

Mayor Anthony Foxx

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

Mayor Pro Tem Patrick D. Cannon

David L. Howard
Patsy Kinsey
LaWana Mayfield
James Mitchell, Jr.
Beth Pickering

CITY COUNCIL MEETING
Monday, April 9, 2012

CITY COUNCIL AGENDA
Monday, April 9, 2012

TABLE OF CONTENTS

<u>Item Number</u>	<u>Page</u> <u>Number</u>	<u>Attachment</u> <u>Number</u>
4:00 P.M. Dinner Briefing		
Conference Center		
1. Mayor and Council Consent Item Questions	1	
2. Disparity Study Update	1	
3. Incentive Based Inclusionary Housing Action Plan/ Accessory Dwelling Units and Duplexes	2	
5:15 P.M. Dinner Break		
4. Revised Assisted Multi-Family Housing at Transit Station Areas Policy	3	1
5. North Carolina Railroad Double Track Project	4	
6. FY2013 Focus Area Plans	4	2
7. Answers to Mayor and Council Consent Item Questions	5	
6:30 P.M. Awards and Recognitions		
Meeting Chamber		
8. Fair Housing Month	5	
9. Great Charlotte Clean-Up and Keep Charlotte Beautiful	5	
10. Hackerspace Charlotte	5	
Consent		
11. Consent agenda items 21 through 38 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting or City Manager during the noon agenda briefing.	5	
Policy		
12. City Manager's Report	6	
13. FY2013 Council Focus Area Plans	6	2
14. 2012 State Legislative Agenda	8	3
15. Substantial Amendment to the FY2012 Annual Action Plan for Housing and Community Development	9	4
Business		
16. City Council Rules of Procedure	10	5
17. Conclusion of Consent Agenda	10	
18. Appointments to Boards and Commissions	11	6
19. Nominations to Boards and Commissions	11	7-19
20. Mayor and Council Topics	14	

<u>Item Number</u>	<u>Page Number</u>	<u>Attachment Number</u>
Consent		
21. Sedgefield Elementary Area Sidewalks	17	
22. North College Street Storm Drainage and 5 th Street Sidewalk Improvements	17	
23. Storm Water Maintenance Contract FY2012-E	18	
24. Airport Customs and Border Protection Office Upfit	19	
25. Airport Baggage Level East Office Upfit	20	20
26. Airport Med Center Air Office Building	21	20
27. Vehicle Electrical Components Parts	22	20
28. Citywide Drug and Alcohol Testing Services	23	20
29. Water Main Epoxy Contract	25	
30. FY2012 Street Main Extensions, Contracts C & D	25	
31. Wastewater Supplies and Equipment	26	20
32. Biosolids Master Plan	27	20
33. Sugar Creek Outfall Rehabilitation Project, Professional Services Contract	28	20
34. Refund of Property Taxes	29	21
35. In Rem Remedy	30	22-25
36. Deed 2324 LaSalle Street to Mecklenburg County for Project L.I.F.T.	32	
37. Property Transactions	33	
38. Meeting Minutes	38	

4:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Resource: Julie Burch, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Disparity Study Update

Resources: Cindy White, City Attorney's Office
Franklin Lee, Tydings & Rosenberg, LLC

Time: 30 minutes

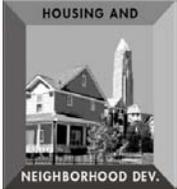
Synopsis

- In October 2010, the City retained MGT of America, Inc. (MGT) to conduct a Minority and Women Business Enterprise (MWBE) Disparity Study.
- The goals of the study were to:
 - Determine whether disparity exists between the number of MWBE firms that are qualified to perform on City contracts and the City's utilization of these firms,
 - Determine if a legally justified need exists for an MWBE Program, and
 - Provide recommendations regarding suggested modifications to the City's SBO Program.
- On September 26, 2011, MGT presented its finding to City Council, which included the following:
 - There is statistical evidence showing disparity in several categories.
 - There is insufficient anecdotal evidence of discrimination.
 - The City's race and gender neutral program has been effective in increasing the utilization of minority and women business enterprises.
- MGT concluded that while some evidence may support the restoration of race and gender conscious subcontracting goals for certain minority groups, the study's cumulative evidence did not support a legally defensible race and gender conscious program.
- On November 1, 2011, a Council-appointed citizen advisory committee recommended to the Economic Development Committee that the City should further explore setting MWBE goals where evidence supports it.
- On February 13, 2012 Council approved an Economic Development Committee recommendation to retain Franklin Lee of Tydings & Rosenberg, LLC to review MGT's findings to determine if sufficient data exists to add Minority Business Enterprise components to the City's Small Business Opportunity Program.
- Mr. Lee has completed his review, and will present his recommendations to Council.

Future Action

No action needed. This item will be discussed further at the April 19 Economic Development Committee meeting.

3. Incentive Based Inclusionary Housing Action Plan/ Accessory Dwelling Units and Duplexes



Committee Chair: Patsy Kinsey

Resources: Debra Campbell, Charlotte-Mecklenburg Planning Department
Pamela Wideman, Neighborhood & Business Services

Time: 30 minutes

Synopsis

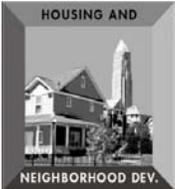
- On March 28, 2011, City Council approved a revised Housing Locational Policy.
- On June 27, 2011, City Council approved the Housing and Neighborhood Development Committee's recommended Incentive Based Inclusionary Housing Policies Action Plan (Action Plan).
- On September 15, 2011, staff convened an initial public meeting to introduce the Action Plan to the community and seek participants for the Citizen Advisory Group (CAG).
- Since that time, staff convened nine CAG meetings over the last seven months to develop recommendations on the regulatory strategies. Over 50 citizens have participated in the process to date. Other public outreach efforts include: the Ballantyne Breakfast Club; the Charlotte Chamber Land Use Committee; and the Charlotte-Mecklenburg Coalition for Housing.
- During those meetings, staff worked through recommendations on the Single Family Density Bonus Program, allowance of duplexes on any lot, allowances of accessory dwelling units to include non-relatives, and program administration.
- Staff has also provided updates to the Housing & Neighborhood Development Committee over the last several months.
- Staff will provide an update on the Action Plan and share Committee recommendations on the allowances of duplexes on any lot and allowances of accessory dwelling Units to include non-relatives strategies.

Committee Discussion

- On March 28, 2012, the Housing & Neighborhood Development Committee unanimously approved (Kinsey, Mayfield, Autry, Barnes, Cooksey) the staff and Citizen Advisory Group's recommendations on accessory dwelling units and duplexes on any lot, with the stipulation from Council member Barnes, that staff bring back pictures and/or visuals related to how duplexes might look today based on more modern design and construction practices. Staff will provide visuals as part of the April 9th presentation materials.
- Other Committee discussion included concerns that recommended accessory dwelling unit side and rear yard requirements may exclude existing accessory structures in older neighborhoods that abut property lines from participating. The Committee also wanted to ensure that parking would not increase the impervious area.

Future Action

- These recommended changes for accessory dwelling units and duplexes will require Text Amendments to the Zoning Ordinance and are scheduled to go to hearing on June 18, 2012 with a Council decision on July 16, 2012.

5:15 P.M. DINNER BREAK**4. Revised Assisted Multi-Family Housing At Transit Station Areas Policy**

Committee Chair: Patsy Kinsey

Resources: Debra Campbell, Charlotte-Mecklenburg Planning Department
Pamela Wideman, Neighborhood & Business Services

Time: 15 minutes

Synopsis

- The City Council's Housing and Neighborhood Development FY2011 Focus Area Plan included a comprehensive review of the City's Housing Policies.
- On March 28, 2011, City Council approved a revised Housing Locational Policy. The Housing & Neighborhood Development Committee identified Assisted Multi-Family Housing at Transit Station Areas as the next policy to review. The existing Assisted Multi-Family Housing at Transit Station Areas Policy was approved by City Council on November 26, 2001.
- On June 30, 2011, the Housing & Neighborhood Development Committee approved a process that would engage developers and neighborhood representatives to get their input on proposed policy revisions. Since that time staff has met with developers, neighborhood representatives and the Housing & Neighborhood Development Committee to develop a revised policy.
- On March 7, 2012, the Housing & Neighborhood Development Committee approved a revised Assisted Multi-Family Housing at Transit Station Areas Policy (Kinsey, Autry, Barnes voted yes. Cooksey voted no). Staff will share the policy during the dinner briefing. The Committee also briefly discussed this item at their March 28, 2012 meeting as a result of letters received from the Charlotte-Mecklenburg Coalition for Housing and the Homeless Services Network.

Future Action

- The City Council will receive public comment at their April 23, 2012 meeting. This item will then be placed on the May 14, 2012 Council Agenda for approval.

Attachment 1

Charlotte-Mecklenburg Coalition for Housing Letter
Homeless Services Network Letter

5. North Carolina Railroad Double Track Project



Resource: Tim Gibbs, Transportation

Time: 20 minutes

Synopsis

- City staff will brief City Council on the status of this North Carolina Department of Transportation (NCDOT) Rail Division project, which is one of three double track projects along the North Carolina Railroad (NCRR) corridor between Thomasville and Charlotte, the busiest corridor in North Carolina. The project impacts the NCRR from just south of Orr Road (near Old Concord Road) into Cabarrus County.
- NCDOT received American Reinvestment and Recovery Act funds for this project.
- The proposed rail project will improve safety, increase the overall corridor capacity, and improve passenger train schedule reliability by allowing freight and passenger trains to quickly and efficiently maneuver around each other.
- Citizens in the Newell area have notified some Council members about the lack of notification about the project. NCDOT staff has said that they would be willing to convene a meeting but not hold an additional hearing to discuss the project. The public process has been impacted by the American Reinvestment and Recovery Act schedule as the project must be completed by September 2017.
- City staff and NCDOT have not reached agreements on a number of design issues including addition of bicycle and pedestrian amenities, the Orr Road crossing closing, and additional street construction to enhance corridor connectivity.

Future Action

Council will be asked to enter into a municipal agreement with NCDOT for the project in fall 2012. The municipal agreement will address infrastructure that the City will fund.

6. FY2013 Focus Area Plans

Committee Chairs: Patrick Cannon, Community Safety
James Mitchell, Economic Development
John Autry, Environment
Patsy Kinsey, Housing and Neighborhood Development
David Howard, Transportation and Planning

Time: 15 minutes

Synopsis

If desired, this is open time for City Council to discuss the recommended FY2013 Strategic Focus Area Plans.

Future Actions

The FY2013 Focus Area Plans are item 13, page 6 of this agenda.

Attachment 2

FY2013 Strategic Focus Area Plans

7. Answers to Mayor and Council Consent Item Questions

Resource: Julie Burch, City Manager's Office

Time: 10 minutes

Synopsis

Staff responses to questions from the beginning of the dinner meeting

**6:30 P.M. AWARDS AND RECOGNITIONS
MEETING CHAMBER**

8. Fair Housing Month

Action: Mayor Foxx will present a proclamation recognizing the month of April as Fair Housing Month.

9. Great Charlotte Clean – Up and Keep Charlotte Beautiful

Action: Mayor Foxx will present a proclamation recognizing Great Charlotte Clean-up and the Keep Charlotte Beautiful participants.

10. Hackerspace Charlotte

Action: Mayor Foxx and City Council will recognize Hackerspace Charlotte as part of the international community and recipient of the Guinness World Record for "the largest QR code", measuring at 934.62m².

CONSENT

11. Consent agenda items 21 through 38 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.

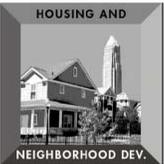
Consideration of Consent Items shall occur in the following order:

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

POLICY

12. City Manager's Report

13. FY2013 Council Focus Area Plans



Action: Approve the Council Committees' recommended FY2013 Strategic Focus Areas Plans for:

- A. Community Safety
- B. Economic Development
- C. Environment
- D. Housing & Neighborhood Development
- E. Transportation

Committee Chairs: Patrick Cannon, Community Safety
 James Mitchell, Economic Development
 John Autry, Environment
 Patsy Kinsey, Housing and Neighborhood Development
 David Howard, Transportation and Planning

Explanation

- Annually, City Council reviews and adopts the strategic Focus Area Plans, which guide strategic planning and decision making. The Plans represent the Council's priorities for achieving the City's vision and mission.
- Staff drafted preliminary FY2013 Focus Area Plans for inclusion in Council's annual retreat materials (February 1–3, 2012).
- Following the retreat, each Committee discussed and approved their respective plans.
- The Focus Area Plans' initiatives are translated into tangible actions in the departmental balanced scorecards, division work plans, and employee performance reviews. Key initiatives from the five Focus Area Plans are described below.

Community Safety

- Reduce crime and life/property damage from fires
- Enhance citizen perception of safety through citizen partnerships and crime and fire prevention and education activities
- Develop recruitment strategies that attract diverse applicant pools to the Police and Fire Departments
- Build collaborations with partners that enhance community safety initiatives

Economic Development

- Help grow small businesses in our community
- Continue to focus on job and tax base growth in business corridors
- Focus on continuous improvement within the permitting and regulatory environment to facilitate job and tax base growth and to improve the customer experience

- Work with economic development partners to grow and retain businesses in the community's targeted industry sectors of: energy/environment, finance, health care, manufacturing, defense, motorsports, tourism, film, and international firms

Environment

- Promote and participate in the development of a sustainable community
- Lead by example by practicing environmental stewardship in City operations and facilities
- Seek and support collaborative and regional solutions to environmental problems
- Facilitate the growth of the clean energy industry, including the alternative energy sector

Housing and Neighborhood Development

- Create healthy and vibrant neighborhoods by improving and implementing quality physical infrastructure
- Strengthen opportunities for public and private partnerships to encourage the integration of education, recreation, employment, and housing resources in identified redevelopment areas
- Develop and recommend policies that will assist with increasing the supply of affordable housing
- Redesign the Quality of Life Study to more accurately reflect the City's neighborhood conditions

Transportation

- Enhance multi-modal mobility, environmental quality, and long-term sustainability
- Promote transportation choices, land use objectives, and transportation investments that improve safety, promote sustainability and livability
- Communicate land use and transportation objectives as outlined in the Transportation Action Plan (TAP)
- Seek financial resources, external grants, and funding partnerships necessary to implement transportation programs and services

Attachment 2

FY2013 Strategic Focus Area Plans

14. 2012 State Legislative Agenda

Action: Approve the Governmental Affairs Committee's recommendation to approve the 2012 State Legislative Agenda.

Committee Chair: Andy Dulin, Governmental Affairs Committee

Staff Resources: Ron Kimble, City Manager's Office
Dana Fenton, City Manager's Office

Explanation

- At the March 26 meeting, Council received a briefing on the proposed 2012 State Legislative Agenda. The sole issue presented for inclusion in the 2012 State Legislative Agenda is the preservation of extraterritorial jurisdictional authority of local governments. There are another eleven issues included in the Legislative "Watch List".
- On May 16, the 2012 "short" session of the North Carolina General Assembly will convene.

Committee Action

- The 2012 State Legislative Agenda was approved by the Council's Governmental Affairs Committee at its March 5, 2012 meeting (5-0, Dulin, Fallon, Cannon, Mitchell and Pickering).
- On April 2, 2012, the Governmental Affairs Committee approved changes to the proposed Position on five of the 11 "Watch List" items to more clearly articulate the City's position in the event any of these items become legislative issues in 2012 (Dulin, Fallon, Mitchell and Pickering).

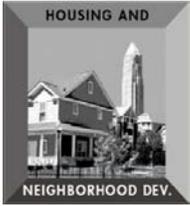
Next Step

The approved 2012 State Legislative Agenda will be presented to the Mecklenburg Delegation at a joint meeting of the Delegation and Mayor and Council on Monday, April 30, 8:00 am at the Charlotte-Mecklenburg Government Center.

Attachment 3

2012 State Legislative Agenda

15. Substantial Amendment to the FY2012 Annual Action Plan for Housing and Community Development



Action: A. Approve the Housing and Neighborhood Development Committee's recommendation to approve the Substantial Amendment to the FY2012 Annual Action Plan for Housing and Community Development, and

B. Adopt a budget ordinance appropriating \$118,401 in federal Emergency Solutions Grant funds.

Staff Resources: Rebecca Pfeiffer, Neighborhood & Business Services
Pamela Wideman, Neighborhood & Business Services

Policy

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of an Annual Action Plan to receive federal funding for housing and community development activities

Explanation

- On May 9, 2011, the City Council adopted the FY2012 Annual Action Plan.
- In January 2012, HUD released regulations requiring a Substantial Amendment to the City's FY2012 Annual Action Plan in order to receive a second allocation of Emergency Solution Grant funds (previously called Emergency Shelter Grant).
- In order to receive a second allocation of \$118,401, City Council is required to amend the FY2012 Annual Action Plan.
- The amount of the second allocation is a formula grant allocation determined by HUD, based on population as determined using census data. These funds will be used to provide housing relocation and stabilization services, including rental assistance for currently homeless individuals and families. Additionally, funds will be used to provide financial assistance for households at risk of becoming homeless.
- Assistance will be provided through prevention programs and will include short and medium term rental assistance, security deposits, case management, legal services and credit repair. Emergency Solutions Grant (ESG) funds will serve households 30% (\$20,550) or below the Area Median Income.
- A Request for Proposal will be sent to the Homeless Services Network and will be advertised in the Charlotte Observer and LaNoticia. Staff anticipates awarding the grant funds in July 2012.
- The approved FY2012 Action Plan can be found at <http://nbs.charlottenc.gov>

Community Input

- A copy of the draft Substantial Amendment to the FY2012 Annual Action Plan, in both English and Spanish, was placed in several libraries throughout the City. A draft copy of the Plan was also placed at the Charlotte Housing Authority and Old City Hall.
- A public hearing was held on March 26, 2012, during the City Council's Business meeting. No comments were received during the public hearing.

Committee Action

- The Housing & Neighborhood Development Committee received an update on the plan at their March 28, 2012 Committee meeting and unanimously voted (Kinsey,

Mayfield, Autry, Barnes, and Cooksey) to forward the plan to City Council for approval.

Next Steps

- The Amended Plan will be submitted to HUD on May 7, 2012.

Funding

Federal Emergency Solutions Grant

Attachment 4

Emergency Solutions Grant Program Substantial Amendment
Budget Ordinance

BUSINESS

16. City Council Rules of Procedure

Action: Amend the Rules of Procedure for the Charlotte City Council to clarify when a citizen speaker may yield time to another speaker.

Resource: Mayor Anthony Foxx

Explanation

- Section 5 of the Council's Rules of Procedure is entitled "Addressing Council"
 - Subsection (b) provides the rules for addressing Council on a regular agenda item
 - Subsection (c)(2) provides the rules for public hearings other than zoning hearings
- The proposed amendments would clarify what is already intended by the rules as follows:
 - On a regular agenda item, a speaker may yield all or a portion of his or her time to another speaker or spokesperson for a group subject to the Mayor's authority to limit the total time allotted to the agenda item to ten minutes when four or more citizens wish to speak.
 - At a non-zoning public hearing, speakers may not yield time to another speaker or spokesperson.

Attachment 5

Amendment to Rules of Procedure for the Charlotte City Council

17. Conclusion of Consent Agenda

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

18. Appointments to Boards and Commissions

Action: For the board below, a 3rd run-off is required. Neither of the nominees received six or more votes on March 26, 2012. Only the names of those in the run-off are shown, along with the votes.

Vote on blue paper ballots and give to Clerk at dinner.

A. NEIGHBORHOOD MATCHING GRANTS FUND REVIEW TEAM

- One appointment for an unexpired term for a business representative beginning immediately and ending April 15, 2012, and then continuing for a two-year term ending April 15, 2014.
- Wofford Boyd - Council Members Cooksey, Dulin, Fallon, Kinsey and Pickering
- Kim Graham - Council Members Autry, Cannon, Howard, Mayfield and Mitchell

Attachment 6

Applications

19. Nominations to Boards and Commissions

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

A. BECHTLER ARTS FOUNDATION BOARD

- One appointment for a three-year term beginning July 1, 2012.
 - Lucinda Gantt has completed two-full terms of service and is not eligible for reappointment.

Attachment 7

Applications

B. BUSINESS ADVISORY COMMITTEE

- Two appointments for applicants recommended by the Charlotte Chamber of Commerce for three-year terms beginning April 29, 2012.
 - Todd Paris is eligible and would like to be reappointed.
 - Terri Lynn De Boo has completed two-full terms of service and is not eligible for reappointment.
- Two appointments for three-year terms beginning April 29, 2012.
 - Nalan Karadaya-Mulder is eligible and would like to be reappointed.
 - Gary LaBrosse is eligible, but does not wish to be reappointed.

Attachment 8

Applications

C. CHARLOTTE INTERNATIONAL CABINET

- Two appointments for open seats for three-year terms beginning July 1, 2012.
 - Larken Egleston is eligible and would like to be reappointed.
 - Xin Zhang is eligible and would like to be reappointed.
- One appointment for a representative of the education community for a Three-year term beginning July 1, 2012.
 - Shelley Pendleton has completed two-full terms of service and is not eligible to be reappointed.
- Two appointments for a representative of business organizations for three-year terms beginning July 1, 2012.
 - Ronald Zurinkas is eligible and would like to be reappointed.
 - Tim Jones has completed two-full terms of service and is not eligible to be reappointed.

Attachment 9
Applications

D. CHARLOTTE REGIONAL VISITORS AUTHORITY

- Two appointments for at large representatives for three-year terms beginning July 1, 2012.
 - Raichelle Glover has completed two-full terms of service and is not eligible for reappointment.
 - J. Michael McGuire is eligible, but does not wish to be reappointed.
- One appointment for a restaurant representative for a three-year term beginning July 1, 2012.
 - Thomas Sasser has completed two-full terms and is not eligible to be reappointed.

Attachment 10
Applications

E. CHARLOTTE MECKLENBURG COALITION FOR HOUSING

- One appointment for a legal representative for a three year term beginning July 1, 2012.
 - David Jones is eligible and would like to be reappointed.
- One appointment for a community representative for a three-year term beginning July 1, 2012.
 - Ken Szymanski is eligible and would like to be reappointed.

Attachment 11
Applications

F. CIVIL SERVICE BOARD

- Two appointments for three-year terms beginning May 16, 2012.
 - Norris Anderson and Brenda Johnson have completed two-full terms of service and are not eligible for reappointment.

Attachment 12
Applications

G. CMUD ADVISORY COMMITTEE

- One appointment for a financial representative for a three-year term beginning July 1, 2012.
 - George Beckwith has completed two full terms of service and is not eligible for reappointment.

Attachment 13

Applications

H. DEVELOPMENT REVIEW BOARD

- One appointment for a Planning Commission representative for a three-year term beginning July 1, 2012.
 - Meg Nealon is eligible and would like to be reappointed.
- One appointment for an architect for a three-year term beginning July 1, 2012.
 - Joseph Michael Woolen is eligible and would like to be reappointed.

Attachment 14

Applications

I. HISTORIC DISTRICT COMMISSION

- One appointment for an at large seat for a three-year term beginning July 1, 2012.
 - Karen Rush has completed two-full terms of service and is not eligible to be reappointed.
- One appointment for a resident of Hermitage Court Historic District for a three year term beginning July 1, 2012.
 - Barbara Highfill has completed two-full terms of service and is not eligible to be reappointed.
- One appointment for a resident of Fourth Ward Historic District for an unexpired term beginning immediately and ending July 1, 2013.
 - Paula Owens resigned.

Attachment 15

Applications

J. KEEP CHARLOTTE BEAUTIFUL

- Six appointments for three-year terms beginning July 1, 2012.
 - Bryan Bishop, Lawrence Ferri, Christopher Lachey, Dean Pawlowski and Stephanie Stenglein are eligible and would like to be reappointed.
 - F. Bruce Hammermann has completed two-full terms of service and is not eligible to be reappointed.

Attachment 16

Applications

K. PLANNING COMMISSION

- One appointment for a three-year term beginning July 1, 2012.
 - Greg Phipps is eligible and would like to be reappointed.

Attachment 17

Applications

L. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

- One appointment for a two-year term beginning immediately and ending March 1, 2014.
 - Brigit Taylor resigned.

Attachment 18

Applications

M. RESIDENTIAL RENTAL PROPERTY REVIEW BOARD

- One appointment for a rental industry representative for a three-year term beginning July 1, 2012.
 - Thomas Wellens is eligible and would like to be reappointed.

Attachment 19

Applications

20. Mayor and Council Topics

Council members may share information and raise topics for discussion.

CONSENT

Introduction to CONSENT

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

The City's Small Business Opportunity (SBO) Program's purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts recommended for award as of March 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization. Professional service contracts recommended for award as of August 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization.

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

Contractors and Consultants

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

21. Sedgefield Elementary Area Sidewalks

Action: Award the low bid contract of \$190,453.45 to Red Clay Industries, Inc. for the Sedgefield Elementary Area Sidewalks.

Staff Resource: Bette Frederick, Engineering and Property Management

Explanation

- The Sedgefield Elementary Area Sidewalks Project will support the City's Sidewalk Program to enhance connectivity, offer transportation choices and improve pedestrian safety.
- This project will include approximately 0.8 miles of sidewalk, curb and gutter along Hollis Road, Anson Street and Hartford Avenue. Intersection improvements at Melbourne Court and Auburn Avenue will also be included as part of the project.
- Construction is expected to be completed by third quarter 2012.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7.16%

Red Clay Industries exceeded the established SBE goal and committed 7.16% (\$13,643) of the total contract amount to the following SBE firms: Ram Pavement Services (striping, handrail, hauling).

Funding

Transportation Capital Investment Plan

22. North College Street Storm Drainage and 5th Street Sidewalk Improvements

Action: Award the low bid contract of \$547,497.50 to Blythe Development Company for the North College Street Storm Drainage and 5th Street Sidewalk Improvements.

Staff Resource: Jim Keenan, Engineering & Property Management

Explanation

- The 5th Street sidewalk will provide a wider sidewalk, street trees and improved lighting along the northeast side of 5th Street from College Street to the light rail crossing. The project will also reconfigure the radius of the sidewalk on the opposite side to improve the safety of the pedestrian crossing.
- The College Street storm drainage work will provide needed improvements to the storm drain pipe system under College Street from 5th Street to Trade Street.
- The work was combined to provide improved coordination of construction and minimize disruption in the two blocks. Resurfacing of both streets will be included as part of this contract.
- The 5th Street sidewalk improvement was identified in the Center City Transportation Plan adopted by City Council in 2006.
- Construction is expected to be complete by July 2012.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7.00%

Blythe Development met the established SBE goal and committed 7.00% (\$38,365) of the total contract amount to the following SBE firms: Ground Effects, Inc. (pavement markings), Landmark Materials (hauling) and R&N Construction Group, LLC (paver block).

Funding

Transportation and Storm Water Capital Investment Plans and Powell Bill Street Maintenance Fund

23. Storm Water Maintenance Contract FY2012-E

- Action:**
- A. Award the low bid contract of \$1,113,400 to Onsite Development, LLC for Storm Water Maintenance Contract FY2012-E, and**
 - B. Authorize the City Manager to approve up to two renewals each in an amount up to the original contract amount.**

Staff Resource: William Pruitt, Engineering & Property Management

Explanation

- The construction contract FY2012-E is the fifth contract this fiscal year for an ongoing program to provide maintenance repairs to existing storm drainage systems and construction of new storm drainage systems.
- Contracts FY2012-A and FY2012-B were approved by City Council on August 22, 2011. Contracts FY2012-C and FY2012-D were approved by City Council on March 26, 2012.
- Each request for storm water service is investigated and prioritized based on the severity of potential public/private property flooding.
- Storm Water Services prioritizes qualifying Requests for Service into four groups in order to efficiently and effectively perform drainage system maintenance repairs.
 - Failing or collapsed streets receive the highest priority (AI).
 - Street flooding, living space flooding and sinkholes within 10 feet of a road or building receive a high (A) priority.
 - Crawlspace flooding, sinkholes farther than 10 feet from a road or building and HVAC flooding receive the medium (B) priority.
 - General repair problems, including channel/ditch/stream erosion, debris buildup, etc., are classified as low (C) priority service requests and are addressed in a first in-first out basis.
- Storm Water Services has been focusing on the high and medium priority requests which have backlogs of two years and three years respectively.
- The necessary repairs for each request or project are designed and a work order is prepared including an estimated list of quantities.
- A 12-month retainer contract is used to provide repairs as the work orders are completed. The contract amount is based on the unit prices that were bid for items that are typically used during construction of storm drainage repairs.

- Approximately 40 to 50 projects per contract may be constructed. The number may vary depending on the nature and extent of the repairs actually constructed.
- The City may renew this contract up to two times. The renewals are an incentive to the contractor for good performance, productivity and quality work.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7.23%

OnSite Development, LLC exceeded the established SBE goal and committed 7.23% (\$80,500) of the total contract amount to the following SBE firms:

On Time Construction, Inc. (masonry), Muddrunners Inc. (hauling), D's Trucking Service Inc. (hauling) and Husky Construction Corp (construction pipeline).

Funding

Storm Water Capital Investment Plan

24. Airport Customs and Border Protection Office Upfit

Action: Award the low bid contract of \$675,000 to Myers & Chapman, Inc. for additional office space for Customs and Border Protection.

Staff Resource: Jerry Orr, Aviation

Explanation

- In September 2010, City Council approved a contract with Edison Foard in the amount of \$20,009,059 for the expansion of the east side of the terminal building. This expansion creates a fifth security checkpoint and expands the international arrivals hall operated by the United States Customs and Border Protection.
- The original contract excluded certain elements related to the international arrivals hall modifications because additional coordination was needed with federal agencies prior to constructing that space.
- This contract will allow for the relocation of offices for Customs and Border Protection, which will provide additional circulation space for passengers as part of the east terminal expansion project.
- The project will be completed in approximately four months.
- In order to accommodate international arrivals, the Airport is required to provide space and equipment to federal specifications at no cost to the federal government.
- The cost for this project will be recouped through rates and charges to the airlines using the facility.

Small Business Opportunity

Established SBE Goal: 11%

Committed SBE Goal: 28.45%

Myers & Chapman, Inc. exceeded the established SBE goal, and committed 28.45% (\$192,035) of the total contract amount to the following SBE firms: Stevens Interiors, Inc. (drywall), Southend Painting Contractors, Inc. (painting), and COED Electrical Services Inc. (electrical).

Funding

Aviation Capital Investment Plan

25. Airport Baggage Level East Office Upfit

Action: Award the low bid contract of \$112,028 to The Bowers Group, LLC for renovation of baggage level east office space.

Staff Resource: Jerry Orr, Aviation

Explanation

- In September 2010, City Council approved a contract with Edison Foard in the amount of \$20,009,059 for the expansion of the east side of the terminal building, which is currently under construction. This expansion creates a fifth security checkpoint, expands the international arrivals hall, and creates additional office space.
- The original contract excluded certain elements related to the office space because additional information was needed from potential tenants on space use and arrangement. These elements have now been determined.
- This contract will allow for the upfit of 2,700 square feet of office space in the expanded area.
- This is a lump sum contract with a 30 calendar day duration.

Small Business Opportunity

The project cost was estimated to be less than \$200,000, therefore was informal and exempt from SBE goals (Appendix Section 23.1 and 29.1 of the SBO Policy) (see attachment). However, two of the three companies invited to bid were SBEs but were not the low bid.

Funding

Aviation Capital Investment Plan

Attachment 20

SBO Policy Reference

26. Airport Med Center Air Office Building

- Action:**
- A. Reject the low bid of \$771,800 of Matthews Construction Co. Inc. due to non-compliance with the SBO Program,**
 - B. Award the lowest responsive bid contract of \$784,669 to Morlando Construction, LLC for construction of office building, and**
 - C. Approve a license agreement with Charlotte/Mecklenburg Hospital Authority D/B/A Med Center Air for five years with five, one-year extensions for \$88,725 annually.**

Staff Resource: Jerry Orr, Aviation

Explanation

- The Charlotte/Mecklenburg Hospital Authority's emergency transport operation known as Med Center Air continues to grow. Currently, the office space locations are in two separate buildings with medical supplies in a third building.
- Med Center Air will consolidate their office and storage spaces in the new building upon its completion.
- This contract funds the construction of a new 5,915 square foot building that will provide offices and storage facilities located adjacent to the hanger used for Med Center Air's aircraft.
- Med Center Air will occupy the space under a license agreement. The Airport is transitioning to issuing license agreements rather than leases for space at Wilson Air Center. A license confers the privileges of using and occupying property without conferring any real estate interest therein.
- The annual rent is \$88,725. They will pay their own utilities. At the end of the five year agreement, the rent may be adjusted based upon rent of comparable buildings.
- The project will be completed in approximately six months.

Award to Second Low Bidder

- Staff recommends the contract be awarded to the lowest responsive bidder, Morlando Construction, LLC.
- The low bidder, Matthews Construction Co., Inc. is being recommended for rejection for failure to meet the minimum SBO requirements.
- Matthews did not meet the established SBE goal, proposing a total SBE utilization of 0.00%.
- Matthews then submitted their good faith effort (GFE) documentation, and after review, staff determined they also did not meet the minimum required GFE points, achieving only 10 GFE points.
- Matthews failed to achieve compliance with the SBO Program by achieving neither the SBE Goal nor the minimum GFE points (Part B: Section 2.1 of the SBO Policy) (see attachment).

Small Business Opportunity

Established SBE Goal 10%

Committed SBE Goal 11.33%

Morlando Construction LLC. exceeded the established SBE goal, and committed 11.33% (\$ 88,930) of the total contract amount to the following SBE firms: B & B

Concrete, Inc. (site concrete), Oliver Paving Company, Inc. (paving), and Hemar, Inc. (building concrete).

Funding

Aviation Capital Investment Plan

Attachment 20

SBO Policy Reference

27. Vehicle Electrical Component Parts

Action:

A. Award unit price contracts for providing vehicle and equipment lighting and related electrical component parts for a term of one year to the following:

- 1. Carolina Rim & Wheel**
- 2. Campbell Brown Inc.**
- 3. Stone Truck Parts, LLC**

B. Authorize the City Manager to extend the contracts for four additional, one-year terms and to amend the contracts as needed from time to time to add or subtract products and services and to implement price adjustments as authorized by the contract. The FY2012 expenditures are estimated to be a combined total of \$150,000.

Staff Resource: Charles Robinson, Business Support Services

Explanation

- These contracts will provide Business Support Services Equipment Management Division (BSS/EMD) with miscellaneous electrical component parts to repair and maintain fleet vehicles (automobiles, light and heavy trucks, and construction equipment) and other motorized equipment. Examples of these parts include diode LED lamps, turn signal kits, lamp lens, circuit breakers, strobes, beacons, tag lights, flashers, and switches.
- An Invitation to Bid was issued and included 111 various parts not currently provided through other vehicle parts contracts.
- Based on the three bids received, a single source for all required items is not achievable.
- Multiple contracts are recommended to ensure availability of parts to accommodate the various makes and models of vehicles and equipment in the City's fleet at the lowest cost.
- Having multiple contracts will reduce vehicle downtime by providing alternate sources for parts during emergency situations and when certain vendors experience supply problems.
- BSS/EMD will purchase individual parts as needed based on lowest, unit price available.

Contract Terms

- These contracts are for one year with four additional one-year renewal terms. The City does not guarantee any quantities and will purchase items as needed.

- The vendor must submit a written request for any price increases at least 60 days prior to the renewal date, to the Business Support Services Procurement Service Division (BSS/PSD) for review. All requests must include written documentation sufficient to demonstrate the increase is necessary based on a legitimate increase in the cost of materials. BSS/PSD will verify the vendor's documentation, any related Consumer Price Index, Producer Price Index, or other indexes, and also compares the proposed pricing with other public entities' current pricing to determine if the increases are reasonable. BSS/PSD may accept or reject the price increase or propose a smaller price increase as determined reasonable by the City. If the vendor does not accept the City's pricing terms, BSS/PSD will issue a new solicitation for the products.

Small Business Opportunity

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

Funding

Business Support Services Operating Budget

Attachment 20

SBO Policy Reference

28. Citywide Drug and Alcohol Testing Services

Action: **A. Approve a contract with Wolfe & Associates, Inc. for Drug and Alcohol Testing Services for an initial term of three years in the estimated annual amount of \$150,000, and**

B. Authorize the City Manager to approve up to two, one-year renewal options at the estimated annual price of \$150,000.

Staff Resources: Charles Robinson, Business Support Services
 Cheryl Brown, Human Resources

Explanation:

- In order to ensure citywide compliance with City regulations and federal law, the City makes drug and alcohol testing services available to all City Departments through contracting with an outside vendor.
 - Use of an outside vendor that specializes in drug and alcohol testing helps ensure compliance with associated laws and regulations, allows the City to avoid maintaining dedicated staff and facilities for this function, and provides the flexibility to provide the services at locations outside of Mecklenburg County.
 - The Human Resources Department provides oversight of the Citywide testing program and is responsible for monitoring vendor performance.
- The service provider will perform drug and alcohol testing services in accordance with the City's drug and alcohol policies and procedures for all City Departments.
- The service provider screens City employees and job applicants for illegal drugs, improper use of prescription drugs, and alcohol for the following events:
 - Regular drug testing of City employees and job applicants,
 - Post-accident and reasonable suspicion testing, and

- Random testing of employees in safety-sensitive jobs such as fire, police, treatment plant operators, and light rail controllers.
- Testing services are available at locations throughout Mecklenburg County during routine business hours, with additional locations open 24/7 for emergency and after-hours needs.
- Testing options are provided for job applicants that reside outside of the Charlotte metro area.
- Approximately 3,600 drug tests and approximately 1,400 alcohol tests were administered to City employees and job applicants in 2011.
- Individual City departments work directly with the service provider to schedule tests for employees and applicants and to receive test results.

Selection Process

- The City issued a Request for Proposals (RFP) for Drug and Alcohol Testing Services on February 13, 2012.
- In response to the RFP, the City received ten proposals from interested service providers.
- The Project Team, consisting of staff from Business Support Services' Procurement Services Division, Human Resources, CATS, Utilities, and Finance's Risk Management Division evaluated the proposals and recommends the award to Wolfe & Associates, Inc. as the service provider best meeting the City's needs in terms of qualifications, experience, customer service, and cost effectiveness.

Contract Terms

- This contract is for the term of three years with two, one-year renewal terms.
- The aggregate estimated five year contract cost is \$750,000.
- Contract renewal after the initial three year term is contingent on availability of funds, as well as the Company's satisfactory performance.
- The service provider has not increased prices for any services to be provided under the new contract when compared with the current contract. The service provider has also agreed to waive certain fees, such as the cost for sending testing collection forms and kits to out-of-town job applicants.

Small Business Opportunity

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

Funding

Various Department Budgets

Attachment 20

SBO Policy Reference

29. Water Main Epoxy Lining Contract

Action: Award the low bid contract of \$3,639,782.71 to Heitkamp, Inc. for water main cleaning and epoxy lining services.

Staff Resource: Barry Shearin, Utilities

Explanation

- This contract provides water main cleaning and epoxy lining services to renew existing water mains that have reached the end of their service life.
- Without the cleaning and epoxy lining services, aging water lines may cause poor water quality and reduced fire flow capacity.
- This work will be focused in the older areas of the water distribution system.

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 4.00%

Heitkamp, Inc. met the established SBE goal and committed 4.00% (\$145,592) of the total contract amount to the following SBE firms: Shipp's Fire Equipment Sales, Inc., (backflow preventer testing); Conmat Development, Inc. (concrete work); and Victor Melton Construction (excavation services).

Funding

Utilities Capital Investment Plan

30. FY2012 Water and Sewer Extensions, Contracts C & D

Action: Award two low bid contracts for construction of water and sanitary sewer mains along existing roadways in Mecklenburg County under the Street Main Extension Program, to Davis Grading, Inc. in the following amounts:

- Contract C, \$1,308,090.55
- Contract D, \$1,280,390.55

Staff Resource: Barry Shearin, Utilities

Explanation

- The street main extension program provides service to residential customers within 1,000 feet of an existing water or sewer main. Each extension is provided at the request of the property owner.
- Contracts A and B for FY2012 Water and Sewer extensions were approved by City Council on September 12, 2011.
- Contracts C and D are the third and fourth contracts for this fiscal year.
- Bids were unit price, based on estimated quantities for items needed for this type of work.

- Contracts will only be used when requests for water and sewer services are received from customers.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.01%

Davis Grading, Inc. met the established SBE goal on both bids, and committed 5.01% (\$65,500 and \$64,100, respectively) of the total contract amounts (\$65,500 and \$64,100) to the following SBE firms: Boyle Consulting Engineers (soils testing services), Union Paving Contractors (asphalt work), and MTC Consultants (backflow testing).

Funding

Utilities Capital Investment Plan

31. Wastewater Supplies and Equipment

- Action:**
- A. Approve the purchase of wastewater treatment supplies and equipment as authorized by the sole source exception of G.S. 143-129(e) (6), and**
 - B. Approve the purchase of miscellaneous wastewater treatment supplies and equipment from Carotek, Inc. in an amount up to \$300,000.**

Staff Resource: Barry Gullet, Utilities

Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available,
 - A needed product is available from only one source or supply, or
 - Standardization or compatibility is the overriding consideration.
- Numerous products used throughout wastewater treatment plants are only available through their authorized, regional distributor, Carotek.

Explanation

- In the maintenance and operation of the wastewater treatment plants and wastewater lift stations, Utilities needs numerous replacement parts and specialty chemicals for operations such as odor control and to comply with state and federal regulations.

Small Business Opportunity

Sole source contracts are exempt (Appendix Section 23.2 of the SBO Policy) (see attachment).

Funding

Utilities Capital Investment Plan

Attachment 20

SBO Policy Reference

32. Biosolids Master Plan

Action: Award a professional services contract to CDM-Smith to develop a Biosolids and Residuals Master Plan in the amount of \$742,600.

Staff Resource: Barry Gullet, Utilities

Explanation

- Byproducts of CMUD's water treatment plants include solid materials referred to as residuals (from the water plants) and biosolids (from the wastewater plants). Both products are currently managed by a private contractor (Synagro) and are recycled through land application on approximately 10,000 acres of farmland in North and South Carolina.
- Since 1999, CMUD has contracted with Synagro to manage the biosolids and residuals programs at an annual cost of \$4 million. The original contract was for 10 years with two, five-year renewal options. The expiration of the first, five-year extension period is approaching and staff recommends a planning study to help determine future strategies for management of these byproducts.
- Permit requirements imposed by state and federal agencies require that products produced by water and wastewater treatment processes meet specific minimum quality requirements in order to be land applied or higher quality requirements to qualify for other re-use options.
- This proposed Master Plan will identify, evaluate, and provide information about:
 - Financial, environmental, and social sustainability of existing dewatering, operations and disposal/re-use methods,
 - Projected byproduct characteristics and volumes,
 - Compliance with current and anticipated regulatory and environmental requirements,
 - Treatment and handling process technology options,
 - Capital and operating cost analysis
 - Financing and management options
 - Risk analysis taking into account financial, regulatory, environmental and public relation considerations
 - Recommendations for long-term biosolids and residuals management including implementation steps
 - Improvements to equipment and/or processes that may need to be made prior to the current biosolids contract expiration
- A request for qualifications was issued on September 13, 2011 and 13 submittals were received. A staff selection team recommends CDM Smith based on their experience, references, and qualifications.

Small Business Opportunity

For service-based contracts, the City negotiates SBE goals after the proposal selection process. (Part C: Section 2.2 of the SBO Policy) (see attachment). On this contract, CDM-Smith committed 2.02% (\$15,000) of the total contract amount to the following SBE firm: Amy Steinmetz, LLC (public relations services).

Funding

Utilities Capital Investment Plan

Attachment 20

SBO Policy Reference

33. Sugar Creek Outfall Rehabilitation Project, Professional Services Contract

Action: Approve the professional services contract with Parsons-Brinkerhoff in the amount of \$195,190 for design, bidding, and construction services for the Sugar Creek Outfall Rehabilitation project.

Staff Resource: Barry Shearin, Utilities

Explanation

- An inspection of the Sugar Creek Outfall Sewer identified a 700 linear foot section of 66-inch diameter reinforced concrete pipe that is heavily corroded and in need of rehabilitation.
- A request for proposals was issued by the City and Parsons-Brinkerhoff was selected to perform a preliminary engineering report, final design, and construction-phase services based upon replacing the existing 66-inch pipeline.
- Parsons-Brinkerhoff produced a preliminary engineering report under a separate contract, which was approved by the City Manager in the amount of \$59,909.19. This contract will complete the detailed design for the chosen rehabilitation options and provide bidding and construction management services.

Small Business Opportunity

Committed SBE Goal: 7.16%%

For service-based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy) (see attachment). On this contract, Parsons Brinkerhoff committed 7.16% (\$13,984.50) of the total contract amount to the following SBE firms: Gavel & Dorn Engineering, PLLC (geotechnical services); and GPA Professional Land Surveyors (surveying services).

Funding

Utilities Capital Investment Plan

Attachment 20

SBO Policy Reference

34. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$904,834.17.

Staff Resource: Chip Harris, Finance

Explanation

- 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.

Attachment 21

Resolution

List of property tax refunds

35. In Rem Remedy

For In Rem Remedy #A-D, 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 three categories:

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

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

Public Safety:

- A. 235 Flint Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood)
- B. 5700 Howard Street (Neighborhood Statistical Area 42 –Rockwell Park/Hemphill Heights Neighborhood)
- C. 5708 Howard Street (Outbuilding) (Neighborhood Statistical Area 42 – Rockwell Park/Hemphill Heights Neighborhood)

Field Observation:

- D. 1329 Downs Avenue (Neighborhood Statistical Area 48 – Plaza Shamrock Neighborhood)

Public Safety:

A. 235 Flint Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 235 Flint Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood).

Attachment 22

B. 5700 Howard Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5700 Howard Street (Neighborhood Statistical Area 42 – Rockwell Park/Hemphill Heights Neighborhood).

Attachment 23

C. 5708 Howard Street (Outbuilding)

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5708 Howard Street (Outbuilding) (Neighborhood Statistical Area 42 – Rockwell Park/Hemphill Heights Neighborhood).

Attachment 24

Field Observation:

D. 1329 Downs Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1329 Downs Avenue (Neighborhood Statistical Area 48 – Plaza Shamrock Neighborhood).

Attachment 25

36. Deed 2324 LaSalle Street to Mecklenburg County for Project L.I.F.T.

Action: Authorize the City Manager to deed 2324 LaSalle Street to Mecklenburg County for CMS Project L.I.F.T. (Leadership and Investment for Transformation).

Staff Resources: Walter Abernethy, Neighborhood & Business Service
Robert Drayton, Engineering & Property Management

Explanation

- The County deeded 2324 LaSalle Street to the City in 1998 with a deed restriction that the property would revert to the County if the City no longer had a use for it.
- Since then, the City has used the property to house Neighborhood and Business Services (NBS) Northwest Area Team for field operations, including code enforcement, neighborhood services and business outreach.
- In July 2011, NBS consolidated its field operations staff into four geographical service area teams. This approach allows NBS to better align with CMPD and other community partners to collectively address issues and maximize resources.
- As a result of the consolidation, the Northwest Service Area Team will relocate to 2730 Rozzelles Ferry Road in May 2012 and the LaSalle Street property will no longer be needed.
- In a collaborative effort with NBS, CMS proposes to use the facility at 2324 LaSalle Street for Project L.I.F.T. The location of the LaSalle Street Building and its proximity to West Charlotte High School is ideal to accommodate the Project L.I.F.T. staff.
- CMS currently has two of its Project L.I.F.T. staff members working at this location and is excited about the remainder of their staff moving into the site early this summer.
- Project L.I.F.T. is designed to address the achievement gap in Charlotte-Mecklenburg schools. The program seeks to provide private funding over a five-year period which will support additional services and educational enhancements for students in the West Charlotte corridor.
- As part of this transfer, CMS has agreed to continue to support neighborhood meetings at the location, consistent with its Community Use Policy.
- The property transfer reflects the collaborative efforts of NBS and the City's overall support of youth development and education.
- Ownership of the property will revert to the County by operation of law once the City is no longer using it, but documenting that transfer with a deed will clarify the property's ownership for the public record and the County can then deed the property to CMS for Project L.I.F.T.

PROPERTY ITEMS

37. Property Transactions

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

For property transactions V-W, 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.
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If City Council approves the resolutions, the City Attorney's Office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.

Acquisitions

- A. Project:** Beatties Ford Road Business Corridor Improvements, Parcel # 29
Owner(s): Bishop S. C. Madison And His Successor Trustees, As Trustee For The United House Of Prayer For All.
Property Address: 2321 Beatties Ford Road
Property to be acquired: 2,834 sq. ft. (.065 ac.) in Sidewalk and Utility Easement, plus 26 sq. ft. (.001 ac.) in existing utility easement, plus 4,557 sq. ft. (.105 ac.) in Temporary Construction Easement
Improvements: black iron fencing will be reset, or protected
Landscaping: 19 Crape Myrtles and 14 Mature Holly bushes
Zoned: B-1
Use: Commercial
Tax Code: 069-172-29
Total Parcel Tax Value: \$19,185,900
Purchase Price: \$30,450
- B. Project:** Beatties Ford Road Business Corridor Improvements, Parcel # 34 and # 35
Owner(s): AKB Development, L.L.C.
Property Address: 2121 Beatties Ford Road

Property to be acquired: 700 sq. ft. (.016 ac.) in Sidewalk and Utility Easement, plus 1,619 sq. ft. (.037 ac.) in Temporary Construction Easement
Improvements: none
Landscaping: Trees and Shrubs
Zoned: B-1
Use: Commercial
Tax Code: 069-171-28
Total Parcel Tax Value: \$820,500
Purchase Price: \$12,350

- C. **Project:** Brookshire-Hovis-Oakdale Intersection Improvement, Parcel # 8
Owner(s): 5455 Brookshire, LLC
Property Address: Salem Church Road
Property to be acquired: 13,605 sq. ft. (.312 ac.) in Fee Simple, plus 1,790 sq. ft. (.041 ac.) in Storm Drainage Easement, plus 620 sq. ft. (.014 ac.) in Utility Easement, plus 4,747 sq. ft. (.109 ac.) in Temporary Construction Easement
Improvements: Sign
Landscaping: Trees, Shrubs, & Various Plantings
Zoned: I-2
Use: Industrial
Tax Code: 039-172-04
Total Parcel Tax Value: \$1,822,500
Purchase Price: \$226,188
- D. **Project:** Gaynor Storm Drainage Improvement Project, Parcel # 6
Owner(s): Daryl W. Smith and Wife, Julie C. Smith
Property Address: 537 Merwick Circle
Property to be acquired: 5,858 sq. ft. (.134 ac.) in Storm Drainage Easement, plus 734 sq. ft. (.017 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Various plants and shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 157-182-16
Total Parcel Tax Value: \$247,200
Purchase Price: \$29,760
- E. **Project:** Robinhood/Dooley Storm Water Capital Improvement Project, Parcel # 31
Owner(s): Ruth G. Dellinger
Property Address: 6221 Woodbridge Road
Property to be acquired: 1,402 sq. ft. (.032 ac.) in Storm Drainage Easement, plus 1,218 sq. ft. (.028 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 109-164-02

Total Parcel Tax Value: \$152,800
Purchase Price: \$11,675

Condemnations

- F.** **Project:** Freedom Drive Widening, Parcel # 456.1
Owner(s): Freedom Greene, LLC And Any Other Parties Of Interest
Property Address: 4925 Freedom Drive
Property to be acquired: 1,513 sq. ft. (.035 ac.) in Sanitary Sewer Easement
Improvements: None
Landscaping: None
Zoned: MX-2
Use: Multi Family
Tax Code: 059-061-14
Total Parcel Tax Value: \$1,069,700
Appraised Value: \$1,350
Property Owner's Counteroffer: None
Reason For Condemnation: The property owners have a current development plan for this parcel. Per their request, staff worked with their design engineers to ensure our project design does not conflict with their current design. It was determined that our project will not impact their current development plans. Since this determination was made, the property owners have failed to respond to numerous staff communication attempts. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation. During the process, negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- G.** **Project:** Gaynor Storm Drainage Improvement Project, Parcel # 5
Owner(s): Shannon Abrahamson and Spouse, Frederick Abrahamson And Any Other Parties Of Interest
Property Address: 531 Merwick Circle
Property to be acquired: 18,031 sq. ft. (.414 ac.) in Storm Drainage Easement, plus 753 sq. ft. (.017 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 157-182-15
Total Parcel Tax Value: \$290,700
Appraised Value: \$72,650
Property Owner's Counteroffer: None
Reason For Condemnation: Staff and the property owners have yet to reach an agreement regarding the appraisal amount. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation. During the process, negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- H. **Project:** Gaynor Storm Drainage Improvement Project, Parcel # 8
Owner(s): Mary Theresa Barlow and Spouse, Clint Barlow And Any Other Parties Of Interest
Property Address: 4428 Whitby Lane
Property to be acquired: 11,623 sq. ft. (.267 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 157-182-19
Total Parcel Tax Value: \$293,400
Appraised Value: \$14,325
Property Owner's Counteroffer: None
Reason For Condemnation: The property owners have concerns regarding the appraisal amount as well as storm water runoff onto their property once the project is complete. Staff provided the property owners with maps, hydrology and hydraulic reports which determined the proposed design to be sufficient so as not to cause storm water runoff on their property. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation. During the process, negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- I. **Project:** Robinhood/Dooley Storm Water Capital Improvement Project, Parcel # 34
Owner(s): Franchot L. Vaughn and Wife, Teressa Vaughn And Any Other Parties Of Interest
Property Address: 1050 Dooley Drive
Property to be acquired: 9,440 sq. ft. (.217 ac.) in Storm Drainage Easement, plus 27 sq. ft. (.001 ac.) in Utility Easement, plus 1,305 sq. ft. (.030 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and Shrubs
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 109-191-17
Total Parcel Tax Value: \$184,200
Appraised Value: \$8,250
Property Owner's Counteroffer: None
Reason For Condemnation: Staff and the property owners have yet to reach an agreement regarding the appraisal amount. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation. During the process, negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- J. **Project:** Robinhood/Dooley Storm Water Capital Improvement Project, Parcel # 58
Owner(s): Anthony L Giordano, Successor Guardian Of The Estate Of Malanie M. Lester And Any Other Parties Of Interest
Property Address: 1128 Dooley Drive

Property to be acquired: 3,677 sq. ft. (.084 ac.) in Storm Drainage Easement, plus 15,609 sq. ft. (.358 ac.) in Conservation Easement

Improvements: None

Landscaping: None

Zoned: R-3

Use: Single Family Residential - Rural Acreage

Tax Code: 109-211-33

Total Parcel Tax Value: \$170,300

Appraised Value: \$8,525

Property Owner's Counteroffer: None

Reason For Condemnation: The property owners support the project and have agreed to the appraisal amount. However, the title abstract reveals issues that will prevent the City from obtaining clear title.

Staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

Condemnations Previously Deferred by Council

- K. Project:** City Boulevard Extension- Phase III, Parcel # 7
Owner(s): Bradford Properties of Huntersville, LLLP And Any Other Parties Of Interest

Property Address: 6535 Rumble Road

Property to be acquired: 40 sq. ft. (.001 ac.) in Utility Easement, plus 216 sq. ft. (.005 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: R-3

Use: Single Family Residential

Tax Code: 047-361-13

Total Parcel Tax Value: \$29,900

Appraised Value: \$75

Property Owner's Counteroffer: None

Reason For Condemnation: Council deferred this property transaction from February 27, 2012 in order for staff to explore the property owner's request to move a utility pole to a different location on his property.

This property is approximately one acre in size and currently undeveloped. The project design shows a utility pole with a guy wire located in the middle of the road frontage property line. The property owner asked if the pole could be moved to the front corner of the property instead.

On March 16, 2012, staff met with the property owner to discuss his suggested design change. Staff then conferred with representatives of Duke Energy, AT&T and Time Warner Cable, and have concluded that the additional cost to relocate the utility pole plus design and survey fees will be approximately \$20,000.

The design change would also impact three occupied residential properties in the project area, adding a pole to a previously undisturbed property and moving two poles closer to existing homes.

The City already has signed agreements with two of these property owners based on the original design.

Because of the additional cost and property impacts, staff recommends against making the design change.

Mr. Bradford also requested cost estimates to move the pole in the future. Duke Energy cannot provide that estimate at this time because they will base their estimate on the electrical service revenue generated by Mr. Bradford's future development at the time the development is proposed.

Staff recommends adopting a resolution to proceed to condemnation. During the process, negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

38. Meeting Minutes

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

- **February 1-3, 2012 Council Retreat**