support.
  - The Lagan CRM system was designed specifically for local government and has a positive reputation within the 311 industry.
  - Implementation of a new CRM system is critical to maintain CharMeck 311’s high level of citizen service while positioning the organization to grow and respond to future operational challenges.
  - The solution will provide robust system capabilities to improve efficiencies, transition to next generation technology, and provide real time data.
- In addition to the contract amount of up to \$1,949,784 stated in Action A., capital expenditures will also include implementation services in the estimated amount of \$2,034,413, for a total capital cost up to \$3,984,197. Of this total, the City will fund \$2,948,306 and Mecklenburg County will contribute \$1,035,891.
- The estimated annual operational expenditure for project management services, hosting, maintenance and support, and software integration is as follows:
  - FY2014: \$374,827
  - FY2015: \$663,915
  - FY2016: \$668,443
- Operating efficiency gains and staff restructuring in CharMeck 311 will provide for reallocation of existing resources to cover the Lagan CRM system annual operating expenditure. No new funding is required.

#### **Selection Process**

- On December 14, 2012, the City issued a Request for Proposal for a CRM system; four proposals were received.
- The Project team, consisting of staff from Shared Services, CharMeck 311, the Office of the Chief Information Officer, and Corporate Communications & Marketing, evaluated the proposals and shortlisted two software and service providers for further evaluation and product demonstrations.
- The Project team recommends awarding the contract to KANA as the software and service provider best meeting the City’s needs in terms of qualifications, experience, cost effectiveness, and ability to meet or exceed the requirements of the solicitation.

#### **Charlotte Business INclusion**

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

#### **Funding**

Technology Capital Investments, Mecklenburg County, and CharMeck 311 Operating Budget

#### **Attachment 8**

September 16th Dinner Briefing Presentation  
Budget Ordinance

## 19. Union County Memorandum of Understanding and Interim Facilities Management Agreement

**Action:**   **A. Approve a Memorandum of Understanding with Union County for wastewater treatment plant operations, and**

**B. Authorize the City Manager to negotiate and execute an interim Facilities Management Agreement with Union County for up to six months.**

**Staff Resource:**   Barry Gullet, Utility

### Explanation

- Union County recently decided to seek outside assistance in the operation and maintenance of its five wastewater treatment plants. Union County invited the Charlotte-Mecklenburg Utility Department (CMUD) to discuss the potential of CMUD providing this assistance through contract operation of its plants.
- A non-binding Memorandum of Understanding (MOU) is proposed to determine the willingness of both parties to enter into an interlocal agreement specifying the terms and conditions whereby CMUD would provide operational services of wastewater treatment plants to Union County.
- An interim Facilities Management Agreement would allow CMUD, for a period of up to six months, to:
  - Allocate or assign several key staff members to provide operational and maintenance management assistance to Union County,
  - Perform a detailed due diligence on the treatment plants prior to entering into an interlocal agreement for long-term plant operations.
- Union County will reimburse CMUD for the cost of its staff members and its services during this interim period.
- The City of Charlotte and Union County have entered into several interlocal water and sewer service agreements over the past decades in order to facilitate water and sewer service delivery to Union and Mecklenburg counties.
  - Under one of those agreements, CMUD currently treats up to three million gallons per day of wastewater from Union County at the McAlpine Creek Wastewater Plant located near Pineville.
- There are several benefits to the partnership with Union County.
  - Currently, Union County and CMUD wastewater plants discharge treated sewage into streams, which converge into the Catawba River. Regional operation and partnering could help facilitate better long-term environmental management and more efficient service delivery.
  - Union County and CMUD also depend on the Catawba River to supply drinking water. A strong partnership will help facilitate better long-term planning and service delivery.
- Union County's five wastewater plants range in size from six million gallons per day downward to three very small treatment plants, each of which serves a few residential neighborhoods or schools.
- Key components of the MOU's include:
  - CMUD would provide operation and maintenance of the five Union County wastewater treatment plants.
  - CMUD would be reimbursed by Union County for operation, maintenance, and management costs including overhead.

- Union County will continue to own the wastewater treatment plants, own and operate the wastewater collection system, set and collect rates and user fees for its customers, and plan any future expansions of its plants and systems.
- CMUD customers would not incur additional costs as a result of the proposed interim agreement.
- Under the terms of the non-binding MOU, ongoing discussions between CMUD and Union County are expected to lead to a detailed interlocal agreement which would be presented to both governing bodies for final approval at a later date.
- On September 16, 2013, the Union County Board of County Commissioners approved the Memorandum of Understanding.

#### **Charlotte Business INclusion**

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

## **20. Conclusion of Consent Agenda**

## **21. Appointments to Boards and Commissions**

**Action: Vote on blue paper ballots and return to Clerk at dinner.**

### **A. WASTE MANAGEMENT ADVISORY BOARD**

- One recommendation for an appointment by the Board of County Commissioners for an unexpired term beginning immediately and ending July 13, 2016.
  - Anthony Morrison by Mayor Pro Tem Cannon and Council member Howard

#### **Attachment 9**

Applications

### **B. STORM WATER ADVISORY COMMITTEE**

- One appointment for a general contractor representative for an unexpired term beginning immediately and ending June 30, 2016.
  - Ryan Hamrick by the Council members Barnes, Fallon, Howard, and Mayfield

#### **Attachment 10**

Applications

## **22. 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.

## 23. Voluntary Annexation Public Hearings Date

**Action:** Adopt resolutions setting public hearings for October 28, 2013, for voluntary annexation of County-owned and privately-owned properties.

**Staff Resources:** Bryman Suttle, Planning  
Jonathan Wells, Planning

### Explanation

- The City has received a voluntary annexation petition for 209.67 acres of County-owned property consisting of Berewick Park and Berewick Elementary School, located on Dixie River Road (called "West Boulevard/Berewick III").
  - The City periodically assesses publicly-owned properties that are contiguous to its corporate limits to undertake City-initiated voluntary annexations.
  - The County and Charlotte-Mecklenburg Schools favorably view annexations of their properties and facilities as City services are extended with annexation.
- The City also received two petitions for voluntary annexation of private property:
  - 18.58-acre Berewick townhomes site in southwest Mecklenburg County, and
  - 81.90-acre Meridale in northeast Mecklenburg County.
- Public hearings are required prior to the City Council action on annexation requests.
- Berewick Elementary School in Berewick Park is the only habitable structure in these three areas; both the proposed Berewick townhomes site and Meridale are vacant land.
- All three properties are located within Charlotte's extraterritorial jurisdiction.
- Areas proposed for annexation share boundaries with current city limits.
- Annexation of these areas at this time will allow for more orderly extension of City services, capital investments, and future annexation processes.

### Consistency with City Council Policies

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

### Public Hearing Date

- The resolutions are set Monday October 28, 2013, for the public hearings on the voluntary annexations.
- The City Council will be asked to take action on the voluntary annexations at the conclusion of the public hearings.

### Attachment 11

Resolutions  
Maps

## 24. Fire Department Equipment Donation

**Action:** Adopt a resolution approving the donation of radios, batteries battery clips, and antennas to public safety agencies in the towns of Matthews and Locust, North Carolina, and the counties of Lancaster, South Carolina; Lincoln, North Carolina; and Stanly, North Carolina.

**Staff Resource:** Jeff Dulin, Fire

### Explanation

- North Carolina General Statute §160A-280 authorizes the donation of personal property from a City to another governmental unit upon adoption of a resolution by the City Council.
- Fire recommends the donation of 120 XTS5000 model III radios, 175 Honeywell batteries, 120 battery clips, and 20 antennas to public safety agencies for use as part of the Regional Radio System for radio interoperability.
- Fire no longer needs these radios because they are not compatible with the digital radios currently used by Fire staff.
- The estimated value for all donated items is \$81,625.
- Fire purchased the radios, between 2001 and 2009, using department operating funds and Department of Homeland Security Grant funds.
- Once donated, the agencies receiving the items will be responsible for all maintenance and replacement costs.

### Attachment 12

Resolution

List of Donations

## 25. Police DNA Backlog Reduction Program Grant

**Action:**

**A. Accept a grant from the U.S. Department of Justice, in the amount of \$289,371, for the DNA Backlog Reduction Program, and**

**B. Adopt a budget ordinance appropriating \$289,371 in grant funds from the U.S. Department of Justice.**

**Staff Resources:** Vickie Foster, Police  
Matthew Mathis, Police

### Explanation

- Police has received a U.S. Department of Justice grant for the DNA Backlog Reduction Program to support DNA analysis efforts.
- The grant program funds personnel, equipment, and related expenses for the Police DNA Lab to include:
  - \$154,542 in salaries and benefits for two positions, both of which have previously been funded under this grant program. The two positions include:
    - An Evidence Technician who is responsible for the delivery and tracking of all DNA evidence.

- A Laboratory Technician, who reviews requests for analysis, conducts quality control checks of instruments, makes needed repairs, and prepares reagents for testing.
- \$101,130 for upgrades to analytical instruments and software to increase the capabilities of existing DNA lab equipment.
- \$33,699 for equipment for the DNA Lab including a refrigerator for DNA samples and a workstation for the genetic analyzer instrument.
- The grant requires no matching funds from the City.
- The grant period runs from October 1, 2013 through March 31, 2015.

### **Funding**

U.S. Department of Justice Grant

### **Attachment 13**

Budget Ordinance

## **26. Police 2013 Justice Assistance Grant**

**Action: A. Accept a grant from the U.S. Department of Justice, in the amount of \$460,447, from the Justice Assistance Grant Program, and**

**B. Adopt a budget ordinance appropriating \$460,447 in grant funds.**

**Staff Resource:** Katrina Graue, Police

### **Explanation**

- Each year, the City of Charlotte receives funds from the Justice Assistance Grant Program, which is administered by the U.S. Department of Justice. The grant funds must be used for law enforcement purposes.
- The grant award amount is based upon the City's reported violent crime rate.
- The enabling legislation for the grant requires that the City share a portion of the funds with Mecklenburg County since the County is responsible for the incarceration of offenders.
- Mecklenburg County will receive 25% (\$115,112) of the grant funds. The City share of the funds is \$345,335.
- Police will use the grant funds for three purposes:
  - \$200,000 will be used for 5,160 hours of officer overtime to address emerging crime trends and conduct problem solving projects at the neighborhood level. Crimes typically addressed with these funds include armed robbery, residential burglary, and larceny from vehicle.
  - \$77,500 will be used to fund 10 Police Cadet positions for one year. Police Cadets are students, working toward a college degree, who get exposure to police work by working 20 hours per week for the Charlotte-Mecklenburg Police Department (CMPD). The cadets are assigned to a variety of positions and functions in CMPD. Upon completion of their degree, a number of the cadets enter the process to become CMPD officers.
  - \$67,835 will be used to purchase eight additional cameras and accessories for use in with CMPD's Neighborhood Security Camera initiative.
- The grant does not require any matching funds from the City.
- The grant period runs from October 1, 2012 to September 30, 2016.

**Funding**

U.S. Department of Justice Assistance Grant

**Attachment 14**

Budget Ordinance

**27. Police Governor's Highway Safety Program Grant**

**Action: Adopt a resolution authorizing the Charlotte-Mecklenburg Police Department to apply for a grant, in the amount of \$982,717, from the Governor's Highway Safety Program for a Driving While Impaired Task Force.**

**Staff Resources:** Doug Gallant, Police  
Andy Kornberg, Police

**Explanation**

- Recently, the state guidelines changed which now requires the City Council to approve a new application and resolution for each of the four years that the Charlotte-Mecklenburg Police Department (CMPD) applies for the Governor's Highway Safety Program Grant.
  - Prior guidelines allowed CMPD to apply for the grant for a total four-year term, which is what the City Council previously approved.
    - On April 22, 2013, the City Council approved a resolution to apply for \$2,310,459 in grant funds from the Governor's Highway Safety Program to fund a Driving While Impaired (DWI) Task Force for a four-year term.
    - The proposed task force would be comprised of six officers and one sergeant, all of whom would focus solely on DWI enforcement and education.
- The City Council action would approve the FY2014 application, which totals \$982,717 in grant funds.

**Funding Structure**

- The grant has a four-year term, and would fund the salaries, benefits, and equipment for the experienced officers assigned to the task force.
- The grant would fund the officers at 100% in FY2014, 85% in FY2015, 70% in FY2016, and 50% in FY2017. In FY2018, the City would assume full cost associated with the task force.
- The grant will fund six existing, experienced officers and one sergeant that will be assigned to the task force and allows the City to hire seven positions to take the place of the grant-funded officers. As a result, the estimated net cost to the City is as follows:
  - FY2014: (\$312,042)
  - FY2015: (\$120,101)
  - FY2016: (\$15,027)
  - FY2017: \$129,551
  - FY2018: \$507,127 (City assumes full cost).

**Funding**

Governor's Highway Safety Program and Future Police Operating Budgets

**Attachment 15**

Resolution

## 28. Police and Fire Communications Study

- Action:**
- A. Rescind the contract with Fields Consulting Group, in the amount of \$60,000,**
  - B. Approve a contract with Mission Critical Partners for Communications Staff Analysis Services for an initial term of six months,**
  - C. Authorize the City Manager to approve one six-month renewal option with possible price adjustments as authorized by the contract, and contingent upon the company's satisfactory performance, and**
  - D. Adopt a budget ordinance appropriating \$51,300 in assets forfeiture funds.**

**Staff Resources:** Katrina Graue, Police  
Jeff Dulin, Fire

### Explanation

- On June 10, 2013, the City Council approved a contract with Fields Consulting Group, in the amount of \$60,000, to fund the communications study.
  - The goal of the study is to receive recommendations for changes that will provide optimal operational efficiency in answering and dispatching 911 calls while providing a positive work environment for Communications personnel.
  - The study was precipitated by concerns regarding recruitment and retention of Communications personnel.
  - Police and Fire are also looking ahead to a Joint Communications Center and will use this study to help identify the best policies and procedures for a consolidated 911 answering and dispatch function.
- Prior to signing the contract, Fields Consulting Group stated they could not do the work for the amount originally quoted; Police and Fire did not accept the new quote.
- As a result, Police and Fire worked with the Shared Services Procurement division on a new solicitation process.
  - On August 1, 2013, a Request for Proposal was issued; eight responses were received.
  - The Project team, comprised of staff from Shared Services Procurement Management division, Police, and Fire, evaluated the proposals and selected Mission Critical Partners as the service provider best meeting the City's needs in terms of qualifications, experience, and cost effectiveness.
- Mission Critical brings experience in communications staff analysis but also in consolidation efforts which will aid Fire and Police as they move toward a Consolidated Communications Center.
- The estimated total contract expenditures are \$137,920. Police will fund \$100,000 through assets forfeiture funds; Fire will fund \$37,920 from its operating budget.
- The budget ordinance appropriates an additional \$51,300 in assets forfeiture funds to cover Police's share of the contract cost; \$48,700 was appropriated for Police from the June 10, 2013 City Council action.

**Charlotte Business INclusion**

Committed SBE Goal: 9.00%

For services contracts, the City may negotiate MWSBE goals during the contract negotiation process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). For this project, Mission Critical Partners has committed 9.00% (\$12,413) of the total contract amount to the following SBE firm: Pride Communications, Inc. (public relations services).

**Funding**

Assets Forfeiture Funds and Fire Operating Budget

**Attachment 16**

Budget Ordinance

**29. Police Smith and Wesson Handguns**

**Action: Approve a contract with Smith and Wesson, Inc. for the purchase of police handguns through a trade-in program at no cost to the City.**

**Staff Resources:** Katrina Graue, Police  
Randy Powell, Police

**Explanation**

- Since 2006, the Charlotte-Mecklenburg Police Department (CMPD) officers have carried Smith and Wesson handguns as the preferred weapon.
- Smith and Wesson developed an upgraded model of the M&P .40 caliber duty pistol. Upgrades include:
  - Enhanced rust resistant finish,
  - Tactile reset trigger,
  - New and upgraded night sight,
  - Mold injected metal striker pin in place of milled striker pin, and
  - Enhanced magazine floor plate assembly.
- Smith and Wesson proposed an exchange of 2,094 pistols from CMPD's current inventory for the most recent upgraded model.
  - All current inventory pistols and magazines would be traded for the new model at a net zero cost.
- Smith and Wesson offers trade-ins of existing guns for new upgraded models to well-respected medium to large police departments to allow the opportunity to standardize weapons. The trade-in offer also provides the opportunity for Smith and Wesson to advertise the use of their weapons by these police departments if the municipality gives its permission.
- On August 16, 2013, the City issued an Invitation to Bid that allowed any Smith and Wesson vendor an opportunity to offer a similar trade-in of handguns; no other vendors responded.
- With the trade-in, the 2014 weapon lifecycle maintenance costs of \$83,760 and 2,025 labor hours to replace the trigger assembly, recoil spring guide rod assembly and striker assembly will now be deferred until 2019.
- The 2017 weapon life cycle maintenance costs of \$125,640 and 1,012 labor hours to replace night sights will be deferred until 2023.

**Charlotte Business INclusion**

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

**30. Police Security Equipment and Maintenance**

**Action:**   **A. Approve a one-year contract with ADM Security, in the amount up to \$46,048, to provide service, maintenance, and repairs to the security system and to purchase new card readers, and cameras at Charlotte-Mecklenburg Police Department facilities, and**

**B. Authorize the City Manager to approve up to two, one-year amendments as authorized by the contract contingent upon the company's satisfactory performance.**

**Staff Resource:**     Katrina Graue, Police

**Explanation**

- The security cameras, card readers, and related equipment in the Charlotte-Mecklenburg Police Department (CMPD) Headquarters were purchased from ADM Security.
- The new contract with ADM Security will provide service, maintenance, and repairs to that equipment at a cost in the amount up to \$46,048 per year.
- The contract also allows CMPD to purchase new card readers and cameras for other police facilities when the existing equipment can no longer be repaired and provides for repairs at an hourly rate. This contract service is estimated at \$20,000 per year.

**Charlotte Business INclusion**

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

**Funding**

Police Operating Budget

**31. Solid Waste Services Holiday Decoration Services**

**Action:**   **A. Approve a contract with Metrolina Landscape for holiday decoration services for an initial term of three years, and**

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

**Staff Resource:**     Victoria Johnson, Solid Waste Services

**Explanation**

- Through a collaborative partnership with Charlotte Center City Partners, Solid Waste Services (SWS) is responsible for the coordination of Holiday Lighting

- Displays within a variety of Uptown parks, and around the Tryon Street Mall area of Uptown Charlotte.
- SWS contracts with an outside service provider for the initial installation, ongoing maintenance throughout the holiday season, as needed repairs, and removal of all materials at the conclusion of each season.
  - SWS also collaborates with Charlotte Center City Partners on designs and design revisions for each season.
  - The costs for these services are split with Charlotte Center City Partners directly purchasing any required materials such as lighting, garland, wreaths, bows, and the City covering costs associated with installation, maintenance, repair, and removal services each season.
  - On July 29, 2013, SWS issued a Request for Proposal for holiday decoration services; four proposals were received.
  - Metrolina Landscape best meets the City's needs in terms of qualifications, experience, and cost effectiveness.
  - The estimated annual contract expenditure for these services is \$36,359.

#### **Charlotte Business INclusion**

Committed SBE Goal: 3.91%

For services contracts, the City may negotiate MWSBE goals during the contract negotiation process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy. On this contract, Metrolina Landscape has committed 3.91% (\$4,260) of the initial 3-year total contract amount to the following SBE firm: New Beginning Landscape (Decoration Removal).

#### **Funding**

Solid Waste Services Operating Budget

## **32. Private Developer Funds for Traffic Signal Improvements**

- Action:**
- A. Authorize the City Manager to execute a Developer Agreement between Charlotte Outlets, LLC, and**
  - B. Adopt a budget ordinance appropriating \$792,515 in Private Developer Funds for traffic signal improvements.**

**Staff Resource:** Scott Putnam, Transportation

#### **Explanation**

- Charlotte Outlets, LLC (joint venture of Tanger Factory Outlets and Simon Property Group's Prime Outlets) is fully funding new traffic signal installations and improvements to mitigate traffic impacts around its development project in conformance with conditional zoning notes/rezoning petition 2013-001, approved by the City Council on April 22, 2013.
- The cost of the new traffic signals/upgrades and related work associated with this project is \$792,515. This private developer funding is restricted to this project.
- Charlotte Outlets, LLC, contributed \$792,515 for:
  - Signal/equipment modifications at the intersections of Brown Grier/Steele Creek roads and Steele Creek/Shopton roads, and
  - New traffic signal installations at the intersections of Dixie River Road/New Public Street (yet to be named), Dixie River Road/Berewick Commons Pkwy, Dixie River/Shopton roads and Shopton Road/New Fashion Way.

- The above signals meet the same criteria as other traffic signals approved by the City.
- Payments made by the developer are in response to estimates of work prepared by the Charlotte Department of Transportation and supplied to the developer.
- Any funding contributed by the developer for a signal project that is unused by the City will be refunded after project completion.

#### **Funding**

Developer Contributions

#### **Attachment 17**

Budget Ordinance

### **33. Brookshire Boulevard (NC 16) and Mount Holly-Huntersville Road Intersection Improvements**

**Action: Authorize the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for improvements at the intersection of Brookshire Boulevard (NC 16) and Mt. Holly-Huntersville Road.**

**Staff Resources:** Johanna Quinn, Transportation  
Ashton Watson, Transportation

#### **Explanation**

- The Brookshire Boulevard (NC 16) and Mount Holly-Huntersville Road Intersection Improvements project will:
  - Enhance the capacity and safety with the addition of turn lanes and medians to the Brookshire Boulevard (NC 16) and Mt. Holly-Huntersville Road intersection,
  - Add a new traffic signal at the intersection of Mt. Holly-Huntersville Road and Couloak Drive, and
  - Add pedestrian crosswalks and pedestrian signals across Brookshire Boulevard (NC 16).
- The public expressed their support of the project through several public meetings held over the past year.
- The total project cost is \$1.0 million and the cost share is:
  - City funds up to \$450,000, and
  - North Carolina Department of Transportation (NCDOT) funds \$550,000 of which \$150,000 from State funds is still to be secured by the NCDOT.
- A Municipal Agreement with NCDOT is necessary for NCDOT to be reimbursed.

#### **Funding**

Transportation Capital Investment Plan

#### **Attachment 18**

Resolution

### 34. Shamrock Gardens Neighborhood Improvement Project

**Action:** Award the low-bid contract of \$3,010,297.18 to Sealand Contractors Corp. for the Shamrock Gardens Neighborhood Improvement project.

**Staff Resource:** Carl Jarrett, Engineering & Property Management

**Explanation**

- Shamrock Gardens is a 2010 Neighborhood Bond Project and includes infrastructure improvements in the area bounded by Shamrock Drive to the north, Eastway Drive to the east, Country Club Drive to the south, and Anne Street to the west.
- The project includes:
  - Planting strips,
  - Sidewalk,
  - Storm drainage,
  - Curb and gutter,
  - Utility relocations and adjustments, and
  - Waterline upgrades.
- Improvements will be installed on Springway Drive, Palm Avenue, Hilliard Drive, Flamingo Avenue, Cardiff Avenue, Connecticut Avenue, Brixton Court, Airlie Street, and Jeff Street.
- Construction is expected to be complete by third quarter 2014.

**Charlotte Business INclusion**

Established SBE Goal: 15.00%

Committed SBE Goal: 15.00%

Sealand Contractors Corp. met the established SBE goal and committed 15.00% (\$451,545) of the total contract amount to the following SBE firms: Darnell Jones Trucking (hauling), Streeter Trucking (hauling), On Time Construction (concrete), Ground Effects (pavement marking), and A-1 Precision Fencing (fence installation).

**Funding**

Neighborhood Capital Investment Plan

### 35. Ballantyne Commons Parkway/Elm Lane Intersection Improvements

**Action:** Award the low-bid contract of \$2,972,284.25 to Blythe Development Company for the Ballantyne Commons Parkway/Elm Lane Intersection Improvements project.

**Staff Resource:** Tim Greene, Engineering & Property Management

**Explanation**

- The project will improve travel conditions for vehicles, pedestrians, bicyclists, and transit users by eliminating sight distance problems, providing bicycle connections, and additional travel lanes to reduce delay and improve capacity for motorists.
- Design improvements will include left turn lanes with additional islands on Ballantyne Commons Parkway, a westbound right turn lane on Ballantyne

- Commons Parkway, and northbound and southbound left and right turn lanes on Elm Lane.
- The project limits include Ballantyne Commons Parkway from Ballantyne Trace Court to Rea Road and Elm Lane from Indigo Row to just south of Millwright Lane.
  - Funding was approved in the 2010 bond referendum.
  - Construction is scheduled to be complete first quarter 2015.

#### **Charlotte Business Inclusion**

Established SBE Goal: 12.00%

Committed SBE Goal: 12.01%

Blythe Development Company exceeded the established SBE goal and committed 12.01% (\$357,000) of the total contract amount to the following SBE firms: Landmark Materials (hauling), Ground Effects (pavement marking), and Pavers, Walls & Stamped Concrete (concrete work).

#### **Funding**

Transportation Capital Investment Plan

### **36. Beatties Ford Road Widening – Advance Grading Project**

**Action: Award the low-bid contract of \$378,331.80 to Country Boy Landscaping, Inc. for the Beatties Ford Road Widening – Advance Grading project.**

**Staff Resource:** Tim Greene, Engineering & Property Management

#### **Explanation**

- The contract includes clearing, grading, and fence installation on Martin Marietta's property along Beatties Ford Road.
- This work is necessary to prepare the site for overhead utility relocation in advance of general road construction work.
- Funding for the Beatties Ford Road Widening project was included in the November 2010 Transportation Bonds.
- The project includes:
  - Widening Beatties Ford Road to four lanes with turning lanes,
  - A planted median,
  - Bicycle lanes, and
  - A planting strip and sidewalk from Capps Hill Mine Road to Pauline Lane.
- Advanced grading is expected to be completed in the first quarter of 2014.

#### **Charlotte Business Inclusion**

Established SBE Goal: 11%

Committed SBE Goal: 11.19%

Country Boy Landscaping, Inc. exceeded the established SBE goal and committed 11.19% (\$42,350) of the total contract amount to the following SBE firm: Express Logistics (hauling).

#### **Funding**

Transportation Capital Investment Plan

## 37. Storm Water Business Relocation Payments

**Action:** Authorize the City Manager to approve business relocation payments in accordance with federal guidelines for the Parkwood Storm Drainage Improvement project.

**Staff Resource:** Stephen Frey, Engineering & Property Management

### Explanation

- The Parkwood Storm Drainage Improvement project requires the demolition and relocation of Missionary Ministers Apostolic Church.
- For the past 14 months, City staff has been working with the church staff to identify and locate a suitable replacement facility however; the facility was not listed on the market for sale. The church staff is in agreement with the facility.
- The Uniform Act ensures that owners of real property to be acquired and businesses displaced as a direct result of federal and federally-funded projects are treated fairly, consistently, and equitably.
- Eligible relocation benefits for businesses are determined by the lower of at least two bids from qualified moving companies and are paid for actual expenses incurred. Reestablishment expenses are paid by the agency if they are determined to be necessary and reasonable.
- Reimbursements for relocation, moving, and reestablishment of the church are estimated to exceed \$100,000, which requires the City Council approval.

### Funding

Storm Water Capital Investment Plan

### 38. Subsurface Utility Location Services

**Action:** A. Approve a two-year contract for subsurface utility locating services with the following firms, each up to the amounts listed below:

- Cardno (NC), Inc. for \$100,000
- Cardno (NC), Inc. for \$200,000
- E.S.P. Associates, PA for \$100,000
- Mulkey, Inc. for \$100,000
- Mulkey, Inc. for \$100,000
- Mulkey, Inc. for \$200,000
- Taylor Wiseman and Taylor for \$100,000
- Taylor Wiseman and Taylor for \$200,000, and

B. Authorize the City Manager to approve one renewal for each contract in the amount up to original contract amount.

**Staff Resources:** Jennifer Smith, Engineering & Property Management  
David Snider, Engineering & Property Management  
Barry Shearin, Utility

#### Explanation

- Typical utility subsurface locating services provide surface and subsurface horizontal utility locating services on an as-needed basis for various City projects.
- Services involve accurately and comprehensively identifying, characterizing, and mapping underground utility facilities through a standard process of designating and managing data.
- These contracts allow one renewal at the City's option as an incentive to the firm for productivity and good workmanship.
- These firms were selected using the City Council approved qualifications-based selection process.
- The selection process consolidated the needs of the Survey Division, the Storm Water Division, and the Charlotte-Mecklenburg Utility Department (CMUD). Each entity will administer its own contracts separately in order to maintain the integrity of accounting requirements connected to individual funding sources.
  - Survey Division selected Cardno (NC), Inc., Mulkey, Inc., and Taylor Wiseman and Taylor
  - Storm Water Division selected E.S.P. Associates, PA, and Mulkey, Inc.
  - CMUD selected Cardno (NC), Inc., Mulkey, Inc., and Taylor Wiseman and Taylor

#### Charlotte Business INclusion

For service based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy).

#### Cardno (NC), Inc.

Cardno (NC), Inc. committed 10% of the total contract amounts to the following SBE firm: Hinde Engineering, Inc. (utilities).

E.S.P. Associates, PA

E.S.P. Associates, PA committed 4% of the total contract amount to the following SBE firms: BrandRPM (safety equipment and apparel).

Mulkey, Inc.

Mulkey Inc. committed 10% of the total contract amounts to the following SBE firm: Barry D. Davis, Surveying, PLLC. (surveying).

Taylor Wiseman & Taylor

Taylor Wiseman & Taylor committed 10% of the total contract amounts to the following SBE firm: Southeast Geomatics Group (surveying).

**Funding**

General Capital Investment Plan, Storm Water Capital Investment Plan, and Utility Capital Investment Plan

**39. Shadowlake Pond Water Quality Improvement Project**

**Action: Award the low-bid contract of \$909,712.42 to OnSite Development, LLC for the Shadowlake Pond Water Quality Improvement project.**

**Staff Resource:** Daryl Hammock, Engineering & Property Management

**Policy**

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

**Explanation**

- Shadowlake Pond is a 2.5 acre neighborhood pond located near Pineville-Matthews Road and Carmel Road, between Ryder Avenue and Carpenter Drive in south Charlotte. The pond will treat 95 acres of upstream drainage area.
- Shadowlake Pond drains to McAlpine Creek, a creek that is considered impaired by Clean Water Act standards.
- Improvements will include the construction of a storm drainage diversion box and new spillway.
- These enhancements will improve the quality of water moving through the pond before the water discharges into the creek.
- Improving existing ponds is a cost-effective means of improving water quality, averaging one-fifth the cost of creating new water quality measures that provide equivalent environmental benefit.
- Construction is expected to be complete first quarter 2015.
- The City of Charlotte received a grant from the NC Clean Water Management Trust Fund to be reimbursed up to \$200,000 for the construction of the project.

**Charlotte Business INclusion**

Established SBE Goal: 14%

Committed SBE Goal: 14.62%

OnSite Development, LLC met the established SBE goal and committed 14.62% (\$133,000) of the total contract amount to the following SBE firms: Muddrunners,

Inc. (hauling), Streeter Trucking (hauling), OnTime Construction (hauling), Ceasar A. Leon (hauling), and Landmark Materials (hauling).

### **Funding**

Storm Water Capital Investment Plan

## **40. Airport Multifunction Snow Plows**

**Action:**   **A. Approve the purchase of three used multifunction snow plows from Fortbrand Services, Inc. in the amount of \$1,087,500, and**

**B. Adopt a budget ordinance in the amount of \$1,087,500 from the Airport Discretionary Fund to the Airport Capital Investment Plan.**

**Staff Resource:**     Mark Wiebke, Aviation

### **Explanation**

- The Airport has the opportunity to purchase three used 2001 Vammas multifunction snow plows to clear and maintain the runways and taxiways during snow and icing conditions.
  - These units will allow the Airport to clear a runway in 15-20 minutes reducing the total time by 75%.
- The equipment will provide the airlines with more runway availability during snow and ice events, saving the airlines over \$180,000 per day in delay avoidance costs.
- In addition to snow removal, the plows can be used to remove rubber build up on the runway pavement surfaces saving the airport approximately \$22,000 annually.
- The Airport will purchase the plows at a price that is one-third that of a new unit; the anticipated useful life for the plows is 20 years.
- Fortbrand Services is the exclusive authorized North American dealer for this equipment. Fortbrand Services will provide a one-year warranty on all parts up to \$20,000 per vehicle.
- North Carolina General Statute 143-129(e)(10) exempts the purchase of used apparatus, supplies, materials, or equipment from standard bidding requirements.
- Funding for these vehicles will come from future Passenger Facility Charge revenues, pending Federal Aviation Administration approval.

### **Charlotte Business INclusion**

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

### **Funding**

Aviation Capital Investment Plan

### **Attachment 19**

Budget Ordinance

## 41. Airport Bus Purchase

- Action:**
- A. Approve the purchase of 20 El Dorado National Transit Buses by piggybacking on a previously bid contract as authorized by G.S. 143-129(g),**
  - B. Approve a unit price contract with Carolina Thomas, LLC for the purchase of 20 El Dorado National Transit Buses for the term of one year, and**
  - C. Approve a budget ordinance appropriating \$5,183,742 from the Airport Discretionary Fund to the Airport Operating Fund.**

**Staff Resource:** Brent Cagle, Aviation

### **Piggybacking Exemption**

- G.S. 143-129(g) allows local governments to purchase from any supplier that has, within the past 12 months, contracted to furnish the item to any federal, state, or local agency.
- The contract must be one that was entered into following a public, formal bid process substantially similar to the one set forth in the North Carolina statutes, and the vendor must be willing to provide the items to the City at the same or more favorable terms.
- Charlotte Douglas International Airport is piggybacking on the Materials Management Division of the State of Minnesota, which solicited for this equipment in January 2013.

### **Explanation**

- The Airport owns and operates parking facilities for its passengers 24 hours a day/365 days a year.
- A fleet of 61 shuttle buses transports passengers between the Terminal and the Airport's various parking decks and parking lots.
- These new buses are comparable to the Airport's existing fleet of El Dorado National low floor transit buses and will replace 10 existing buses in the Airport fleet and add 10 new buses to the fleet.
- The buses to be replaced have an average of over 300,000 miles of transit use, with annual maintenance costs averaging \$40,000.
- The current fleet has challenges of long time usage, high mileage, costly maintenance, technological advancements, and shortage of available parts.
- The unit cost of each bus is \$304,926.

### **Charlotte Business INclusion**

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

### **Funding**

Aviation Operating Budget

### **Attachment 20**

Budget Ordinance

## 42. Airport Parking Toll Plaza Design Services

**Action:** Approve a contract of \$463,000 for professional design services to Talbert, Bright & Ellington, Inc. for entrance and exit plazas for public parking at the Airport.

**Staff Resource:** Jack Christine, Aviation

### Explanation

- The new Airport Entrance Road requires the relocation of the entry and exit plazas for the Long Term and Daily parking lots, as well as a relocation of the Cell Phone and Taxi Hold lots.
- In order to time the relocation of these facilities with the completion of the road we must begin the design for the facilities for construction in early Spring 2014.
- Talbert, Bright & Ellington was selected based on their qualifications as submitted through a Request for Qualifications process conducted by the Airport for various projects on December 21, 2010.
- Funding for this contract comes from proceeds of General Airport Revenue Bonds.

### Charlotte Business INclusion

Committed SBE Goal: 12.96%

For professional services based contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). On this contract, Talbert, Bright & Ellington committed 12.96% (\$60,000) of the total contract amount to the following SBE firms: Flehan Engineering (Stormwater) and Accutech Surveying (Surveying).

### Funding

Aviation Capital Investment Plan

## 43. Airport Terminal Ramp Improvements

**Action:**

**A. Approve the low bid contract of \$869,910 with Hi-Way Paving, Inc. for the airport terminal ramp repairs,**

**B. Approve a contract for quality assurance testing in the amount of \$20,000 to On-Spec, PC, and**

**C. Approve a budget ordinance appropriating \$889,910 from the Airport Discretionary Fund to the Airport Capital Investment Plan.**

**Staff Resource:** Mark Wiebke, Aviation

### Explanation

- The contract with Hi-Way Paving is for the replacement of selected concrete slabs on the Terminal ramp.
- These slabs have deteriorated and must be replaced in order to maintain a safe operating environment for taxiing aircraft.

- On-Spec Engineering will provide quality assurance testing of the repairs. The Airport selected On-Spec Engineering based on their experience with airport pavement construction and their certification as a DBE vendor .
- The construction contract duration is for 60 days. The quality assurance testing services will occur throughout the duration of the project.
- Repayment for this project will come from future Passenger Facility Charges, pending FAA approval.

#### **Disadvantaged Business Enterprise (DBE)**

Established DBE Goal: 7%

Committed DBE Goal: 7.01%

Highway Paving exceeded the established DBE goal, and committed 7.01% (\$61,000) of the total contract amount to the following DBE firm(s): All Points Trucking, Inc. (Haul broken PCCP and aggregates) and Callahan Paving Products (Paving Hardware).

#### **Funding**

Aviation Capital Investment

#### **Attachment 21**

Budget Ordinance

## **44. Airport Relocation Contract Services**

**Action: Approve a three-year contract with two, one-year extensions for THC, Inc. to provide professional services for the Airport's Land Acquisition and Noise Compatibility Programs.**

**Staff Resource:** Jack Christine, Aviation

- On April 22, 2013, the City Council appropriated \$35 million to fund the acquisition of master plan land for future airport development.
- In order to acquire the land approved by the City Council, the Airport requires assistance acquiring and relocating the displaced parties.
- On July 1, 2013, the Airport advertised a Request for Qualifications to provide these services; six firms submitted proposals and staff evaluated them based on previous experience with sound attenuation programs, staffing ability, knowledge of 49 CFR Part 24 Uniform Relocation Assistance and real property acquisition and Disadvantaged Business Enterprise participation.
- A selection committee comprised of representatives from the Neighborhood Task Force and Airport Staff recommended the selection of THC, Inc.
- THC, Inc. will provide project management assistance and staffing to continue the Airport's Master Plan Land Acquisition Program.
- The Airport currently has over 200 properties to acquire under the master plan acquisition program.
- The contract award is based on hourly rates and the estimated cost is \$300,000 per year.
- Funding will come from a combination of Airport Improvement Program grants and Passenger Facility Charge funds.

#### **Disadvantage Business Enterprise (DBE)**

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

Established DBE Goal: 10%

Committed DBE Goal: 10%

The Airport established a DBE Goal of 10% and THC, Inc. committed to meet this goal using the following DBE firm: Cityscape Acquisition, Inc. (Relocation Services).

### **Funding**

Aviation Capital Investment Plan

## **45. Airport Rental Car Facility/Hourly Parking Deck Change Order #5**

**Action:**

**A. Approve change order #5 with Archer Western Contractors, Ltd. in the amount of \$788,008.83 to accommodate foundation modifications for the parking structure and perform utility relocations for the terminal curb front roadway project, and**

**B. Adopt a budget ordinance appropriating \$257,236 from the Airport Discretionary Fund to the Airport Capital Investment Plan.**

**Staff Resource:** Jack Christine, Aviation

### **Explanation**

- In November 14, 2011, the City Council approved a contract with Archer Western Contractors, LTD. in the amount of \$120,920,000 to construct a new 7,000 space parking deck for hourly parking and rental car operations.
- The new deck will replace the former 2,713 space Hourly Decks located in front of the Terminal.
- In August 27, 2012, the City Council approved change order #2, in the amount of \$578,489, to accommodate changes needed to improve fire protection and changes to allow the ability to store fuel adjacent to the deck in lieu of pumping from the fuel farm on Old Dowd Rd. These changes contributed to an overall project cost savings of \$2 million.
- Changes orders #1, #3, and #4 have involved minor changes in the scope of work and minimal changes in costs/savings totaling a savings of \$12,616 for all three change orders.
- Change order #5 will take advantage of current site conditions and pricing to make utility modifications needed for the future Terminal Curbfront Roadway project, as well as accommodate changes for the parking deck structure.
- The original contract and its change orders bring the new contract total to \$122,273,881.80
- Funding for a portion of this change order comes from proceeds from the Contract Facility Charge fund and General Airport Revenue Bond revenues. These proceeds were appropriated by the City Council on November 14, 2011.
- Permanent funding for the remaining amount of the change order will come from Passenger Facility Charge revenues, pending Federal Aviation Administration approval.

**Charlotte Business INclusion**

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

**Funding**

Aviation Capital Investment Plan

**Attachment 22**

Budget Ordinance

**46. Airport Long Term 2 Parking Lot – Phase I**

**Action: Approve the low-bid contract of \$287,500 with Metzger Removal, Inc. for concrete recycling in the Airport's Long Term 2 parking lot.**

**Staff Resource:** Jack Christine, Aviation

**Explanation**

- In January 2012, the Airport began removing the two Hourly Parking Decks as a part of the new Hourly Rental Car Deck Construction. The concrete from those decks was hauled to an area adjacent to the Long Term 2 Parking Lot that is designated for expansion.
- The contract with Metzger, Inc will recycle 23,000 tons of existing concrete in that location to prepare the site for grading and paving of additional long term parking spaces.
- Recycling the concrete will save the Airport \$140,000 in lieu of using stone as a base for the parking lot.
- On August 21, 2013, Invitations to Bid were informally advertised; two bids were received.
- This project is funded with proceeds of General Airport Revenue Bonds.

**Charlotte Business INclusion**

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

**Funding**

Aviation Capital Investment Plan

## 47. Transit Diesel Fuel Contract Amendment

**Action: Approve a contract amendment in the amount of \$4.5 million increasing the not to exceed amount of the Quick Fuel Service LLC contract from \$19.5 million to \$24 million.**

**Staff Resource:** Carolyn Flowers, Transit

### Explanation

- Historically, Transit had solicited daily price quotes for diesel fuel purchases. This procedure resulted in competitive prices, but left Transit vulnerable to supply disruptions and price volatility.
- In 2009, the City awarded a contract for ultra-low sulfur diesel fuel that would aid in assuring a consistent supply of fuel for Transit bus operations and reduce price volatility by allowing Transit to make fuel purchases on either fixed-price forward purchase or variable index-price, based on market pricing conditions. This methodology is standard practice in an industry where prices are volatile and may change on an hourly basis.
- In 2011 Transit solicited new bids for diesel fuel supply, and awarded a two-year contract to Quick Fuel Fleet Services LLC. This contract was extended in 2012 for one year.
- The Quick Fuel contract has allowed Transit to purchase approximately 60-65% of its diesel fuel on a fixed-price basis, providing a measure of budget stability in a volatile fuel market.
- The practice of fixed-price purchasing and careful market monitoring has enabled Transit to purchase fuel below the established budget level for the last four years.
- This amendment will allow Transit the flexibility to commit dedicated funds for fuel purchases to the more stable fixed-price contract. The amount budgeted for fuel is not being increased.
- Transit has increased its use of this fixed-price contract beyond initial expectations to take advantage of favorable pricing opportunities. This action will allow Transit to continue this practice for future fuel deliveries into FY2015.
- In the event of favorable fuel market conditions, this amendment will allow Transit additional contract capacity for future fixed-price fuel purchases into FY2015. This additional capacity would bring the FY2015 fixed-price fuel proportion to nearly 60%.

### Charlotte Business INclusion

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

### Funding

Transit Operating Budget

## 48. LYNX Blue Line Extension Project Advanced Public Utility Relocations Contract Amendment

**Action:** Approve contract amendment #1, in the amount of \$750,000, with Blythe Development Company to allow relocation of AT&T conduit.

**Staff Resource:** Danny Rogers, Transit

### Explanation

- On May 28, 2013, the City Council approved the original contract with Blythe Development for a total of \$10,137,600. The contract was for public utility work for construction of Segment C of the LYNX Blue Line Extension (BLE) project.
- The work included:
  - Grading,
  - Construction of a joint utility bank,
  - Retaining walls, and
  - Water and Sewer installation.
- Additionally, the City has an agreement with AT&T for relocation of their facilities that are in conflict with BLE construction. On July 22, 2013, the City Council approved an amendment to the agreement for an amount not to exceed \$1.5 million.
  - AT&T intended to do the work initially.
  - The City AT&T agreement includes a shared funding of the relocation work that would have the BLE project responsible for 60% of the costs and AT&T 40%.
  - AT&T bids came back higher than expected.
  - The work for AT&T will need to be coordinated with the work performed by Blythe.
- AT&T has asked the City to consider adding their work to the Blythe contract to reduce coordination issues, schedule delay risks as well as the cost to construct.
- There is no additional cost or scope to the project. The amendment only changes the process by having all of the work performed by the City's contractor, and thereby reducing coordination and schedule risks.
- The cost of work added to the Transit project will be covered by the 40/60 funding agreement. However, the total cost of the work must be included in the Blythe contract. The AT&T share will be reimbursed to the project per the previously approved relocation agreement between the City and AT&T on February 27, 2012.
- Adding the AT&T work to the Blythe contract will realize a cost savings to the LYNX BLE project of approximately \$500,000.

### Disadvantaged Business Enterprise

Established DBE Goal: 3%

Committed DBE Goal: 3%

### Funding

Transit Capital Investment Plan

## 49. FY2014 Sewer Line Cleaning and Inspection Services Contract

**Action:** A. Award the low-bid contract of \$169,156.05 with Bio-Nomic Services, Inc for sewer cleaning and inspections, and

B. Authorize the City Manager to renew the contract for two additional terms.

**Staff Resource:** Barry Shearin, Utility

### Explanation

- Periodic cleaning and inspection of sanitary sewer lines is part of the Charlotte-Mecklenburg Utility Department's (CMUD) broader, continuous maintenance activities necessary to ensure proper wastewater system operation and protection of public health and the environment.
- Daily system maintenance performed by CMUD Field Operations Staff is supplemented by privately contracted sanitary sewer cleaning and in-pipe inspection services using closed-circuit television (CCTV) cameras.
- The contract includes minor repairs and the cleaning and CCTV inspection of sewer main sizes generally ranging from six to 54 inches in diameter, with a primary focus on sewer mains located off-road.

### Charlotte Business INclusion

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

### Funding

Utility Capital Investment Plan

## 50. Lee S. Dukes Water Treatment Plant Improvements

**Action:** Award a low-bid contract of \$185,102.50 with Sanders Utility Construction for piping improvements at the Lee S. Dukes Water Treatment Plant.

**Staff Resource:** Barry Shearin, Utility

### Explanation

- The Lee S. Dukes Water Treatment Plant (WTP) in Huntersville provides drinking water to the northern portion of Mecklenburg County. Two piping changes are needed for plant operation and maintenance to include:
  - Additional provisions to clean water storage tanks, and
  - Additional piping changes needed to facilitate maintenance of plant equipment.

### Charlotte Business INclusion

Construction contracts under \$200,000 are considered informal, therefore establishing SBE goals are not required (Appendix Section 29.1 of the SBO Policy).

**Funding**

Utility Capital Investment Plan

**51. Utility Reimbursable Water Construction Contract**

**Action: Approve a contract with Steele Creek (1997) Limited Partnership, in the amount of \$856,405, for a five-year term.**

**Staff Resource:** Barry Gullet, Utility

**Explanation**

- The Charlotte-Mecklenburg Utility Department (CMUD) Extension policy includes provisions for construction of water and sewer service lines, at the expense of the developer, to be reimbursed by CMUD over a five-year period following construction. CMUD only reimburses actual construction costs.
- Steele Creek (1997) Limited Partnership (Developer) has requested a contract for the construction of approximately 3,400 feet of a 24-inch water main to supplement water supply and avoid future disruption of a proposed development.
- The project begins at the Steele Creek Road and Dixie River Road intersection and extends northwest to the intersection of Dixie River Road, Sandhaven Way, and Shopton Road passing by the location of the proposed Tanger Outlet Mall.
- The proposed water main is associated with infrastructure, identified in the FY2014-2018 Capital Investment Plan, to assist in development of the western portion of Mecklenburg County.
- The total estimated cost of this project is \$856,405.
- Actual cost of construction will be paid by the Developer and reimbursed by CMUD over a five-year period in five equal annual payments from the CMUD Capital Investment Plan.
- The Developer has deposited 5% of the estimated cost.

**Charlotte Business INclusion**

SBE will be established during the design and construction phases of this contract.

**Funding**

Developer Contributions and Utility Capital Investment Plan

**52. Utility Participation in Mecklenburg County Floodplain Buyouts along Briar Creek**

**Action: Approve an agreement with Mecklenburg County for floodplain buyouts along Briar Creek, in the total amount of \$730,000 as part of the easement acquisition process for the Briar Creek Relief Sewer.**

**Staff Resource:** Barry Gullet, Utility

**Explanation**

- Mecklenburg County Storm Water Services has developed a list of potential buyouts of properties prone to flooding. Charlotte-Mecklenburg Utility Department (CMUD) has identified properties on that list along the potential alignment of Briar Creek Relief Sewer Phase III, currently in design, where CMUD

needs easements for the sewer project. There are 32 properties on the buyout list that the proposed sewer would cross.

- Mecklenburg County has agreed that if CMUD assists with funding a portion of the acquisition cost for the properties along the potential alignment, the County would be able to proceed with the acquisitions earlier than planned.
- Acquisition by Mecklenburg County of these parcels will facilitate the sewer line construction as several of the houses are very close to the creek and the residents would be significantly impacted by the construction activities.
- Mecklenburg County will grant CMUD an easement across these properties at no additional cost to CMUD.
- Shifting the sewer alignment to the buyout side of the creek will lessen the impacts to private properties.
- The properties are located in two areas along Briar Creek. The first area is on Dunlavin Way between Country Club Drive and Eastway Drive, and the second area is on Dolphin Lane on both sides of Shannonhouse Drive.
- The payment amount was based on the estimated value of private easements and the estimated savings to CMUD for avoiding construction through a large parking lot and the expense of crossing Briar Creek twice with the sewer line as was planned in the original alignment prior to the buyouts. The amounts are as follows:
  - \$430,000 private easements on 32 properties
  - \$220,000 paving asphalt parking lot
  - \$80,000 for two creek crossings

#### **Charlotte Business INclusion**

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

#### **Funding**

Utility Capital Investment Plan

### **53. Tire Removal and Replacement Services**

**Action: A. Approve a unit price contract with the following companies for tire removal and replacement services for an initial term of three years:**

- **Parrish Tire Company**
- **Snider Fleet Solutions, and**

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

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

#### **Explanation**

- The Shared Services Fleet Management division (Fleet Management) is responsible for the maintenance of City and Mecklenburg County fleet vehicles including the removal and replacement of tires.
- Fleet Management uses outside service providers for the removal and replacement of specific tires that require specialized equipment to remove and

replace needed tires, mainly for heavy trucks, construction equipment, and fire apparatus.

- The use of multiple service providers ensures availability of services, while accommodating the variety of makes and models of vehicles and equipment in the City's fleet at the best value to the City.
- Tire removal and replacement services are provided to City and Mecklenburg County vehicles either on-site at respective facilities or as a road-side service.
- The estimated contract expenditures are \$500,000 annually.

#### **Selection Process**

- On August 2, 2013, a Request for Proposals was issued for the tire removal and replacement services; three proposals were received.
- The Project team, consisting of staff from the Shared Services Procurement Management and Fleet Management divisions, evaluated the proposals and recommends awarding the contract to Parrish Tire Company and Snider Fleet Solutions as the service providers best meeting the City's needs in terms of qualifications, experience, and cost effectiveness.

#### **Charlotte Business INclusion**

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

#### **Funding**

Shared Services Operating Budget

## **54. Refund of Property and Business Privilege License Taxes**

**Action: A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$132,965.29, and**

**B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$4,898.40.**

**Staff Resource:** Chip Harris, Finance

#### **Explanation**

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

#### **Attachment 23**

Resolutions  
Lists of refunds

## 55. INFOR Financial System Maintenance and Support

**Action:** Authorize the City Manager to approve the renewal payments for software maintenance and support to Infor Global Solutions, Inc. for \$263,751 for the INFOR Financial Management System for the period October 30, 2013 through October 29, 2014.

**Staff Resource:** Chip Harris, Finance

### Explanation

- INFOR Global Solutions, Inc. (formerly GEAC Enterprise Solutions) provides maintenance and support to the City's existing financial system.
- The INFOR Financial Management System is used for maintaining the City's official financial records, purchasing goods and services, processing invoices and payments to vendors, preparing reports required by the State and other agencies, monitoring the City-adopted budget, and other related activities that are essential to the continued and sound financial operation of the City.
- The maintenance and support agreement will entitle the City to receive software updates and 24/7 problem resolution assistance to help insure uninterrupted service of the financial system.
- The contract covers a one-year extension and reflects a 5.8% increase over the previous year.
- The Office of Chief Information Office concurs that the one-year renewal for the existing system is necessary based on anticipated replacement under the City's Enterprise Resource Planning project schedule.

### Funding

Finance Operating Budget

### Charlotte Business INclusion

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

## 56. Meeting Minutes

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

- **May 20, 2013 Zoning Meeting**
- **May 28, 2013 Business Meeting**
- **June 10, 2013 Business Meeting**
- **June 17, 2013 Zoning Meeting**
- **June 24, 2013 Business Meeting**
- **July 1, 2013 Special Meeting**
- **July 22, 2013 Business Meeting**
- **July 29, 2013 Special Meeting**

## 57. In Rem Remedy

**For In Rem Remedy A-B, 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 items are listed below by category identifying the street address and neighborhood.

**Public Safety:**

- A. 226 Mattoon Street (Neighborhood Profile Area 382)

**Field Observation:**

- B. 2030 Edison Street (Neighborhood Profile Area 37)

**Public Safety:**

**A. 226 Mattoon Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 226 Mattoon Street (Neighborhood Profile Area 382).**

**Attachment 24**

**Field Observation:**

**B. 2030 Edison Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2030 Edison Street (Neighborhood Profile Area 37).**

**Attachment 25**

## 58. Property Transactions

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

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

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

### Acquisitions

- A. Project:** Beattie's Ford Road Widening Phase 2, Parcel #59  
**Owner(s):** Housing Authority of the City of Charlotte  
**Property Address:** Montgomery Gardens Drive  
**Property to be acquired in Fee:** 5,119 sq. ft. (.118 ac.) in Fee Simple,  
**Property to be acquired by Easement:** 8,975 sq. ft. (.206 ac.) in Temporary Construction Easement, plus 402 sq. ft. (.009 ac.) in Utility Easement  
**Improvements to be impacted:** None  
**Landscaping to be impacted:** Trees and shrubbery  
**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 037-372-08A  
**Total Parcel Tax Value:** \$269,700  
**Purchase Price:** \$24,900

- B. Project:** Blue Line Extension, Parcel # 1285  
**Owner(s):** Sri Holdings, LLC  
**Property Address:** 3826 Raleigh Street  
**Property to be acquired:** 14,433 sq. ft. (.331 ac.) in Railroad Easement, plus 1,413 sq. ft. (.032 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** I-2  
**Use:** Industrial  
**Tax Code:** 091-072-01  
**Total Parcel Tax Value:** \$435,300  
**Purchase Price:** \$71,750
- C. Project:** Blue Line Extension, Parcel # 3211  
**Owner(s):** Keynes Drive, Nick Havas and wife, Irene M. Havas  
**Property Address:** 8926 J.M. Keynes Drive  
**Property to be acquired:** 11,982 sq. ft. (.275 ac.) in Fee Simple, plus 589 sq. ft. (.014 ac.) in Storm Drainage Easement, plus 975 sq. ft. (.022 ac.) in Access Easement and Utility Easement, plus 636 sq. ft. (.015 ac.) in Temporary Construction Easement, plus 907 sq. ft. (.021 ac.) in Utility Easement, plus 94 sq. ft. (.002 ac.) in Storm Drainage Easement and Utility Easement, plus 74 sq. ft. (.002 ac.) in Access Easement, Utility Easement and Storm Drainage Easement  
**Improvements:** None  
**Landscaping:** Bushes, trees, and timbers  
**Zoned:** B-1S(CD)  
**Use:** Commercial  
**Tax Code:** 047-272-02  
**Total Parcel Tax Value:** \$946,900  
**Purchase Price:** \$637,318
- D. Project:** Gaynor Storm Drainage Improvement Project, Parcel #52  
**Owner(s):** Stephen C. Spiegler and wife, Diane Spiegler  
**Property Address:** 420 Chillingworth Lane  
**Property to be acquired by Easements:** 1,892 sq. ft. (.043 ac.) in Storm Drainage Easement, plus 3,444 sq. ft. (.079 ac.) in Sanitary Sewer Easement, plus 1,547 sq. ft. (.036 ac.) in Temporary Construction Easement  
**Improvements to be impacted:** None  
**Landscaping to be impacted:** Trees and Shrubs  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 185-071-22  
**Total Parcel Tax Value:** \$376,500  
**Purchase Price:** \$39,100
- E. Project:** North Church Street Rail Road Closing, Parcel # 1  
**Owner(s):** C.D. Stampley Enterprise, Inc.  
**Property Address:** 1135 North Tryon Street  
**Property to be acquired:** 16,289 sq. ft. (.374 ac.) in Fee Simple, plus 59 sq. ft. (.001 ac.) in Water Main Easement, plus 15,957 sq. ft. (.366 ac.) in Temporary Construction Easement

**Improvements:** Office/Warehouse building, fencing and parking  
**Landscaping:** Shrubs  
**Zoned:** I-2  
**Use:** Industrial  
**Tax Code:** 078-118-01  
**Total Parcel Tax Value:** \$526,000  
**Purchase Price:** \$456,500

## Condemnations

- F. Project:** 1991 Annexation Trunk Sewer, Parcel #1  
**Owner(s):** Eagle Lake Fishing Club, Inc. and any other parties of interest  
**Property Address:** 3615 Pinecrest Drive  
**Property to be acquired by Easements:** 8,329 sq. ft. (.191 ac.) in Sanitary Sewer Easement, plus 13,566 sq. ft. (.311 ac.) in Temporary Construction Easement  
**Improvements to be impacted:** None  
**Landscaping to be impacted:** Heavily wooded  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 141-251-13  
**Total Parcel Tax Value:** \$1,119,200  
**Appraised Value:** \$1,200  
**Property Owner's Counteroffer:** \$60,000  
**Property Owner's Concerns:** The property owner believes that his land has higher value than the City's offer.  
**City's Response to Property Owner's Concerns:** Staff began working with property owners in March 2013. An offer was made based on the appraised value and property owner's representative made an unsubstantiated counteroffer.  
**Outstanding Concerns:** The counter offer amount provided by the property owner could not be substantiated. Staff has been unable to reach a negotiated settlement regarding compensation.  
**Recommendation:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- G. Project:** Blue Line Extension, Parcel #1243  
**Owner(s):** Trex Properties, LLC and any other parties of interest  
**Property Address:** 3114 Cullman Avenue  
**Property to be acquired by Easement:** 4,907 sq. ft. (.113 ac.) in Railroad Easement  
**Improvements to be impacted:** None  
**Landscaping to be impacted:** None  
**Zoned:** I-1  
**Use:** Industrial  
**Tax Code:** 083-031-12  
**Total Parcel Tax Value:** \$290,300  
**Appraised Value:** \$0  
**Property Owner's Counteroffer:** None  
**Property Owner's Concerns:** None  
**City's Response to Property Owner's Concerns:** The property has existing environmental contamination and the cost to mitigate the

contamination is greater than the total appraised land value. The proposed permanent railroad easement is located completely inside of an existing Norfolk Southern Railroad easement; therefore no unencumbered land is affected, because the area is already encumbered, the appraised value of the permanent easement is \$0. Staff has offered \$500 for the areas needed and the property owner has not provided staff with a counteroffer. Council approved this parcel for condemnation on the June 10 agenda. Following council approval, the ownership of the property changed before the condemnation action was recorded therefore, staff was required to extend an offer to the new owner of record.

**Outstanding Concerns:** None

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

- H. Project:** Blue Line Extension, Parcel #1245  
**Owner(s):** Trex Properties, LLC and any other parties of interest  
**Property Address:** 3124 Cullman Avenue  
**Property to be acquired by Easement:** 4,672 sq. ft. (.107 ac.) in Railroad Easement  
**Improvements to be impacted:** None  
**Landscaping to be impacted:** None  
**Zoned:** I-1  
**Use:** Industrial  
**Tax Code:** 083-031-11  
**Total Parcel Tax Value:** \$221,300  
**Appraised Value:** \$0  
**Property Owner's Counteroffer:** None  
**Property Owner's Concerns:** None  
**City's Response to Property Owner's Concerns:** The property has existing environmental contamination and the cost to mitigate the contamination is greater than the total appraised land value. The proposed permanent railroad easement is located completely inside of an existing Norfolk Southern Railroad easement; therefore no unencumbered land is affected, because the area is already encumbered, the appraised value of the permanent easement is \$0. Staff has offered \$500 for the areas needed and the property owner has not provided staff with a counteroffer. Council approved this parcel for condemnation on the June 10 agenda. Following Council approval, the ownership of the property changed before the condemnation action was recorded therefore, staff were required to extend an offer to the new owner of record.  
**Outstanding Concerns:** None  
**Recommendations:** To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- I. Project:** Blue Line Extension, Parcel #1369  
**Owner(s):** TDK, Inc. and any other parties of interest  
**Property Address:** 5605 North Tryon Street

**Property to be acquired by Easement:** 1,054 sq. ft. (.024 ac.) in Sidewalk and Utility Easement, plus 4,343 sq. ft. (.1 ac.) in Temporary Construction Easement

**Improvements to be impacted:** None

**Landscaping to be impacted:** Shrubs

**Zoned:** B-2

**Use:** Commercial

**Tax Code:** 089-201-23

**Total Parcel Tax Value:** \$1,029,000

**Appraised Value:** \$15,625

**Property Owner's Counteroffer:** None

**Property Owner's Concerns:** Property owner along with legal counsel shared concerns about utility poles relocating and possible loss of visibility at the end of construction.

**City's Response to Property Owner(s) Concerns:** Staff began working with the property owner in November 2012 and has yet to reach an agreement. Staff informed the property owner that the utility poles along the property will not be relocated and that the visibility from north and southbound lanes will be the same as it was before.

**Outstanding Concerns:** None

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

- J. Project:** Blue Line Extension, Parcel #1371
- Owner(s):** TDK, Inc. and any other parties of interest
- Property Address:** 5635 North Tryon Street
- Property to be acquired by Easement:** 209 sq. ft. (.005 ac.) in Sidewalk and Utility Easement, plus 1,244 sq. ft. (.029 ac.) in Temporary Construction Easement
- Improvements to be impacted:** None
- Landscaping to be impacted:** None
- Zoned:** B-2
- Use:** Commercial
- Tax Code:** 089-201-01
- Total Parcel Tax Value:** \$1,336,800
- Appraised Value:** \$1,400
- 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.
- City's Response to Property Owner(s) Concerns:** Staff began working with the property owner in November 2012 and has yet to reach an agreement. Staff informed the property owner that the Charlotte Department of Transportation cannot agree to a four-way intersection at this time.
- Recommendations:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- K.**     **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  
**Total Parcel Tax Value:** \$426,600  
**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 has yet to reach an agreement. Staff informed the property owner that the Charlotte Department of Transportation 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, that 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 use the easements, the closure of the southern driveway is for safety reasons, and the visibility should be unchanged.  
**Outstanding Concerns:** Property owner remains concerned with pole and cabinet location, easement size and driveway removal.  
**Recommendations:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- L.**     **Project:** Blue Line Extension, Parcel #2187 and #2189  
**Owner(s):** Parks Holdings, LLC and any other parties of interest  
**Property Address:** 6441 And 6445 North Tryon Street  
**Property to be acquired in Fee:** 24,045 sq. ft. (.552 ac.) in Fee Simple  
**Property to be acquired by Easements:** 926 sq. ft. (.021 ac.) in Access Easement and Utility Easement, plus 11,764 sq. ft. (.27 ac.) in Temporary Construction Easement, plus 4,973 sq. ft. (.114 ac.) in Utility Easement  
**Improvements to be impacted:** Concrete parking blocks, traffic control posts, chain, parking spaces and curbing, light poles, security gates, and business sign

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** B-2

**Use:** Commercial

**Tax Code:** 089-242-05 and 089-242-02

**Total Parcel Tax Value:** \$8,243,400

**Appraised Value:** \$434,200

**Property Owner's Counteroffer:** None

**Property Owner's Concerns:** Property owner along with legal counsel shared concerns with the loss of visibility, temporary driveway closures and the areas needed for the project.

**City's Response to Property Owner(s) Concerns:** Staff began working with the property owner in December 2012 and has yet to reach an agreement. Staff addressed the driveway closures by agreeing to stage the construction of the retaining walls in order to maintain access to North Tryon Street during construction.

**Outstanding Concerns:** Property owner remains concerned with loss of visibility and the amount of area being purchased.

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

- M. Project:** Blue Line Extension, Parcel #2193
- Owner(s):** Autobell Car Wash, Inc. and any other parties of interest
- Property Address:** 6508 North Tryon Street
- Property to be acquired in Fee:** 46 sq. ft. (.001 ac.) in Fee Simple
- Property to be acquired by Easements:** 1,178 sq. ft. (.027 ac.) in Storm Drainage Easement, plus 3,957 sq. ft. (.091 ac.) in Temporary Construction Easement
- Improvements to be impacted:** Light poles
- Landscaping to be impacted:** Trees and shrubs
- Zoned:** B-2
- Use:** Commercial
- Tax Code:** 049-056-12
- Total Parcel Tax Value:** \$695,300
- Appraised Value:** \$34,719
- Property Owner's Counteroffer:** \$48,875
- Property Owner's Concerns:** Property owner along with legal counsel shared concerns regarding how the new Tom Hunter intersection and traffic light would affect traffic flow to/from their business and how business will operate while the construction takes place.
- City's Response to Property Owner(s) Concerns:** Staff began working with the property owner in December 2012 and has yet to reach an agreement. Staff worked with the property owner's engineers to configure the new drive so that the business could efficiently operate after the project is complete.
- Outstanding Concerns:** The owner has requested limited construction hours in order to help control dust during construction. Unfortunately staff was unable to agree to this however; a dust control specification was provided to the property owner.
- Recommendations:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time

negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- N.** **Project:** Blue Line Extension, Parcel #2197  
**Owner(s):** Sairam Corporation and any other parties of interest  
**Property Address:** 6701 McGill Street  
**Property to be acquired:** 60 sq. ft. (.001 ac.) in Fee Simple, plus 5,426 sq. ft. (.125 ac.) in Temporary Construction Easement  
**Improvements:** Irrigation and parking spaces  
**Landscaping:** Trees and shrubs  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 049-056-06  
**Total Parcel Tax Value:** \$1,502,800  
**Appraised Value:** \$17,800  
**Property Owner's Counteroffer:** None  
**Property Owner's Concerns:** The property owner is concerned about delivery trucks being able to maneuver within the reconfigured parking lot.  
**City's Response to Property Owner(s) Concerns:** An alternate design was prepared and presented to the property owner addressing their concerns.  
**Outstanding Concerns:** The property owner remains concerned with the reconfigured parking lot.  
**Recommendations:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- O.** **Project:** Blue Line Extension, Parcel #2205  
**Owner(s):** Amanat Fashions Corporation and any other parties of interest  
**Property Address:** 6633 North Tryon Street  
**Property to be acquired in Fee:** 7,524 sq. ft. (.173 ac.) in Fee Simple  
**Property to be acquired by Easements:** 847 sq. ft. (.019 ac.) in Utility Easement, plus 1,675 sq. ft. (.038 ac.) in Combined Utility and Sanitary Sewer Easement  
**Improvements to be impacted:** Parking spaces and fencing  
**Landscaping to be impacted:** None  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 089-172-43  
**Total Parcel Tax Value:** \$586,600  
**Appraised Value:** \$541,040  
**Property Owner's Counteroffer:** None  
**Property Owner's Concerns:** The property owner was originally concerned about the loss of parking and how they would be able to continue their business operations. The property owner has additional concerns with the mitigation plan regarding grading, construction timing, and pedestrian access to the business.  
**City's Response to Property Owner(s) Concerns:** Staff began working with the property owner in December 2012 and has yet to reach an agreement. Staff submitted a mitigation plan to Federal Transit Administration for concurrence to address property owner's

concern about his business operations. The plan allows for the conveyance of a City-owned property to the owner and compensation for the cost to cure the parking and relocation of the entrance to the business. Staff informed the property owner that pedestrian access could be addressed by constructing private walks from the parking lot and the business to the public sidewalk and that the new parking lot being constructed before the existing parking is removed would depend on timing.

**Outstanding Concerns:** Revised mitigation plan is being developed to address additional concerns mentioned above.

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

- P. Project:** Blue Line Extension, Parcel #2226  
**Owner(s):** Orchard Trace Owners Association and any other parties of interest  
**Property Address:** 127 Orchard Trace Lane  
**Property to be acquired in Fee:** 2,007 sq. ft. (.046 ac.) in Fee Simple  
**Property to be acquired by Easements:** 445 sq. ft. (.01 ac.) in Waterline Easement, plus 12,202 sq. ft. (.28 ac.) in Temporary Construction Easement, plus 284 sq. ft. (.007 ac.) in Utility Easement, plus 120 sq. ft. (.003 ac.) in Combined Utility and Waterline Easement  
**Improvements to be impacted:** Light poles and concrete curbing  
**Landscaping to be impacted:** Trees and various plantings  
**Zoned:** R-17MF  
**Use:** Condominium  
**Tax Code:** 089-25C-99  
**Total Parcel Tax Value:** \$10,466,300  
**Appraised Value:** \$37,000  
**Property Owner's Counteroffer:** None  
**Property Owner's Concerns:** The property owner was concerned about the replacement of curbing in the median to provide space for landscaping and signage.  
**City's Response to Property Owner(s) Concerns:** Staff began working with the property owner in February 2013 and has yet to reach an agreement. Staff explained that the median and curbing will be replaced with the project.  
**Outstanding Concerns:** None  
**Recommendations:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- Q. Project:** Blue Line Extension, Parcel #3213  
**Owner(s):** CS Shoppes at University Place, LLC and any other parties of interest  
**Property Address:** 9000 J. M. Keynes Drive  
**Property to be acquired in Fee:** 24,156 sq. ft. (.555 ac.) in Fee Simple  
**Property to be acquired by Easements:** 222 sq. ft. (.005 ac.) in Access Easement, plus 1,311 sq. ft. (.03 ac.) in Access Easement and

Utility Easement, plus 240 sq. ft. (.006 ac.) in Waterline Easement, plus 3,614 sq. ft. (.083 ac.) in Temporary Construction Easement, plus 3,074 sq. ft. (.071 ac.) in Utility Easement

**Improvements to be impacted:** Bollards and light pole

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** B-1S(CD)

**Use:** Commercial

**Tax Code:** 047-272-03

**Total Parcel Tax Value:** \$2,540,400

**Appraised Value:** \$381,875

**Property Owner's Counteroffer:** None

**Property Owner's Concerns:** The property owner was concerned about the loss of the monument sign during construction and how the delivery trucks will access the property.

**City's Response to Property Owner(s) Concerns:** Staff began working with the property owner in August 2012 and has yet to reach an agreement. Staff informed the property owner that temporary moveable signage will be available during construction and explained that access to the site for their delivery trucks will be maintained.

**Outstanding Concerns:** None

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

- R. Project:** Blue Line Extension, Parcel #3215 and #3217
- Owner(s):** CS Shoppes at University Place, LLC and any other parties of interest
- Property Address:** 9014 J.M. Keynes Drive
- Property to be acquired in Fee:** 1,694 sq. ft. (.039 ac.) in Fee Simple
- Property to be acquired by Easements:** 2,967 sq. ft. (.068 ac.) in Temporary Construction Easement
- Improvements to be impacted:** None
- Landscaping to be impacted:** Trees, shrubs and various plantings
- Zoned:** B-1S(CD)
- Use:** Commercial
- Tax Code:** 047-272-05 and 047-272-06
- Total Parcel Tax Value:** \$1,159,300
- Appraised Value:** \$44,500
- Property Owner's Counteroffer:** None
- Property Owner's Concerns:** The property owner was concerned about the loss of the monument sign during construction and how the delivery trucks will access the property.
- City's Response to Property Owner(s) Concerns:** Staff began working with the property owner in August 2012 and has yet to reach an agreement. Staff informed the property owner that temporary moveable signage will be available during construction and explained that access to the site for their delivery trucks will be maintained.
- Outstanding Concerns:** None
- Recommendations:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- S.**     **Project:** Briar Creek Relief Sewer Phase III, Parcel #1  
**Owner(s):** Dawn Richmond and any other parties of interest  
**Property Address:** 5625 Craftsbury Drive  
**Property to be acquired:** 19,790 sq. ft. (.454 ac.) in Fee Simple  
**(TOTAL TAKE)**  
**Improvements:** House and garage  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 097-075-01  
**Total Parcel Tax Value:** \$101,100  
**Appraised Value:** \$86,000  
**Property Owner's Counteroffer:** \$105,000  
**Property Owner's Concerns:** The home is in foreclosure.  
**City's Response to Property Owner(s) Concerns:** Staff began working with property owner in February 2013. Staff attempted to work with the bank however; the bank has not responded.  
**Outstanding Concerns:** Staff will continue to work towards settlement with the bank.  
**Recommendations:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- T.**     **Project:** Hope Valley/ Oak Forest Neighborhood Improvement Project, Parcel #77  
**Owner(s):** Jaqueline D. Morrison and Jackie Brown and any other parties of interest  
**Property Address:** 4346 Tipperary Place  
**Property to be acquired by Easements:** 1,741 sq. ft. (.04 ac.) in Temporary Construction Easement  
**Improvements to be impacted:** Fencing  
**Landscaping to be impacted:** Landscaping  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 099-162-01  
**Total Parcel Tax Value:** \$83,500  
**Appraised Value:** \$500  
**Property Owner's Counteroffer:** none  
**Property Owner's Concerns:** The property owner has informed staff that she opposes the project and has requested no further contact from the City.  
**City's Response to Property Owner(s) Concerns:** City staff started working on this acquisition in November 2012 and has been unable to reach settlement. Staff informed the property owner that they are willing to negotiate at a future date.  
**Outstanding concerns:** None  
**Recommendations:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- U. Project:** Mallard Creek Sidewalk Improvements, Parcel #2  
**Owner(s):** Think Group, LLC and any other parties of interest  
**Property Address:** 10701 Mallard Creek Road  
**Property to be acquired in Fee:** 11,963 sq. ft. (.275 ac.) in Fee Simple  
**Property to be acquired by Easements:** 5,938 sq. ft. (.136 ac.) in Fee Simple within Existing Right-of-Way, plus 4,921 sq. ft. (.113 ac.) in Temporary Construction Easement  
**Improvements to be impacted:** None  
**Landscaping to be impacted:** None  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 029-361-11  
**Total Parcel Tax Value:** \$202,000  
**Appraised Value:** \$22,100  
**Property Owner's Counteroffer:** \$25,000  
**Property Owner's Concerns:** The home is in foreclosure.  
**City's Response to Property Owner(s) Concerns:** Staff is attempting to work with the bank.  
**Outstanding Concerns:** Staff will continue to work towards settlement with the bank.  
**Recommendations:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- V. Project:** Wilson Pond, Parcel #2  
**Owner(s):** Jerald Ray Collins, Sr. and any other parties of interest  
**Property Address:** 7101 Lakehill Road  
**Property to be acquired by Easements:** 28,651 sq. ft. (.658 ac.) in Storm Drainage Easement, plus 17,661 sq. ft. (.405 ac.) in Temporary Construction Easement  
**Improvements to be impacted:** None  
**Landscaping to be impacted:** Trees  
**Zoned:** R-4  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 035-101-17  
**Total Parcel Tax Value:** \$19,900  
**Appraised Value:** \$2,625  
**Property Owner's Counteroffer:** None  
**Property Owner's Concerns:** Property owner concerns include loss of trees, temporary construction easement duration, and overall project design.  
**City's Response to Property Owner(s) Concerns:** Staff began working with the property owner in January, 2013 and has yet to reach a negotiated settlement. Staff had the easement lines staked and design reviewed.  
**Outstanding Concerns:** Property owner remains concerned with tree loss, design and compensation.  
**Recommendations:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

## Reference



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

### **Part A: Administration & Enforcement**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## **Part B: Formal Construction Bidding**

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

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

## **Part C: Services Procurement**

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

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

## **Part D: Post Contract Award Requirements**

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

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

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

## Reference

### Property Transaction Process Following Council Approval for Condemnation

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

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

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